SHORELINE MASTER PROGRAM – FINAL DRAFT
FOR SHORELINES IN THE TOWN OF CATHLAMET

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THIS PROGRAM WAS FUNDED IN PART THROUGH
A GRANT FROM THE WASHINGTON
DEPARTMENT OF ECOLOGY
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CHAPTER 1 – INTRODUCTION

1.1 Purpose

The Shoreline Master Program (SMP) is a comprehensive approach to how the Town of Cathlamet shorelines will be used and developed over time. The Town of Cathlamet first adopted an SMP in 1971.

Washington State laws and regulations require local governments to create Shoreline Master Programs. Washington’s SMA was passed by the State Legislature in 1971 and adopted by a public referendum, now codified as Revised Code of Washington (RCW) 90.58. The SMA was created in response to uncoordinated and piecemeal development that was damaging to shorelines in Washington.

The SMA established a cooperative shoreline management program between local government and the State. Local governments are responsible for creating and administering the local SMP. The Department of Ecology is responsible for supporting and assisting local governments and insuring compliance with the SMA and Washington Administrative Code (WAC) Sections 173-26 (State Master Program Approval/Amendment Procedures and Master Program Guidelines) and 173-27 (Shoreline Management Permit and Enforcement Procedures).

The SMP is a program and regulatory document that includes the following supporting materials:

- Inventory and Characterization Report
- Restoration Plan
- Cumulative Impact Analysis

1.2 Key Concepts

SMA overarching policies

Within the SMA goal “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines,” the SMA has three broad policies as outlined in RCW 90.58.020:

1. Protect the environmental resources of state shorelines. “This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...”

2. Promote public access and enjoyment opportunities. “This policy contemplates protecting...public rights of navigation and corollary rights incidental thereto.” “Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.”

3. Give priority to uses that require a shoreline location. “...uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shoreline.” All SMP comprehensive updates and other SMP amendments must be consistent with these three basic policies.

No net loss of ecological functions
The SMP is crafted to ensure no net loss of ecological function. No net loss is the concept that while ecological impacts will occur site by site, efforts must be made to minimize, mitigate, or off-set those impacts to maintain the overall level of health for environmental processes and functions. In sum, the environmental conditions should not diminish from the time when the SMP went into effect. The illustration below shows how different factors have a positive or negative effect on ecological function in relation to the baseline condition at the time of SMP adoption. A formal definition of no-net-loss is contained in this SMP’s “Definitions” Chapter.

Figure 1: Framework to Achieve No Net Loss of Ecological Functions

Cumulative impacts

The SMP was crafted to prevent the cumulative impacts of shoreline development from causing net loss of ecological functions. The SMP is supposed to address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of cumulative impacts considers:

1. Current circumstances affecting the shorelines and relevant natural processes;
2. Reasonably foreseeable future development and use of the shoreline; and
3. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

1.3 Shoreline Jurisdiction

Shorelines of the State in Washington are regulated under the Shoreline Management Act (SMA), RCW 90.58 and locally regulated under this regional SMP the Town of Cathlamet. Shorelines of the state include: shorelines, shorelines of statewide significance, their adjacent shorelands, and associated wetlands.
“Shorelines” include all marine shorelines and shorelines of all other streams or rivers having a mean annual flow of 20 cubic feet per second (cfs) or greater and lakes with a surface area greater than 20 acres. In the Cod Town there are no marine shorelines and no lakes greater than 20 acres.

“Shorelines of statewide significance” are major waterbodies designated by the state as defined in RCW 90.58.030. This definition includes any rivers west of the Cascade mountains with a mean annual flow of 1,000 cubic feet per second or greater. In the Town the Columbia River is the only Shoreline of Statewide Significance.

“Shorelands” are the uplands and wetlands adjacent to shorelines and shorelines of statewide significance. Shorelands include areas within 200 feet of the OHWM; floodways and contiguous floodplain areas landward two hundred feet from such floodways; as well as any associated wetlands. (RCW 90.58.030)

“Associated wetlands” means those wetlands that are in proximity to and influence or are influenced by tidal waters or lakes and streams subject to the SMA (WAC 173-22-030 (1)). These are typically identified as wetlands that physically extend into the shoreline jurisdiction, or wetlands that are functionally related to the shoreline jurisdiction through surface water connection or other factors. Ecology guidance states that an entire wetland is associated if any part of the wetland lies within the 200 foot SMA jurisdictional landward boundary as measured from the OHWM of the state shoreline.

Critical areas have traditionally been protected by Town Critical Areas Ordinances (CAO) adopted pursuant to the Growth Management Act (GMA). Local governments are now required to regulate critical areas that are located in shoreline jurisdiction under their new SMPs. Critical areas regulated by this SMP include frequently flooded areas, geologically hazardous areas, critical aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas (FWHCA).
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Deliverable 9.1                      Grant No. G1400483

Towns and counties must decide how GMA CAO’s and SMP Critical Areas Regulations apply when a critical area or its buffer straddles the line that would typically constitute the landward edge of shoreline jurisdiction. The Town chose to apply the minimum shoreline jurisdiction with respect to critical areas.

Figure 3: Illustration of Optional Expanded Shoreline Jurisdiction. The Town has selected to use the minimum jurisdiction, as shown in the figure below.

In the Town of Cathlamet upland shoreline jurisdiction includes only the 200-feet from OHWM and associated wetlands. It does not include portions of critical areas that are outside of the 200-feet minimum shoreline jurisdiction boundary, and does not include areas that would be used as buffers to protect those portions of the critical areas. In sum, the Town elected to use the minimum shoreline jurisdiction.

1.4 Compliance and Relationship to Other Regulations

Within the Town of Cathlamet’s shoreline jurisdiction, all use and development activities must be consistent with all policies and standards of this SMP, including activities that require a shoreline substantial development permit (SDP) and those exempt from an SDP. The permit system established by this SMP is based on the SMA and the associated Washington
Administrative Code (WAC) and Revised Code of Washington (RCW). Permits and statements of allowed activity issued under the jurisdiction of this SMP include exemptions, substantial development, conditional uses, and variances. A detailed explanation of these permits is found in Chapter 7 of this SMP.

Uses and developments conducted within shoreline jurisdiction and regulated by this SMP may also be subject to other regulations within the jurisdictional authority of the Wahkiakum County Code, the Town of Cathlamet Municipal Code, the Washington State Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws. Project proponents are responsible for complying with all applicable laws prior to commencing any activity coming under the authority of this SMP.

Shoreline Management Act policies are closely related to, but distinct from the Growth Management Act (GMA) and other land use laws. The Shoreline Management Act was established to regulate uses and development in shoreline areas, support public access, ecological protection, and uses that require waterfront locations. The GMA seeks to ensure that urban and rural development across the landscape is coherent, coordinated with infrastructure development, and protective of ecological functions. Both laws promote balanced, rational, and deliberate land use planning; however, each law is differently structured and has a distinct emphasis. The GMA requires local jurisdictions to identify and protect critical areas through Critical Areas Ordinances.

At this time, the Town of Cathlamet does not fully plan under the GMA, but are still required under the GMA to designate and protect environmentally sensitive critical areas and resource lands such as agriculture, forest, and mining areas.

1.5 Public Participation

Public participation is important because it ensures that local knowledge and values form a basis for SMP policies and regulations. A public participation plan completed in the early stages of the SMP update process guides public participation opportunities during the SMP update. Wahkiakum County and the Town of Cathlamet worked through the planning process together, but ultimately decided to adopt slightly different programs. Many of the background documents cover both the County and the Town.

The Shoreline Advisory Committee (SAC), comprised of citizen and technical stakeholders, informed the Inventory and Characterization Report and the remainder of the SMP update process. They provided feedback on the process itself, and on the draft SMP policies and regulations.

Three visioning workshops were hosted in February and March 2015, where community members provided guidance to the planning team. These workshops, along with guidance received from several public SAC meetings and at two additional public open houses in July and August 2015 informed preliminary Drafts of the Shoreline Master Program (Drafts 1, 2 and 3). The Draft 3 SMP was circulated to the public in late September and early October 2015. Thereafter, from October 2015 through February 2016, the Town Planning Commission and County Planning Commission held several public meetings to guide SMP revisions included in the Final Draft SMP issued in late March 2016. Public hearings for formal consideration by Town and County Planning Commissions and adoption by legislative bodies were prepared in Spring 2016 and continued through Spring 2017.
Wahkiakum County’s and Town of Cathlamet’s home internet pages¹ provide links to SMP planning documents, to notices of public meetings, and meeting materials. Public meetings were advertised in the Wahkiakum County Eagle.

¹ Wahkiakum County: http://www.co.wahkiakum.wa.us/index.htm
Town of Cathlamet: http://www.townofcathlamet.com/
CHAPTER 2 – INVENTORY AND CHARACTERIZATION SUMMARY

As part of the Shoreline Master Program update process, Wahkiakum County and the Town of Cathlamet are required to complete an Inventory and Characterization Report (ICR) that establishes a baseline for establishing a revised SMP. The following sections are a summary of the ICR. The ICR contains detailed maps, analysis and descriptions of the physical and biological characteristics within the shoreline jurisdiction throughout the County and Town, and surrounding watersheds.

2.1 Background and Purpose

The ICR documents baseline shoreline conditions and provides a basis for revising SMP goals, policies, and regulations. The ICR evaluates existing functions and values of shoreline resources and explores opportunities for conservation and restoration of ecological functions. The ICR also characterizes ecosystem-wide processes and how these processes relate to shoreline functions. Processes and functions are evaluated at two scales: (1) a watershed or landscape scale, and (2) a shoreline reach scale.

The purpose of the watershed or landscape scale characterization is to identify ecosystem processes that shape shoreline conditions and to determine which processes have been altered or impaired. The intent of the shoreline reach scale inventory and characterization is to: (1) identify how existing conditions in or near the shoreline have responded to process alterations; and (2) determine the effects of the alteration on shoreline ecological functions. The findings help provide a framework for this update to the shoreline management policies and regulations, and a baseline to which future conditions may be compared to determine if the no net loss standard is being met.

2.2 Summary of Findings

A summary of the findings from the Inventory and Characterization Report includes:

- Habitat loss and degradation has occurred to important salmonid migration, rearing and spawning habitat. Much of the degradation is the result of historic forestry practices in the upper reaches. The updated Forest Practices Act has improved conditions, although many logging roads with undersized culverts still exist.

- Active restoration has been occurring over the last decade particularly in the Grays River, Elochoman, and Skamokawa subbasins.

- Public land, primarily Department of Natural Resources (DNR) owned forestry land, Washington Department of Fish and Wildlife (WDFW) managed land, the National Wildlife Refuge, and land acquired by organizations such as the Columbia Land Trust, present opportunities for both restoration and protection.

- The Town is not projected to grow rapidly over the next 20 years; however, areas that have seen, and will likely continue to see, the most land use changes (i.e. less intensive agriculture to smaller residential lots) and increases in development are the Elochoman Valley and Puget Island.

- Several public access points and parks have been improved in recent years including the Oneida boat ramp on Deep River and the Svensen boat ramp on the Columbia River. Opportunities to increase and improve public access in both the Town are abundant.
A review of the shoreline variances and other permits issued in the past indicates an opportunity to develop an updated SMP for both the Town and County that addresses common and routine shoreline developments in a way that permits their use without needing to go through a conditional use or variance process. This would streamline the application and approval process for landowners and developers under the updated SMP.
CHAPTER 3 – DEFINITIONS & ACRONYMS

3.1 Unlisted Words or Phrases

Definitions, words, or phrases that are called into question when administering the SMP shall be defined utilizing the SMP and its implementing rules. The Shoreline Administrator may obtain secondary definitions sources from one of the following sources:

1. Local jurisdiction’s code.

2. Any Wahkiakum County or Town of Cathlamet resolution, ordinance, policy, or regulation.

3. The most applicable statute or regulation from the state of Washington.

4. Legal definitions generated from case law or provided within a law dictionary.


3.2 Definitions

“Accessory” means a use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the subject property.

“Act” means The Washington State Shoreline Management Act, RCW 90.58, also known as the “SMA”. (WAC 173-26-020)

“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; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. (WAC 173.26.020)

“Agricultural equipment” and “agricultural facilities” includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; (RCW 90.58.065)

“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.

“Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products; (RCW 90.58.065)

“Animal Feeding Operation” means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. (40 CFR 122.23)

“Amendment” means a revision, update, addition, deletion, and / or amendment to the Town of Cathlamet SMP. (WAC 173-26-020)

“Approval” means an official action by the Cathlamet Town Council agreeing to submit a proposed SMP or amendments to the Department of Ecology for review and official action pursuant to the SMP. (WAC 173-26-020)

“Appeal, closed record” means an appeal of a land use action following an open record public hearing on a proposed land use action. Such an appeal is on the record established during the open record pre-decision public hearing with no new evidence or information allowed. During a closed record appeal, only appeal argument is allowed. (RCW 36.70B.020 (1))

“Appurtenant structures” means a development that is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM (As determined by Ecology) and / or the perimeter of a wetland as determined through a Wetland Delineation Report approved by the Town. Appurtenances include a garage, deck, driveway, utilities, fences, private beach access (e.g. stairs), installation of a septic tank and drain field, and grading which does not exceed the threshold established in the local SEPA or building regulations, whichever is less, and which does not involve placement of fill in any wetland, floodway, floodplain or waterward of the OHWM. Structural shoreline armoring and structures that sit across the OHWM or wetland perimeter are not appurtenant structures.

“Aquaculture, Commercial” means the culture of farming of fish, shellfish, or other aquatic plants and animals for commercial purposes, and does not mean tribal subsistence and personal consumption aquaculture activities. (WAC 173-26-020 (6))

“Aquaculture, Research” means the culture of farming of fish, shellfish, or other aquatic plants and animals for research purposes. Research aquaculture does not include any wholesale or retail sales, and does not include tribal subsistence and personal consumption aquaculture activities.

“Archaeology” means systematic, scientific study of the human past though material remains.
“Archaeological Object” means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools facilities, graves, skeletal remains and technological by-products.

“Archaeological Resource / Site” means a geographic locality in Washington, including, but not limited to, submerged and submersible lands within the state’s jurisdiction, that contains archaeological objects.

“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the OHWM. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

“Best Management Practices (BMPs)” means the utilization of methods, techniques or products which have been demonstrated to be the most effective and reliable in minimizing environmental impacts. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater run-off and in receiving water bodies of the state.

“Biosolids” means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all requirements under RCW 70.95. "Biosolids" includes septic tank sludge, also known as septage that can be beneficially recycled and meets all requirements under RCW 70.95.

“Boat Launch or Boat Ramp” means a slab, pad, rail, or graded slope specifically constructed and used for launching boats or other vessels.

“Boating Facilities” means over-water and in-water facilities that facilitate as their primary purpose the launching, loading or mooring of vessels, including piers and docks for commercial, industrial, recreational, residential or public access use; marinas, covered moorage, dry storage and boat launches.

“Breakwater” means an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating Stillwater areas along or near the shore. A secondary purpose is to protect shorelines from waves causing erosion of the shoreline.

“Buffer” means an area contiguous to an environmentally sensitive critical or shoreline area that is required for the continued maintenance, function, and/or structural stability of the area that is to be maintained in an undisturbed state yet allows limited development in most situations. Keeping native vegetation, trees, and shrubs in our shoreline buffer areas has many benefits.

“Channel Migration Zone (CMZ)” means the area along a river or stream within which the channel can reasonably be expected to migrate over time because of normally occurring processes. It encompasses that area of lateral stream channel movement that can be identified by credible scientific information that is subject to erosion, bank destabilization, rapid stream incision, and / or channel shifting, as well as adjacent areas that are susceptible to channel erosion. For the purpose of this SMP, linear facilities parallel to the direction of flow and permanently maintained by a public agency, including roads, railroads and flood control levees may be considered to form the boundary of a CMZ. The area within a river channel that is likely to move over an interval of time is referred to as the CMZ or the meander belt.
“Clearing” means the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.

“Conditional use” means a use, development, or substantial development which is classified as a shoreline conditional use or is not classified within the SMP. (WAC 173-26-030) In terms of shoreline permits, a greater level of scrutiny is applied to ensure that these uses can be done without adverse impacts to shoreline resources. Conditional use permits are also reviewed and approved by Ecology after the local decision on the permit.

“Critical” means having a decisive or crucial importance in the success, failure, or existence of something.

“Cumulative Impact” means the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over an interval of time.

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; 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 the Act at any stage of water level. (RCW 90.58.030)

“Development regulations” means the controls placed on development or land uses by Wahkiakum County and/or the Town, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of the SMP other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. (WAC 173-26-020)

“Dock” means a floating moorage structure.

“Dredging” means the excavating or displacing of the bottom or shoreline of a waterbody. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments.

“Ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. (WAC 173-26-020)


“Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

“Emergency” means an unanticipated and imminent threat to public health, safety, or the environment, requiring immediate action within a time too short to allow full compliance with the
SMP. Emergency construction is construed narrowly as that which is necessary to protect property from the elements. (WAC 173-27-040(2) (d))

“Essential Public Facilities” are facilities defined by RCW 36.2a.200(1) and WAC 365-196-550

“Exempt developments” means pursuant to legislatively established criteria, those development activities set forth in Chapter 7 of the Town of Cathlamet SMP which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the Act and this SMP. (WAC 173-27-030).

“Extreme low tide” means the lowest line on the land reached by a receding tide. (RCW 90.58.030).

“Fair market value” means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. (WAC 173-27-030(8)).

“Feasible” means an action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the projects primary intended legal use. (WAC 173-26-020)

In cases where the SMP Guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action’s infeasibility, the local jurisdiction may weigh the action’s relative public costs and public benefits, considered in the short and long term time frames.

“Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the existing elevation or creates dry land. (WAC 173-26-020 (16))

“Fish acclimation facility” means a pond, net pen, tank, raceway, or other natural feature or artificial structure used for rearing and imprinting juvenile fish to a body of water before their release.

“Fish hatchery” means a facility designed for the artificial breeding, hatching and rearing through the early life stages of finfish.

“Floodplain” means the FEMA mapped one hundred-year flood plain for land areas susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act. (WAC 173-26-020) and (WAC 173-22-030(2))
“Floodway” means 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))

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;

(b) Harvesting, final and intermediate;

(c) Pre-commercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

(i) Forest Practices Hydraulic Projects

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (RCW 76.09)

“Forest practices hydraulic project” means a hydraulic project, as defined under RCW 77.55.011, that requires a forest practices application or notification under RCW 76.09. “Geotechnical report” means a geotechnical analysis, which is a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes. (WAC 173-26-020)
“Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land. (WAC 173-26-020)

“Growth Management Act (GMA)” means the State of Washington Growth Management Act. (RCW 36.70A)

“Guidelines” means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the Ecology in developing master programs. (RCW 90.58.030(3)(b))

“Hazard Tree” means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by a certified arborist or forester.

“Height” means the distance measured from average grade level to the highest point of a structure, provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; provided further that temporary construction equipment is excluded in this calculation. (WAC 173-27-030)

“Historic Resources” mean those historic or cultural properties or items that fall under the jurisdiction of the DAHP.

“Historic Site” means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the Wahkiakum County Commissioners.

“In-stream structure” means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. (WAC 173-26-241(g))

“Jetty” means a structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. Most jetties are of riprapped mound construction, but not limited to.

“Local Jurisdiction” means the Town that is responsible for carrying out the regulations of the SMP within its boundaries.

“Low Impact Development” means systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

“May” means the action is acceptable, provided it conforms to the provisions of this chapter. (WAC 173-26-020)
“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. (WAC 173-26-241(3)(h))

“Mitigation Sequence” means adhering to WAC 173-26-201 (2) (e), including following the sequence of 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.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing 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;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

“Must” means a mandate; the action is required. (WAC 173-26-020)

“Native Vegetation” means vegetation comprised of plant species that are indigenous to the area.

“Net pens” means culturing systems that generally consist of two nets—an interior net to keep fish in and an exterior net to exclude predators. Net pens are typically anchored to the waterbody floor and suspended from the surface with a floatation structure; the netting continues above the water to a degree to stop fish from jumping out. Fish pen structures solely and directly established and managed for purposes of salmon enhancement and/or restoration are not considered net pens for purposes of this Program.

“No Net Loss” means maintenance of the combined total of shoreline ecological functions, as established by the County’s 2015 Inventory and Characterization, over time. The no net loss standards and provisions contained in WAC 173-26-186 and 173-26-201 require that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated so that there are no resulting impacts that cause ecological functions or processes to function below the level established by the 2015 Inventory and Characterization.

“Nonconforming use or development” means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable SMA/SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP. (WAC 173-27-080)

“Normal Maintenance” means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. (WAC 173-27-040(2)(b)). See also Normal Repair.

“Normal Repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040 (2)(b)). See also Normal Maintenance.
“Non-water-oriented uses” means those uses that are not water-dependent, water related or water enjoyment. (WAC 173-26-020)

“Ordinary high water mark” means that mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (RCW 90.58.030)

“Overwater Structure” means a device or structure projecting over the OHWM, including, but not limited to bridges for motorized or non-motorized uses, piers, docks, floats and similar structures.

“Party of record” means all persons, agencies or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail. (WAC 173-27-030)

“Permit” means shoreline permit. Any shoreline substantial development, shoreline variance, shoreline conditional use permit, or revision authorized under chapter 90.58 RCW. (WAC 173-27-030)

“Pier” means a fixed, pile-supported structure in the water.

“Priority Habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

1. Comparatively high fish or wildlife density;
2. Comparatively high fish or wildlife species diversity;
3. Fish spawning habitat;
4. Important wildlife habitat;
5. Important fish or wildlife seasonal range;
6. Important fish or wildlife movement corridor;
7. Rearing and forage habitat;
8. Important marine mammal haul-out;
9. Refugia habitat;
10. Limited availability;
11. High vulnerability to habitat alteration;
12. Unique or dependent species; or
13. Shellfish bed.

A priority habitat may be described by unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a species-specific habitat element (such as a consolidated marine/estuarine
shoreline, talus slope, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority or non-priority fish and wildlife.

“Priority Species” means a species requiring protective measures or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the four criteria listed below.

1. State-listed or State-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the WDFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

3. Species of recreational, commercial, or Tribal importance. Native and non-native fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for Tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

4. Species listed under the ESA as either proposed, threatened, or endangered.

“Provisions” means policies, regulations, standards, guideline criteria or environment designations of the Wahkiakum County and Town of Cathlamet SMP. (WAC 173-26-020)

“Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development. (WAC 173-27-030(14))

“Public Use” Public use means the use of any land, water, or building by a public agency for 39 the general public, or by the public itself.

“Qualified Professional” means a person who has achieved an advanced level of proficiency in an occupation or trade, including, but not limited to a person who has attained a higher level of education or training or is formally licensed or certified by a professional organization in a certain field. Such fields of expertise may include, but are not limited to, biology, botany, dendrology/arboriculture, ecology, hydrology, geology, fluvial morphology, wetlands, or engineering.

“Ramp Railways” are rails attached to the substrate used for launching and retrieving watercraft, usually with a cradle and winch system.

“Recreational development” means commercial and public facilities designed and used to provide recreational opportunities to the public. (WAC 173-26-241(3)(i))

“Research and Development Facilities” means structures and uses associated with research and development, public and private educational partnerships, and accessory structures or uses.
“Residential development” means one or more buildings, structures or portions thereof which are designed for and used to provide a place of abode for human beings, including but not limited to one and two family detached dwellings, multifamily residences, townhouses, mobile home parks, and other similar group housing, together with appurtenant uses and structures normally common to residential uses including but not limited to garages, sheds, or other appurtenant structures. Residential development also includes the creation of new residential lots through land division.

“Restoration” means in the context of ecological restoration, the reestablishment or upgrading of impaired shoreline ecological processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions. (WAC 173-26-020) Restoration includes enhancements to ecological processes and functions.

“Setback” is an area measured 15 ft. horizontally from the outer edge of a critical area buffer.

“Shoreline Buffer” means a required vegetated open space, specified in SMPs, measured horizontally upland from and perpendicular to the OHWM.

“Shoreline Management Act (SMA)” means Chapter 90.58 RCW, as amended. Washington’s SMA was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the State’s shorelines.

“Shoreline Master Program (SMP)” also “master program” or “program” means the comprehensive use plan for shorelines of the state, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. (WAC 173-26-020)

“Shall” means a mandate; the action must be done. (WAC 173-26-020)

“Shorelands” means shoreland areas and / or lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Washington State Department of Ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to non-forest land use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under this chapter; (RCW 90.58.030)

“Shoreline Administrator” means the shoreline administrator shall be the Planning Director or his or her designee and is responsible for administering the Town of Cathlamet SMP.
“Shorelines Hearings Board” means a State level quasi-judicial body, created by the SMA, which hears appeals by an aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by the local jurisdiction. See RCW 90.58.170 and RCW 90.58.180.

“Shoreline Jurisdiction” means all shorelines of the state and those areas defined in the Town of Cathlamet SMP and RCW 90.58.030 (WAC 173-26-020(33)).

“Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals. (WAC 173-26-020)

“Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance; (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(e))

“Shorelines of statewide significance” within the Town means the shorelines with the following attributes (RCW 90.58.030(2)(f)):

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 associated with 1 and 2.

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state. (RCW 90-58-030(2)(g)) “Shoreline stabilization” means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization. (WAC 173-26-231(3))

“Solid Waste” mean all garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the source be residential or commercial, exclusive or hazardous waste, and including all source-separated recyclable materials and yard waste.

“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping where it does not affect ecological functions, does not constitute significant vegetation removal. (WAC 173-26-020)

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether
installed on, above, or below the surface of the ground or water, except for vessels. (WAC 173-27-030(15))

“Structural shoreline stabilization” means a hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete groins, retaining walls, and bulkheads, while soft structural stabilization measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, gravel placement, rock revetments, gabions, concrete groins, retaining walls, and bluff walls, and bulkheads. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

“Substantial development” shall mean any development of which the total cost or fair market value exceeds $6,416, or any development which materially interferes with the normal public use of the water or shoreline of the state. The dollar threshold must be adjusted for inflation by the Office of Financial Management every five years, beginning September 15, 2012, based upon changes in the consumer price index during that time period. This definition will follow the dollar amount defined in the RCW.

“Substantially degrade” means to cause significant ecological impact. (WAC 173-26-020)

“Terminal” means a facility where bulk or liquid bulk materials, or shipping containers are stored, loaded, and unloaded between the shoreline and deep draft marine vessels.

“Topography” means the natural or existing topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling. (WAC 173-27-030)

“Town” means the Town of Cathlamet.

“Upland finfish rearing facilities” means those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. (Upland finfish rearing facilities are included in the SMA definition of agricultural activities, not aquaculture [RCW 90.58.065]. Upland finfish and upland finfish rearing facilities are not defined in the SMA or implementing WAC.)

“Utility” means services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are “accessory utilities” and shall be considered a part of the primary use.

“Utility transmission” means facilities to convey or transmit utility services.

“Variance” means to grant relief from the specific bulk, dimensional or performance standards set forth in the Town of Cathlamet SMP and not a means to vary a use of a shoreline. (WAC 173-27-030)

“Water-dependent use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. (WAC 173-26-020)
“Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. (WAC 173-26-020)

“Water-oriented use” means a use that is water-dependent, water-related, or for water-enjoyment, or a combination of such uses. (WAC 173-26-020)

“Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. (WAC 173-26-020)

“Watershed restoration projects” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

1. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

2. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the OHWM of the stream; or

3. A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings. (RCW 89.08.460)

“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, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands...
intentionally created from non-wetland areas to mitigate the conversion of wetlands. (RCW 90-58-030 (2)(h))

3.3 Acronyms

Ecology: Washington Department of Ecology
FWHCA: Fish and Wildlife Habitat Conservation Area(s)
GMA: Growth Management Act
OHWM: Ordinary High Water Mark
PHS: Priority Habitats and Species
RCW: Revised Code of Washington
SED: Shoreline Environment Designation(s)
SMA: Shoreline Management Act
SMP: Shoreline Master Program
WAC: Washington Administrative Code
WDFW: Washington Department of Fish and Wildlife
CHAPTER 4 – SHORELINE ENVIRONMENT DESIGNATIONS

4.1 Basis of Designations
1. All lands and waters within the jurisdiction of this Program have one or more of the following shoreline environment designations, depending on the configuration and location of particular parcels:
   a. Natural
   b. Rural Conservancy
   c. Aquatic
   d. Mixed Waterfront
   e. Town Residential
   f. Town Conservancy

2. A shoreline environment designation has been assigned to each segment (or reach) of the shoreline in accordance with the purposes and policies of WAC 173-26-211(5), WAC 173-26-211(4)(c), and this chapter.

3. The designations are assigned based upon an analysis of the following:
   a. The ecological functions and processes that characterize the shoreline, the nature and types of hazards that are present, and the extent to which the shoreline functions and processes have been altered, as described in the Wahkiakum County and Town of Cathlamet Inventory and Characterization Report (2015);
   b. Existing and anticipated development patterns as evidenced by lot size, current land use, and current zoning designations (where applicable); and
   c. The goal of achieving no net loss of ecological functions in accordance with the SMA.

4. Shoreline permitted, conditional and prohibited uses, developments, and modifications are to be based on (p.89), and as further prescribed by the policies and regulations of this Program for specific shoreline uses, developments, and modification activities. In the event of a conflict between the text and , the text shall prevail.

4.2 Shoreline Environment Designation Maps
1. The shoreline environment designations are mapped in the Shoreline Environment Designation (SED) Maps.

2. The lateral extents of the shoreline jurisdiction shown on the SED maps are approximate. The mapped jurisdiction extent is based on the approximate location of the OHWM (OHWM), and wetlands that appear to be associated with the shoreline waterbodies. Although based on the best available information, the maps have inherent discrepancies. Therefore, interpretations of the maps require professional judgment and site-specific information as to the actual physical location of the OHWM, critical areas, and their buffers.
The full lateral extent of shoreline jurisdiction limits shall be determined consistent with Sections 1.3 of this Program. The designations assigned to each shoreline segment shall apply throughout the full jurisdictional limits as determined at the time shoreline development is proposed.

3. The breaks between each designation can be determined using coordinates contained in the Geographic Information Systems (GIS) database maintained by the County. In the event of a disagreement as to the exact location of a shoreline environment designation break shown on the Plat map, the Administrator shall interpret the maps using the following guidelines:
   a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed; and
   b. Boundaries indicated as approximately following roads, improved trails, or railways shall be respectively construed to follow their centerlines.

4. Changes to the shoreline environment designations assigned to each shoreline segment (or reach) must be approved through a Shoreline Master Program amendment. Any Master Program amendment shall be subject to the requirements of WAC 173-26-100 and shall require approval by the Washington Department of Ecology. This shall not limit prudent efforts by the Administrator to improve depiction of the lateral extent of the shoreline jurisdiction based on new information or minor mapping adjustments or to address areas where the shoreline may have moved due to natural process such as erosion and accretion.

5. Any shoreline segment within shoreline jurisdiction that is not mapped and/or not designated shall be designated Rural Conservancy unless 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. Changes to designations that are unrelated to localized mapping discrepancies shall be addressed through a formal Master Program amendment.

4.3 Natural (N)

1. Criteria: The Natural Environment is applied to shoreline areas landward of the OHWM located outside of County Forest Lands of long-term commercial significance designated pursuant to RCW 36.70A.170. These shorelines are characterized as also having some or all of the following characteristics:
   a. Intact or minimally degraded, densely forested (closed canopy) riparian and/or floodplain habitat extending throughout the shoreline environment.
   b. Shorelines and adjacent upland areas are largely free of development and modification; existing residential development, if any, is scattered at densities generally lower than one dwelling unit per 20 acres.
   c. Mostly undeveloped and unaltered estuarine wetland habitat.
d. Mostly encumbered by erosion and/or landslide hazards, including areas of feeder bluff and channel migration.

e. High priority river or riparian restoration areas within the SMP jurisdiction.

2. **Purpose:** To protect areas that are relatively free of human influence or that includes intact or minimally degraded shoreline functions intolerant of human use.

3. **Management Policies:**
   a. Ensure retention of the existing natural character of shoreline reaches as part of the evaluation and permitting of new uses, developments and shoreline modification activities.

   b. Any use that would substantially degrade or result in a net loss of ecological functions or natural character of the shoreline area should not be allowed.

   c. New development or significant vegetation removal that would reduce the capability of vegetation to perform ecological functions should not be allowed.

   d. Subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should not be allowed.

   e. Identify and pursue opportunities to restore and enhance shoreline functions in these overall ecologically intact shoreline reaches.

   f. New uses and developments in the Natural environment should be limited to low intensity land uses and implement low impact development site design techniques and practices.

   g. New commercial, industrial, mixed use, multi-family residential, and other types of intensive development and nonwater-oriented recreation should be prohibited.

   h. Property owners should be made aware these areas may be subject to hazards such as storm surges, flooding, landslides, erosion caused by wind and waves, and/or channel migration even where there are bulkheads, levees, or other flood/erosion protection structures in place.

   i. New single-family residential development and low intensity water-oriented recreational uses may be allowed as a conditional use.

   j. Scientific, historical, cultural, and education research uses may be allowed provided the uses do not result in significant ecological impact on the area.

   k. New roads, utility corridors, and parking areas that can be located outside of the Natural environment should not be allowed. Maintenance of existing roads and infrastructure should be allowed while minimizing and mitigating impacts to shoreline ecological functions.

   l. Subdivision to create additional shoreline residential lots may be permitted as a conditional use. The minimum lot size should be 20 acres.
4.4 Rural Conservancy (RC)

1. **Criteria:** The Rural Conservancy Environment is applied landward of the OHWM to:
   
   a. Forestry, farming, orchards, and livestock areas, including agricultural or forest lands pursuant to RCW 36.70A.170.
   
   b. Residential areas outside of the Town of Cathlamet.
   
   c. Recreational areas and cultural or historical resource areas.
   
   d. Low intensity water dependent use areas.
   
   e. Areas supporting human uses but subject to environmental limitations such as steep banks, feeder bluffs, and flood-prone areas.

2. **Purpose:** Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions and conserving historical and cultural resources.

3. **Management Policies:**
   
   a. Agriculture, commercial forestry, and aquaculture are supported uses.
   
   b. Commercial and industrial uses should not be allowed, except for low-intensity, water-oriented uses where those uses have located in the past or at sites that already possess shoreline conditions and services to support the use.
   
   c. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses.
   
   d. Developments and uses that would substantially degrade, or permanently deplete the biological resources of the area should not be allowed.
   
   e. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline.
   
   f. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected.
   
   g. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

4.5 Aquatic (A)

1. **Criteria:** The Aquatic designation is assigned to all shoreline waters in the Town of Cathlamet, and includes the area waterward of the OHWM together with their underlying lands and their water column.
2. **Purpose:** To protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM, while allowing for limited modification for water-dependent uses and public access when located in appropriate areas and developed to avoid a net loss of shoreline functions.

3. **Management Policies:**
   a. New structures should be allowed in- or over-water only when necessary for approved water-dependent uses, public access, or ecological restoration.
   
   b. The size of new in-/over-water structures should be limited to the minimum necessary to support the structure’s intended water-dependent use.
   
   c. To reduce cumulative impacts on shoreline functions and processes and increase the effective use of water resources, new in-/over-water structures should serve more than one approved use where feasible.
   
   d. New in-/over-water structures should be located, oriented, and designed to minimize interference with public views and surface navigation and to allow for the safe, unobstructed movement of fish and wildlife species that depend on the waters for migration, rearing, or spawning.
   
   e. New in-/over-water uses should be located, oriented, and designed to minimize impacts on water quality, sediment delivery and transport, natural hydrologic conditions, productivity of aquatic vegetation, and shellfish productivity (if applicable).

4.6 **Mixed Waterfront (MW)**

1. **Criteria:** The Mixed Waterfront Environment is applied landward of the OHWM to:
   
   a. Areas that currently support high-intensity uses related to commerce, transportation or navigation.
   
   b. Areas suitable and planned for high intensity water oriented uses.
   
   c. Mixed residential and non-water oriented commercial use areas.
   
   d. Marina and utility properties with low ecological function.

2. **Purpose:** To provide for water-oriented commercial, transportation, and industrial uses while providing public access, accommodating existing patterns of nonwater oriented mixed use development, protecting existing ecological functions, and restoring ecological functions in areas that have been previously degraded.

3. **Management Policies:**
   
   a. In regulating uses in the Mixed Waterfront environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Third priority should be given to other uses that provide public access as part of the development.
   
   b. Non-water-oriented commercial uses may be allowed as part of mixed use developments.
c. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning as described in WAC 173-26-201(3)(d).

d. Single family residential development may be allowed if the density and intensity is limited so as to protect ecological functions.

e. Multifamily residential development may be allowed if joint use shoreline access facilities are provided for the occupants or if shoreline public access is provided.

f. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

g. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).

4.7 Town Residential (R)

1. **Criteria:** The Residential Environment is applied landward of the OHWM to areas of the Town of Cathlamet that are predominantly single-family or multifamily residential development or are planned and platted for residential development.

2. **Purpose:** to accommodate residential development and appurtenant structures and to provide appropriate public access and recreational uses.

3. **Management Policies:**
   a. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

   b. Multifamily residential development may be allowed if joint use shoreline access facilities are provided for the occupants or if shoreline public access is provided.

   c. Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.

   d. Commercial development should be limited to water-oriented uses.
4.8 Town Conservancy (TC)

1. **Criteria:** The Town Conservancy Environment is applied landward of the OHWM to Town of Cathlamet shoreline areas that:

   a. Are appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area, and that are not generally suitable for water-dependent uses.

   b. Are suitable for water-related or water-enjoyment uses.

   c. Are open space, flood plain, or other sensitive areas that should not be more intensively developed.

   d. Have potential for ecological restoration.

   e. Retain important ecological functions, even though partially developed.

   f. Have the potential for development that is compatible with ecological restoration.

2. **Purpose:** to protect and restore ecological functions of open space, flood plain, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

3. **Management Policies:**

   a. Uses that preserve the natural character of the area or promote preservation of open space, flood plain, or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

   b. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "town conservancy" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

   c. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

   d. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

   e. Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-240 (3)(h) [173-26-241 (3)(h)] and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.
4.9 Allowed Uses in Each Shoreline Environment Designation

Each new shoreline environment designation shall be managed in accordance with its designated purpose as described in Sections 4.3 through 4.8 of this chapter and according to the other applicable policies and regulations of this Program. Shows the permitted, conditional, and prohibited uses and modifications for each environment designation.
CHAPTER 5 – GOALS, POLICIES, & REGULATIONS

The following shoreline goals and policies provide the foundation and framework on which the remainder of the SMP has been developed.

5.1 Shoreline Master Program Goals

1. The overarching goals of this SMP are to:
   a. Preserve the rights of private ownership and property uses of the shorelines;
   b. Assure healthy, orderly, economic growth;
   c. Maintain a high quality environment along the shorelines;
   d. Establish criteria for safe and orderly residential growth along the shorelines;
   e. Preserve and protect these fragile natural resources and culturally significant features along the shorelines; and
   f. Provide safe and reasonable public access to the shorelines.

2. In Shorelines of the Columbia River, a shoreline of Statewide Significance, the Town will give preference to uses in the following order of preference which:
   a. Increase recreational opportunities for the public on the shoreline;
   b. Increase public access to publicly owned areas of the shoreline;
   c. Recognize and protect statewide interest over local interest;
   d. Preserve and enhance the natural character of the shoreline;
   e. Result in long-term over short-term benefits; and
   f. Protect the resources and ecology of the shorelines.

5.2 General Goals and Policies

5.2.1 Ecological Functions

Purpose
To protect shoreline ecological functions.

Goal
1. Ensure shoreline development corresponds with the character and physical limitations of the land and water, and prevents net loss of ecological function.

Policies
   a. Ecological function should be considered when evaluating proposed development.
   b. Consider shoreline impacts when evaluating upland or adjacent uses or activities that have potentially to negatively impact the shoreline environment.
   c. Consider development impacts on wetlands and aquatic areas in shoreline areas.
   d. Land divisions should be created to prevent loss of ecological functions, event when the lots are fully constructed.

Goal
2. Use regulatory standards and processes for the sustained yield of renewable shoreline resources to ensure no net loss of ecological function.
Policies
a. Use the mitigation sequence (See Chapter 3 Definitions) to ensure no net loss of ecological function.

b. Preserve unique and non-renewable resources.

c. Limit the modification of intact natural shoreline areas by regulating or prohibiting the development of structures in areas with unstable soil or slope conditions.

5.2.2 Local Character
Goal
1. The unique characteristics of the Town, including existing ecological functions, the scale, intensity, and density of development, and existing uses should be considered deciding on conditional use development applications, while maintaining compliance with the SMA and its implementing regulations.

Policies
a. Encourage multiplicities of use in existing activity centers and the Town of Cathlamet.

b. Ensure that shoreline uses and developments do not violate constitutionally protected private property rights.

c. The enhancement of rehabilitation/restoration of water bodies and their aquatic adjacent riparian habitat by public or private entities for purposes of increasing yields or production of fisheries resources are encouraged.

d. Developments located within shoreline areas should be designed to be structurally sustainable and adaptable to natural changes within shorelands over time and visually compatible within the shoreline character of the proposed area.

5.2.3 Archeological and Historic Resources
Purpose
To protect historical buildings, sites, and areas having historic, cultural, educational, or scientific values; including unknown archaeological resources that may be located within shoreline jurisdiction.

Goal
1. Provide access to and education on the resources if they are on public property.

Policies
a. Such sites on public property should be made available to the general public if impacts to the resource can be avoided; however, access to sites may be by foot trail, boat, or other means of less convenience than paved roads.

b. Educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime history and activities, environmental conservation and cultural and tribal heritage should be supported.

Goal
2. Protect, preserve, and restore those historical, cultural, educational, and scientific sites on the shorelines covered under the jurisdiction of this SMP. These areas are identified by the
appropriate authorities, including affected Native American tribes, and the Dept. of Archaeology and Historic Preservation (DAHP).

Policies
a. Such sites should be regarded with the same concern for protection as endangered or fragile species or ecosystems.

b. The Town of Cathlamet will work with tribal, state, federal, local governments, and special districts to maintain an inventory of all known significant local historic, cultural, and archaeological sites while adhering to applicable state and federal laws protecting such information from public disclosure. As appropriate, such sites should be preserved, rehabilitated, or restored for study, education, or public enjoyment.

c. Construction projects located within shoreline jurisdiction that encounter new and significant archaeological, historical, scientific, or cultural discoveries should be immediately stopped and be suspended until such discoveries can be fully evaluated.

d. Restoration, development, and interpretation of significant historical, cultural, educational, or scientific properties within shoreline areas is encouraged.

e. Prior to permits being issued in a documented archaeological area located within shoreline jurisdiction the project proponent should obtain a site evaluation or inspection by a professional archaeologist, in coordination with affected Native American tribes.

f. Owners of property containing previously identified historic, cultural, or archaeological sites are encouraged to make development plans known well in advance of application, so that appropriate agencies such as the affected Native American tribe(s), Washington State Department of Archaeological and Historic Preservation, and others may have ample time to assess the site and make arrangements to preserve historical, cultural, and archaeological values as applicable.

g. Proposed site development or associated site demolition work should be planned and carried out so as to avoid impacts to the protected resource.

h. If development or demolition is proposed adjacent to an identified historic, cultural, or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural, or archaeological site.

Regulations

1. Known archaeological resources. Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

2. Uncovered archaeological resources. Developers and property owners shall immediately stop work and notify the Shoreline Administrator, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation, or other site development activities.
5.2.4 Critical Areas

Purpose
To protect areas designated by RCW 36.70A.170 and per WAC 173-26-221(2) as environmentally critical areas located in the shoreline jurisdiction. Critical areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values. Critical areas within shoreline jurisdiction are governed by the SMA through this program’s Critical Areas Regulations in Chapter 6.

Goal
1. Protect critical areas to ensure no net loss of ecological functions.

Policies
a. Development should be regulated to protect the public from flood hazards and landslide hazards, and to prevent adverse impacts to aquifers, wetlands, and fish and wildlife habitat.

b. Consideration should be given for “reasonable use” of real property by landowners when implementing this SMP. Mitigation measures are a reasonable method to allow “reasonable use” when the potential impacts from the proposed project are unavoidable.

c. Inter-local watershed plans, critical area regulations, state and federal regulations, tribal programs, and similar plans should be considered when reviewing proposed shoreline developments with regards to achieving no net loss of shoreline ecological functions. In the event of conflict between regulations, the SMP shall prevail.

d. Encourage activities in critical areas that restore degraded ecological functions and ecosystem-wide processes.

e. In addressing issues related to critical areas, use scientific and technical information as described in WAC 173-26-201 (2)(a) pursuant to RCW 90.58.100.

Critical Area Regulations

1. Critical areas within shoreline jurisdiction. Critical areas within shoreline jurisdiction are subject to the regulations contained in the Wahkiakum County Critical Area Ordinance and Chapter 6 of this Program.

Mitigation Sequencing Regulations

1. Mitigation sequence analysis, when required. In the following circumstances, a project applicant must provide a mitigation sequence analysis.

   a. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action “if feasible” or requiring the minimization of development size) contained in these shoreline regulations, then the mitigation sequence analysis is required for the discretionary standard(s).

   b. When an action requires a shoreline conditional use permit or shoreline variance permit.

   c. When a critical areas report is required.
2. **FWHCA Critical Areas Report Required.** When mitigation sequencing is required, a FWHCA critical areas report is automatically required.

3. **Mitigation sequence analysis.** The mitigation sequence analysis must describe how the mitigation sequence is followed to achieve no net loss of ecological functions. The analysis shall:
   a. Describe how the applying the mitigation will result in no net loss of ecological functions. See Critical area permit in Chapter 6 for more information.
   b. Describe which measures are being applied.

4. **Compensatory mitigation.** When compensatory measures are appropriate pursuant to the mitigation sequence analysis:
   a. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation or restoration based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.
   b. Compensatory mitigation measures must be maintained over the life of the use or development.
   c. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.
   d. Occupancy of the proposed developed is not allowed until significant components of compensatory mitigation are complete, including the posting of required bonds or sureties and recording of required property instruments.

5. **Mitigation plan.** When compensatory measures are appropriate, the applicant must develop and implement a mitigation plan prepared by a qualified professional with relevant experience in the applicable field(s) and meeting the criteria for at least one of several types of qualified professional described in the SMP Critical Areas Regulations in Chapter 6. A mitigation plan must include, at a minimum:
   a. A description of the qualified professional qualifications as they pertain to the potentially impacted ecological functions.
   b. A description of the existing shoreline environment.
   c. A description of anticipated impacts.
   d. A description of how the mitigation plan addresses anticipated impacts, with supporting rationale.
   e. Drawings showing existing and proposed conditions.
   f. Measurable performance standards for evaluating the success of the mitigation plan.
   g. A contingency plan identifying potential courses of action if performance standards are not being met.
h. A five-year maintenance and monitoring program, including:
   i. A schedule for maintenance and monitoring;
   ii. A schedule for the submission of monitoring reports to the Administrator to document milestones, successes, problems, and contingency actions; and
   iii. A discussion of how monitoring data will be evaluated to determine whether performance standards are being met.

6. In determining appropriate mitigation measures applicable to shoreline development, lower-priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

7. Mitigation areas shall be protected in perpetuity, and the protection shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Wahkiakum County Auditor’s Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant’s successors in interest or other parties shall not diminish the usefulness or value of mitigation areas.

8. The applicant/proponent shall post a bond or provide other financial surety equal to one hundred and fifty percent (150%) of the estimated cost of the mitigation to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring.

9. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.

10. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.

11. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), Chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (SMC 16.04 and WAC 197-11).

5.2.5 Flood Hazard Reduction

Purpose
To reduce flood hazards to life and property.

Goal
1. Reduce flood hazards that may be worsened by uses, developments, and modifications.

Policies
a. Encourage nonstructural flood hazard reduction measures over structural measures.

b. Flood hazard reduction provisions should be based on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts that are consistent with this SMP.

c. Assure that flood hazard reduction measures do not result in a net loss of ecological functions.
d. No new construction should be allowed within the limits of the one hundred-year (100 year) flood plain that significantly reduces flood or downstream storage capacity or increases flood hazards to upstream properties or otherwise endangers public safety.

e. Flood control works, such as levees, play an important existing role in protecting life and property. Maintenance of existing flood control works should be allowed provided that no net loss of ecological functions results.

f. Recommendations provided in the “Wahkiakum County Comprehensive Flood Hazard Management Plan 2005” or as hereafter amended, are supported, unless in conflict with this Program.

g. Recommendations to reduce flood hazards provided in “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002) are supported, unless in conflict with this Program.

Regulations

1. **Applicability.** Flood hazard reduction provisions apply to actions taken to reduce flood damage or hazard and to uses, developments, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs; and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Flood hazard reduction is achieved through provisions of this program, Wahkiakum County’s Flood Control Ordinance 142-06, Town of Cathlamet Municipal Code 14.15.170, and Town of Cathlamet Municipal Code 14.10.180 through 14.10.320.

2 **Development in floodplains.** Development in floodplains must not significantly or cumulatively increase flood hazard or must be consistent with Wahkiakum County Comprehensive Flood Hazard Management Plan (2005 or as revised) pursuant to RCW 86.12 (provided the plan has been adopted after 1994 and approved by Ecology).

3 **New development or uses, including subdivisions.** New use or development, including the subdivision of land, must not be established when it would be reasonably foreseeable it would require structural flood hazard reduction measures within the channel migration zone or floodway during the life of the development or use.

4 **Uses and activities within the channel migration zone or floodway.** The following uses and activities may be authorized where appropriate and/or necessary within the channel migration zone or floodway:

   a. Actions that protect or restore the ecosystem-wide processes or ecological functions, including development with a primary purpose of protecting or restoring ecological functions and/or ecosystem-wide processes.

c. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.

d. Bridges, utility lines, outfalls, and other public utility and transportation structures where no other feasible alternative exists, or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of the watershed or drift cell.

e. Repair and maintenance of an existing legal structure, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

f. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.

g. Development protected by existing structures that prevent active channel movement and flooding.

h. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with a river or stream.

5 Structural flood hazard reduction measures.

a. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan.

b. New structural flood hazard reduction measures in shoreline jurisdiction may be allowed only when demonstrated by a scientific and engineering analysis that they are necessary to protect existing development and that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions will be undertaken consistent with this Program.

c. New structural flood hazard reduction measures must be placed landward of associated wetlands and applicable shoreline buffers, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be authorized only if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements must be documented through a geotechnical and hydrological analysis.

d. New public structural flood hazard reduction measures, such as dikes and levees, must dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
6 **Removal of gravel for flood management purposes.** The removal of gravel for flood management purposes must be consistent with an adopted flood hazard reduction plan and this Shoreline Master Program.

### 5.2.6 Economic Development

**Purpose**
To provide for water oriented economic development and employment while supporting other community goals.

**Goal**
1. Support sustainable water-dependent commercial and industrial use & development where compatible with existing areas of business, labor, and infrastructure.

**Policies**

a. Non-water-dependent shoreline uses are discouraged in areas of existing water dependent commercial and industrial development.

### 5.2.7 Public Access

**Purpose**
To plan for, maintain, and improve public access to shorelines, including the public's ability to view, reach, touch, and enjoy the water edge, while protecting private property rights, public safety, and ecological functions.

**Goal**
1. Plan for public access so that resources are used efficiently and effectively.

**Policies**

a. Priority for access acquisition and investment should consider future recreational accessibility, resource accessibility and desirability, availability, and relative proximity of intended users.

**Goal**
2. Use public land for public access to shorelines, and ensure that public access opportunities meet demands associated with new and anticipated development.

**Policies**

a. Shoreline development by all public entities should include improvements or amenities to enhance or provide public access to shorelines when feasible.

b. Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use, including use as linear connections between other shoreline access sites.

c. Where appropriate, shoreline recreational facilities and other public access points should be connected by walking trails, and bicycle pathways.

**Goal**
3. Improved public access sites should be inviting and accommodating to a wide range of users.
Policies
a. Appropriate signs should clearly indicate where public access points are located and/or how to reach publicly owned shorelines.

b. Public access should be designed to provide for public safety and to minimize substantial impacts to private property and individual privacy.

Goal
4. Protect ecological functions and informal/undeveloped public access opportunities.

Policies
a. Pedestrian and non-motorized vehicle access should be designed to limit adverse impacts to ecological functions that result from parking or vehicular uses too close to the water.

b. Informal, unsigned, and unimproved public access locations are a valued type of public access and should be protected as such unless an adopted plan has prioritized the site for public access improvements.

Goal
5. Protect views of shorelines and the water.

Policies
a. Regulation of structure height, setbacks, signs, and maintenance of view corridors should minimize obstruction of existing views of the water, shoreline, and shoreline vegetation from public property, transportation corridors, or substantial numbers of residences.

b. Public property serving as a viewpoint, vista, or lookout to the shoreline and water should continue to serve those purposes.

Regulations
1. **Applicability.** This section applies to public access development projects and other kinds of development that, according to the SMA and its implementing regulation, must provide public access.

2. **New development** shall be located and designed to avoid or minimize obstruction of views from public property.

3. **Conditions when required.** Except as provided in regulations 6 and 7 below, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
   a. A development or use will create increased demand for public access to the shoreline.
   b. A development or use will interfere with an existing public access way. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby access.
   c. A use or activity will interfere with public use of lands or waters subject to the public trust doctrine.
d. A commercial or industrial use is proposed for location on land in public ownership.

4. **When required for public entities.** Shoreline development by public entities, port districts, state agencies, and public utility districts shall include public access measures as part of each shoreline development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

5. **When required for residential development.** New multi-unit residential development, including the subdivision of land of more than four parcels, should provide joint access for all of its residents and/or public access. Public access shall not be required for single-family residential development of four or fewer lots.

6. **When not required.** Public access shall not be required where one or more of the following conditions apply.
   
a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
   
b. Constitutional or other legal limitations may apply.
   
c. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
   
d. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
   
e. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
   
f. Significant unavoidable conflict between any access regulations and the proposed use and adjacent uses would occur and cannot be mitigated.

7. **Reasonable alternatives.** The applicant must first demonstrate, and the Town determined in its findings that all reasonable alternatives to provide public access have been exhausted, including, but not limited to:
   
a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
   
b. Separating uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.).
   
c. Developing access at a site geographically separated from the proposal such as a street end, vista, or trail system.
   
d. Sharing the cost of providing and maintaining public access between public and private entities.

8. **Projects that meet the criteria of Section 6.1.5(6).** Projects that meet the criteria of Section 6.1.5(6) shall either build off-site public access facilities or, if established and approved by the Shoreline Administrator, contribute to the local public access fund.

9. **Private Property Nexus and Proportionality.** Public access across private property that is required as a condition of project approval shall be commensurate and proportional with the
loss of public access caused by the project, or with the increase in public access demand caused by the project.

10. **Preparation of written findings.** When provisions for public access are required as a condition of project approval, the Shoreline Administrator shall prepare written findings demonstrating consistency with constitutional and legal practices regarding private property and the principles of nexus and proportionality.

11. **Dedication of land or a physical improvement.** Public access provided as a condition of project approval shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock, pier area, or other area serving as a means of view and/or physical approach to public waters. It may include interpretive centers and displays.

12. **Recording via a legal instrument.** If public access is provided as a condition of project approval, applicants shall demonstrate this condition is met by providing a legal instrument; an example being an easement. The legal instrument shall be recorded with the Wahkiakum County Auditor’s Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant’s successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

13. **Location and design criteria.** Public access provided as a condition of project approval shall meet the following location and design criteria:

   a. When physical access is provided, a pedestrian access walkway is required if it will not adversely impact shoreline ecological processes and functions. Fencing may be used to control damage to plants and other sensitive ecological features. Trails shall be constructed of permeable materials and limited in width to reduce impacts to ecologically sensitive resources.

   b. Where views of the water or shoreline are available, and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.

   c. Public access shall be located adjacent to other public areas, access points, and connecting trails and connected to the nearest public street.

   d. Development over water shall be constructed as far landward as possible to reduce interference with views to the shoreline from surrounding properties.

   e. Appropriate amenities such as benches, picnic tables, and public parking sufficient to serve the users shall be provided. Public restrooms, facilities for disposal of animal waste, and other appropriate public facilities shall be required at developments that attract a substantial number of persons.

   f. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.

   g. Public access design shall provide for the safety of users to the extent feasible.

   h. The standard state-approved logo or other locally approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.
14. **At time of occupancy.** Required public access sites shall be fully developed and available for public or community use at the time of occupancy of the shoreline development.

15. **Maintenance.** Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Wahkiakum County Auditor’s Office.

16. **Shoreline street ends and public rights-of-way.** Public access provided by existing shoreline street ends and public rights-of-way shall be preserved, maintained, and enhanced consistent with RCW 35.79.035, RCW 36.87.130 and this program.

17. **No net loss of ecological functions.** Public access improvements shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions.

18. **Conflict with adjacent property views.** Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

### 5.2.8 Recreational Development

**Purpose**
To improve and expand water-oriented recreational opportunities through programs of acquisition, development, and regulation.

**Goal**
1. Provide water-oriented recreation opportunities while protecting ecological functions.

**Policies**

a. Encourage water-oriented recreational development in and adjacent to already developed areas to minimize impact to ecological functions, and complement existing centers of business and recreational activity.

b. Commercial recreational development should be consistent with the provisions for commercial development.

c. Non-water-oriented recreational uses should not displace water-dependent uses.

d. Recreational facilities should be located within shoreline jurisdiction only when they support a water-oriented recreational use.

e. Encourage recreational opportunities on the publicly owned shoreline that serve people of all ages, mobility, and financial ability.

f. Include all appropriate levels of government in the planning, designing, and financing of future recreational facilities, and use public-private partnerships if appropriate to achieve recreation objectives.
g. Interpretive signage on shoreline ecological function is encouraged in order to help shoreline users understand how they can help protect ecological functions on a day-to-day basis and while recreating.

h. Shoreline recreational areas should be sited and designed to facilitate maintenance and adequate monitoring of use to ensure public safety and no net loss of ecological functions.

i. Recreational facility and site design should emphasize structural forms that harmonize with the topography, scenic views, and ecological functions.

j. Cooperative efforts among public and private entities toward the acquisition and/or development of suitable recreation sites or facilities should be explored to assure long-term availability of sufficient public sites to meet local recreation needs.

k. The Town should review proposals for new recreational developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the recreational development and planned restoration.

l. Wilderness beaches, ecological study areas, and other recreational uses for the public are encouraged on state owned shorelines.

Regulations

1. **Features.** Recreational uses and facilities located within shoreline jurisdiction shall be primarily related to access to, enjoyment of, and use of shorelines of the state.

2. **Commercial recreation.** Commercial recreational development shall be consistent with the provisions for commercial development.

3. **Consistency with environment designation.** Recreational developments shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.

4. **No net loss.** Recreational developments shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes.

5.2.9 Transportation, Parking & Circulation

**Purpose**

To coordinate the location and extent of existing and proposed transportation routes.

**Goal**

1. Ensure adequate circulation for shoreline uses supported by this SMP.

**Policies**

a. Transportation/parking plans and projects should be consistent with County and Town Parks and Recreation Plans, Capital Facility Plans, Transportation Improvement Programs, and environmental protection provisions.
b. Circulation systems planning should support pedestrian, bicycle, and public transportation where appropriate to serve supported shoreline uses.

c. Consideration should be given to projects that are designed to provide appropriate linkages between major routes and public access to shorelines.

d. The location and design of new public transportation facilities, including replacement of existing roads and other infrastructure should take water levels and flooding patterns into consideration.

Goal
2. Protect ecological functions and water-dependent development opportunities.

Policies
a. Plan, locate, and design proposed transportation and parking facilities to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.

b. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

c. New transportation facilities should be designed and located to minimize the need for the following:
   i. Structural shoreline protection measures;
   ii. Modifications to natural drainage systems; and
   iii. Waterway crossings.

d. Parking facilities are not a preferred shoreline use and should be located outside of the shoreline jurisdiction whenever feasible and should be permitted only to support other authorized uses, and when alternative sites outside of shoreline jurisdiction are not feasible.

e. Parking facilities should be located and designed with appropriate stormwater management to minimize significant adverse environmental impacts to water quality, vegetation, and habitat. Low impact development techniques and other best management practices should be employed to prevent impacts.

f. Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g., recreational use on weekends, commercial use on weekdays), and should be designed to the minimum size necessary.

Regulations
1. **Applicability.** This section applies to new or expanded parking and transportation facilities.

2. **Planning, location, and design.** Transportation and parking facilities and routes must be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.
a. Where other options are available and feasible, new roads or road expansions shall not be built within shoreline jurisdiction.

b. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternative path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.

c. Stormwater from parking and transportation facilities shall be managed in accordance with the Stormwater Management Manual for Western Washington. (Ecology, 2005. Publication Numbers 05-10-029 through 05-10-033.)

3. **Parking facilities.** Parking facilities are prohibited except as necessary to support an authorized use or if no feasible alternative exists.

   a. Parking shall be located landward of the use served, if feasible.

   b. Future developments depending on size and score that have a need for parking facilities, onsite and offsite will be reviewed in the permitting process.

### 5.2.10 Vegetation Conservation

**Goal**

1. Protect and restore vegetation that contributes to ecological functions.

**Policies**

a. Preserve native vegetation by limiting clearing and grading activities to ensure no net loss of shoreline ecological functions, ecosystem processes, and natural soil systems.

b. Where permitted, clearing of native vegetation, and grading should be to the minimum extent necessary to accommodate an authorized shoreline use.

c. Trees and native vegetation, including brush and groundcover, should be protected for the ecological functions that they provide.

d. Support replacement of non-native vegetation with native vegetation.

e. Support protection and cultivation of trees that can serve as durable large woody debris.

f. Removal of noxious weeds is supported.

g. Pruning, and only if necessary, felling of hazard trees is supported if the cut wood is left in the habitat area.

h. Selective pruning of trees to maintain views is allowed, if conducted in a manner that ensures the tree’s ability to continue growing, and if no net loss of ecological function is achieved.

**Regulations**

1. **SMP Critical Areas Regulations.** Vegetation conservation is implemented primarily by the SMP Critical Areas Regulations, buffers, setbacks, and otherwise by the remainder of this Program.
2. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.

3. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.

4. If native vegetation is moved, damaged, or destroyed, it shall be replaced with a functionally equivalent native species during site restoration.

5.2.11 Water Quality & Quantity

Goal
1. Protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life.

Policies
a. Development should not cause a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

b. Development that would increase demand on an onsite septic system should demonstrate that the existing or proposed septic system will be in compliance with relevant laws to serve existing and proposed uses and structures.

c. Developments relying on a water source that individually or cumulatively reduces stream flows during low flow periods are encouraged to be designed in such a way that returns clean water to the ground to recharge streams.

d. Compliance with local, state, and federal water quality and water quantity laws is required. Where there a conflict between those laws and this Program, the provision most protective of ecological functions shall prevail.

Regulations
1. **Compliance demonstration.** Current compliance with local, state, and federal water quality and water quantity laws is required, and shall be demonstrated prior to permit issuance.

2. **Septic systems.** Development that would increase demand on an onsite septic system should demonstrate that the existing or proposed septic system will be in compliance with relevant laws to serve existing and proposed uses and structures.

5.3 Specific Shoreline Use, Development, and Modification Policies and Regulations

Shoreline uses refers to common uses occurring within shoreline jurisdiction (e.g., residential, recreation, commercial, etc.). Shoreline modifications refer to specific structures, actions, or
alterations that generally support a specific use (e.g., dredging to accommodate a marina). All uses, modifications, and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of this master program, even if a permit is not required.

5.3.1 Modifications Generally

1. Shoreline modifications individually and cumulatively should not result in a net loss of ecological functions.

2. When modifications are allowed, require those types of shoreline modifications that have a lesser impact on ecological functions, and require mitigation of identified impacts resulting from shoreline modifications.

3. Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

4. Structural shoreline stabilizations should be allowed where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

5. Shoreline modifications should be allowed when appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

6. All feasible measures to protect ecological shoreline functions and ecosystem-wide processes should be incorporated into shoreline modifications.

5.3.2 Prohibited Uses

1. The following uses are prohibited in all shoreline environments, unless otherwise provided for by this program:
   a. Solid waste disposal facilities;
   b. Covered moorage;
   c. Parking facilities that do not support other authorized uses; and
   d. In-water, overwater or floating residences, or accessory dwelling units, including structures located in or on marshes, bogs, swamps, lagoons, tidelands, ecologically sensitive areas, or open water areas.

5.3.3 Specific Shoreline Use, Development & Modification Regulations

1. **Applicability.** The regulations in this section apply to all shoreline uses, developments, and modifications.

2. **Shoreline use, development and modification Tables.** indicates shoreline uses, developments and modifications that may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Shoreline uses and modifications are classified in the matrix as indicated below. Uses, developments and modifications that may be allowed according to must in all cases be consistent with all other applicable parts of this Shoreline Master Program in order to be authorized by the Town. Where the table and text specifically contradict each other, the text shall prevail.
a. Uses developments and modifications that may be allowed waterward of the OHWM only if allowed by the adjacent shoreline designation landward of the OHWM are indicated by ‘ASD’ on the matrix.

3 Unlisted uses, developments and modifications. Any new uses, developments or modifications not explicitly listed or comparable to those included in shall be reviewed through a shoreline conditional use permit.

4 Height limitation.
   a. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, except if approved through a shoreline variance permit.
   b. To exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:
      i. Overriding considerations of the public interest will be served.
      ii. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.

5. Setback. Structures, driveways, and parking areas except those necessary to support a water dependent use are prohibited 15 ft. from the edge of the buffer.


5.3.4 Agriculture

1. Agriculture is important to the long-term economic viability of Wahkiakum County. Consistent with WAC 173-26-241(3)(a)(ii), this Program should not modify or limit ongoing agricultural activities occurring on agricultural lands.

2. The following should be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and should assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values:
   a. New agricultural activities on land not meeting the definition of agricultural land;
   b. The conversion of agricultural lands to other uses; and
   c. Other non-agricultural development on designated agricultural land that does not meet the definition of agricultural activities.

3. New agricultural use and development should be managed to:
   a. Prevent livestock intrusion into the water;
   b. Control runoff;
   c. Prevent water quality contamination caused by nutrients and noxious chemicals;
   d. Minimize clearing of riparian areas; and
   e. Prevent bank erosion.

4. New agricultural use and development should preserve and maintain native vegetation between agricultural lands and adjacent water bodies.
5. Existing and new agricultural uses are encouraged to use USDA Natural Resource Conservation Service and/or Wahkiakum County Conservation District best management practices to prevent erosion, runoff, and associated water quality and riparian habitat impacts.

6. The County should review proposals for new agricultural developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between agricultural development and planned restoration.

Agriculture Regulations

1. **Applicability.** Agriculture provisions apply to new agricultural activities on land not meeting the definition of agricultural land, in accordance with RCW 90.58.030(3)(e)(iv) and RCW 90.58.065.

2. **New agricultural activities.** New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. New agricultural activities must assure that uses and developments in support of agricultural uses meet the following requirements:

   a. Consistent with the environment designation in which the land is located.
   
   b. Located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.
   
   c. Located and designed to avoid, minimize, and mitigate impacts to existing public access to or enjoyment of adjacent shoreline areas.
   
   d. Animal feeding operations are prohibited in the Town of Cathlamet.
   
   e. Creating land by diking, draining, or filling wetlands or channel migration zones shall not be allowed.
   
   f. Agricultural uses and activities shall prevent and control erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, and pollution.
   
   g. Tillage patterns that allow runoff directly into adjacent waters shall not be allowed. A buffer of permanent vegetation shall be maintained between tilled areas and water bodies to slow down surface runoff.
   
   h. Pesticides shall be used, handled, and disposed of in accordance with provisions of the Washington State Pesticides Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.58) to prevent contamination and sanitation problems, and are subject to the SMP Critical Areas Regulations in Chapter 6, in order to ensure no net loss of ecological functions. In any case, pesticide applications for purposes other than ecological restoration are not permitted within 200 ft. of any OHWM or wetland boundary.
i. Other agricultural chemicals shall be applied in a manner consistent with best management practices for agriculture.

j. Manure spreading is subject to the SMP Critical Areas Regulations in Chapter 6 and shall be conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water bodies. Manure spreading in any case is not permitted within 200 ft. of any shoreline or wetland.

k. Animal confinement areas shall be graded to slope away from surface water.

l. Fencing or other grazing controls shall be used as appropriate to prevent bank compaction, bank erosion, or the overgrazing of, or damage to, shoreline buffer vegetation.

m. The use of tanks and troughs for animal watering is encouraged; allowing animals direct, unrestricted access to surface water is not permitted. If stream crossings are necessary, bridges, culverts or ramps shall be used to enable animal crossing without damaging the streambed or banks.

n. Waste storage sites, with the exception of manure lagoons shall be covered and contained with impermeable material. Waste storage sites shall be located outside of the floodway and should be located outside the 100-year floodplain, where feasible. Manure lagoons shall be set back 200 feet from all surface water and diked to withstand the 100-year base flood with three feet of freeboard.

3 **Best management practices.** New agricultural activities and agricultural facilities shall employ applicable best management practices established by the U.S. Department of Agriculture Natural Resources Conservation Service or by similar agencies. This provision shall not be construed so as to result in a net loss of ecological function, or so as to allow less-protective measures than those otherwise required by this SMP.

4 **Nonagricultural development and conversion to nonagricultural uses.** Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and shall not result in a net loss of ecological functions associated with the shoreline.

5.3.5 **Aquaculture**

1. Aquaculture is a preferred use when consistent with control of pollution and prevention of damage to the environment.

2. Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize adverse environmental impacts. The County should support aquaculture uses and developments that:

   a. Protect and improve water quality;
   b. Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, and land-based facilities; and
   c. Prevent substrate disturbance/modification.
3. Chemicals and fertilizers used in aquaculture operations should be used in accordance with state and federal laws and this Program.

4. Aquaculture uses/developments should be permitted when they have been evaluated and approved by state and federal agencies, when they incorporate measures to mitigate adverse effects on people and the environment, and when they demonstrate that the use/development will not:
   a. Materially and adversely disrupt important navigation routes, and existing water dependent uses;
   b. Cause significant adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations;
   c. Cause significant adverse effects on critical aquatic habitats;
   d. Cause significant adverse effects to Tribal fishing tracts or other Treaty fisheries resources; and
   e. Conflict with other legally established water-dependent uses, including normal public use of the surface waters.

5. When a new aquaculture facility is proposed, the County should provide for public notice consistent with this Program and notify tribes with usual and accustomed fishing rights to the area.

6. Experimental aquaculture projects will be limited in scale and duration until their effects can be adequately understood. Flexibility to experiment with new aquaculture techniques will be allowed when consistent with state and federal regulations and this Program, and when properly monitored to prevent significant adverse impacts.

7. Development accessory to aquaculture planting and harvesting should be located landward of the minimum critical area buffers of the Program, unless it requires a location in, over, or adjacent to the water.

8. Cooperative arrangements between aquaculture growers and public recreation agencies are encouraged so that public use of public shorelines can be enhanced, where appropriate, and conflicts between public use of public shorelines and aquaculture operations is minimized or eliminated.

Aquaculture Regulations

1. Net pen aquaculture, hatcheries, and fish acclimation facilities are a conditional use in the Aquatic, Natural, Urban Conservancy, Mixed Waterfront, and Residential shoreline environment designations.

2. Net pen aquaculture, hatcheries, and fish acclimation facilities are permitted in the Rural Conservancy shoreline environment designation.

3. Water-dependent portions of aquaculture facilities may be located waterward of the OHWM. Water intakes and discharge structures, water and power conveyances, and fish collection and discharge structures are all considered water-dependent.

4. The applicant shall identify and on the site plan each portion of their project that is water-dependent, water-related and non-water-oriented in sufficient detail for the Administrator to
determine which portions of the project are permitted on either side of the OHWM and within critical areas and their buffers.

5. Aquaculture facilities must be consistent with the purpose of the shoreline environment designation and a state or tribal finfish management plan or watershed restoration plan.

6. Aquaculture facilities must be located, designed, constructed, and managed to avoid all of the following: a net loss of shoreline ecological functions, spreading diseases to native aquatic life, adversely impacting macro-algae species, and significantly conflicting with navigation, public access, and water contact recreation.

7. **Best management practices.** As a conditional of approval the Town shall require aquaculture facilities to use best management practices to avoid impacts to ecological functions. The best management practices shall be published by an industry association, a peer reviewed scientific publication, a state or federal environmental protection or natural resource management agency, or the shorelines hearing board.

8. The applicant shall base their proposal on a scientific literature review of likely impacts to ecological function, effective best management practices, and natural processes and priority species.

9. Cumulative impacts of other foreseeable aquaculture facilities shall be considered in the review of proposed aquaculture facilities. Mitigation sequencing and permit conditions shall ensure no net loss of ecological functions as a result of cumulative impacts.

10. **New aquatic species.** New aquatic species that have not been previously cultivated in Washington State shall not be introduced into Town waters without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington State Department of Health.

11. **Wastes.** Aquaculture wastes shall be disposed of in a manner compliant with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

12. **Rights of treaty tribes.** The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the project proponent and the affected tribe(s) through the permit review process.

### 5.3.6 Boating Facilities

1. Piers and docks for residential access to watercraft and for public access will be allowed.

2. New residential development or subdivisions of two or more residences or properties that propose a dock should provide a shared dock for the residences, rather than a single dock for each residence.

3. New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

4. Piers and docks for water enjoyment and water related uses should be allowed upon a showing of need for the proposed pier or dock.
5. Development that includes and is subordinate to water-dependent development may be permitted.

6. Boating facilities should meet health, safety, and welfare requirements, and no net loss of ecological functions as a result of development of such facilities should be assured.

**Boating Facilities Regulations**

1. **General use requirements for all boating facilities.**
   a. Boating facilities and accessory uses, shall be located, designed and constructed to avoid, minimize, and mitigate impacts to ecological functions, navigation, and public access.
   
   b. Boating facilities shall be allowed only for water-oriented uses, for public access, or for accessing a boat as an accessory activity to a residential use.
   
   c. The applicant must demonstrate that the boating facility is needed to support the water-oriented use if the boating facility is not accessory to a residential use or in support of public access. If a Port District or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the Town, it may serve as the necessary justification for need, design, size, and construction.
   
   d. Boating facilities shall be limited in size to the minimum necessary to accommodate public access or the water-oriented use.
   
   e. Public community-use or joint use boating facilities that limit the proliferation of boating facilities are a preferred over boating facilities that are only intended for a single user or property owner.
   
   f. Non-water-dependent accessory development to piers and docks must be located outside of shoreline jurisdiction, and if that is not possible then preferably outside of the shoreline buffer. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.
   
   g. New covered moorage is prohibited, except when necessary for operation of a water-dependent use at commercial, industrial, or transportation-related facilities.
   
   h. New covered moorage shall be located more than thirty feet from the OHWM.
   
   i. Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.

2. **Location requirements for all boating facilities.**
   
   a. Construction activities and installation of piling, anchors, ramps, railings, and other structures are prohibited in spawning habitats of state and federally listed species, as shown in WDFW’s Salmonscape maps.
   
   b. Boating facilities shall not be located in or adjacent to:
i. Braided or meandering river channels where the channel is subject to change in alignment;

ii. Point bars or other accretion beaches;

iii. Where dredging would be required to accommodate the use of a single facility; excluding new or maintenance dredging for a commercial or industrial water-dependent use located within shorelines designated for such uses;

iv. In areas with important bank and/or nearshore habitat for aquatic and non-aquatic species; and

v. In areas where wave action caused by boating use would increase bank erosion; excluding those areas actively regulated by the Town to control boat wake using posted “no wake zone” signage or similar signs to control bank erosion.

3. **Design and construction requirements for all boating facilities.** In addition to the standards listed below, the requirements found in WAC 220-660-140 are adopted by reference. Where conflicts between the standards are found the more protective requirements shall apply. Specific design and construction standards are as follows:

   a. **Piling design:**
      
      i. Pilings must be the smallest diameter and number necessary.

      ii. Limit the diameter of steel pilings used to construct public recreational docks to the minimum width needed to accommodate the intended use.

      iii. The use of creosote or pentachlorophenol pilings is prohibited. New and replacement piling can be steel, concrete, recycled plastic, and/or untreated or treated wood as approved by the Washington State Department of Fish and Wildlife.

      iv. All pilings shall be designed to prevent perching and/or nesting of birds.

      v. Pilings shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier/ramp and float are separate components.

      vi. Each overwater structure shall utilize no more than four piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.

   b. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water. Floatation materials shall be contained within the structure in a shell (tub) or 20 – 25 mm polyethylene or polyurethane wrap. The shell or wrap must prevent breakup or loss of the floatation material into the water. The shell or wrap must not be readily subject to damage by ultraviolet radiation and abrasion.

   c. Safety railings, if proposed, must meet locally adopted Building Code requirements and must be an open framework that does not unreasonably interfere with shoreline views.
d. New skirting or batter fencing should not be constructed around piers, docks, or floats unless the applicant can obtain approval from the Washington State Department of Fish and Wildlife.

e. No part of the floating structure shall touch the ground at any time.

f. Boating facilities located in tidally influenced areas shall have stops installed that maintain a minimum of 18 inches of clearance between the aquatic bed and the structure for all grounding portions of the float.

g. Floating structures should not adversely affect flood channel storage capacity or otherwise create a flood hazard.

h. Boating facilities shall be designed to avoid impediments to adjacent nearshore sediment transport flows. When boating facilities are unable to avoid adverse effects on net sediment transport or other shoreline processes to the detriment of adjacent beaches or habitats, the Shoreline Administrator may require periodic replenishment of substrate to offset adverse impacts.

i. Boating facilities shall incorporate the maximum amount of functional grating to allow adequate light penetration. Grating must not be covered on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, or similar features that limit light penetration on grated areas. Grating must be kept clean and free from algae and debris that may inhibit light penetration, on the surface or underneath. Grating should be positioned to maximize natural light penetration to the greatest extent possible.

j. Structural components and associated materials that may come in contact with the aquatic environment shall be made of non-toxic materials. Tires and tire by-products shall not be used for construction where they would contact the water (e.g., flotation, fenders, and hinges). Where chemically treated materials are the only feasible option, materials shall use the least-toxic alternative approved by applicable state and federal agencies for use in water. Treated wood elements shall incorporate design features (e.g., fenders, bumpers, metal bands) to minimize abrasion by vessels, pilings, floats, or other similar objects. Wood treated with creosote, chromated copper arsenate or pentachlorophenol are prohibited.

k. Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.

l. Construction of overwater structures shall be completed during allowed in-water work windows.

m. Construction impacts shall be confined to the minimum area needed to complete the project.

4. Lighting requirements for boating facilities accessory to a residential use. Exterior lighting on boating facilities shall be the minimum necessary for the proposed use. The following standards shall apply to residential boating facilities only:

   a. Light fixtures shall be designed and installed so that they are recessed or otherwise shield neighboring properties from illuminating glare;
b. Light fixtures shall point directly down and upon the floor of the structure;

c. The Shoreline Administrator may provide relief from the above standards for safety or security purposes provided that it is the minimum necessary to provide relief without negatively affecting adjacent properties or impacting the aquatic environment; and

d. Artificial nighttime lighting used in the design shall use low-intensity lights that are located and shielded to prevent light from attracting fish, unless there are safety constraints.

5. **Enlargement of boating facilities.**

   a. Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.

   b. Enlarged portion of existing boating facilities must comply with applicable standards for new facilities.

6. **Repair and replacement of boating facilities.**

   a. If any of the following are proposed during a five-year period, the project is considered a new structure/facility and must comply with applicable standards for new facilities.

      i. Replacement of the entire facility;

      ii. Replacement of 75 percent or more of support piles; and

      iii. Replacement of 75 percent or more of a boat launch, by area.

   b. All repairs to existing legally established boating facilities are permitted consistent with all other applicable codes and regulations. Repairs must utilize standards specified for new facilities.

   c. The structure/facility must have been usable at the site within the twelve months immediately before the time of application submittal to be considered a replacement structure. Usable means no major deterioration or section loss in critical structural components is present.

7. **Live-aboard vessels.** Live-aboard vessels are restricted to marinas that have provisions in effect that are consistent with state law to limit potential impacts. The following provisions shall be considered the minimum necessary:

   a. Live-aboard vessels must have a valid live-aboard permit issued by the marina operator.

   b. Discharge of waste or other contaminated material from vessels is prohibited.

   c. Marinas shall provide adequate pump-out facilities, and owners of live-aboard vessels shall provide proof of sufficient use of pump-out facilities or pump-out service.
d. All live-aboard vessels shall meet U.S. Coast Guard requirements for recreational boats and be capable of leaving the marina under their own power.

8. **Extended mooring.** Extended mooring on waters of the state by vessels is allowed only when consistent with applicable state regulations, unless a lease, permit, or permission is obtained from the state and impacts to navigation and public access are mitigated.

9. **Piers, docks, ramps, gangways, and floats.**

   a. Piers and docks shall be set back from side property lines a minimum of 10 feet; except that by mutual agreement of two abutting property owners one dock serving both properties may be sited adjacent to, or astride of, the mutual property line. In the latter case no other dock will be permitted within the two property boundaries.

   b. There is no maximum length, width or height for commercial or industrial piers and docks. The applicant must show that the size of the proposal is the minimum necessary for the proposed use.

   c. North/south oriented piers greater than four feet in width must have at least thirty percent of the entire deck surface covered in functional grating. The grating must be installed parallel to the length of the pier for the entire length of the pier.

   d. Northeast/southwest, northwest/southeast and east/west oriented piers must have at least fifty percent of the entire deck surface covered in functional grating regardless of width. The grating must be installed parallel to the width of the pier, evenly spaced along the entire length of the pier.

   e. In water bodies with a high density of piers and docks, grating should cover the entire deck surface of the pier or dock.

   f. Ramps/ gangways connecting the shoreline to a pier or dock accessory to a residential use are limited to four feet in width. The width of public recreational ramps is limited to the minimum width needed to accommodate the intended use. The entire ramp surface shall be covered in grating.

   g. The maximum width of residential piers and docks shall be six feet for the first fifty feet from the OHWM.

   h. For waters other than the Columbia River, the maximum length of a recreational pier or dock facility including float shall be only so long as to obtain a depth of three feet of water as measured at mean low water (MLW) in tidally influenced areas or a depth of five feet as measured from ordinary low water on non-tidally influenced waters. The length of any recreational pier or dock facility shall not extend more than 50 feet waterward from the OHWM, or 35% the distance to the OHWM of the opposite shore, whichever is less.

   i. Joint or community use facilities may be an additional 15 feet in length, so long as navigation is not adversely impacted.

   j. A dock six feet wide or narrower shall have at least thirty percent of the deck surface covered in functional grating. A dock wider than six feet (up to eight feet wide) shall have at least fifty percent of the deck surface covered in functional grating. The
location of flotation material shall be located under the solid decked area only. Grating shall be oriented lengthwise so that the openings maximize the amount of light penetration.

k. At the end of a dock or pier, a float may be attached. These floats may either be parallel to the dock or pier, or form a “T” or “L”. The float shall not exceed 400 square feet (800 square feet for two joint use owners). Attached floats shall be designed to include the maximum amount of functional deck grating possible.

l. All facilities shall be constructed and maintained in a safe and sound condition. Abandoned, non-functioning, or unsafe docks and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the Shoreline Administrator may, after providing notice to the owner, abate the structure if the owner fails to do so within 90 days of said notice, and may impose a lien on the shoreline property in an amount equal to the cost of the abatement.

m. Unattached recreation floats shall not exceed 400 square feet. There shall be no more than one per tax lot. Unattached recreational floats shall be chain anchored and not ground at any time. Unattached recreational floats shall be designed to include the maximum amount of functional deck grating possible.

n. Recreational mooring buoys are exempt from the substantial development permit. Mooring buoy design and placement shall comply with the standards found in WAC220-660-140 (6).

Prior to final project approval of a residential subdivision or short plat, a usable area shall be set aside for a community pier or dock, unless no suitable area exists. Only one pier or dock is permitted in new residential subdivisions or short plat where each lot frontage does not exceed 150 feet on the shoreline.

10. Marinas.

a. Marinas, particularly where water-enjoyment uses are associated with the marina, shall provide public access.

b. Marinas must provide adequate restroom and sewage disposal facilities.

c. Marinas must provide facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan.

d. Marina operators must post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them. Rules for spill prevention and response must also be posted.

e. New marinas, or expansion of existing marinas that provide moorage for more than ten boats, shall provide easily accessible vessel pump-out facilities on-shore bathrooms and trash disposal. Each marina shall prominently display signs stating that wastewater discharge is prohibited. Deviation from this pump-out requirement shall require a CUP.

f. Adequate illumination shall be required. Illumination shall be designed and constructed to minimize off-site light and glare, and subject the exterior lighting requirements in the general regulations for all boating facilities. If artificial nighttime
lighting is used in the design, use low-intensity lights that are located and shielded to prevent light from attracting fish, unless there are safety constraints.

g. Associated uses shall be limited to those necessary to marina operation or which provide visual or physical public access.

h. Marina facilities shall project waterward the minimum distance necessary to provide service to vessels, without creating a hazard to navigation.

i. Marinas shall be located to minimize the need for initial and maintenance dredging, filling, beach feeding and other channel maintenance activities.

j. Expansion of existing marinas shall be required to meet the standards set forth for new development.

k. New marina and terminal design standards found in WAC 220-660-160 are adopted by reference.


   a. Boat launches shall be designed and constructed to minimize obstruction of currents, alteration of sediment transport, and the accumulation of debris. The design and construction standards found in WAC 220-660-150 (3) and (4) are adopted by reference.

   b. New private recreational boat launches are prohibited on Washington state managed aquatic lands.

   c. There is no maximum length or width for commercial industrial or community-use boat launches, however, the proponent must demonstrate that the size proposed is the minimum necessary to allow the use proposed.

5.3.7 Breakwaters, Jetties & Groins

1. Breakwaters, jetties, and groins waterward of the OHWM should be allowed only where necessary to support allowed water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

Breakwaters, Jetties, & Groins Regulations

1. When allowed. New or expanded breakwaters, jetties, groins, and weirs located waterward of the OHWM shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

2. Professional design. Proposed designs for new or expanded breakwaters, jetties, groins, and weirs shall be designed by qualified professionals, including both an engineer and a biologist.

3. Minimum size. Breakwaters, jetties, groins and weirs shall be limited to the minimum size necessary.

4. Protection of critical areas and ecological functions. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and ecological functions, and the mitigation
sequence shall be followed. The design and construction of breakwaters shall be such that shallow water juvenile salmon migration corridors are maintained.

5. **Conditional use.** Breakwaters Jetties Groins and Weirs are a conditional use except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

### 5.3.8 Commercial & Industrial

1. Commercial and industrial development and use should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.

2. Preference should be given first to water-dependent commercial/industrial uses over non-water-dependent commercial/industrial uses; and second, to water-related and water-enjoyment commercial/industrial uses over non-water-oriented commercial/industrial uses.

3. Non-water-dependent uses may locate in existing overwater structures provided that the proposed use does not displace existing or future water-dependent uses from siting on the shoreline.

4. Water-related and water-enjoyment commercial uses are encouraged on shorelines in existing areas of commercial development and mixed commercial-residential development if the use will not displace existing or future water dependent uses.

5. New non-water-oriented commercial/industrial uses located in the shoreline should provide public access unless public access would create a significant ecological impact, a human health or safety hazard or is otherwise infeasible due to inherent constraints of the property or development.

6. New water-oriented commercial uses and infill/redevelopment of existing areas within the Mixed Waterfront shoreline environmental designation should be allowed consistent with this Program.

7. Avoid creating new patterns of waterfront commercial development.

8. Facilities should demonstrate financial responsibility for environmental damages from worst-case spills and explosions.

9. Where allowed, commercial and industrial use and development should be located and designed to be compatible with adjoining non-commercial/industrial uses in terms of noise, aesthetics, scale, and other factors.

10. Proponents of commercial and industrial development are encouraged to restore impaired shoreline ecological functions and processes as part of their development proposal.

11. The Town should review proposals for new commercial and industrial developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the proposed development and planned restoration.
Commercial & Industrial Regulations

1. **Use preference.** Preference shall be given first to water-dependent uses over nonwater-dependent uses; and second, to water-related and water-enjoyment uses over nonwater-oriented uses. The Town shall utilize the following information in its review of commercial and industrial development proposals:

   a. Nature of the activity;
   
   b. Need for shore frontage;
   
   c. Special considerations for enhancing the relationship of the activity to the shoreline;
   
   d. Provisions for public visual or physical access to the shoreline;
   
   e. Provisions to ensure that the development will not cause severe adverse environmental impacts;
   
   f. Provisions to mitigate any significant noise impacts;
   
   g. Provisions to mitigate light or glare impacts; and
   
   h. A description of mitigation measures proposed to ensure that the development will protect existing shoreline ecological functions and compensate for unavoidable impacts.

2. **General requirements**

   a. Parking and loading areas shall be located outside the shoreline jurisdiction, if practicable.
   
   b. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties subject to approval by Public Works and/or Department of Transportation. The permit application shall identify the size, general type, and location of landscaping.
   
   c. Design of parking and loading areas shall ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Design shall provide for storm water retention.
   
   d. Water supply and waste facilities shall comply with the strictest established guidelines, standards, and regulations.
   
   e. New commercial developments shall be located adjacent to existing commercial developments whenever possible.
   
   f. Commercial developments adjacent to aquaculture operations shall practice strict pollution control procedures.
   
   g. Commercial developments shall be located and designed to minimize noise impacts on adjacent properties.
3. **Water-related & Water-oriented use.** Uses that may be authorized as water-related or water-enjoyment uses must incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

4. **Non-water-oriented uses, when allowed.** Non-water-oriented uses are prohibited except when:
   
   a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
   
   b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or
   
   c. The site is physically separated from the shoreline by another property or public right-of-way.
   
   d. In an existing overwater structure or in a new overwater structure in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

5. **Industrial and terminal development**
   
   a. New water-dependent and water related industrial and other terminal developments are prohibited in Natural environments. New water-dependent and water related industrial and terminal development are permitted in the High intensity environment and may be considered as a conditional use in Rural Conservancy and Aquatic environments.
   
   b. New non-water-oriented industrial developments are prohibited in all environments but may be considered as a conditional use, provided:
      
      i. The site is physically separated from the shoreline by another property or public right-of-way; or
      
      ii. The use is part of a mixed-use project that includes an associated water-dependent use; or
      
      iii. Navigability is severely limited at the proposed site.
   
   c. Industrial and marine terminal development shall be located, designed, constructed, and operated to avoid impacts to ecological functions and compensate for unavoidable impacts; consistent with General Use regulations. Water-dependent structures may be allowed within required buffers to the minimum extent necessary to support the water-dependent use, provided adequate compensatory mitigation is provided.
   
   d. Industrial facilities and marine terminals shall be located, designed, constructed, and operated so as to avoid interference with the rights of adjacent property owners, and to minimize interference with normal public use of the adjacent shoreline.
e. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Emergency warning sirens or alarms and related apparatus used solely for public purposes are exempt from this requirement.

f. Industrial facilities shall minimize direct or reflected glare visible from adjacent properties, streets, or water areas.

6. **Non-water-oriented uses over water.** Non-water-oriented uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

7. **No net loss of ecological functions or significant adverse impacts.** Development must not result in a net loss of shoreline ecological functions or have significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.

8. **Public access.** New development shall provide public access if required by Section 5.2.8.

5.3.9 Dredging & Dredge Material Disposal

1. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

2. Dredging to accommodate existing navigational uses should be allowed.

3. Maintenance dredging of established navigation channels and basins should be allowed to maintain previously dredged and/or existing authorized location, depth, and width.

4. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material should not be allowed, except when the fill is necessary for the restoration of ecological functions.

5. Beach nourishment to alleviate shoreline erosion is supported at locations identified in and per the specifications of “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002), however beach nourishment to support future development of areas prone to erosion should be prohibited.

6. Dredge material disposals evaluated and approved by the interagency Dredge Material Management Program approved by Wahkiakum County and the Town of Cathlamet are supported.

7. Beneficial use dredge disposals to support permitted uses should be allowed.

8. Proposed dredge disposals, their associated operations, supporting disposals, and any uses proposed to benefit from the disposal should be considered together comprehensively for the purpose of permitting.

9. All dredge disposals, whether permitted or conditionally permitted, including flow lane, shoreline, and upland disposals must avoid and mitigate sedimentation effects on navigation in Cathlamet Channel, Elochoman Slough, Elochoman River, Grays Bay, Grays River, and Deep River.
Dredging & Dredge Material Disposal Regulations

1. **Applicability.** As regulated by this Shoreline Master Program, dredging is the removal of bed material from below the OHWM or wetlands using other than unpowered, hand-held tools for one of the purposes described in subsection 3. Dredging and dredge material disposal provisions are not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements, or restoration projects). Such in-water substrate modifications should be conducted pursuant to applicable regulations of this Shoreline Master Program.

2. **New development.** New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

3. **Dredging, when allowed.** Dredging may be allowed for the following purposes:
   a. Establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
   b. Maintenance dredging of established navigation channels and basins provided dredging is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
   c. An authorized water-dependent use.
   d. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
   e. Maintenance of tidegates and tidegate drainage channels.
   f. Reduction of flood hazards when consistent with an approved flood hazard management plan.
   g. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.

4. **Dredging approval standards.**
   a. The mitigation sequence shall be used to achieve no net loss of ecological functions.
   b. Dredging shall be consistent with the Washington Hydraulic Code Rules.

5. **Dredging for fill material.**
   a. Dredging waterward of the OHWM for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions.
   b. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be associated with either a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
6. **Dredge material disposal, Permitted Situations.** Dredge material disposal is permitted when one of the following situations is met:

a. The dredge material disposal has been evaluated and approved in the Regional Dredge Material Management Plan approved by Wahkiakum County and the Town of Cathlamet.

b. The dredge material disposal is consistent with the guidance from the U.S. Army Corps of Engineers/Environmental Protection Agency publication, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual (EPA842-B-07-001, October 2007, as amended) and the use benefitting from the dredge disposal is permitted.

c. Disposal within channel migration zones may be permitted as a conditional use. In addition to the standard conditional use permit criteria: the following shall be considered in the case of channel migration zone disposals:

   i. Beach nourishment to alleviate shoreline erosion at locations identified in and per the specifications of “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002) is supported.

   ii. Dredge material disposal at Skamokawa Vista Park is supported.

   iii. Where upland disposal is permitted and dependent on adjacent beach nourishment, shoreline placement, or sump placement, beach nourishment, shoreline placement, and sump placement to support the upland disposal is permitted.

d. Flowlane disposal of dredge material is permitted.

e. All other dredge disposals not otherwise prohibited may be permitted through a conditional use process.

7. **Dredge material disposal, approval standards.** Whether permitted or conditionally permitted, dredge material disposal must meet the following standards.

a. The mitigation sequence shall be used to achieve no net loss of ecological functions.

b. Dredge disposals shall be consistent with the Washington Hydraulic Code Rules.

c. A qualified professional must demonstrate that the dredge material disposal will not result in significant or ongoing adverse impacts to the navigability of Cathlamet Channel, Elochoman Slough, Elochoman River, Grays Bay, Grays River, and Deep River, or must demonstrate that said impacts will be mitigated by dredging of the affected waterbody.

8. **Dredge material disposal, upland approval standards.** All dredge material disposals landward of the OHWM must meet the following standards.

a. Surface runoff shall be controlled to protect water quality and prevent sedimentation of adjacent waterbodies, wetlands and drainage ways. Disposal runoff water shall enter the receiving waterway through a controlled outfall at a location with adequate
circulation and flushing. Underground springs and aquifers shall be identified and protected.

Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.

b. The containment dike:
   i. Shall not enlarge itself by sloughing and eroding into adjacent aquatic areas;
   ii. Shall minimize loss of material from the site during storms and freshets; and
   iii. Shall not interfere with the view of nearby residences or the public.

c. Approved upland dredge disposal sites may conduct site management activities, such as regular clearing and grading, as specified in agency approval documents. Such activities will be regulated as maintenance activities under this Shoreline Master Program, provided there are no impacts to water quality or other ecological functions outside of the dredge material disposal area.

d. Pipeline conveyance of dredge material across public shoreland transportation facilities, or through the Medium Intensity or Residential Environments may only be approved as a Conditional Use.

9. **Dredge material disposal, in water approval standards.** All dredge material disposal waterward of the OHWM must meet the following standards.

   a. If not otherwise permitted, disposal of dredge material on shorelands or wetlands within a river’s channel migration zone may be permitted as a conditional use if the dredge material is discharged into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

10. **Avoid, minimize and compensate.**

   a. Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts, and impacts that cannot be avoided shall be compensated in a manner that assures no net loss of shoreline ecological functions.

   b. Dredging and dredge material disposal shall be confined to the minimum area necessary to accomplish the intended purpose or use.

   c. Dredging and dredge material disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity).

   d. Erosion, sedimentation, increased flood hazard, and other undesirable changes in circulation shall be avoided. Tidal marshes, tidal flats, and other wetlands shall not be adversely affected.
e. The timing of dredging and dredge material disposal in aquatic areas shall minimize interference with commercial and recreational fishing activities.

11. **Agency approvals.** Dredging and dredge material disposal must be approved by all state and federal agencies with jurisdiction. Copies of all such approvals must be provided to the Shoreline Administrator.

### 5.3.10 Fill & Excavation

1. Fills waterward of the ordinary high-water mark should be allowed only when necessary to support water-dependent use, public access, contamination remediation, dredge material disposal, transportation facilities of statewide significance, mitigation action, and environmental restoration.

2. Beach nourishment to alleviate shoreline erosion of developed properties is supported; however, beach nourishment to support future development of areas prone to erosion should be prohibited.

3. Fill landward of the OHWM may be allowed to the minimum extent necessary to support other authorized uses.

**Fill, Excavation, & Grading Regulations**

1. **When allowed, upland.** Upland fills, excavations, and grading may be allowed provided they are:
   
   a. In support of an allowed shoreline use or modification.
   
   b. Located outside applicable buffers, unless specifically allowed.

2. Beach nourishment to alleviate shoreline erosion is supported at locations identified in and per the specifications of “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002), however beach nourishment to support future development of areas prone to erosion should be prohibited.

3. All temporary erosion controls shall be in place and appropriately installed downslope of the project activities until site restoration is completed.

4. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.

5. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.

6. **When allowed, waterward of the OHWM.** Fills waterward of the OHWM shall be allowed only when necessary to support:
   
   a. A water-dependent or public access use.
b. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

c. Disposal of dredged material in compliance with the dredge material disposal standards of this program.

d. Maintenance, expansion or alteration of public transportation facilities upon a demonstration that alternatives to fill are not feasible.

e. A mitigation, environmental restoration, beach nourishment or environmental enhancement project.

7. **Protection of shoreline ecological functions.** Fills and excavations shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

8. **Design.** All fills and excavations, except when for the purpose of shoreline restoration, must be designed:

   a. To be the minimum size necessary to implement the allowed use or modification.

   b. To fit the topography so that minimum alterations of natural conditions will be necessary.

   c. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.

9. **Temporary erosion and sediment control plan.** A temporary erosion and sediment control plan, including best management practices, shall be provided for all proposed fill and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydrosed, or similar methods, and revegetated, as applicable.

10. **Excavation below the OHWM or in wetlands.** Excavation below the OHWM or in wetlands using other than unpowered, hand-held tools, except removals of bed material that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline stabilization measure), shall be considered dredging and be subject to the regulations in this Section.

**5.3.11 Forest Practices**

1. Forest practices are essential to the area’s long-term economic health. Forest lands should be reserved for long-term forest management and uses that are compatible with forest management.

2. Forest practices such as building roads, trails and bridges and placing culverts are considered development under the SMA and are regulated under local Shoreline Master Programs as well as the Forest Practices Act (RCW 76.09).

3. On shorelines of statewide significance, cutting practices are governed by the Shoreline Management Act (RCW 90.58.150).
4. The Town Shoreline Master Program should rely on the Forest Practices Act and implementing rules, as well as the Forest and Fish Report as adequate regulation of forest practice harvests within shoreline jurisdiction unless or until those lands are converted to non-forest uses, and except in shorelines of statewide significance.

5. Ensure that forest practice conversions and other Class IV-General forest practices are conducted in a manner that assures no net loss of shoreline ecological functions such as ground and surface water quality and fish and wildlife species and habitats, and that assures no significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.

Forest Practices Regulations

1. **Applicability.** This section shall apply to forest practices in shorelines of statewide significance, Class IV-general forest practices where shorelines are being converted or are expected to be converted to non-forest uses, and other forest practices such as building roads, trails and bridges, and placing culverts.

2. **Conversion.** Forest practice conversions and other Class IV-general forest practices where there is a likelihood of conversion to non-forest uses shall assure no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation, and public access.

3. **Shorelines of statewide significance.** On shorelines of statewide significance, cutting practices are governed by the Act (RCW 90.58.150). The Town shall allow only selective commercial timber cutting, so that no more than 30 percent of the merchantable trees may be harvested in any ten-year period of time, provided:

   a. That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental;

   b. That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this Shoreline Master Program may be permitted; and

   c. That exceptions to this regulation require a shoreline conditional use permit.

4. **Substantial development permit.** Forest Practices such as building roads, trails, bridges and culverts are regulated by this SMP as well as the Forest Practices Act (RCW 76.09). If the costs of these activities will exceed the substantial development dollar threshold an SDP will be required.

5. **Forest Practices Act.** Forest Practices shall adhere to the Forest Practices Act (RCW 76.09) in addition to this SMP.

6. **Chemical applications.**

   a. Herbicides, insecticides, or other forest chemical applications are to be used in accordance with the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Act (RCW 15.58) and are not regulated by this program.
5.3.12 Habitat and Natural Systems Restoration & Enhancement

1. Restoration and enhancement projects are a preferred use.

2. Projects should avoid, minimize, and compensate for impacts to existing public access, and should create new public access if feasible and if the public access will not impair ecological function.

3. Projects should avoid impacts to property rights of surrounding landowners.

4. Restoration and enhancement projects should address legitimate restoration needs and priorities and implement the SMP restoration plan.

5. Restoration and enhancement should be used to complement and not take the place of the shoreline protection strategies required by this Program to achieve the greatest overall ecological benefit.

6. The Town of Cathlamet should support voluntary and cooperative restoration efforts among local, state, and federal public agencies, Tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.

7. Restoration and enhancement should improve shoreline ecological functions and processes as well as shoreline features and should promote sustainability of sensitive and/or regionally important plant, fish, and/or wildlife species and their habitats.

8. Restoration and enhancement should be integrated with and should support other natural resource management efforts in Wahkiakum County and in the Lower Columbia River Estuary.

9. The Town should minimize policy and regulatory barriers to ecological restoration and enhancement and where feasible provide incentives to encourage voluntary restoration projects.

10. Restoration and enhancement should try to ensure the resiliency and sustainability of the habitats over time.

Habitat & Natural Systems Restoration & Enhancement Regulations

1. **Applicability.** Restoration is defined in Chapter 3. Restoration may also include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging and filling, placement of durable large wood structures, and construction, modification, or removal of drainage and flood protection infrastructure provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

2. **Approved plan.** Restoration and enhancement projects must be carried out in accordance with an approved shoreline restoration plan.

3. **Scientific and technical information and best management practices.** Restoration and enhancement projects shall be designed using the most current, accurate, and complete scientific and technical information available, and implemented using best management practices.
4. **Other shoreline uses, resources and values.** Restoration and enhancement projects must not result in substantial interference with other shoreline uses, resources and values such as navigation, recreation and public access.

5. **Maintenance and monitoring.** Project applicants shall arrange for long-term maintenance and monitoring of the restoration and enhancement projects for a minimum of three years.

6. **Relief from shift in the OHWM.** Proponents of restoration and enhancement projects that cause or would cause a landward shift in the OHWM are advised to consult with the Shoreline Administrator to assess whether and how such projects may be granted relief under RCW 90.58.580.

7. **Plan consistency.** Restoration and enhancement projects shall not hinder or conflict with implementation of watershed scale restoration and conservation plans.

8. **Public access and private property rights.** Projects shall avoid or mitigate for access constraints that they impose on publicly owned or recorded public access sites. Projects shall demonstrate that they will not cause flooding impacts on neighbor’s properties.

### 5.3.13 In-Stream Structures

1. The location, design, construction, and maintenance of in-stream structures should give due consideration to the full range of public interests, watershed functions, and environmental concerns, with special emphasis on restoring priority habitats and species.

2. Dams and associated power-generating facilities should not be permitted except in the instance where there is evidence that the benefits to local residents outweigh any potential adverse ecological impacts and costs to local residents. The criteria for approving such facilities will depend on the specific location, including its particular physical, cultural, and ecological conditions.

3. The Town should implement the Shoreline Restoration Plan.

### In-stream Structures Regulations

1. **Consideration of public interests.** The location, planning, and design of in-stream structures shall give due consideration to the full range of public interests, including, but not limited to, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

2. Protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources.
   
   a. In-stream structures must provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, priority habitats and species, other wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas;

3. **In-Stream structure standards.** All in-stream structures shall meet all of the following:
a. New in-stream structures shall not interfere with existing water-dependent uses, including recreation;

b. In-water structures shall not be a safety hazard or obstruct water navigation;

c. In-water structures shall be designed by a qualified professional; and

d. Natural in-water features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.

4. **Hydroelectric generating facilities**

   a. Small-scale power generating apparatuses may be placed in streams provided they do not create impoundments and there are no adverse effects on shoreline functions and processes, including but not limited to, stream flow, habitat structure, temperature, and/or water quality.

   b. The design of all dams and the suitability of the proposed site for dam construction shall be certified by a professional engineer licensed in the State of Washington. The professional design shall include a maintenance schedule.

   c. For all dams that are not regulated by either the Federal Energy Regulatory Commission licensing procedures, or the State Department of Ecology reservoir permit requirements, a maintenance agreement and construction bond for one hundred-fifty percent (150%) of the cost of the structure shall be filed with the Administrator prior to construction. The maintenance agreement shall specify who is responsible for maintenance, shall incorporate the maintenance schedule specified by the design engineer, shall require annual inspections by a civil engineer licensed in the State of Washington, and shall stipulate abandonment procedures which shall include, where appropriate, provisions for site restoration.

   d. Dams and associated power generating facilities shall not be permitted except in the rare instance where there is clear evidence that the benefits to local residents outweigh any potential adverse ecological impacts. The criteria for approving such facilities will depend on the specific location including its particular physical, cultural, and ecological conditions, with special emphasis on protecting and restoring priority habitats and species.

   e. Hydroelectric generating facilities that provide or generate more than one (1) megawatt of electrical power annually or are located on public land shall provide public access/open space. The Town may alter the recommended megawatt threshold per constitutional limits or waive this requirement if public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology or legal limitations. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities.

   f. Construction material staging areas shall be located more than two hundred (200) feet from ordinary high water, except this shall not apply during construction and assembly periods.

   g. Service roads shall be a size which is minimally necessary to safely accomplish maintenance and repair of the facility.
h. The following standards shall apply to powerhouses/penstocks:

i. These shall be designed, located and constructed in such a manner as to avoid extensive removal of riparian vegetation and topographical alteration.

ii. Penstocks shall be designed, located and constructed to present as low a profile as possible.

iii. Powerhouses shall be located a minimum of twenty five (25) feet from ordinary high water, provided that this setback does not apply to raceways.

5.3.14 Mining

1. Mining should be prohibited within the Town’s shoreline jurisdiction.

Mining Regulations

1. Applicability. This section does not apply to the removal of dredge material from dredge disposal sites.

2. .

5.3.15 Residential

1. Single-family residences are not water-dependent but are a preferred use only when developed to control pollution and not cause a net loss of ecological functions.

2. The design of residential uses should minimize the need for shoreline stabilization and flood control structures, and should not be permitted where such would be needed and would significantly impact other properties or public assets or cause a net loss of ecological function.

3. New multi-family and single-family residential development in shoreline jurisdiction, comprising more than four (4) dwelling units, should provide for public or community access to the shoreline.

4. The Town should review proposals for new residential developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between residential development and planned restoration.

5. Over-water residences, including floating homes, are not a preferred use and should be prohibited.

Residential Regulations

1. General requirements.
a. New single-family residential use and development on existing lots of record shall be permitted in all designations, except for aquatic shoreline designation, through a statement of exemption or conditional use permit.

b. New residential development, its appurtenances, accessory uses shall occur outside of (landward of) the critical areas buffers as indicated in Appendix 1 of this Program. The buffer and vegetation requirements of this Program shall apply to all residential development regardless of environment designation, except that docks, piers floats, and lifts which are water-dependent and accessory to residential use may be permitted to encroach into the buffer in accordance with the applicable provisions of this Program. Residential uses/development may also be subject to additional buffer requirements when other critical areas such as wetlands, fish and wildlife habitat conservation areas, and/or landslide hazard areas and/or their buffers are present on the property as prescribed in Chapter 6.

c. New residential use and development on all existing lots where there is a buildable area outside of the channel migration zone, regardless of the environment designation, shall be located outside of channel migration zones mapped in the SMP Mapfolio. If a buildable area does not exist outside of the channel migration zone, new residential use and development shall be located as far landward within the channel migration zone as is feasible, and shall, at a minimum, meet the buffer requirements in Chapter 6.

d. New residential dwelling units, including accessory dwelling units and appurtenances, shall not be constructed in, over, or on the water or below the OHWM of any shoreline of the state.

e. New residential development, including accessory structures, shall be sufficiently set back from steep slopes and other erosion or flood-prone areas so that structural measures such as concrete walls, levees and/or bulkheads are not required to protect such structures during their expected life. The buffer requirements of this Program are intended to ensure that residential developments are located and designed to avoid the need for structural stabilization and flood control structures for the expected life of the structure, which is assumed to be a minimum of 75 years. This shall not be interpreted to prohibit bulkheads in existing subdivisions where the lot depth precludes conformance with the required buffers and setbacks.

f. To preserve shoreline views, the maximum height above average grade level of any residential structure shall not exceed thirty-five (35) feet.

g. New residential developments shall comply with the utility provisions of this Program.

h. Access to new residential developments shall comply with the applicable transportation provisions of this Program.

i. Home businesses that are located entirely within an existing dwelling and that are subordinate and incidental to the residential use in term of occupied area, intensity, and configuration dwelling may be permitted as an accessory use. Any business to be conducted in a separate, detached outbuilding in the shoreline jurisdiction is subject to compliance with commercial and industrial provisions of this Program.
Domestic wells serving single-family developments, including a pump and appropriately sized pump house and storage tank, may be permitted in the shoreline or critical area buffer provided there is no alternative location outside of the buffer.

2. Replacement floating home standards
   a. Design and placement of floating homes shall allow through flushing of immediate aquatic areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
   
   b. Floating homes shall preserve the existing bankline and be at least 18 inches above the bed bottom during low tide. At no time shall the floating home be allowed to ground on aquatic bedlands.
   
   c. A navigational corridor must be maintained at all times. No floating home or overwater residence shall be replaced, or modified so as to create a navigational hazard for vessels typically observed using and/or anticipated to use the water way.
   
   d. Waste water disposal systems shall meet all local and state health regulations. Floating homes and overwater residences shall be connected to an approved upland sanitary sewer or waste disposal system in compliance with local and state regulations.
   
   e. Floating homes and overwater residences may extend no more than 50 feet waterward of the OHWM, or 35% the distance to the opposite shore, whichever is less.
   
   f. Floating homes and overwater residences shall not be expanded in area, but may be expanded in height to 35 ft. measured from MHHW for fixed elevation overwater residences, and measured from the water for floating homes.
   
   g. A floating home or overwater residence may have a dock that meets the standards of this Program.
   
   h. Floating homes and over water residences shall not exceed 35 feet in height as measured during a MHHW mark.
   
   i. Outside lighting shall comply with lighting standards found in Section 5.3.7 of this SMP.
   
   j. Floating homes, their docks, and access structures must be setback from adjacent property lines a minimum of 10 feet; except as otherwise authorized by a written and signed mutual agreement submitted to the County from the two abutting property owners.
   
   k. Standards found in Section 5.3.7 of this SMP shall apply.
   
   l. Floating Home and overwater residence replacement and modification is prohibited where adjacent upland ownership does not exist and or cannot be obtained prior to issuance of a permit.
m. The applicant must submit a DNR lease agreement prior to final issuance of a permit for replacing or modifying a floating home or overwater residence that is to be located over state owned aquatic lands.

3. **Accessory structures**
   a. A shoreline substantial development permit or conditional use permit shall be required for any structures that are not considered necessary for the full use and enjoyment of the main residential use, not typically associated with the main use, or otherwise subordinate to or incidental to the main use of a parcel, including the utilities necessary to serve the accessory use.

   b. Structures that are accessory to residential developments may be permitted when the primary residential use is permitted.

   c. Accessory dwelling units when allowed shall be permitted through a substantial development permit process.

   d. Accessory dwelling units shall be prohibited in wetlands and channel migration zones.

4. **Land divisions and Lot Line Adjustments**
   a. Land division in the Natural SED shall not result in lots less than 20 acres in size.

   b. The design configuration and development must ensure that no net loss of ecological functions results from the full build-out of all lots.

   c. All lots must have an adequate building envelope (See Section 5 below) after applicable shoreline and critical area buffers, setbacks, easements and other restrictions are taken into account.

   d. Proposals for new lots created within mapped channel migration zones shall require a geotechnical evaluation to ensure that all new lots provide adequately sized building envelope/sites (including access and utilities) outside of the established channel migration zone and to ensure that the new lots will not require structural shoreline stabilization or flood control measures during the useful life of the planned development or seventy-five (75) years, whichever is greater.

   e. The shoreline buffer areas prescribed in Chapter 6 shall be placed in a dedicated open space tract, easement or covenant protecting the buffer into perpetuity. Such dedication or easement shall be recorded together with the land division and shown on the final plat.

   f. Adequate sewer, water, access, and utilities shall be provided at the time of final plat or short plat approval subject to the requirements of Town of Cathlamet Code Title 17 Subdivisions.

   g. The intensity and type of development shall be consistent with the Town of Cathlamet Comprehensive Plan and/or the associated development regulations set forth in the Town of Cathlamet Municipal Code.

   h. New residential subdivisions of more than four units or lots shall include a restriction on the face of the plat prohibiting individual water and beach access structures.
Shared access structures may be permitted in these subdivisions when consistent with the provisions of this Program.

i. Land below the OHWM shall not be permitted for use in calculating minimum lot area for the proposed lots.

5. **Access, utilities, and public services.** Access, utilities, and public services must be available and adequate to serve the development.

6. **No net loss of shoreline ecological functions.** No net loss of shoreline ecological functions shall result from residential development.

### 5.3.16 Shoreline Stabilization

1. New subdivision and development should be located and designed to avoid the need for future shoreline stabilization, and to minimize impacts to natural processes, ecological functions, and life safety risks.

2. New structural stabilization measures shall not be allowed except:
   a. To protect existing primary structures.
   b. In support of new nonwater-dependent development, including single-family residences.
   c. In support of water-dependent development.
   d. To protect restoration projects or hazardous substance remediation projects pursuant to chapter 70.105D RCW.

3. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

4. The greater impacts generally caused by harder armoring techniques should be avoided, including beach starvation, sediment impoundment, habitat degradation, hydraulic and groundwater changes, loss of vegetation and large woody debris, exacerbated erosion, and loss of channel movement.

5. Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

6. Soft approaches are preferred over hard armoring, and the size and extent of hard armoring should be limited to the minimum necessary to protect primary structures. The following list represents a spectrum of soft to hard approaches.

- Structure relocation;
- Vegetation enhancement;
- Upland drainage control;
• Biotechnical measures;
• Anchor trees;
• Gravel placement;
• Rock revetments;
• Gabions;
• Concrete groins;
• Retaining walls and bluff walls; and
• Bulkheads.

7. Publicly financed or subsidized shoreline erosion control measures should not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

8. Where feasible, ecological restoration and public access improvements should be incorporated into shoreline stabilization projects.

9. Mitigate is required for new and replacement erosion control structures on feeder bluffs and for other actions that affect beach sediment-producing areas, in order to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems.

10. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts.

11. Where beach erosion is threatening existing development, the County should support the creation of a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

12. Replacement, new, or enlargement of shoreline structures should be permitted only upon demonstration of need to protect primary structures and uses and if the erosion is not being caused by upland conditions such as lack of vegetation or drainage.

Shoreline Stabilization Regulations

1 **Subdivision.** Subdivision of land must be based on a geotechnical report prepared in accordance with this section to assure that the lots created will not require shoreline stabilization to protect future uses and structures.

2 **New development.**
   a. New development shall be located and designed to avoid the need for future shoreline stabilization.
   b. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical report prepared in accordance with this section.
   c. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

3 **New or enlarged structural stabilization measures, when allowed.** New or enlarged structural stabilization measures shall not be allowed except as follows.
a. To protect existing primary structures, public transportation infrastructure, or essential public facilities when the conditions below apply.

i. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report that the structure is in imminent danger from shoreline erosion caused by tidal action, currents, waves, deep draft ship wakes, or currents directed at the shoreline by pile dikes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical report, is not demonstration of need. The geotechnical report shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Where no alternatives, including relocation or reconstruction of existing structures are found to be feasible, stabilization structures or measures to protect existing primary residential structures may be allowed.

ii. The structure will not result in a net loss of shoreline ecological functions.

b. In support of new non-water-dependent development, including single-family residences, when the conditions below apply.

i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

ii. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves, or deep draft ship wakes, or currents directed at the shoreline by pile dikes.

iv. The erosion control structure will not result in a net loss of shoreline ecological functions.

c. In support of water-dependent development, public transportation infrastructure, or essential public facilities when the conditions below apply.

i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

ii. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

iv. The erosion control structure will not result in a net loss of shoreline ecological functions.

d. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105(D), when the conditions below apply.
i. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

ii. The erosion control structure will not result in a net loss of shoreline ecological functions.

4 Replacement of existing structural stabilization measures. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to, increases in size, and increases in intensity of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if in accordance with the following.

a. There is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

b. The replacement structure must be designed, located, sized, and constructed to assure no net loss of ecological functions.

c. Where a net loss of ecological functions would occur by leaving the existing structure, it shall be removed as part of the replacement measure if feasible.

d. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

e. Soft shoreline stabilization measures that restore ecological functions may encroach waterward of the OHWM or existing stabilization structure.

5 Repair and maintenance. Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following provisions. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a shoreline substantial development permit, such activity is not exempt from the provisions of this Shoreline Master Program.

a. If within a three-year time period, more than 50 percent of the length of an existing structure is removed, including its footing or bottom course of rock, prior to placement of new stabilization materials, such work will not be considered repair and maintenance and shall be considered replacement. Work that involves the removal of material only above the footing or bottom course of rock does not constitute replacement.

b. Any additions to or increases in the size of existing shoreline stabilization measures, including the placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure, shall be considered new structures, not maintenance or repair.

c. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
6 **Geotechnical reports.** Geotechnical reports pursuant to this section shall meet the definition of a “geotechnical report” as established in Chapter 3. Geotechnical reports for shoreline stabilizations shall address the need to prevent potential damage to a primary structure, and shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion, reporting on the urgency associated with the specific situation, and evaluating alternatives to ensure that the approach causing the least impact to ecological functions is used. The report may distinguish processes and functions caused by deep draft ship wakes and currents directed at the shoreline by pile dikes as being apart from the ecological functions that must be protected. In such cases the geotechnical report must still propose the alternative minimizes impacts to neighboring properties. The geotechnical report shall include analysis, findings, and recommendations consistent with the Washington Integrated Streambank Protection Guidelines.

7 **Design of structural stabilization measures.**

   a. Shoreline stabilization shall be consistent with the Washington Integrated Streambank Protection Guidelines.

   b. Soft structural stabilization approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

   c. Hard structural stabilization shall not be authorized except when:

      i. The geotechnical report confirms that there is a significant probability that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural stabilization.

      ii. The geotechnical report estimates the number of years in the future when the primary structure will be damaged, and confirms that waiting to implement hard structural measures until three years prior to said damage would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years that report may still be used to justify more immediate authorization to protect against erosion using a mixture of soft and hard structural stabilization.

   d. The size of stabilization measures shall be limited to the minimum necessary.

   e. Measures shall be used to assure no net loss of shoreline ecological functions. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.

   f. Erosion and channel migration caused by deep draft ship wakes and by currents directed at the shoreline by pile dikes are not natural process or ecological functions that must be protected. However any effects on sediment conveyance systems, currents, and waves or wakes from the proposed shoreline stabilization must be avoided and if that is not possible minimized so that erosion is not exacerbated on neighboring properties.

   g. Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.
Publicly financed or subsidized shoreline erosion control measures must not restrict appropriate public access to the shoreline except where such access is determined to be infeasible in accordance with regulation 6.1.5. of this Program. Where feasible, ecological restoration and public access improvements shall be incorporated into public projects.

5.3.17 Utilities

1. Utility and transmission facilities that are non-water-oriented should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

2. Transmission facilities located in the shoreline jurisdiction should follow existing rights-of-way and utility corridors if possible.

3. New public or private utilities should be located inland from water bodies, preferably outside of the shoreline jurisdiction, unless:
   a. The utility requires a location adjacent to the water;
   b. Water crossings are unavoidable;
   c. Alternative locations are infeasible; or
   d. Utilities are required for authorized shoreline uses consistent with this Program.

4. Utility and transmission facilities should be located, designed, and operated to not cause net loss of shoreline ecological functions, to not obstruct or degrade scenic views, to preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of planned growth areas in the Town.

5. Development of submerged pipelines and cables in the Aquatic Designation, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should not be permitted except where no other possible alternative exists.

6. Utilities should be located and designed to avoid public recreation and public access areas and significant historic, archaeological, cultural, scientific or educational resources.

7. Utilities should be designed and sited to avoid crossing aquatic areas. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using methods that minimize adverse impacts, and be the shortest length feasible. Perpendicular crossings are preferred.

8. Utility lines should be located and constructed within existing utility corridors and other rights-of-way presently dedicated to public use.

9. New utility installations should be planned, designed, and located to eliminate the need for structural shoreline armoring or flood protection measures.

10. All utility development should be consistent with and coordinated with all local government and state planning, including comprehensive plans and single-purpose plans, to meet the...
needs of future populations in areas planned to accommodate growth. Site planning and rights-of-way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation planning.

11. To the extent commensurate with public safety, public utility-owned or controlled property should be accessible to the public and enable access to, and along, shorelines.

12. **Solid or Hazardous Waste Disposal Facilities:** Solid or hazardous waste disposal, discharge, storage, or recycling facilities, including but not limited to moderate risk facilities, underground injection wells, solid waste and recycling transfer sites, landfills, junk yards, salvage yards, and auto wrecking yards, should demonstrate that such facilities will not significantly impact groundwater resources.

13. The Town should review proposals for new utility developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the utility development and planned restoration.

14. Facilities must demonstrate financial responsibility for environmental damages from worst-case spills and explosions.

**Utilities Regulations**

1. **General Requirements**
   a. The location, construction, operation, and maintenance of utilities shall not cause a net loss of shoreline ecological functions or processes or adversely impact other shoreline resources and values. The proponent shall provide compensatory mitigation for any unavoidable impacts to the shoreline environment in accordance with Section 6.1.3 of this Program.

   b. Utility facilities including storage, production, processing, transmission and conveyance shall not be located in shoreline jurisdiction except:

      i. On site utility features serving a primary use.
      ii. Those portions of a facility that are water dependent, as determined through a conditional use permit.
      iii. The minimum conveyance or transmission necessary to serve neighboring permitted uses in shoreline jurisdiction as determined through a conditional use permit; or
      iv. In situations where the facility cannot feasibly be located outside of shoreline jurisdiction, as determined through a conditional use permit.

   c. Utility lines allowed in shoreline jurisdiction shall use existing rights-of-way, corridors, and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.

   d. Power lines, cables, and pipelines are prohibited under water and in tidelands, except where no other feasible alternative exists.
e. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open pile construction, or directional boring.

f. Buried utility lines shall be constructed in a manner that prevents significant adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology.

g. New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter measured at four and one-half (4.5) feet in height on the uphill side.

h. Vegetation clearing during utility installation or maintenance shall be minimized. Upon completion of installation or maintenance or as soon thereafter as possible due to seasonal growing constraints, disturbed areas shall be restored to pre-project configuration, replanted with native species at pre-construction densities or greater, and maintained until the newly planted vegetation is established. Plantings shall be similar to vegetation in the surrounding area.

i. For pipelines, automatic shut-off valves shall be provided by the project proponent on both sides of critical area crossings and critical area buffer crossings, and pipe sleeves shall be used to facilitate repair without future encroachment into waters and wetlands, unless more feasible or technically superior alternatives exist that provide equivalent protection, as determined by the Administrator.

2. Crossings. Where utility corridors must cross shoreline jurisdiction, such crossings shall take the shortest, most direct route feasible, unless such a route would result in loss of ecological function, disrupt public access to the shoreline, or obstruct visual access to the shoreline.

3. After installation. Upon completion of utility system installation, and any maintenance project, the disturbed area shall be regraded to be compatible with the surrounding terrain and replanted to prevent erosion and provide appropriate vegetative cover.

4. Poles and towers Power poles and transmission towers associated with allowed uses and developments are not subject to height limits but shall not be higher than that necessary to achieve the intended purpose.

5. Electrical energy and communication systems. Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline and do not cross water bodies. New or replacement lines that cross water or critical areas may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts. Poles or supports treated with creosote or other wood preservatives that may be mobilized in water shall not be used along shorelines or associated wetlands.

6. Essential public facilities
   a. Essential public facilities shall be located, developed, managed, and maintained in a manner that protects ecological functions and processes.
b. Essential public facilities shall be designed to enhance shoreline public access and aesthetics.

7. **Oil, gas, and natural gas transmission.** Because of the unique shoreline environmental resources of the Town, development of petrochemical plants and energy facilities such as crude petroleum transfer facilities and tank farms, petroleum refineries, nuclear power plants, nuclear processing plants, and liquid natural gas and liquid petroleum gas facilities, as defined in RCW 80.50.020, will not be permitted unless it is demonstrated, giving due consideration to the statewide interest, that local economic, social and environmental resources and conditions will be adequately protected from substantial adverse effects.

   a. Developers and operators of pipelines and related facilities for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

   b. To the extent feasible, public access shall be incorporated with major transmission line rights-of-way for public access to and along water bodies as required in Section 5.3. The County may waive this requirement if public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology, or legal limitations.

8. **Application requirements.** Applications for utility development shall provide all of the information required in this section plus any additional information that may be required pursuant to the Critical Areas Regulations in Chapter 6 of this Program. In addition, the following information shall be provided by the project proponent for a utility proposal:

   a. A description of the proposed facilities;

   b. The rationale and justification for siting the proposed facility within shoreline jurisdiction;

   c. A discussion of alternative locations considered and reasons for their elimination;

   d. A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities or other types of utilities in the project;

   e. A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility;

   f. A plan for the control of erosion, runoff, and turbidity during construction and operation;

   g. An analysis of alternative technologies;

   h. Documentation that utility siting avoids public recreation areas and significant natural, historic or archaeological or cultural sites, or that no alternative is feasible and that all feasible measures to reduce ecological harm have been incorporated into the proposal; and
i. Compliance with all local, state, and federal laws and regulations must be demonstrated prior to approval.
Table 1: Town of Cathlamet Allowed Uses, Developments & Modifications

Where there is a conflict between the table and the text of this Program, the text shall prevail. For uses and modifications assigned a “P” or a “C”, additional limitations and standards are provided in the text.

- **P** = Permitted, if otherwise compliant with this Program (via an SDP or a statement of exemption if exempt per WAC (173-27-040).
- **C** = Conditional use if otherwise compliant with this Program.
- **X** = Prohibited, unless otherwise provided for in this Program.
- **n/a** = Not applicable
- **ASD** = Allowed uses and modifications in the Aquatic shoreline environment designation based on the adjacent landward shoreline environment designation.

<table>
<thead>
<tr>
<th>Use/Development Modification</th>
<th>Aquatic</th>
<th>Mixed Waterfront</th>
<th>Town Residential</th>
<th>Town Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residences</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Overwater &amp; Floating Residences</td>
<td>X</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Multi-Family Residences</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Accessory Dwelling Units</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Land Division/Subdivision</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
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</table>

** Modifications Accessory to Residential Development **

<table>
<thead>
<tr>
<th>Use/Development Modification</th>
<th>Aquatic</th>
<th>Mixed Waterfront</th>
<th>Town Residential</th>
<th>Town Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Docks Piers, Floats, Lifts</td>
<td>ASD</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mooring Buoys</td>
<td>P</td>
<td>n/a</td>
<td>n/a</td>
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** Modifications **

<table>
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<tr>
<th>Use/Development Modification</th>
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<th>Town Conservancy</th>
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<tbody>
<tr>
<td>Structural Stabilization (Hard)</td>
<td>ASD</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Biological Stabilization (Soft)</td>
<td>ASD</td>
<td>P</td>
<td>P</td>
<td>C</td>
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** Boating Facilities **

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<tr>
<th>Use/Development Modification</th>
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</thead>
<tbody>
<tr>
<td>Public Boat Launches</td>
<td>ASD</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Docks, Piers, Floats, Lifts</td>
<td>ASD</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Marinas</td>
<td>ASD</td>
<td>P</td>
<td>X</td>
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</tr>
<tr>
<td>Mooring Buoys</td>
<td>P</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>Private Recreational Boat Launch</td>
<td>ASD</td>
<td>X</td>
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** In-Stream Structures **

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<thead>
<tr>
<th>Use/Development Modification</th>
<th>Aquatic</th>
<th>Mixed Waterfront</th>
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<th>Town Conservancy</th>
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<tbody>
<tr>
<td>Power Generation</td>
<td>ASD</td>
<td>C</td>
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<tr>
<td>Water Supply Structures</td>
<td>C</td>
<td>n/a</td>
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** Dredging and Dredge Disposal **

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<th>Use/Development Modification</th>
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<th>Town Residential</th>
<th>Town Conservancy</th>
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</thead>
<tbody>
<tr>
<td>New Dredging</td>
<td>C</td>
<td>n/a</td>
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<tr>
<td>Maintenance Dredging</td>
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<td>Disposal Per Adopted Regional Plan</td>
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<tr>
<td>Disposal NOT Per Adopted Regional Plan</td>
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<tr>
<td>Dredging For Fill</td>
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** Other Modifications **

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<th>Town Residential</th>
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</thead>
<tbody>
<tr>
<td>Breakwaters, Jetties, Groins</td>
<td>C</td>
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<tr>
<td>Flood Hazard Reduction</td>
<td>ASD</td>
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<tr>
<td>Fill, Clearing, and Grading</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Use/Development Modification</td>
<td>Aquatic</td>
<td>Mixed Waterfront</td>
<td>Town Residential</td>
<td>Town Conservancy</td>
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<td>----------------------------------------------</td>
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<td><strong>Other Uses in the Town of Cathlamet</strong></td>
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<td>Forest Practices</td>
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<td>Agriculture</td>
<td>X</td>
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<td>Aquaculture</td>
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<td>Mining</td>
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<tr>
<td>Restoration and Enhancement</td>
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<td>Commercial Advertising Signs</td>
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<td>Unclassified Uses</td>
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<td><strong>Commercial/Industrial</strong></td>
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<td>Water-Related</td>
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<tr>
<td>Non-water-oriented</td>
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<td><strong>Parking</strong></td>
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<tr>
<td>As A Primary Use</td>
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<tr>
<td>In Support Of A Permitted Use</td>
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<td>P</td>
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<td><strong>Recreational Development</strong></td>
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<tr>
<td>Water-Oriented (Trails, Campgrounds)</td>
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<tr>
<td>Non-Water Oriented (Golf Courses, Sports Fields)</td>
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<td><strong>Utilities</strong></td>
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<td>Municipal Sewage Systems</td>
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<td>Solid Waste Facilities</td>
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<td>Essential Public Facilities</td>
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<td>Oil And Natural Gas Transmissions</td>
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<td>Electricity And Communications</td>
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<td>Stormwater Facilities</td>
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<tr>
<td>Public Water Systems</td>
<td>ASD</td>
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</tr>
</tbody>
</table>
Chapter 6: Critical Areas Regulations


Purpose

a. The Purpose of the Critical Areas Regulations is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property.

b. The County/Town finds that the beneficial functions, structures, and values of critical areas should be protected, and that public hazards or public costs associated with inappropriate use of such areas should be minimized by reasonable regulations of uses within, adjacent to, or directly affecting such areas. Pertinent and relevant science shall be used in the administration of this chapter.

Relationship to Other Regulations

a. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations adopted by the County/Town.

b. In the event of any conflict between this chapter and any other County/Town regulations, the regulation that provides more protection for the critical area shall apply.

c. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with other requirements apart from the requirements of this chapter.

Interpretation. In the interpretation and application of this chapter, its provisions shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purposes of this Section, and shall be deemed to neither limit nor repeal any other provision under state stature.

Severability. If any clause, sentence, paragraph, section, or part of this section or the application thereof to any person or circumstances shall be judged by any court or competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.
Applicability

a. The following provisions apply to any use or development proposed in or adjacent to critical areas or their buffers in shoreline jurisdiction whether or not a permit or other authorization is required.

b. Critical Areas Regulations do not apply to “agricultural activities” on “agricultural land,” as defined in Chapter 3 of this Program.

c. The County/Town shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this chapter.

Authority.

a. The Shoreline Administrator or his or her designee(s) shall be the administrator of this section and is given the authority to interpret and apply, and the responsibility to enforce this section to accomplish the stated purposes.

b. The County/Town may withhold, condition, or deny development permits or approvals to ensure that the proposed action is consistent with this section.

c. The Shoreline Administrator and other applicable officials may develop and implement administrative rules and regulations that are consistent with and effectuate the purposes of this chapter, and prepare and require the use of such forms as necessary for its administration.

d. The Administrator may engage technical consultants to review critical areas reports, in instances where County/Town staff lack the resources or expertise to review these materials. A project proponent may be required to pay for or reimburse the County/Town for cost incurred for the review.

General critical areas review procedures. Following is a general description of the general procedures for critical areas review.

a. The Shoreline Administrator must first determine whether the proposed activity fits within any of the exemptions or partial exemptions identified in this section. If the proposed activity meets any of the listed exemptions or partial exemptions, no critical area checklist or critical area report is required.

b. If the proposed activity does not fit within any of the exemptions or partial exemptions identified in this section, then the applicant shall submit a completed critical area checklist on a form provided by the County/Town.
c. After receipt of a project application and a complete critical area checklist, the Shoreline Administrator shall review available information and conduct a site inspection on the potential location of critical areas on and adjacent to the site. Available information includes at a minimum the information contained in the Appendix D Mapfolio of the Inventory and Characterization Report, and the information sources listed in Table 8 and Table 9 in SMP Appendix 3.

d. Based on the critical areas checklist, site inspection, and other information available pertaining to the site and proposal, the Shoreline Administrator shall make a determination as to whether any critical areas and their associated buffers may be affected by the proposal.

e. If the Shoreline Administrator analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area buffer, then the Shoreline Administrator shall conclude critical area review pursuant to this chapter and document the reasons that no further review is required in any staff report or decision on the underlying permit.

f. If the Shoreline Administrator determines that there are critical areas or buffers within or adjacent to the project area, 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. A waiver may be granted if there is substantial evidence that all of the following requirements will be met. A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.

i. There will be no alteration of the critical area or buffer; and

ii. The development proposal will not impact the critical area or buffer in a manner contrary to the purposes, intent, and requirements of this section.

g. If the Shoreline Administrator determines that a critical area or buffer may be affected by the proposal, then the Shoreline Administrator shall notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report. The Shoreline Administrator shall also notify the applicant that a Critical Area Permit must be obtained.

h. The Shoreline Administrator’s determination regarding critical areas pursuant to this section shall be considered final concurrent with the final decision to approve, condition, or deny the development proposal or other activity involved.

**Exemptions.** All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this section does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area or its associated buffer, that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or preplaced at the responsible party’s expense. The following
developments, activities, and associated uses shall be exempt from the provisions of this chapter, provided they are otherwise consistent with the applicable provisions of other local, state, and federal requirements:

a. Emergencies. Emergencies are those activities necessary to prevent an immediate threat to public health, safety, and welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this section.

i. Emergency actions that create an impact to a critical area or its associated buffer shall use reasonable methods to address the emergency.

ii. The person or agency undertaking such action shall notify the Shoreline Administrator within one working week following commencement of the emergency activity. Following such notification, the Shoreline Administrator shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Shoreline Administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement actions shall apply.

iii. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and their associated buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan must be reviewed by the Shoreline Administrator. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner.

b. Operation, Maintenance, or Repair. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private highways and other roads, dikes, levees, drainage systems, or agricultural improvements that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or its associated buffer, and there is not increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of a regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

c. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized, and disturbed areas shall be immediately restored.
d. Forest Practices. Forest Practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, provided that forest practice conversions are not exempt.

e. Navigation Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

f. Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, such as fishing and hiking.

Partial exemptions.

a. Activities allowed under this subsection are subject to review and approval by the County/Town, but do not require submittal of a critical area checklist or critical area report. The Shoreline Administrator may apply conditions to the underlying permit or approval to ensure consistency with the provisions of this section. If no underlying permit or approval is otherwise required by the County/Town, a Critical Areas Permit must be obtained.

b. Activities allowed under this subsection must be conducted using the best management practices that result in the least amount of impact to the critical area or its associated buffer. Any incidental damage to, or alteration of, a critical area and its associated buffer shall be restored, rehabilitated, or replaced at the responsible party’s expense.

c. The following developments, activities, and associated uses shall be partially exempt from the provisions of this section, provided they are otherwise consistent with the applicable provisions of other local, state, and federal requirements.

i. Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:

   A. The provision of this section have been previously addressed as part of another approval;

   B. There have been no material changes in the potential impact to the critical area of buffer since the prior review;

   C. There is no new information available that is applicable to any critical area review of this site or particular critical area; and

   D. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of the permit or approval.

ii. Activities within the Improved Right-of-Way. Replacement or modification of utility facilities, lines, pipes, mains, equipment, or appurtenances, not
including substations, when such facilities are located within the improved portion of the public right-of-way or a County/Town-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater runoff.

iii. Minor Utility Projects. Utility projects which have minor or short-duration impacts to critical areas, as determined by the Shoreline Administrator in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provided that such projects are constructed using best management practices and additional restoration measures are provided. Minor activities must not result in the transport of sediment or increased stormwater runoff. Such allowed minor utility projects must meet the following criteria:

A. The activity involves the placement of a utility pole, street signs, anchor, vault or other similar component of a utility facility; and

B. There is no practical alternative to the proposed activity that would have less impact on a critical area or its associated buffer.

iv. Select Vegetation Removal Activities. The following vegetation removal activities provided that no vegetation shall be removed from a critical area or its associated buffer without approval from the Shoreline Administrator:

v. The removal of trees or portions of trees from critical area and their associated buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, provided that:

A. Tree pruning and removal shall be the minimum necessary to abate the hazard caused by the tree.

B. For every hazard tree removed, a minimum of two trees shall be planted as mitigation. The replacement tree species and planting location shall be selected to provide similar ecological function as the felled tree, particularly in regards to functions provided by native trees and trees that provide durable large woody debris.

C. In critical wetland or habitat areas and their buffers, pruned and felled wood shall be left in place.

vi. Minimal selective pruning of trees that obstruct visual access to shorelines of the state subject to the following criteria:

A. Limbing or crown thinning shall comply with National Arborist Association pruning standards.
General critical area protective measures.

a. **Critical area signs.** The boundary at the outer edge of the critical area or its associated buffer shall be identified with temporary signs prior to any site alteration. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Such temporary signs shall remain in place until any required final inspections are completed and approved, and shall be replaced with permanent signs prior to occupancy of the site. Field marking requirements may be waived by the Administrator if an alternative method of indicating critical area locations in the field achieves the same objective.

b. **Land divisions.** When new lots are created they shall meet all of the following conditions:

   i. All lots shall contain sufficient area outside of the critical area and associated buffer to accommodate the use and/or development. Buffers that have been averaged or reduced by any prior actions shall not be further averaged or reduced.

   ii. Open space or conservation area lots may be established without a site that is suitable for use and/or development provided there is a note on the face of the plat, deed restriction, or other recorded document which restricts future use and development to open space and conservation.

c. The Administrator shall prohibit any shoreline use or development that will result in unmitigated cumulative impacts to ecological function.

Critical area and buffer notice on title.

a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall record a notice with the County on the property's title. The notice shall "run with the land," and shall state:

   i. the presence and location description of the critical area and buffer;

   ii. the applicability of this Program to the property; and

   iii. limitations on action in or affecting critical areas and buffers as approved by the Administrator.

b. This notice on title shall not be required for a development proposal by a public agency or public or private utility:

   i. Within a recorded easement or right-of-way;

   ii. Where the agency or utility has the right to an easement or right-of-way; or
iii. On the site of a permanent public facility.

c. The applicant shall submit proof that the notice has been filed for public record before the County/Town approves any site development or construction for the property or, in the case of subdivisions, short plan subdivision, planned unit developments, and binding site plans, at or before recording.

Critical area and buffer tracts

a. As a condition of a binding site plan, short plat, subdivision, or planned unit development, the applicant may be required to create a separate critical area tract or tracts containing critical areas or their buffers.

b. Critical area tract or tracts shall be subject to either:

i. A conservation easement for the protection of native vegetation within a critical area and/or its buffer dedicated to the City or other appropriate public, nonprofit, or private entity (e.g., land trust) with a demonstrated record of land conservation and approved by the Department;

ii. New property owners will need a deed restriction recorded on the Chapter of all lots containing a critical area tract or tracts created as a condition of the permit; or

iii. Limiting conditions on the face of the recorded plat or binding site plan.

c. The deed restriction language shall be substantially similar to the following:

"Note: Before beginning and during the course of any grading, building construction, or other development activity, on a lot or development site subject to this deed restriction, the common boundary between the area subject to the deed restriction and the area of development activity must be fenced or otherwise marked to the satisfaction of the (County/Town)."

d. Responsibility for maintaining the tracts shall be held by an entity approved by the Department, such as a homeowners’ association, adjacent lot owners, the permit applicant or designee, or other appropriate entity.

e. A note substantially similar to the following shall appear on the face of all plats, short plats, planned residential developments, or other approved site plans containing separate critical area tracts, and shall be recorded on the title of all affected lots:

"Note: The ____________ is responsible for maintenance and protection of the critical area tracts. Maintenance includes ensuring that no alterations occur and that all vegetation remains undisturbed unless the express written authorization of the (County/Town) has been received."

Critical area report. At a minimum, the report shall contain the following, as applicable:
a. The name and contact information of the applicant, a description of the proposal, and identification of any permits known to be required;

b. A site plan for the development proposal including a map to scale depicting critical areas, buffers, and the development proposal, including any areas to be cleared.

c. A description of the proposed stormwater management plans for the development and consideration of impacts to drainage alterations;

d. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

e. Identification and characterization of all critical areas, wetlands, waterbodies, and buffers adjacent to the proposed project area;

f. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

g. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development or use activity;

h. A description of reasonable efforts made to apply mitigation sequencing, including identification of impacts addressed by each element of the mitigation sequence;

i. Plans for adequate mitigation, as needed, to offset any impacts not avoided through the mitigation sequence;

j. A discussion of the performance standards applicable to the critical area and proposed activities;

k. Financial guarantees to ensure compliance; and

l. Any additional information required for a specific type of critical area as indicated by this section.

**Critical area permit**

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.

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.

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.
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.

e. The Shoreline Administrator will review the application for a Critical Areas Permit and make a determination of completeness.

   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.

   ii. 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.

**Notices and distribution for critical area permit decisions**

a. Within 14 calendar days of receiving a permit application, The Shoreline Administrator shall notify the applicant that the proposal does or does not conform to the standards of this section.

b. Upon acceptance of an application by the Shoreline Administrator, a Notice of Application shall be posted by the applicant on the property or principal entry point to the property from the nearest public right-of-way upon which the proposed development is located, using a stencil form provided by the County/Town on a waterproof sign. Said sign shall be located so that it is visible from the abutting road having the greatest traffic volume. Signs shall be of a size determined by the Shoreline Administrator. Said sign shall be maintained by the applicant until action is taken on the application, when it shall be promptly removed by the applicant.

c. The Shoreline Administrator shall provide a copy of the development proposal to all agencies of jurisdiction and affected tribes, as required by Chapter 43.21c RCW, the State Environmental Policy Act (SEPA).

d. All Critical Area Permit applications shall be forwarded for review to the Olympic Region Clean Air Agency (ORCAA) unless the Shoreline Administrator makes written findings that the proposed development/use in unlikely to result in any direct or indirect impacts on air quality. Developments shall be consistent with all applicable ORCAA standards and permit requirements, which the applicant is responsible for obtaining.

**Critical areas permit decision.**

a. Critical Areas Permits may be processed through Administrative Review Procedures, unless otherwise provided for by the Shoreline Master Program.
b. The Shoreline Administrator shall make findings based upon the review and recommendations of internal comments from effected departments, state and federal agencies, affected tribes, and any public comments received. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the goals and policies of the Shoreline Management Act and the Shoreline Master Program.

c. A decision on the application for a Critical Areas Permit may be to grant, deny, or grant with such conditions and modifications the Shoreline Administrator finds necessary to ensure that the proposed development is compatible with the natural environment, and is in compliance with the goals of the SMP/SMA, and the standards of this chapter. Examples of the kinds of conditions, modifications and restrictions which may be imposed include, but are not limited to; additional setbacks, screening in the form of fencing or landscaping, storm drainage facilities, restrictive covenants, easements, dedications of additional rights-of-way, performance bonds, and measures to mitigate identified impacts to ecological functions.

Appeals. Appeals of Critical Area Permit decisions shall be made pursuant to Chapter 7 of the Shoreline Master Program.

Unauthorized alterations and enforcement

a. When a critical area or its buffer has been altered in violation of this chapter, the Shoreline Administrator shall enforce the Shoreline Master Program using the provisions of WAC 173-27 Part II, and shall require corrective action to restore ecological functions to the condition that existed prior to the violation.

b. Restoration Plan for Corrective Action. All development work shall remain stopped until a restoration plan is prepared at the applicant’s cost and approved by the Shoreline Administrator. The Shoreline Administrator may approve, reject or approve the plan with conditions. All restoration shall be consistent with the approved restoration plan unless otherwise authorized.

   i. The Restoration Plan shall be prepared by a qualified professional using the best available science.

   ii. In preparing and approving the restoration plan, the applicant and the Shoreline Administrator, respectively, should consult with the Department of Fish and Wildlife, Natural Resources, and Ecology, as appropriate.

   iii. The Shoreline Administrator may, at the violator’s expense, seek expert advice in determining the adequacy of the plan upon due notice to the violator.
6.2 Mitigation Requirements for All Critical Areas

1. Proponents of new shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall employ all reasonable measures to mitigate adverse impacts to critical areas and their buffers. Mitigation shall occur according to the mitigation sequence as follows:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by adhering to the dimensional requirements, performance standards and design criteria in this Program and using other technologies or steps, as needed, to avoid or reduce impacts;

   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

   d. Reducing or eliminating the impact over time by preservation and maintenance operations;

   e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

   f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

2. The Administrator shall determine whether identified critical area impacts have been first avoided and second minimized. Unless otherwise stated in this Program, development proposals that do not fully conform to the dimensional requirements, performance standards, and/or design criteria in this Program shall require a variance and compensatory mitigation to ensure no net loss of ecological functions.

3. Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed that provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the Administrator shall consider limiting factors, critical habitat needs, and other factors identified by the locally adopted shoreline restoration plan, or an approved watershed or comprehensive resource management plan. The Administrator may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved and certified by the appropriate state, federal, and local authorities.

4. When critical area compensatory mitigation is required, the mitigation and mitigation plan shall adhere to the following standards:

   a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
b. The mitigation site and associated vegetative planting shall be maintained to ensure that healthy native plant communities grow and mature over time to provide the intended ecological functions;

c. The mitigation shall be informed by pertinent scientific and technical studies, when required by size and scope as determined by administrator, including, but not limited to, the Shoreline Inventory and Characterization Report, and the Shoreline Restoration Plan;

d. The mitigation shall replace the functions as quickly as possible following the impacts;

e. Mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values;

f. The applicant/proponent shall post a bond or provide other financial surety equal to one hundred and fifty percent (150%) of the estimated cost of the mitigation to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring; and

g. Mitigation areas shall be protected and the protection shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Wahkiakum County Auditor’s Office prior to the time of building permit approval, occupancy or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant’s successors in interest or other parties shall not diminish the usefulness or value of mitigation areas.

5. Compensatory mitigation plans shall be prepared by qualified professionals with education, training and experience in the applicable field:

a. Wetland mitigation plans shall be prepared by a qualified professional who is educated/ trained in wetland biology or a closely related field, and has demonstrated experience in mitigation plan design, implementation, and monitoring. The overall goal of any such mitigation plan shall be no net loss of wetland functions, acreage, and values.

b. Mitigation plans for impacts to Fish and Wildlife Habitat Conservation Areas, including habitat management plans, shall be prepared by a qualified professional with education/training in wildlife biology or a closely related field, and professional experience in habitat mitigation design, implementation, and monitoring.

c. Mitigation plans for geologically hazardous areas shall be prepared by a qualified professional who is either a geologist or a geotechnical engineer, or a civil engineer licensed in the State of Washington, who is knowledgeable of regional geologic conditions and who has professional experience in landslide and erosion hazard evaluation, mitigation plan design, implementation, and monitoring.
d. Mitigation plans for development within frequently flooded areas shall be prepared by a civil engineer licensed in the State of Washington and experienced with hydrology, hydraulics, and fluvial geomorphology.

i. Mitigation banking and in-lieu fee (ILF) mitigation: The Town may approve mitigation banking and/or in-lieu fee mitigation as a form of compensatory mitigation for wetland and habitat conservation area impacts when the provisions of this Program require mitigation and when the use of a bank/ILF program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee responsible mitigation. Banks and ILF programs shall be used only when they provide significant ecological benefits including long-term conservation of critical areas, important species, habitats and/or habitat linkages, and when they are consistent with the County’s and Town’s comprehensive plans and create a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals. Banks and ILF programs shall be established and certified in accordance with applicable federal and state mitigation rules.

6.3 Mitigation Plan Content Requirements for All Critical Areas

1. Compensatory mitigation plans for all critical area types shall include a written assessment and accompanying maps, and include the following information:

a. Impacted critical areas and or their required buffers, including, at a minimum, existing wetland/stream dimensions and acreage; vegetative, fish, wildlife and hydrologic characteristics; soil and substrate conditions, and topographic elevations.

b. Mitigation site information, if different from the impacted site, including at a minimum: existing wetland/ stream acreage; vegetative, fish, wildlife and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

2. The mitigation plan shall identify goals and objectives and include:

a. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the intended ecological structure and ecological functions upon project completion. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind, the type of critical area to be emulated.

b. A review of the available literature and experience of the mitigation plan author in restoring or creating the type of critical area proposed. This review should include:

i. An analysis of the likelihood of success of the compensation project at compensating for the impacted resource shall be provided based on the experience of the author in designing and implementing comparable projects, if any.

ii. An analysis of the likelihood of persistence of the created or restored resources shall be provided.
c. Performance standards: Specific and measurable criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation plan are being achieved at various stages in the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, vegetative cover and/or density standards, in-stream habitat conditions, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

d. Detailed construction plans: Written specifications and descriptions of compensation techniques shall be provided, including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for construction and long-term operation; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; substrate stockpiling techniques; planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations that are appropriate for the desired habitat type(s).

e. Monitoring program: A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

   i. Establishing vegetation plots to track plant establishment/survival, and changes in plant species composition and density over time;

   ii. Using photo stations to evaluate vegetation community development;

   iii. Measuring physical parameters such as wetland size, stream dimensions, channel characteristics, buffer width;

   iv. Monitoring shallow groundwater levels to document hydrologic regimes/hydroperiods;

   v. Sampling surface and subsurface waters to determine pollutant loading and changes from the natural variability of background conditions (e.g. pH, nutrients, heavy metals);

   vi. Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate;

   vii. Measuring sedimentation rates, if applicable; and

   viii. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

f. Monitoring and reporting: A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions
of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years.

g. Contingency plan: Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

h. Additional applicable information specified elsewhere in this program.
6.4 General Wetland Regulations

1. **Designating wetlands.** 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, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands (RCW 90-58-030 (2)(h)). All areas within the shoreline jurisdiction meeting the wetland designation criteria in the Federal Wetland Delineation Manual and applicable regional supplement, regardless of presence or absence of formal documented identification, are hereby designated critical areas and are subject to the provisions of this Program.

2. **Wetland ratings.** Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-008), or as revised. This document contains the definitions, methods, and criteria for classifying/rating wetlands.

3. **Illegal modifications** to wetlands shall not result in changes to wetland rating categories.

6.5 Initial Project Review

1. **Identification.** Wetlands shall be identified and designated through a site assessment utilizing the definitions, methods, and standards as set forth in the Federal Wetland Delineation Manual and applicable regional supplement.

2. **Site visit.** A site visit shall be conducted by the Administrator or qualified designee to determine whether a wetland or wetland buffer area are within three hundred fifteen feet of a proposed project or activity. A confirmation that a wetland is present or that the proposed project may impact a wetland or its buffer will then require a professional site assessment. The Administrator shall use the following map references to assist in making a determination: (1) National Wetland Inventory Map; and (2) any records of previously mapped wetlands.

3. **Critical areas report for wetlands.** Critical area reports for wetlands shall meet the following requirements.

   a. **Area addressed in wetland critical area report.** The following areas shall be addressed in a wetland critical area report:

      i. The project area of the proposed activity;
ii. All wetlands and recommended buffers within three hundred (300) feet of the project area; and

iii. All shoreline areas, water features, floodplains, and other critical areas and related buffers within two hundred feet of the project area.

b. **Narrative.** The report narrative must include each of the following:
   
i. Location information (legal description, parcel number and address);
   
ii. List of all property owners;
   
iii. Site characteristics, including topography, total acreage, delineated wetland acreage, other water bodies, vegetation, soil types, etc., and distances to and sizes of other off-site wetlands and water bodies within 300’ of the subject wetland;
   
iv. Identification of the wetland’s rating as defined in these regulations;
   
v. Analysis of functions and values of existing wetlands, including flood control, water quality, aquifer recharge, fish and wildlife habitat, and hydrologic characteristics;
   
vi. A complete description of the proposed project and its potential impacts to wetlands and buffers and, if applicable, adjacent off-site wetlands and buffers;
   
vii. Discussion of project alternatives, including total avoidance of impacts to wetland areas;
   
viii. If mitigation for wetland impacts is proposed, a description and analysis of that mitigation;
   
ix. A wetland buffer recommendation and rationale for the buffer size determination;
   
xi. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.; and
   
xi. A list of management practices that will be used to protect and maintain the quality of the wetland and/or covenants and restrictions that will be used in managing the wetland.

c. **Vicinity map** drawn to scale and including a north arrow, public roads, and other known landmarks in the vicinity.

d. **National Wetlands Inventory map** (U.S. Fish and Wildlife Service) and/or an adopted Town of Cathlamet wetland inventory map identifying wetlands on or adjacent to the site.
e. **Site map.** This map must be drawn to a usable scale, one inch equals one hundred feet or better, and must include a north arrow and all of the following requirements:
   
   i. Site boundary/property lines and dimensions;
   
   ii. Wetland boundaries based upon a wetland professional’s delineation, if so required by SMP guidelines.
   
   iii. The hydrogeomorphic classification and category of each wetland;
   
   iv. Recommended wetland buffer boundary;
   
   v. Buffers for off-site critical areas that extend onto the project site;
   
   vi. Internal property lines such as rights-of-way, easements, etc.;
   
   vii. Existing physical features of the site, including buildings and other structures, fences, roads, utilities, parking lots, water bodies, etc.;
   
   viii. The development proposal, including grading and clearing limits;
   
   ix. Topographic contours at five-foot intervals.

f. **Documented staking and flagging.** The wetland boundaries shall be staked and flagged. The report shall include photos documenting that the wetland boundaries have been staked and flagged.

g. **Additional information.** When appropriate, the Administrator may also require the critical area report to include an evaluation by the State Department of Ecology or an independent qualified expert regarding the applicant’s analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

### 6.6 Activities in Wetlands and Buffers

1. **Category I wetlands.** Alteration of Category I wetlands and their buffers is prohibited unless the alteration would improve habitat to threatened or endangered species that use the wetland and/or its buffer.

2. **Category II and III wetlands.** The following standards shall apply to activities within Category II and III wetlands and wetland buffers:
   
   a. Water-dependent activities may be allowed when no practical alternatives having less adverse impact on the wetland are available and appropriate mitigation measures are proposed; and
   
   b. Nonwater-dependent activities are prohibited unless the criteria for a shoreline variance are met, all alternative designs of the proposed project to avoid adverse impacts to the wetland or wetland buffer are not feasible and appropriate mitigation
measures are proposed. In such cases the activity shall be permitted only through a shoreline variance.

3. **Category IV wetlands.** Activities and uses may be permitted in Category IV wetlands that result in unavoidable impacts in accordance with an approved critical area report and mitigation plan, and only if the proposed activity is the only reasonable alternative available and mitigation sequencing has been followed.

### 6.7 Wetland Buffers

1. **Measurement of wetland buffers.** All buffers shall be measured from the wetland boundary as surveyed in the field. Buffer widths shall be determined according to wetland category, habitat score and/or water quality score, and intensity of the proposed land use adjacent to the wetland. The buffer of a created, restored, or enhanced wetland shall be in conformance with the expected category of the wetland upon maturity.

2. **Buffers width determinations** are partially based on the impact of the proposed land use. Impact of the proposed land use shall be determined as follows:

#### Table 2: Level of Wetland Impact from Proposed Land Use

<table>
<thead>
<tr>
<th>Level of Impact</th>
<th>Types of Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High</strong></td>
<td>• Commercial</td>
</tr>
<tr>
<td></td>
<td>• Urban</td>
</tr>
<tr>
<td></td>
<td>• Industrial</td>
</tr>
<tr>
<td></td>
<td>• Institutional</td>
</tr>
<tr>
<td></td>
<td>• Retail sales</td>
</tr>
<tr>
<td></td>
<td>• Residential (more than 1 unit/acre)</td>
</tr>
<tr>
<td></td>
<td>• Hobby farms</td>
</tr>
<tr>
<td></td>
<td>• Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</td>
</tr>
<tr>
<td></td>
<td>• High-intensity recreation (golf courses, ball fields, etc.)</td>
</tr>
<tr>
<td><strong>Moderate</strong></td>
<td>• Residential (1 unit/acre or less)</td>
</tr>
<tr>
<td></td>
<td>• Moderate-intensity open space (parks with biking, jogging, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Paved trails</td>
</tr>
<tr>
<td></td>
<td>• Building of logging roads</td>
</tr>
<tr>
<td></td>
<td>• Utility corridor or right-of-way shared by several utilities and including access/maintenance road</td>
</tr>
<tr>
<td><strong>Low</strong></td>
<td>• Forestry (cutting of trees only)</td>
</tr>
<tr>
<td></td>
<td>• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</td>
</tr>
<tr>
<td></td>
<td>• Unpaved trails</td>
</tr>
<tr>
<td></td>
<td>• Utility corridor without a maintenance road and little or no vegetation management.</td>
</tr>
</tbody>
</table>

3. **Standard Buffer Widths.** Required buffer widths and additional requirements are provided in the table below. If the wetland meets more than one of the characteristics used to determine buffer width, the widest applicable buffer is required.
4. **Increased wetland buffer widths.** The Administrator shall require increased buffer widths when recommendations by a qualified professional biologist and the most current, accurate, and complete scientific and technical information available indicate that increased buffer widths are necessary to protect the wetland. An increase in buffer width per the following criteria and specifications shall be required.

   a. Where the buffer or adjacent uplands have a slope greater than thirty percent the buffer shall be increased not less than fifty percent

   b. Where the buffer or wetlands are used by or adjacent to areas used by state or federally listed threatened or endangered species, the buffer width shall be increased to a width recommended by WDFW or recommended in “Wetlands in Washington State, Volume 2, Appendix 8-G.” (Ecology publication #05-06-008).

   c. Where the existing buffer is unvegetated, sparsely vegetated, or vegetated with non-native species that do not provide the needed functions, the buffer shall be planted to create the appropriate plant community, or if that is not feasible the buffer shall be widened to ensure that adequate functions of the buffer are provided. If the buffer is to be planted rather than increased in width, a vegetation planting plan is required and shall include measures for monitoring and maintenance of the vegetated area.

5. **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 for moderate-intensity impacts under the following conditions, and only after the applicant submits a critical areas report prepared by a qualified professional that provides clear justification for the reduced buffer: The justification shall provide detailed specifications for how the impact reduction measures will be implemented, identify the impacts addressed by the measures, characterize the impacts that would occur without the measures, and comparatively characterize the impacts that will occur with the measures.

   a. For wetlands that score moderate or high for habitat (5 points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:

      i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington Department of Fish and Wildlife ("relatively undisturbed" and

---

Table 3: Standard Wetland Buffer Widths

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Low Impact Land Use</th>
<th>Medium Impact Land Use</th>
<th>Hi Impact Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV</td>
<td>25 ft.</td>
<td>40 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>III</td>
<td>75 ft.</td>
<td>110 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>II</td>
<td>150 ft.</td>
<td>225 ft.</td>
<td>300 ft.</td>
</tr>
<tr>
<td>I</td>
<td>150 ft.</td>
<td>225 ft.</td>
<td>300 ft.</td>
</tr>
</tbody>
</table>
"vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Western Washington—Revised). The corridor must be continuous with both the wetland and the priority habitat and be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.

ii. All applicable measures to minimize the impacts of adjacent land uses on wetlands, including but not limited to those summarized in Table 5 are applied.

iii. The administrator shall determine whether additional impact reduction measures are applicable after reviewing the proponent’s justification, and shall require the applicant to implement such additional applicable measures.

b. For wetlands that score fewer than 5 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 5).
Table 4: Potential Measures to Minimize Adjacent Land Use Impacts on Wetlands

<table>
<thead>
<tr>
<th>Activities and Uses that Cause Disturbances</th>
<th>Potential Measures to Minimize Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>• Direct lights away from wetland</td>
</tr>
<tr>
<td>Parking lots</td>
<td></td>
</tr>
<tr>
<td>Warehouses</td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>• Locate activity that generates noise away from wetland</td>
</tr>
<tr>
<td>• Manufacturing</td>
<td></td>
</tr>
<tr>
<td>• Residential</td>
<td></td>
</tr>
<tr>
<td>Toxic runoff*</td>
<td>• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</td>
</tr>
<tr>
<td>• Parking lots</td>
<td>• Establish covenants limiting use of pesticides within 150 ft. of wetland</td>
</tr>
<tr>
<td>• Roads</td>
<td>• Apply integrated pest management</td>
</tr>
<tr>
<td>• Manufacturing</td>
<td></td>
</tr>
<tr>
<td>• Residential areas</td>
<td></td>
</tr>
<tr>
<td>Applications of agricultural pesticides</td>
<td></td>
</tr>
<tr>
<td>• Landscaping</td>
<td></td>
</tr>
<tr>
<td>Stormwater runoff</td>
<td>• Retrofit stormwater detention and treatment for roads and existing adjacent development</td>
</tr>
<tr>
<td>• Parking lots</td>
<td>• Prevent channelized flow from lawns that directly enters the buffer</td>
</tr>
<tr>
<td>• Roads</td>
<td></td>
</tr>
<tr>
<td>• Manufacturing</td>
<td></td>
</tr>
<tr>
<td>• Residential areas</td>
<td></td>
</tr>
<tr>
<td>• Commercial</td>
<td></td>
</tr>
<tr>
<td>• Landscaping</td>
<td></td>
</tr>
<tr>
<td>Change in water regime</td>
<td>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</td>
</tr>
<tr>
<td>• Impermeable surfaces</td>
<td></td>
</tr>
<tr>
<td>• Lawns</td>
<td></td>
</tr>
<tr>
<td>• Tilling</td>
<td></td>
</tr>
<tr>
<td>Pets and human disturbance</td>
<td>• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</td>
</tr>
<tr>
<td>• Residential areas</td>
<td></td>
</tr>
<tr>
<td>Dust</td>
<td>• Use best management practices to control dust</td>
</tr>
<tr>
<td>• Tilled fields</td>
<td></td>
</tr>
<tr>
<td>* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</td>
<td></td>
</tr>
</tbody>
</table>

6. **Functionally isolated buffer areas.** Areas that are functionally separated from a wetland and do not protect the wetland from adverse impacts due to preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this Program on a case-by-case basis subject to a critical area report and review as determined by the Administrator.
7. Buffer averaging

a. Averaging may not be used in conjunction with any of the other provisions for reductions in buffers.

b. Averaging to improve wetland protection may be permitted when all of the following conditions are met:

   i. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area.

   ii. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.

   iii. The total area of the buffer after averaging is equal to the area required without averaging.

   iv. The buffer at its narrowest point is never less than 3/4 of the required width.

c. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

   i. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

   ii. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland professional.

   iii. The total buffer area after averaging is equal to or greater than the area required without averaging.

   iv. The buffer at its narrowest point is never less than 3/4 of the required width.

8. Buffer condition maintenance. Wetland buffers in their natural state shall not be altered and shall be maintained in an undisturbed condition except as allowed in this Program. Planting of native plants and control of non-native invasive plants using hand tools is allowed.

9. Buffers for mitigation wetlands. Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.

10. Uses permitted in buffer areas. The following uses may be permitted within a required wetland buffer unless otherwise prohibited:
a. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

b. Non-motorized use trails in accordance with an approved critical area report.

   i. Non-motorized use trails shall, be placed on existing road grades, or utility corridors if it is demonstrated that no other feasible location outside of the buffer exists.

   ii. If there is no feasible location on existing road grades or utility corridors a non-motorized trail may be placed in the outer 25% of the buffer.

   iii. Trails in the buffer shall be located, designed, and built to minimize removal of vegetation (trees, shrubs, etc.) and important wildlife habitat.

   iv. Trail widths shall not be wider than three (3) feet for private trail and ten (10) feet for public use or publicly owned trails. Trail surfaces shall be composed of natural materials (e.g., gravel, rock, bark).

   v. Permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area.

c. Public access fishing areas, wildlife viewing structures, platforms, interpretive areas, picnic areas, benches, and associated activities shall be designed and located to minimize disturbance to wildlife habitat and/or wetland and/or buffer values, or functions;

d. Stormwater Management Facilities. Stormwater management facilities such as bioswales or retention ponds may be allowed within the outer twenty-five (25) percent of the required buffer area for Category III and IV wetlands only, provided that:

   i. No other location is feasible;

   ii. Locating such facilities within the buffer area will not degrade the wetland values or functions or alter the hydroperiod of the wetland or adversely affect water quality;

   iii. Compensatory mitigation shall be included for all losses of wetland function as a result of the stormwater management facility;

   iv. The stormwater facility meets applicable stormwater management standards, and the discharge water meets state water quality standards, including total maximum daily load (TMDL) standards;

   v. The discharge is located in a manner that minimizes disturbance of soils and vegetation;
vi. The discharge outlet is designed to prevent erosion and promote infiltration; and

vii. The facility is located, designed, and constructed per the specifications of the “Stormwater Management Manual for Western Washington - Appendix 1-D Guidelines for Wetlands when Managing Stormwater.” (Ecology, 2005. Publication Numbers 05-10-029 through 05-10-033.)

e. Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted within a critical area or shoreline buffer on a case-by-case basis when all of the following criteria are met:

i. Due to topographic or other physical constraints, there are no feasible locations for these facilities in the outer 25% of the buffer area or outside the buffer.

ii. The discharge is located in a manner that minimizes disturbance of soils and vegetation.

iii. The discharge outlet is designed to prevent erosion and promote infiltration.

11. Stormwater management near wetlands. The following stormwater management standards are required for development in or near wetlands:

a. New developments shall utilize best management practices to minimize stormwater quantity and quality impacts to wetlands during and following construction.

b. Stormwater runoff from new development shall not significantly change the rate of flow or the hydroperiod, which is the seasonal period and duration of water saturation or inundation, nor decrease the water quality of wetlands.

c. Authorized modifications of wetlands or buffer areas for construction of, or discharge from drainage facilities shall not adversely affect wetland hydrologic functions.

d. Dangerous Substances. Developments that handle, store, dispose of, transport, or generate substances or wastes defined as "dangerous" or "extremely dangerous" wastes under WAC 173-303 (regardless of quantity) shall not allow direct precipitation or stormwater runoff to contact such substances where stored on-site.


6.8 Mitigation for Wetland Impacts

1. Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration
to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for using the mitigation sequence of this Program. As a condition of any shoreline permit allowing for wetland impacts, the applicant must provide compensatory mitigation in the form of restoration, creation, or enhancement wetlands to offset the impacts. An appropriate mitigation plan shall be developed by a qualified professional, and approved by the Administrator.

2. **Mitigation Approach Options.** Mitigation shall adhere to one of the following two approaches:


   b. The following area ratios unless otherwise provided for by this Program.
Table 5: Wetland Mitigation Ratios

<table>
<thead>
<tr>
<th>Category and Type of Wetland Impacts</th>
<th>Re-establishment or Creation</th>
<th>Rehabilitation Only(^1)</th>
<th>Re-establishment or Creation (R/C) and Rehabilitation (RH)(^1)</th>
<th>Re-establishment or Creation (R/C) and Enhancement (E)(^1)</th>
<th>Enhancement Only(^1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>1:1 R/C and 1:1 RH</td>
<td>1:1 R/C and 2:1 E</td>
<td>6:1</td>
</tr>
<tr>
<td>All Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>1:1 R/C and 2:1 RH</td>
<td>1:1 R/C and 4:1 E</td>
<td>8:1</td>
</tr>
<tr>
<td>Category II Estuarine</td>
<td>Case-by-case</td>
<td>4:1 Rehabilitation of an estuarine wetland</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>All other Category II</td>
<td>3:1</td>
<td>6:1</td>
<td>1:1 R/C and 4:1 RH</td>
<td>1:1 R/C and 8:1 E</td>
<td>12:1</td>
</tr>
<tr>
<td>Category I Forested</td>
<td>6:1</td>
<td>12:1</td>
<td>1:1 R/C and 10:1 RH</td>
<td>1:1 R/C and 20:1 E</td>
<td>24:1</td>
</tr>
<tr>
<td>Category I based on function score</td>
<td>4:1</td>
<td>8:1</td>
<td>1:1 R/C and 6:1 RH</td>
<td>1:1 R/C and 12:1 E</td>
<td>16:1</td>
</tr>
<tr>
<td>Category I Wetland of High Conservation Value</td>
<td>Not considered possible(^2)</td>
<td>6:1 Rehabilitation Wetland of High Conservation Value</td>
<td>R/C Not considered possible(^2)</td>
<td>R/C Not considered possible(^2)</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I Bog</td>
<td>Not considered possible(^2)</td>
<td>6:1 Rehabilitation of a bog</td>
<td>R/C Not considered possible(^2)</td>
<td>R/C Not considered possible(^2)</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I Estuarine</td>
<td>Case-by-case</td>
<td>6:1 Rehabilitation of an estuarine wetland</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
</tbody>
</table>

**NOTE:** Preservation is discussed in the following section. Ratios are from Washington State Wetland Rating System for Western Washington: 2014 Updated (Ecology Publication #14-06-008). As written these figures represent ratios and should be read as 3 to 1.

1 These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

2 Wetlands of High Conservation Value, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some special functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.
3. **Increasing replacement ratios.** The administrator shall require increased replacement ratios under the following circumstances:

   a. Success of the proposed restoration or creation is uncertain.

   b. A long time will elapse between impact and establishment of wetland functions at the mitigation site.

   c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted.

   d. The impact was unauthorized.

4. **Replacement ratio reduction for temporary impacts.** The administrator may decrease the ratio to 25% of the otherwise required ratio if the wetland critical areas report demonstrates that:

   a. The impacts will be temporary.

   b. Hydric soil, including deep organic soil, will be handled, stored, and replaced to achieve pre-project ecological function.

   c. Surface and groundwater flow patterns will be maintained or restored immediately following construction.

   d. A 10-year monitoring and maintenance plan is developed and implemented for the restored forest and scrub-shrub wetlands.

   e. Disturbed buffers are re-vegetated and monitored.

   f. Where appropriate, the hydroseed mix to be applied on re-establishment areas is identified.

5. **Replacement ratio reduction for conversions.** The administrator may decrease the ratio to 50% of the otherwise required ratio for wetlands that are converted to other types of wetlands.

6. **In-kind/out-of-kind mitigation.** In-kind mitigation shall be provided except where the applicant can demonstrate that either:

   a. The wetland system was already degraded prior to any activity, and out-of-kind replacement will result in a wetland with greater functions and values; or

   b. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation infeasible.

7. **On-site/off-site mitigation.** On-site mitigation shall be provided except where the applicant can demonstrate that:
a. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses or on-site mitigation would require elimination of or result in adverse impacts to high-quality upland habitat; and

b. Existing or potential functions and values at the site of the proposed off-site mitigation are significantly greater than the lost on-site wetland functions and values; and

c. One of the following applies:
   i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or
   ii. Credits from a state-certified wetland mitigation bank are used as mitigation, and the use of credits is consistent with the terms of the bank’s certification under Chapter 173-700 WAC.

8. **Timing of mitigation.** Mitigation shall be completed prior to activities that will impact wetlands where feasible. A bond or other financial guarantee is required if mitigation projects cannot be completed prior to initiation of the activities that will cause the wetland impacts. Mitigation projects shall be timed to reduce impacts to existing wildlife or vegetation. If wetland mitigation is not completed within one year of wetland impacts, mitigation ratios will be increased to offset temporal losses.

9. **Components of mitigation plans.** All wetland restoration, creation and/or enhancement projects required pursuant to this Program either as a permit condition or as the result of an enforcement action shall follow a mitigation plan approved by the Town or County as applicable and shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised) and *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Western Washington)(Publication #09-06-32, Olympia, WA, December 2009). The applicant or violator must receive written approval by the Administrator for the mitigation plan prior to the commencement of any wetland restoration, creation, or enhancement activity. In addition to those components required in section 1.3 above, the mitigation plan shall contain at least the following components:

   a. **Baseline Information.** A written assessment and accompanying maps of the impacted wetland, including, at a minimum, wetland delineation; wetland rating, existing wetland acreage; proposed or unauthorized wetland impacts; vegetative, faunal, and hydrologic characteristics; soil and substrate conditions; and topographic elevations. If off-site mitigation is proposed, baseline information should also include surface hydrology, existing and proposed adjacent land uses, proposed buffers, and a list of all property owners within five hundred feet of the edge of the wetland.

   b. **Timing and Objectives.** The following shall be submitted in writing: proposed timing of the mitigation and a complete description of the functions and values intended to be created or enhanced.
c. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not attained within the initial monitoring period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals in the mitigation plan are achieved.

6.9 Frequently Flooded Areas Regulations

1. **Classification.** All frequently flooded areas shall be as identified in the scientific and engineering report entitled "the Flood Insurance Study for Wahkiakum County", dated September 28, 1990, with accompanying Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), and all areas identified within Wahkiakum County’s Flood Control Ordinance, Title 86 RCWC, as areas of special flood hazard.

2. **Mapping.** All flood hazard areas identified by the Federal Insurance Administration in "The Flood Insurance Study", September 28, 1990, together with flood insurance maps (FIRM) dated September 1990, are hereby adopted by reference and declared to be part of this Shoreline Master Program. The flood insurance study and maps are on file at the Auditor's Office and Public Works Department located at 64 Main Street, Cathlamet, Washington 98612.

3. **Development procedures and performance standards.** Since Wahkiakum County’s and Town of Cathlamet’s flood control ordinances (Title 86, Revised Code of Wahkiakum County; and Title 14.10, Cathlamet Municipal Code) regulate development within frequently flooded areas as classified and designated herein, codes are adopted by reference and declared to be a part of this Shoreline Master Program.

**Critical Areas Regulations: Geological Hazard**

6.10 Geological Hazard Regulations

1. **Classification.** Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological event. They pose a threat to the health, and safety of the public. The following definitions shall be used in classifying geologically hazardous area:

   a. **Erosion Hazard Area.** Erosion is a common occurrence that can result from hydrologic and geologic characteristics, vegetative conditions and human land use. Erosion hazard areas are sites designated by the USDA Soil Conservation Service as containing highly erodible soils or having the potential to become highly erodible due to disturbance of ground cover. Erosion hazard areas are also those areas impacted by shoreline and/or stream bank erosion, and those areas within a river’s channel migration zone, including but not limited to areas identified in Figures 4.12 and 4.13 in Wahkiakum County Comprehensive Flood Hazard Management Plan (CFHMP),FINAL DRAFT; April 2005.

   b. **Seismic Hazard Areas.** Seismic hazard areas are areas subject to a severe risk of earthquake damage as a result of seismically induced ground shaking, slope failure, deferialent settlement, soil liquefaction, or surface faulting. For purposes of this classification, seismic hazardous areas are those areas that are underlain by alluvium or faults as identified by United States Geologic Survey (USGS) maps and areas identified in the Washington Interactive Geologic Map.
c. Volcanic Hazard Areas. There are no volcanic hazards, including lahar or volcanic related mudflow hazards within the County’s jurisdiction.

d. Landslide Hazard Areas. Landslide hazard areas are areas within Wahkiakum County that are subject to potential slope failure due to a combination of geologic, topographic and hydrological factors. These areas include:

i. Areas identified by the Wahkiakum County Comprehensive Plan, 1984 (Figure 1, page 38).

ii. Areas of historic failures or potentially unstable slopes, including bluffs, quaternary slumps, earthflows, mudflows, or landslides on maps published by the United States Geological Survey or WA Department of Natural Resources Division of Geology and provisions of the Uniform Building Code (UBC) as adopted by Wahkiakum County.

2. Designation. Areas of the County and the Town meeting the classification criteria for geologically hazardous areas are hereby designated as such.

3. Geological hazard area standards. All development within geological hazard areas shall adhere to the following standards:

a. Development, including appurtenant structures and uses, shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses during the life of the development.

b. An erosion control plan shall be submitted to the administrator for approval prior to any clearing, construction or other development in an erosion hazard area. The erosion control plan shall be designed so that the hazard is or mitigated such that the site is rendered as safe as an area without erosion hazards.

c. For landslide hazard areas with a slope of thirty (30) percent or steeper and with a vertical relief of ten or more feet except areas of consolidated rock, a geological analysis and landslide control plan shall be submitted to the Administrator for approval prior to activity which would change the hydrologic characteristics of the site, such as filling, building, clearing construction, or other development in said area. The geological analysis shall indicate that:

i. There is not significant risk to the development proposal or adjacent properties; or

ii. That the proposal is designed so that the hazard is significantly eliminated or mitigated such that the site and adjacent property are rendered as safe as an area without geologic hazards.

c. All proposed development on slopes greater than fifty percent over a vertical height of at least ten feet shall be avoided if possible. Proposals for development shall include
technical studies that evaluate the subsurface conditions and offer engineering solutions, including increased slope stabilization methods.

Critical Areas Regulations: Section 5 Aquifer Recharge

6.11 Aquifer Recharge Regulations

1. Municipal water for Wahkiakum County is pumped directly from the Elochoman River and from ground water adjacent to the Grays River. There are no identified and mapped critical aquifer recharge areas within the County.

Critical Areas Regulations: Fish and Wildlife Habitat Conservation Areas

6.12 General Habitat Regulations

1. Classification. Fish and wildlife habitat conservation areas (FWHCA) shall be identified according to the following table:
### Table 6: Fish & Wildlife Habitat Conservation Area Classifications

<table>
<thead>
<tr>
<th>Classifications</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Areas with which state or federal designated endangered, threatened, or sensitive species have a primary association.</td>
<td>Areas which, if significantly altered, may reduce the likelihood that the species will reproduce over the long term. Habitats associated with these species are those identified by Washington Department of Fish and Wildlife’s current system for mapping species of concern. These habitats are designated as critical areas, where endangered, threatened, and sensitive species are verified to have a primary association. Classification 1 will typically include all Type S waters, any other waters where salmon redds are present, and other areas.</td>
</tr>
<tr>
<td>(2) Species and habitats of local importance.</td>
<td>Habitat: All priority habitats occurring in Wahkiakum County and the Town of Cathlamet as identified in the most current edition of the Washington State Department of Fish and Wildlife’s Priority Habitats and Species (PHS) List. Species: All priority species occurring in Wahkiakum County and the Town of Cathlamet as identified in the most current edition of the Washington State Department of Fish and Wildlife’s Priority Habitats and Species (PHS) List.</td>
</tr>
<tr>
<td>(3) Commercial and recreational shell fish areas.</td>
<td>Any areas used for recreational and commercial crawfishing.</td>
</tr>
<tr>
<td>(4) Kelp and eel grass beds; herring and smelt spawning areas.</td>
<td>No kelp, eel grass beds, or herring spawning areas are known to occur in Wahkiakum County or the Town of Cathlamet. Information from the Washington Department of Fish and Wildlife is used to identify smelt spawning areas.</td>
</tr>
<tr>
<td>(5) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat.</td>
<td>Naturally occurring ponds are waters with a surface area of less than 20 acres but greater than one acre and manmade ponds developed as mitigation as part of a permitting process or mitigation agreement. Naturally occurring ponds do not include ponds deliberately created such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities.</td>
</tr>
<tr>
<td>(6) Waters of the state.</td>
<td>Waters of the state shall be those defined in WAC 222-16-030, Forest Practices Board, Definitions.</td>
</tr>
<tr>
<td>(7) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.</td>
<td>Waters of the state which regularly have game fish introduced.</td>
</tr>
<tr>
<td>(8) State natural area preserves and natural resource conservation areas.</td>
<td>Currently, the only state natural resource conservation area in Wahkiakum County, Hendrickson Canyon, is not in shoreline jurisdiction.</td>
</tr>
<tr>
<td>(9) Areas of Rare Plant Species and High Quality Ecosystems.</td>
<td>Areas of Rare Plant Species and High Quality Ecosystems. Areas of rare plant species and high quality ecosystems are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.</td>
</tr>
</tbody>
</table>

3. **Designation.** Lands of Wahkiakum County fulfilling the classification criteria for FWHCA set forth in this Section are hereby designated as such.

4. **Maps.** The approximate locations or extents of FWHCA may be shown on, but shall not be limited to, the following list of maps. The maps are for reference only and do not provide a final critical area designation.
   
   a. Washington Department of Fish and Wildlife Priority Habitat and Species maps.
b. Washington State Department of Natural Resources Official Water Type Reference Maps, as amended.

c. Washington State Department of Natural Resources Natural Heritage Program maps.

d. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission.

e. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.

f. Washington State Department of Natural Resources Shorezone Inventory.

6.13 FWHCA Report

1. **When required.** In addition to the general critical area report requirements of this chapter, FWHCA reports must meet the requirements of this section, and are required in the following circumstances:

   a. When the project area is located within 150 feet of the OHWM of waters of the state (FWHCA Classification 6).

   b. When the project area is in the Natural, Aquatic, or Town Conservancy SED.

   c. When the project area is within one thousand feet of a point location (nests, dens, etc.) for a Classification 1 habitat area that is in shoreline jurisdiction.

   d. When any other area classified in Table 7 may be impacted by the project.

   e. When this Program requires mitigation sequencing.

2. **Preparation by a qualified professional.** FWHCA reports shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

3. **Areas addressed.** The following areas shall be addressed in a FWHCA report:

   a. The project area of the proposed activity;

   b. Areas subject to WDFW PHS management recommendations that are applicable to the project area;

   c. Riparian areas and their buffers applicable to the project area; and

   d. All FWHCA identified in Table 7, shoreline areas, floodplains, other critical areas, and related buffers within 150 feet of the project area.
4. **Habitat assessment.** A FWHCA report shall contain a habitat assessment including, at a minimum, the following information:

   a. Detailed description of vegetation and habitat characteristics within and adjacent to the site;
   
   b. Identification of any endangered, threatened, sensitive, or candidate species that have a primary association with habitat on the site, and assessment of potential project impacts to use of the site by the species;
   
   c. A map drawn to scale or survey showing the location of the project site and resulting activities, and showing the critical habitat areas.

5. **Habitat plan.** A FWHCA report shall contain a habitat plan including, at a minimum, the following information:

   a. Discussion of any federal, state, or local special management recommendations, including WDFW habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project site.
   
   b. Discussion of recommendations developed in consultation with WDFW if management recommendations have not been created.
   
   c. Discussion of the potential direct and indirect impacts of the project and proposed use and activities.
   
   d. Discussion of the impacts that will not be avoided.
   
   e. Discussion of the methods and measures that will be used to avoid, minimize and/or compensate for adverse impacts associated with the proposed development and associated use and activities, including but not limited to the standards of Critical Areas Regulation.

6. **FWHCA compensatory mitigation plan**

   a. The FWHCA report shall include a compensatory mitigation plan if the project and resulting activities will create unavoidable habitat impacts.
   
   b. The compensatory mitigation plan shall:
      
      i. Demonstrate, when implemented, that there shall be no net loss of ecological function of habitat; and
      
      ii. Identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the FWHCA and its associated buffer.

7. **Additional information required.** When appropriate due to the type of habitat, species present, or project area conditions; the Administrator may require the FWHCA report to include:
a. An independent qualified professional’s evaluation of the applicant’s analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; or

b. Consultation with the WDFW or other appropriate agency or tribe.

### 6.14 Standards

1. **No net loss standard.** No net loss of habitat function shall result from a shoreline use, development, or modification. Measures to achieve no net loss of habitat function include meeting other standards of the Program, and may also include:

   a. Prohibition or limitation of development activities within the critical habitat area, or within a buffer surrounding the critical habitat area.

   b. Locating buildings and other structures and uses to avoid and if that is not possible to minimize habitat impacts.

   c. Clustering development to protect or enhance habitat in a connected system or corridor that provides connections to neighboring habitat areas.

   d. Retention of native vegetation and/or revegetation of areas using native species appropriate for site specific conditions and habitat functions.

   e. Removing and/or controlling any noxious, or undesirable species of plants as identified by the Wahkiakum County Noxious Weed Control Board.

   f. Preserving trees, preferably in consolidated areas.

   g. Preserving and introducing native plant species which serve as food, shelter from climatic extremes and predators, and structure and cover for wildlife reproduction and rearing.

   h. Special construction techniques or seasonal restrictions on construction.

   i. Habitat enhancement (i.e., fish passage barrier removal).

   j. Preserving the natural hydraulic and ecological functions of drainage systems.

   k. Maintaining stable channels, adequate stream flows, and managing stormwater runoff, erosion and sedimentation.

   l. Managing access to fish and wildlife habitat conservation areas to protect species which are sensitive to human disturbance.

2. **Standards for each classification.**

   a. **Classification 1.**
i. Protection shall be consistent with the WDFW PHS management recommendations and with any Federal agency management recommendations to which WDFW defers.

ii. The FWHCA Report will be sent to the WDFW and other appropriate state and federal agencies for comment with the SEPA checklist.

b. **Classification 2.** Protection shall be consistent with the WDFW PHS management recommendations, or otherwise developed in consultation with WDFW if PHS management recommendations have not been created.

c. **Classifications 3 and 4.** Protection shall be consistent with the WDFW PHS management recommendations, or otherwise developed in consultation with WDFW if PHS management recommendations have not been created.

d. **Classifications, 5, 6 and 7.** Protection shall be through the maintenance of riparian buffers established in this chapter, other standards of this chapter, the SMA, the federal Clean Water Act, and the state Hydraulic Code and/or best management practices.

e. **Classification 8.** Protection for state natural areas preserves and state natural resource conservation area habitat is achieved by the Washington Department of Natural Resources.

f. **Classification 9.** Protection for these habitat areas shall be consistent with management recommendations developed in consultation with Washington Department of Natural Resources.

### 6.15 Riparian Buffers

1. **Riparian buffers required.** Riparian buffers shall be required for all regulated activities adjacent to streams defined in Chapter 222-16-030, WAC, Forest Practices Board, Definitions. All riparian buffers shall be measured from the OHWM (OHWM), or from the edge of the channel migration zone if present.

2. **Activities in riparian areas and buffers.** Alteration of riparian areas and their buffers is prohibited with the following exceptions:

   a. Water-dependent and water enjoyment activities may be allowed when no practical alternatives having a less adverse impact on the riparian area are available and appropriate mitigation measures are used;

   b. Residential and non-water-oriented commercial use may be allowed mixed use development where a water-dependent use or water-enjoyment use is the primary use and the other uses are subordinate with respect to their cumulative size, and intensity;

   c. Other non-water-dependent activities are prohibited unless the criteria for a shoreline variance are met, all alternative designs of the proposed project to avoid adverse impacts to the riparian area are not feasible and appropriate mitigation measures are
used. In such cases the activity shall be permitted only through a shoreline variance; and

d. Subject to the applicable criteria of this program, the following activities may be allowed when appropriate mitigation measures are used:
   i. Public access facilities
   ii. Docks serving residences, and a trail providing access to the dock.
   iii. Essential public facilities, utilities and transportation facilities.

3. **Standard riparian buffer widths.** Riparian buffers on streams shall be in accordance with Table 8 and 9 unless otherwise provided by this section.

<table>
<thead>
<tr>
<th>Environment Designation</th>
<th>Qualifier</th>
<th>Buffer Width (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Conservancy</td>
<td>All</td>
<td>200</td>
</tr>
<tr>
<td>Residential</td>
<td>On Elochoman Slough</td>
<td>50</td>
</tr>
<tr>
<td>Residential</td>
<td>On Cathlamet Channel</td>
<td>80</td>
</tr>
<tr>
<td>Mixed Waterfront</td>
<td>North of Birnie Creek</td>
<td>50</td>
</tr>
<tr>
<td>Mixed Waterfront</td>
<td>South of Birnie Creek</td>
<td>50</td>
</tr>
</tbody>
</table>

4. **Expanded riparian buffers.** If the Critical Areas Report identifies existing, on site riparian functions that are not adequately protected by the standard riparian buffers provided in this section, the riparian buffer shall be expanded to either the width recommended in the Critical Areas Report, the width recommended by a third party reviewer of the Critical Areas Report, the width recommended by WDFW, or a width consistent with WDFW priority habitats and species management recommendations, in order to protect those existing on site riparian functions.

5. **Termination at dike or road.** Where an existing public road, or dike maintained by a public entity is within the riparian buffer, the buffer shall instead terminate at the road or dike.

6. **Riparian buffer averaging.** Riparian buffer widths may be averaged as follows:
   
a. **Common Line Approach.** Required riparian buffers can be reduced to the average of the standard buffer width and the building setback distance of all existing primary structures built prior to the adoption of this program, that are within one hundred fifty (150) feet of the proposed project area and not separated from the project area by an SMA waterbody. For the purposes of calculating this average, undeveloped neighboring property shall be included in the calculation and considered as maintaining a setback equal to standard riparian buffer width.
b. **Internal Averaging.** Portions of the riparian buffer can be reduced from the normal standards of this program if riparian buffer widths are correspondingly increased elsewhere within the applicant parcel, such that the overall size and function of the riparian area and buffer are maintained in the parcel.

c. Internal averaging and Common Line averaging may not be combined. Only one of the two may be used for any given project.

d. In no event shall riparian buffer width averaging result in any portion of the buffer being less than the greater of 50 ft. or 75% of the standard buffer width.

e. Averaging shall only be permitted when recommended in the critical areas report after scientific analysis of associated ecological function impacts and benefits.

f. In no event shall averaging result in an unmitigated loss of ecological functions.

g. Riparian buffer averaging provisions do not modify setback requirements of this SMP.
CHAPTER 7 – ADMINISTRATION, PERMITS, & ENFORCEMENT

7.1 Responsibilities, Annual Review, and Periodic Evaluation

7.1.1 Administrative Responsibilities

1. **Shoreline administrator.** The Shoreline Administrator for the Town of Cathlamet is the Mayor or his/her designee. The Shoreline Administrator is vested with the authority to:

   a. Administer the provisions of this Shoreline Master Program.

   b. Advise interested persons and prospective applicants as to the administrative procedures and related components of this Shoreline Master Program.

   c. Conduct field inspections as needed, and prepare or require reports on shoreline permit applications.

   d. Make administrative decisions and interpretations of the policies and regulations of this Shoreline Master Program and the Shoreline Management Act.

   e. Grant or deny exemptions from shoreline substantial development permits.

   f. Grant or deny shoreline substantial development permits and time extensions to shoreline permits and their revisions.

   g. Make written recommendations to the County/Town Planning Commission or Town Council as applicable and appropriate. The Shoreline Administrator may recommend amendments to this Shoreline Master Program to the Town Planning Commission or Town Council as necessary.

   h. Issue Stop Work Orders pursuant to the procedure set forth in WAC 173-27-270 upon a person or entity undertaking an activity on shorelands in violation of RCW 90.58 or this Shoreline Master Program, and seek remedies for alleged violations of this Shoreline Master Program, provisions of the Shoreline Management Act, or conditions attached to a shoreline permit issued by the Town.

2. **State Environmental Policy Act official.** The responsible State Environmental Policy Act official or his/her designee is authorized to conduct environmental review of all use and development activities subject to this Shoreline Master Program, pursuant to WAC 197-11 and RCW 43.21C. The responsible State Environmental Policy Act official is the designated Shoreline Administrator.

3. **Town Council.** The Town Council is vested with authority to:

   a. Initiate an amendment to the Town’s Shoreline Master Program.

   b. Adopt all amendments to this Shoreline Master Program, after consideration of the recommendation of the Town Planning Commission, if provided. Amendments shall become effective 14 days from the date of Ecology’s written notice of final approval.
c. Grant or deny shoreline conditional use permits.

d. Grant or deny shoreline variance permits.

e. Decide on appeals of administrative decisions issued by the Shoreline Administrator.

7.1.2 Annual Review of Shoreline Permit Actions and Tracking

1. The Shoreline Administrator shall, on an annual basis; review all shoreline permits and exemptions issued during the previous year to determine their cumulative impacts to the shoreline and make a written determination on whether there may or may not have been a net loss of shoreline functions. The determination shall be made in consultation with applicable state and tribal agencies.

2. The Shoreline Administrator shall document all permit review actions within shoreline jurisdiction, including shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits, and shoreline variance permits on an annual basis.

7.1.3 Periodic Evaluation.

1. The Shoreline Administrator shall conduct a review of this Shoreline Master Program once every eight years, or as required by RCW 90.58.080. Using the information collected per Section 7.1.2, the Shoreline Administrator shall evaluate the cumulative effects of authorized development actions to shoreline conditions. A final determination regarding cumulative effects shall be made in consultation with applicable state and tribal agencies. The purpose of this periodic evaluation will be to allow the County/Town to propose amendments that reflect the community vision, and statutory changes to the Shoreline Management Act, and to ensure no net loss of shoreline functions.

7.2 Interpretation

1. Any shoreline permit applicant, County/Town resident, owner of real property within jurisdiction of this SMP, or party of record may request an interpretation of the meaning or application of the policies and regulations contained within this SMP.

   a. All requests for interpretations must be written and concisely identify the issue and the provisions of the SMP for which interpretation is requested.

   b. The Shoreline Administrator must provide a written administrative interpretation within 45 days of receipt of the request.

   c. The Shoreline Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of RCW 90.58 and WAC 173-26.

7.3 Shoreline Permit Application Requirements

1. Shoreline permit application requirements. A complete application for a shoreline permit shall contain, as a minimum, the following information, as well as any other application requirements identified in the Shoreline Master Program or by the Shoreline Administrator. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.
a. Applications for new construction of, replacement of, or modifications to floating homes, over-water structures, and their appurtenant structures located over State Owned Aquatic Lands shall not be deemed complete until the applicant submits a letter of authorization or lease agreement from WA DNR. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

b. The name, address, and phone number of the applicant and any applicant representatives.

c. The name, address, and phone number of the property owner, if other than the applicant.

d. Location of the property. This shall, at a minimum, include the property address and identification of the section, township, and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open-water areas away from land shall provide a longitude and latitude location.

e. Identification of the name of the shoreline waterbody with which the site of the proposal is associated. This should be the waterbody from which jurisdiction of the Shoreline Management Act over the project is derived.

f. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

g. A general description of the property as it now exists including its physical characteristics, improvements, and structures.

h. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures, and improvements, intensity of development, and physical characteristics.

i. A site-development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information; photographs; and text that shall include:

   i. The boundary of the parcel(s) of land upon which the development is proposed.

   ii. The OHWM of all waterbodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to nor within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.
iii. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

iv. Mapped wetland areas within 300 ft. of the proposed project.

v. A general indication of the character of vegetation found on the site.

vi. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities.

vii. Where applicable, a landscaping plan for the project.

viii. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project including information consistent with the requirements of this section.

ix. Quantity, source, and composition of any fill material that is to be placed on the site, whether temporary or permanent.

x. Quantity, composition, and destination of any excavated or dredged material.

xi. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties.

xii. Where applicable, a depiction of obstruction to views of the shoreline from existing residential uses and public areas that may be caused by the project.

2. Additional requirements for shoreline variance permit applications. On all shoreline variance permit applications, the plans shall clearly indicate where development could occur without approval of a shoreline variance permit, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

7.4 Public Notice
1. The following notice shall be provided for each shoreline permit application for a substantial development permit, conditional use permit, and variance permit as least 30 days prior to a decision.

2. Within 14 days after the Town has made a determination of completeness on a project permit application, the Town shall issue public notice that includes the following:

   a. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
b. A description of the proposed project action;

c. a list of the project permits, a list of any studies required under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180 and a list of any existing documents that evaluate the environmental impacts of the proposed project;

d. The identification of other necessary permits not included in the application to the extent known by the Town;

e. A statement of the public comment period, which shall be not less than 30 days following the date of the notice of application;

f. A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the closing of the record of an open record hearing, provided that the public record may be kept open for written statement after closing of the hearing, or, if no open record hearing is provided, prior to the decision on the project permit;

g. The date, time, place, and type of hearing, if applicable and scheduled by the date of notice of the application;

h. A statement of the preliminary determination, if one has been made by the time of notice, of those development regulations that will be used for project mitigation and of consistency with the SMP; and

i. Any other information deemed appropriate.

3. Public notice shall include:

a. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least 300 feet of the boundary of the property upon which the development is proposed;

b. Posting at the project site;

c. Publication in a newspaper of general circulation in the general area of the proposal. If an open-record public hearing is required, notice shall include the time and place of the hearing, or an additional notice shall be provided at least 15 days prior to the hearing; and

d. Notice and a statement summarizing the actions and dates of such actions taken under RCW 43.21C to all agencies with jurisdiction as required by RCW 43.21C, the State Environmental Policy Act.

7.5 Exemptions
1. Specific uses and development activities are exempt from the requirement to obtain a Shoreline substantial development permit. Exemption from the substantial development
permit process does not constitute exemption from compliance with the policies and use regulations of the SMA (RCW 90.58); the provisions of this Shoreline Master Program, or other applicable County, Town, state or federal permit requirements. A Shoreline Exemption must still comply with no net loss of ecological functions, which may require mitigation.

2. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.

3. To be authorized, all uses and developments must be consistent with the provisions of this Master Program and the Shoreline Management Act.

4. When a development or use is proposed that does not comply with the dimensional or performance standards of this Master Program, such development or use can be authorized only by approval of a shoreline variance.

5. The burden of proof that a development or use is exempt from the requirement to obtain a substantial development permit is on the applicant.

6. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development.

7. If any part of a proposed development can only be permitted under conditional use permit, the entire proposed development shall be reviewed under the conditional use permit process.

8. The Town may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Master Program.

9. The Town shall exempt from shoreline substantial development permit requirements the shoreline developments listed in WAC 173-27-040(2); RCW 90.58.030(3)(e); RCW 90.58.140(9); RCW 90.58.147; RCW 90.58.355; and RCW 90.58.515.

10. The Town shall issue a letter of exemption when required by WAC 173-27-050. Otherwise, the exemption status shall be documented in the project application file.

7.6 Shoreline Permit Review Criteria

7.6.1 Review Criteria for all Development
1. No authorization to undertake use or development on shorelines of the state shall be granted unless upon review the use or development is determined to be consistent with the provisions of the Shoreline Management Act and the Shoreline Master Program.

7.6.2 Review Criteria for Shoreline Substantial Development Permit
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.

2. A substantial development permit shall be granted by the Shoreline Administrator only when the development proposed is consistent with the following criteria:
   a. The policies and procedures of the SMA; and
   b. The goals, objectives, policies, and regulations of this SMP.

3. If any application does not substantially comply with the criteria listed in this section, the review authority may deny such application or attach any terms or conditions that are deemed suitable and reasonable given the purpose and objectives of this SMP. Upon a determination of compliance with the criteria listed in this section, the Shoreline Administrator shall issue the permit, or issue the permit with conditions.

4. Ecology shall be notified within eight days of any substantial development permit decision made by the approval authority. The Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:
   a. A copy of the complete application pursuant to WAC 173-27-180;
   b. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with review criteria for substantial development permits;
   c. The final decision of the review and approval authority;
   d. The permit Data Sheet and Transmittal Letter (Appendix A to WAC 173-27-990);
   e. Where applicable, Shoreline Administrator shall also file the applicable documents required by RCW 43.21C, the State Environmental Policy Act, or a statement summarizing the actions and dates of such actions taken under RCW 43.21C; and
   f. Affidavit of public notice.

5. Ecology shall provide a written notice to the Shoreline Administrator and the applicant of the “date of filing.” “Date of filing” is the date of Ecology’s actual receipt of the final decision on the substantial development permit.

7.6.3 Review Criteria for Conditional Use Permits
1. The purpose of a conditional use permit is to allow case-by-case review of a development or use that may have a greater potential for impacts without project-specific conditions, while providing flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. Ecology is the final approval authority for conditional use permits pursuant to WAC 173-27.
2. Uses that are not classified or set forth herein may be authorized as conditional uses only if the applicant can demonstrate that the criteria set forth for conditional uses are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects on the shoreline environment.

3. Pursuant to WAC 173-27-160, the criteria below shall constitute the minimum criteria for review and approval of a conditional use permit. Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following:
   a. That the proposed use will be consistent with the polices of RCW 90.58.020, the policies of this SMP, and other applicable plans, programs and/or regulations;
   b. That the proposed use will not interfere with the normal public use of public shorelines;
   c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under this shoreline master program;
   d. That the proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environment designation in which it is to be located; and
   e. That the public interest suffers no substantial detrimental effect.

4. In the granting of all conditional use permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

5. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

6. Notice to Ecology. Within eight days of the approving authority’s final decision, the Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:
   a. A copy of the complete application pursuant to WAC 173-27-180;
   b. Findings and conclusions that establish the basis for the decision including but not limited to, identification of shoreline environment designation, applicable master program policies and regulations, and the consistency of the project with review criteria for the applicable shoreline permit;
   c. The final decision of the approval authority;
   d. The permit data sheet (Appendix A to WAC 173-27-990);
e. The applicable documents required by RCW 43.21C, the State Environmental Policy Act, or a statement summarizing the actions and dates of such actions taken under RCW 43.21C;

f. Affidavit of public notice; and

g. The final approved plans.

7. Ecology shall provide a written notice to the Shoreline Administrator and the applicant of the “date of filing.” Date of filing is the date of transmittal of Ecology’s final decision on the conditional use permit.

8. Ecology shall review the complete file submitted by the Shoreline Administrator on conditional use permits and any other information submitted or available that is relevant to the application.

9. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit based on consistency with the policy and provisions of the SMA, this SMP, and the criteria in WAC 173-27-160.

10. Ecology shall render and transmit to the Shoreline Administrator and the applicant its final decision approving, approving with conditions, or disapproving the permit within 30 days of the date of the Shoreline Administrators submittal to Ecology. The Shoreline Administrator will notify parties of record of the decision.

7.6.4 Review Criteria for Shoreline Variance Permits
1. The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP where there are extraordinary circumstances relating to the physical character or configuration of the property such that the strict application of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

2. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist, and the public interest shall suffer no substantial detrimental effect.

3. Landward of the OHWM. Shoreline variance permits for developments and/or uses that are proposed to be located landward of the OHWM, as defined in RCW 90.58.030(2)(c), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided that the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property;

   b. That the hardship in subsection (a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example from deed restrictions or the applicant’s own actions;
c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP and will not cause adverse impacts to the shoreline environment;

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

e. That the variance requested is the minimum necessary to afford relief; and

f. That the public interest will suffer no substantial detrimental effect.

4. **Waterward of the OHWM.** Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(c), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes all reasonable use of the property;

   b. That the proposal is consistent with the criteria established under subsection (3)(b) though (f) of this section; and

   c. That the public rights of navigation and use of the shorelines will not be adversely affected.

5. **Cumulative impacts.** In the granting of all shoreline variance permits, consideration shall be given to the cumulative impacts of additional request for like actions in the area. For example, if a shoreline variance were granted to other developments and/or uses in the area where similar circumstances exist, the total of the shoreline variances shall also remain consistent with the polices of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

6. **Use regulations.** Variances from the use regulations of this SMP are prohibited.

7. **Notice to Ecology.** The same procedure identified in conditional use permits, Chapter 7.6.3, sections 8-11 of this Program, shall be required for variance permits.

### 7.7 Time Limit Requirements for Shoreline Permits

1. **Applicability.** The time requirements of this section shall apply to all shoreline permits authorized under this Shoreline Master Program.

2. **Different time limits.** Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the provisions of this Shoreline Master Program, the Town may adopt different time limits from those set forth in regulation 7.7 (3) and regulation 7.7 (4) as a part of action on a shoreline permit.

3. **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of the shoreline permit. However, the Town may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension
has been filed before the expiration date, and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.

4 **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. However, the Town may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.

5 **Effective date.** The effective date of a shoreline permit shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in regulation 7.7(3) and regulation 7.7(4) do not include the time during which a use or activity was not actually pursued due to pending administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

6 **Revisions.** Revisions to permits may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize shoreline substantial development after the time limits of the original permit.

7 **Notification to Ecology.** The Town shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

### 7.8 Shoreline Permit Revisions

1. A permit revision is required whenever an applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit, prior to construction/project completion. Changes are substantive if they alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP and/or the policies and provisions of RCW 90.58. Changes that are not substantive in effect do not require approval of a revision.

2. When a revision of a shoreline permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the standards of this section pursuant to WAC 173-27-100.

3. The revision shall be approved if the proposed changes are determined by the Shoreline Administrator or their representative to be within the scope and intent of the original permit, are consistent with the SMA (RCW 90.58), the Guidelines in WAC 173-26, and this SMP, and provided that:

   a. No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;

   b. Ground area coverage and height may be increased a maximum of ten percent from the provision of the original permit;
c. The revised permit does not authorize development to exceed height, lot coverage, setbacks, or any other requirements of this SMP except as authorized under a shoreline variance granted as the original permit or part thereof;

d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP; and

e. The use authorized pursuant to the original permit is not changed.

4. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes that are consistent with this section and that would not require a permit for the development or change proposed under the terms or RCW 90.58, this regulation and this SMP. If the proposed change constitutes substantial development, then a new permit is required. Provided, this regulation shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

5. The project proponent shall apply for a new permit if the sum of the revision and any previously approved revisions under former WAC 173-14-064 of this section violate the provisions in provision (3) above.

6. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173.27.180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the Town shall notify parties of record of the action taken.

7. If the revision to the original permit involves a shoreline conditional use permit or shoreline variance permit, the Town shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this regulation. Ecology shall render and transmit to the Town and the applicant its final decision within 15 days of the date of Ecology’s receipt of the submittal from the Town. The Town shall notify parties of record of Ecology’s final decision.

8. The revised substantial development permit is effective immediately upon final decision by the Town, or upon final action by Ecology in the case of conditional use or variance permits.

9. In accordance with RCW 90.58.180 appeals shall be based only upon contentions of noncompliance with provision 7.8(3) of this section. and shall be filed as follows:

i. Substantial development permits: within 21 days from the date Ecology receives the County/Town’s action; and

ii. Conditional use and variance permits: Per section 7.8(7), within 21 days from the date Ecology’s final decision is transmitted to the County/Town and the applicant.

10. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeals deadline. If
an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no effect on the validity of the original permit.

7.9 Request for Review of Final Permit Decisions
1. All requests for review of any final permit decisions under RCW 90.58 and WAC 173-27 are governed by the procedures established in RCW 90.58.180 and WAC 461-08.

7.10 Legal Nonconforming Uses, Structures, and Lots
1. Applicability. Nonconforming uses, structures, and lots shall adhere to the following regulations. In the event of a conflict with Title 18 (Town of Cathlamet Municipal Code), this section shall prevail.

2. Structures that were legally established and are conforming with regard to the use regulations of this shoreline master program but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that the mitigation sequence is used to ensure no net loss of ecological functions and provided that:

   a. If the enlargement or expansion is to a non-residential structure or non-residential appurtenant structure, said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

   b. If the enlargement or expansion is to a residential structure or residential appurtenant structure, said enlargement or expansion:

      i. is not inside of a Category 1 or Category 2 wetland critical area;

      ii. is constructed at least as far away from the affected critical areas as the residential structure is to those critical areas;

      iii. is not within any areas encumbered by a recorded deed restriction or easement that protects critical areas and their buffers; and

      iv. Is located and designed through mitigation sequencing and uses compensatory mitigation to ensure no net loss of ecological functions.

3. A structure appurtenant to a non-conforming residential structure may be constructed within areas where the structure would not otherwise be allowed for new development provided that the new appurtenant structure:

   a. is not constructed inside of a Category 1 or Category 2 wetland critical area;

   b. is constructed at least as far away from affected critical areas as the residential structure is to those critical areas;

   c. is not constructed within any areas encumbered by a recorded deed restriction or easement that protects critical areas and their buffers; and
d. is located and designed through mitigation sequencing and uses compensatory mitigation to ensure no net loss of ecological functions.

4. Uses and developments that were legally established and are nonconforming with regard to the use regulations of this shoreline master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the OHWM may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

5. A use that is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a legal nonconforming use.

6. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

7. A legal nonconforming use may changed to a different nonconforming use only upon the approval of a conditional use permit, unless specified otherwise elsewhere within this document. A conditional use permit may be approved only upon a finding that:

   a. No reasonable alternative conforming use is practical;
   
   b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use; and
   
   c. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this program and the SMA and to assure that the use will not become a nuisance or a hazard.

8. A legal nonconforming structure that is moved any distance must be brought into full conformance with this program and the SMA.

9. If a legal nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within one year of the date the damage occurred. The Administrator may waive the one year time limit in situations with extenuating circumstances such as resolution of an estate, or widespread economic or natural disaster has occurred. Construction must commence within two years of the issuance of permits. The administrator may allow a one (1) year extension.

10. If a legal nonconforming use is discontinued for two years, the nonconforming rights shall expire and any subsequent use shall be conforming, except that a property owner may be allowed three years if they demonstrate a bona fide intention to sell or lease the property. A
use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

a. The determination of a legal nonconforming use as being expired, as considered in the specified timeframe above, shall be determined by due process. The burden is on the Town/County to prove that the use was legally abandoned by the land owner prior to a determination of the use as being expired under this provision.

b. A deprived party shall have the right to his/her procedural due process rights and shall have the opportunity to argue his/her legal nonconforming use status as a defense.

11. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but that does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

7.11 Vesting

1. A proposed project shall become vested the day an application has been submitted and received by the Shoreline Administrator. The application shall be reviewed under the existing version of the Shoreline Master Program in effect on the date of application. In the event that the applicant substantially changes the proposal after submitting the application, the entire application shall be reviewed under the Shoreline Master Program in effect on the date of the revised application submittal. Vesting of the proposed project expires once the shoreline permit has expired. Future applications proposed within the same project area affected by a previous approval issued under a shoreline permit shall not be considered vested and must comply with the current Shoreline Master Program in effect at the time of application.

7.12 Enforcement

1. The County/Town shall apply WAC 173-27 Part II, Shoreline Management Act Enforcement, to enforce the provisions of the Shoreline Master Program.

7.13 Amendments

1. Amendments to the County/Town Shoreline Master Program shall be processed according to the procedures prescribed in WAC 173-26-100.

7.14 Appeals

1. **Local appeal of administrator’s decision.** Any decision made by the Shoreline Administrator may be appealed to the the Town of Cathlamet Council with respect to the jurisdiction for which the shoreline permit was granted. Local appeals are subject to the following provisions:

   a. Appeals shall be submitted in writing to the Town Clerk for Cathlamet by 5:00 p.m. of the fifteenth calendar day following the date of the decision. When the last day of the comment period so computed is a Saturday, Sunday, or federal or county/town holiday, the period shall run until 5:00 p.m. on the next business day. The appeal
shall be in writing and shall state specific objections to the decision and the relief sought. The appeal shall be accompanied by any applicable filing fees.

b. The record established by the hearing body (including testimony, exhibits, comment letters, plans, staff reports, etc.) shall be the record used by the hearing body unless it is supplemented by the hearing body pursuant to this section. A request to supplement the record shall be made in a separate document that is attached to the appeal. The appeal shall not mention or refer to the material that is proposed to be added to the record. A request to supplement the record shall include a brief description of the nature of the material to be added and a separate, attached copy of the material to be added. The request to supplement the record must clearly establish that the new evidence or information to be added to the record was not available or could not have been reasonably produced at the time of the permit review by the Shoreline Administrator.

c. The hearing body may affirm, modify, or reverse the Shoreline Administrator’s decision, remand to the Shoreline Administrator with directions for further review, or grant other appropriate relief. If the hearing body reverses or modifies the Shoreline Administrators decision, the hearing body shall enter findings and/or conclusions to support the decision.

d. The Shoreline Administrator’s decision on appeal shall be given equal weight.

e. Appeals of decisions by the local hearing body shall be made to the State Shoreline Hearing’s Board.

2. **Appeal to State Shoreline Hearings Board.** All appeals of any final permit decisions are governed by the procedures established in RCW 90.58.180, RCW 90.58.140(6), and WAC 461-08, the rules and procedures of the Shorelines Hearing Board. Appeals must be made to the Shoreline Hearings Board within 21 days after the Town’s final decision concerning the shoreline permit or revisions of the permit.

3. **7.15 Fees**

1. The applicant shall be responsible for the initiation, preparation, submission, and expense of any required reports, assessments, studies, plans, and other work prepared in support of or necessary to review the application.
**APPENDIX 1: Shoreline Jurisdiction Streams**

*This Appendix reflects the County and Town.

Shoreline Jurisdiction Streams and Legal Descriptions

<table>
<thead>
<tr>
<th>Stream Name</th>
<th>Quadrangle</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Alger Creek</td>
<td>Skamokawa 15</td>
<td>From the intersection of State Sign Route 4 and Alger Creek (Sec.15, T9N, R6W) downstream to mouth at Brooks Slough (same section).</td>
</tr>
<tr>
<td>(2) Beaver Creek</td>
<td>Cathlamet 15</td>
<td>From the confluence of Beaver Cr. and unnamed creek (Sec.33, T9N, R5W) downstream to mouth at Elochoman River (Sec.32, same township).</td>
</tr>
<tr>
<td>(3) Columbia River (Cont.)*</td>
<td>Clatskanie 15, Skamokawa 15, Grays River 15</td>
<td>From the Cowlitz Co. line on Columbia River (Sec.20, T8N, R4W) downstream along the Wash.-Oregon boundary to the Pacific Co. line to Grays Bay (Sec.7, T9N, R9W). The flow exceeds 1,000 cfs MAF at Cowlitz County line.</td>
</tr>
<tr>
<td>(4) Crooked Creek</td>
<td>Grays River 15</td>
<td>From the confluence of Crooked Creek and the So. Fork Crooked Cr. (Sec.36, T10N, R8W) downstream to Grays Bay (Sec.4, T9N, R8W).</td>
</tr>
<tr>
<td>(5) Deep River</td>
<td>Grays River 15</td>
<td>From the confluence of Deep River and Hendrickson Canyon Stream (Sec.9, T10N, R8W) downstream to mouth at Grays Bay (Sec.31, T9N, R8W).</td>
</tr>
<tr>
<td>(6) Elochoman River</td>
<td>Skamokawa 15, Cathlamet 15</td>
<td>From the confluence of the West Fork Elochoman and the North Fork Elochoman River (Sec.26, T10N, R5W) downstream to mouth at Elochoman Slough (Sec.36, T9N, R6W).</td>
</tr>
<tr>
<td>(7) Elochoman River (East Fk.) (Cont.)</td>
<td>Ryderwood 15</td>
<td>From the Cowlitz Co. line (Sec.7, T10N, R4W) downstream to Elochoman River (Sec.13, T10N, R5W).</td>
</tr>
<tr>
<td>(8) Elochoman River (North Fk.) Ryderwood 15</td>
<td>Skamokawa 15</td>
<td>From the confluence of North Fk. Elochoman R. and unnamed creek (Sec.12, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, T10N, R5W).</td>
</tr>
<tr>
<td>(9) Elochoman River</td>
<td>Skamokawa 15</td>
<td>From the confluence of North Fk. Elochoman R. and unnamed creek (Sec.12, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, T10N, R5W).</td>
</tr>
</tbody>
</table>

*This Appendix reflects the County and Town.
| Appendix 1: Shoreline Jurisdiction Streams – SMP | Wahkiakum County & Town of Cathlamet
| Deliverable 9.1 | Grant No. G1400483 |

| (West Fk.) | West Fork Elochoman R. and unnamed creek (Sec.21, T10N, R5W) downstream to mouth at Elochoman River (Sec.26, same township). |
| (10)Falk Creek | Skamokawa 15 From an approximate point (NW1/4 of NE1/4 of SW1/4 of Sec.33, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.5, T9N, R6W). |
| (11)Fossil Creek | Grays River 15 From the confluence of Fossil Cr. and an unnamed cr. (Sec.10, T10N, R7W) downstream to mouth at Grays River (Sec.9, same township). |
| (12)Grays River (Cont.) | Grays River 15 From the Pacific Co. line (Sec.2, T10N, R7W) downstream to mouth at Grays Bay (Sec.32, T10N, R8W). |
| (13)Grays River (S. Fork) | Skamokawa 15 From an approximate point (SW1/4 of NE1/4 of Sec.1, T10N, R6W) downstream to Pacific County line (Sec.5, same township). |
| (14)Grays River (W. Fk.) (Cont.) | Grays River 15 From the Pacific County line (NW1/4 of NW1/4 Sec.4, T10N, R7W) downstream to mouth at Grays River (Sec.9, same township). |
| (15)Hull Creek (Cont.) | Grays River 15 From Pacific County line (Sec.5, T10N, R7W) downstream to mouth at Grays R. (Sec.13, T10N, R8W). |
| (16)Jim Crow Creek | Grays River 15 From the confluence of Jim Crow Creek and unnamed creek (Sec.4, T9N, R7W) downstream to mouth at Columbia River (Sec.16, same township). |
| (17)McDonald Creek | Skamokawa 15 From the confluence of McDonald Creek and unnamed creek (Sec.22, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township). |
| (18)Mill Creek | Cathlamet 15 From the NW Section corner (Sec.25, T9N, R5W) downstream to the Cowlitz County line (Sec.31, T9N, R4W). |
| (19)Naselle River | Grays River 15 From the Pacific County line (Sec.6, T10N, R8W) downstream back to Pacific Co. line (same section). |
| (20)Nelson Creek | Cathlamet 15 From the intersection of Nelson Cr. and Risk Rd. (Sec.25, T9N, R6W) downstream to mouth at Elochoman River (Sec.26, same township). |
### Appendix 1: Shoreline Jurisdiction Streams – SMP

#### Deliverable 9.1

<table>
<thead>
<tr>
<th>Deliverable 9.1</th>
<th>SMP</th>
<th>Wahkiakum County &amp; Town of Cathlamet</th>
<th>Grant No. G1400483</th>
</tr>
</thead>
</table>

#### (21) Otter Creek

**Ryderwood**

- **Width:** 15
- **Description:** From the confluence of Otter Cr. and unnamed creek near the north section line (Sec.7, T10N, R4W) downstream to the East Fk. Elochoman R. (same section).

#### (22) Salmon Creek (Cont.)

**Grays River**

- **Width:** 15
- **Description:** From the Pacific County line (Sec.5, T10N, R8W) downstream to Pacific County line (Sec.7, same township).

#### (23) Skamokawa Creek

- **Description:** From the confluence of McDonald Creek and Standard Creek (Sec.28, T10N, R6W) downstream to mouth at Columbia River (Sec.17, T9N, R6W).

#### (24) Skamokawa Creek (Left Fk.)

- **Description:** From the confluence of the Left Fork Skamokawa Cr. and unnamed creek (Sec.19, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township).

#### (25) Skamokawa Creek (West Fk.)

- **Description:** From the confluence of West Fork Skamokawa Creek and Kelly Creek (Sec.31, T10N, R6W) downstream to Skamokawa Creek (Sec.8, T9N, R6W).

#### (26) West Valley Creek

**Skamokawa**

- **Width:** 15
- **Description:** From an approximate point (NE1/4 of Sec.1, T9N, R7W) downstream to mouth at the West Fork Skamokawa Cr. (Sec.6, T9N, R6W).

#### (27) Wilson Skamokawa Creek

- **Width:** 15
- **Description:** From the confluence of Wilson Cr. and unnamed creek (SW1/4 of NE1/4 of Sec.5, T9N, R5W) downstream to mouth at Skamokawa Creek (Sec.5, T9N, R6W).
<table>
<thead>
<tr>
<th>Stream or River. * indicates shoreline of statewide significance. B = Branch; E = East; F = Fork; M = Middle; N = North; P = Prong; S = South; T = Tributary; U = Unnamed; W = West</th>
<th>USGS 7.5 minute series map where the point is located</th>
<th>WA State Plane Feet East</th>
<th>WA State Plane Feet North</th>
<th>Longitude Degrees West</th>
<th>Latitude Degrees North</th>
<th>UT M ZONE</th>
<th>UTM Meters East</th>
<th>UTM Meters North</th>
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<tr>
<td>1925 Alger Creek</td>
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<td>Oak Point</td>
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<td>1929 Deep River</td>
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<td>1930 Elochoman River - From the confluence with the East Fork</td>
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<td>1934 Falk Creek</td>
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<td>1935 Fall Creek</td>
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<td>1936 Fossil Creek</td>
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<td>1937 Grays River - Entire length in Wahkiakum County is a Shoreline</td>
<td>Sweigiler Creek</td>
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<td>Sweigiler Creek</td>
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<td>1941 Hull Creek - Entire length in Wahkiakum County is a Shoreline</td>
<td>Sweigiler Creek</td>
<td>862926</td>
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<td>1942 Jim Crow Creek</td>
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<td>1943 Klints Creek</td>
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<td>1944 Malone Creek</td>
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<td>1945 MacDonald Creek</td>
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<td>1946 Mill Creek</td>
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<td>1947 Mill Creek, S F</td>
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<tr>
<td>1948 Naselle River - Entire length in Wahkiakum County is a Shoreline</td>
<td>Upper Naselle River</td>
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<td>1950 Otter Creek</td>
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<td>1951 Salmon Creek - Entire length in Wahkiakum County is a Shoreline</td>
<td>Upper Naselle River</td>
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<td>46.3853</td>
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<td>1952 Skamokawa Creek, L F</td>
<td>Skamokawa</td>
<td>891539</td>
<td>378979</td>
<td>123.4642</td>
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<td>1953 Skamokawa Creek, W F</td>
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<td>1954 Standard Creek</td>
<td>Skamokawa</td>
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<td>376414</td>
<td>123.3977</td>
<td>46.3288</td>
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<td>469389</td>
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<td>1955 West Valley Creek</td>
<td>Skamokawa</td>
<td>884197</td>
<td>364748</td>
<td>123.4911</td>
<td>46.2944</td>
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<td>1956 Wilson Creek</td>
<td>Skamokawa Pass</td>
<td>926371</td>
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<td>475028</td>
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**APPENDIX 2: Critical Areas Reference Documents**

**Table 8: References for Planning and Reviewing Development that May Affect Critical Areas**

<table>
<thead>
<tr>
<th>Critical Areas</th>
<th>References</th>
</tr>
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<tbody>
<tr>
<td><strong>All Critical Areas</strong></td>
<td>Chapter 173-26 Washington Administrative Code (Shoreline Master Program Guidelines)</td>
</tr>
<tr>
<td></td>
<td>Publication #05-06-006. Olympia, WA.</td>
</tr>
<tr>
<td></td>
<td>Department of Ecology. Publication #05-06-008. Olympia, WA.</td>
</tr>
<tr>
<td></td>
<td>Federal Wetland Delineation Manual (1987) and applicable regional supplement.</td>
</tr>
<tr>
<td></td>
<td>Stormwater Management Manual for Western Washington, as Amended in December 2014 (The 2014 SWMMWW). (Ecology</td>
</tr>
<tr>
<td></td>
<td>Publication Number 14-10-055).</td>
</tr>
<tr>
<td></td>
<td>Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1, (Ecology Publication</td>
</tr>
<tr>
<td></td>
<td>#06-06-011b, Olympia, WA, March 2006 or as revised)</td>
</tr>
<tr>
<td></td>
<td>Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)(Publication #09-06-32,</td>
</tr>
<tr>
<td></td>
<td>Olympia, WA, December 2009)</td>
</tr>
<tr>
<td><strong>Flood Hazard</strong></td>
<td>Title 86. Revised Code of Wahkiakum County</td>
</tr>
<tr>
<td><strong>Geological Hazard</strong></td>
<td>Title 14.10, Cathlamet Municipal Code</td>
</tr>
<tr>
<td><strong>Critical Aquifer Recharge</strong></td>
<td>None</td>
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<td></td>
<td>Washington Department of Fish and Wildlife Priority Habitats and Species Management Recommendations.</td>
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</table>
## Table 9: References for Locating Potential Critical Areas

<table>
<thead>
<tr>
<th>Critical Areas</th>
<th>Resources</th>
<th>Notes</th>
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<tbody>
<tr>
<td><strong>All Critical Areas</strong></td>
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<tr>
<td>Recorded plats and deeds for subject parcel or neighboring parcels.</td>
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<tr>
<td><strong>Wetlands</strong></td>
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<tr>
<td>National Wetlands Inventory (NWI) or Surface Waters and Wetlands Inventory (SWI)</td>
<td><a href="http://www.fws.gov/wetlands/">http://www.fws.gov/wetlands/</a></td>
<td></td>
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<tr>
<td><strong>Flood Hazard</strong></td>
<td></td>
<td></td>
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<tr>
<td>Flood Insurance Study (FIS) for Wahkiakum County, September 28, 1990</td>
<td><a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a></td>
<td></td>
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<tr>
<td>Flood insurance Rate Maps accompanying the aforementioned FIS</td>
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<tr>
<td><strong>Geological Hazard (Erosion)</strong></td>
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<tr>
<td>USDA Soil Conservation Service</td>
<td><a href="http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm">http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm</a></td>
<td>County Webpage</td>
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<tr>
<td>Figures 4.12 and 4.13 in Wahkiakum County Comprehensive Flood Hazard Management Plan (CFHMP), FINAL DRAFT; April 2005</td>
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<tr>
<td><strong>Geological Hazard (Seismic)</strong></td>
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<tr>
<td>United States Geological Survey Maps including the following:</td>
<td><a href="http://ngmdb.usgs.gov/maps/mapview/">http://ngmdb.usgs.gov/maps/mapview/</a></td>
<td></td>
</tr>
<tr>
<td>Washington Interactive Geologic Map (Seismogenic Features and Ground Response) layers. Washington Department of Natural Resources.</td>
<td><a href="https://fortress.wa.gov/dnr/geology/?Theme=wigm">https://fortress.wa.gov/dnr/geology/?Theme=wigm</a></td>
<td></td>
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<tr>
<td><strong>Geological Hazard (Landslide)</strong></td>
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<tr>
<td>Wahkiakum County Comprehensive Plan, 1984 (Figure 1, page 38)</td>
<td>None.</td>
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<td>Department of Natural Resources Division of Geology Maps</td>
<td><a href="https://fortress.wa.gov/dnr/geology/?Theme=wigm">https://fortress.wa.gov/dnr/geology/?Theme=wigm</a></td>
<td></td>
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<tr>
<td>Washington Interactive Geologic Map (All Landslides and Landforms) layers)</td>
<td><a href="https://fortress.wa.gov/dnr/geology/?Theme=wigm">https://fortress.wa.gov/dnr/geology/?Theme=wigm</a></td>
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<tr>
<td>Wahkiakum County Landslide Hazard Map</td>
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<tr>
<td>USDA Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County, WA; July 1986. (See Slide and Slip features on maps)</td>
<td><a href="http://www.co.wahkiakum.wa.us/depts/pWahkiakumMaps.htm">http://www.co.wahkiakum.wa.us/depts/pWahkiakumMaps.htm</a></td>
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<td><a href="http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=WA">http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=WA</a></td>
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### Appendix 2: Critical Areas Reference Documents

#### SMP

**Deliverable 9.1**

<table>
<thead>
<tr>
<th>Geological Hazard (Volcanic)</th>
<th>None</th>
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<td>Not applicable</td>
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<table>
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<tbody>
<tr>
<td>WA Department of Health Surface Water Assessment Program Mapping Application: “Surface Water Protection” and “Time of Travel” Layers</td>
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<thead>
<tr>
<th>Fish and Wildlife Habitat Conservation Areas</th>
<th><a href="http://wdfw.wa.gov/mapping/phs/">http://wdfw.wa.gov/mapping/phs/</a></th>
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<tr>
<td>Washington Department of Fish and Wildlife Priority Habitat and Species maps.</td>
<td></td>
</tr>
<tr>
<td>Washington State Department of Natural Resources Official Water Type Reference Maps, as amended.</td>
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</tr>
<tr>
<td>Washington State Department of Natural Resources Natural Heritage Program maps</td>
<td></td>
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</table>

Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission:

- Habitat Limiting Factors Report For WRIA 24, Figure B.2

Washington State Department of Natural Resources Shorezone Inventory

This resource is recommended by WDFW, however their appears to be no data pertaining to the Columbia River upstream of Big Sand Island in Baker Bay. This was determined by reviewing shorezone inventory GIS metadata, the shorezone inventory user’s manual, and the Shorezone inventory interactive viewer.

