

STAFF REPORT

GEORGIA-PACIFIC MAINTENANCE DREDGING

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

File No. SHOR17-03

REPORT DATE: NOVEMBER 20, 2017

MEETING DATE: NOVEMBER 28, 2017

To:	Shoreline Management Review Committee	Applicant: Georgia-Pacific (GP) Consumer Products 401 NE Adams St, Camas, WA 98607
Location:	The GP Camas Mill is located near the intersection of NE Adams and NE 3 rd Avenue and covers 661 acres. The dredging will occur in the Camas Slough of the Columbia River. The approximate latitude and longitude of the dredging project are as follows: 45.5808 N / -122.4039W; 45.5798 N / -122.41357 W; and 45.5764 N / -122.44537 W	
Public Notice:	The city mailed application notices to properties within 300-feet of the subject site on October 5, 2017. The city issued a SEPA Determination of Non-significance (file #SEPA17-22) on November 2, 2017, and the comment period ended on November 16, 2017.	

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APPLICABLE LAW

The application was deemed complete on October 3, 2017, and the applicable codes are those codes that were in effect on the date of application, to include the Camas Shoreline Master Program (Limited Amendment Ord. 15-007) consolidated with Critical Area Review within Appendix C (SMP); and the Shoreline Management Act (RCW90-58)(WAC 173-27). **Note:** *Camas Shoreline Master Program (SMP) citations are in italics throughout this report.*

CAMAS SHORELINE MASTER PROGRAM (SMP) PERMITS

Shoreline Substantial Development Permits must be consistent with approved Shoreline Master Program (SMP) element goals, objectives and general policies of the designated environment; policy statements for shoreline use activities; and with use activity regulations. Critical area review and permitting are consolidated with the SMP.

SUMMARY

The proposed dredging activity will occur in the Camas Slough, of the Columbia River, and disposed at a pre-existing disposal site on Lady Island. Given that the disposal site is existing, the activity is not included with this permit. The project lies waterward of the regulated shorelines of the Columbia River. The Camas Shoreline Master Program (SMP) classifies the shoreline management areas as "Aquatic". In the aquatic management area maintenance dredging is considered to be an allowed shoreline use.

MASTER PROGRAM GOALS AND POLICIES (CHAPTER 3)

General Goals, Section 3.2

Within the City of Camas, the Columbia River and the Washougal River are designated shorelines of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

- 1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:*
 - a. Recognize and protect the statewide interest over local interest;*
 - b. Preserve the natural character of the shoreline;*
 - c. Result in long term over short term benefit;*
 - d. Protect the resources and ecological function of the shoreline;*
 - e. Increase public access to publicly-owned areas of the shorelines;*
 - f. Increase recreational opportunities for the public in the shoreline; and*
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.*
- 2. Uses that are not consistent with these policies should not be permitted on SSWS.*
- 3. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.*
- 4. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by 1) restricting or prohibiting development that would irretrievably damage shoreline resources, and 2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.*

FINDING: Staff finds that the general goals and policies of Chapter 3 are met as this project will support the economic vitality of the state, versus local interest, and is not inconsistent with the general goals.

3.13 Water Quality and Quantity

3.13.2 (1): Encourage the location, construction, operation and maintenance of shoreline uses, developments and activities the focused on maintaining or improving the quality and quantity of surface and ground water over the long term.

FINDING: The proposed activity will maintain the navigation channel consistent with this provision.

AQUATIC ENVIRONMENT (CHAPTER 4)

The management policies of the Aquatic Shoreline Designation at SMP Section 4.3.1.4 are as follows:

- 1) *New over-water structures should be allowed only for water-dependent uses or ecological restoration.*

FINDING: No structures are proposed.

- 2) *Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.*

FINDING: The applicant has prepared detailed specifications in regard to the in-water work and their efforts to protect the environment.

- 1) *In-water uses should be allowed where impacts can be mitigated to ensure no net loss of ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline functions. Unavoidable impacts must be minimized and mitigated.*

FINDING: The applicant has prepared detailed specifications in regard to no net loss.

- 2) *On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.*

FINDING: The contractor will use a slow drop clamshell to minimize turbidity and suspended solids in the water. This will also allow any fish to escape the activity.

- 3) *Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.*

FINDING: Not applicable

- 4) *Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.*

FINDING: The activity is to maintain a navigable channel.

- 5) *Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.*

FINDING: Not applicable

- 6) *Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.*

FINDING: No aquaculture activities are proposed.

- 7) *Given that the aquatic designation is waterward of the OHWM, then when the proposed use, development, activity or modification requires use of adjacent upland property, then it must also be allowed within the upland shoreline designation.*

FINDING: The upland disposal site is preexisting. If it were a new site, it would be allowed as a shoreline conditional use.

GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS (CHAPTER 5)

The SMP includes general regulations that apply to all development in the shorelines. The following analysis and findings respond to the criteria at **Section 5.1** General Shoreline Use & Development.

1. *Shoreline uses and developments that are water-dependent shall be given priority.*

FINDING: The development is water-dependent.

2. *Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.*

FINDING: The proposed work will not affect shoreline functions.

3. *Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.*

FINDING: The development will not require shoreline stabilization as it is in the water.

4. *Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.*

FINDING: The applicant has not requested to begin work prior to receiving approvals.

5. *Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed and used in accordance with applicable policies and regulations of this Program.*

FINDING: This criterion is not applicable.

6. *Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.*

FINDING: The project will not require development permits as found within CMC Titles 17 or 18.

7. *On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.*

FINDING: The development is within the aquatic environment, and is intended to improve navigation.

8. *Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and*

regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.

FINDING: The applicant will dispose of dredged material at an existing inland site.

9. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

FINDING: The work will occur when authorized through WA Dept. of Fish & Wildlife, and other state agencies. The work window is generally between November 1st and January 31st.

10. The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline function is achieved. Applicants must comply with the provisions of Appendix C with a particular focus on mitigation sequencing per Appendix C, Section 16.51.160 Mitigation Sequencing. Mitigation Plans must comply with the requirements of Appendix C, Section 16.51.170 Mitigation Plan Requirements, to achieve no net loss of ecological functions.

FINDING: The application includes a Biological Evaluation in which a discussion on minimizing impacts was included. Refer to Sections 3.2 and 8.3 of the Biological Evaluation.

11. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

FINDING: No in-stream structures are proposed.

12. Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580, and requested with a shoreline permit application.

FINDING: The development is within the city jurisdictions.

SPECIFIC SHORELINE USE REGULATIONS (CHAPTER 6) - DREDGING (6.4.21)

The specific use regulations for dredging are concerned primarily with new dredging activities and not maintenance. Only regulations 2, 4, 6 and 7, out of eight are applicable.

2. Maintenance dredging of established navigation channels and basins shall be restricted to management of previously dredged or existing authorized location, depth and width.

FINDING: The application is consistent with this provision.

4. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created to mitigate for the dredging project.

FINDING: No dredging between OHWM and -15 feet is proposed.

6. Dredging and dredge disposal shall be scheduled to protect biological productivity (including but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (including but not limited to, drift netting and crabbing) during a fishing season unless specifically addressed and mitigated for in the permit.

FINDING: The work will occur during the authorized work window as noted above.

7. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.

FINDING: The dredging technique will be using a clamshell to minimize the broadcast of bottom materials.

CRITICAL AREAS

Critical Area regulations are located within the SMP, Appendix C.

FISH AND WILDLIFE CONSERVATION AREAS- SMP APPENDIX C, CHAPTER 16.61

The application contained a Biological Evaluation (September 11, 2017), which addressed the applicable policies of SMP, Appendix C, and Section 16.61.020 (C) Habitat Assessment. The report included an evaluation of the endangered and threatened species and included a recommendation of measures to avoid impacts. Refer to Section 3.2 of the report for specific measures.

After local approval is granted, the activity is also subject to permitting from the Department of Fish and Wildlife, the Army Corps of Engineers and the Department of Ecology.

FINDING: The applicant demonstrated that impacts to threatened and endangered species can be minimized or avoided.

CONCLUSIONS

- Based upon the submitted plans and reports, Staff finds that the project is consistent with the general goals and policies of the SMP pursuant to SMP Chapter 3 Goals and Policies, and Chapter 5 General Use & Development Regulations.
- As proposed, the project is consistent with the SMP Chapter 6 Specific Shoreline Use Regulations, for maintenance dredging.
- The development can comply with the critical area regulations of the SMP.

RECOMMENDATION

Staff recommends **APPROVAL** of the GP Maintenance Dredging Substantial Development Permit (File #SHOR17-03).