

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2021-01 – PUD No. 1 of Douglas and Chelan County, PUD No. 2 of Grant County and the Bonneville Power Administration

Administering Agency Douglas County Transportation and Land Services

Type of Permit: Shoreline Substantial Development Permit

Action: Approved Denied

Date of Action: July 19, 2021

Date Mailed to DOE/AG

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of Douglas County, a permit is hereby granted to:

Public Utility District No. 1 of Douglas County

1. The applicant is Public Utility District No. 1 of Douglas County, 1151 Valley Mall Parkway, East Wenatchee, WA 98802.
2. Public Utility District No. 1 of Douglas County and Chelan County, Public Utility District No. 2 of Grant County and the Bonneville Power Administration (BPA) are proposing to participate in the construction of a 230 kV transmission line and associated facilities in the northern mid-Columbia area of Washington State. The 8.4 mile project is referred to as the Northern Mid-Columbia Joint Project, while the proposed transmission line is referred to as the Rapids - Columbia 230 kV transmission line. The proposed transmission line would extend from Douglas County Public Utility District No.1 's Rapids Switchyard located within the City of Rock Island, to BPA's Columbia Substation located within Douglas County and to the west of the Palisades area of Douglas County.
3. The first landing is located along the existing corridor within Rock Island (which will be processed by the City of Rock Island) and the second connecting to the Columbia Substation near the Palisades Rd turnoff within the Rural Conservancy Shoreline Environment. The subject properties are located along the Columbia River in Douglas County. Construction will take place within existing transmission line easements. The Assessor's Parcel Numbers are, 21222820005, 21222820021 and 21222130003.
4. The majority of the property consists of moderate to gently sloped upland containing many existing transmission pole structures and lines, and is minimally vegetated with shrub steppe shrubs and grasses. Any trees in the area have previously been topped or cut to protect the existing transmission lines. The proposed transmission structures (64W) will be developed adjacent to the existing transmission structures where there is minimal vegetation. Immediately

landward of the OHWM, the shoreline is a steeply sloped rock outcropping. This steep sloped section covers the entire shoreline and ranges from -10-30 feet wide. This section is largely devoid of vegetation. Overall, the majority of the property is devoid of riparian habitat, particularly where the transmission lines will cross the river, and is providing little if any habitat functions and values. Waterward of the OHWM, the substrates are dominated by rock with a steep slope. Little to no aquatic vegetation is present at the subject property.

5. There will be no work proposed within the 200 ft. shoreline zone. The new structure will be located greater than 200 ft. from the OHWM of the Columbia River. Transmission lines will span the shoreline zone, critical areas, and Columbia River by helicopter and land based equipment (located outside of the shoreline zone).
6. Near the Columbia River, construction work areas near riparian areas do not have trees or shrubs that would require removal. Because structures would be constructed on the high bluffs along the Columbia River, riparian vegetation would not be disturbed. Impacts to designated critical habitat would not be expected or would be minimal because mitigation measures to prevent or minimize sedimentation would be implemented at the one work site within 200 feet of the river and there would be no removal of riparian vegetation.
7. The subject properties are located within the commercial agriculture 10(AC-10) zoning district. The purpose of the AC-10 district is to encourage agricultural development through the maximum cultivation and reclamation of lands by restricting incompatible uses within such areas. It is also the purpose to preserve and encourage existing and future agricultural land uses as viable, permanent land uses, and as a significant economic activity within the community. Douglas County recognizes and acknowledges the importance of agricultural lands and activities to its livelihood. Production of food and fiber, and associated support activities including transportation are the primary land uses in this district.
8. Pursuant to DCC 18.36.020 Permitted uses, the following uses are permitted outright in the AC-10 district: M. Utility distribution/transmission facility in accordance with DCC Section 18.16.320.
9. Pursuant to DCC 18.16.320 Utilities, communication and transmission facilities, the following minimum conditions shall apply:
 - 9.1 Adequate ingress and egress to the site shall be provided pursuant to DCC Title 12;
 - 9.2 If the use requires parking, said parking shall be in accordance with DCC Chapter 20.42;
 - 9.3 If the use involves outside storage, the use shall be enclosed in a view-obscuring fence or total view-obscuring landscape buffer;
 - 9.4 A plan for the control of noxious and problem weeds must be submitted and implemented upon approval;
 - 9.5 The minimum lot size in the district that a utility structure is located in may be waived upon a finding that the waiver will not result in detrimental effects to adjacent properties.
 - 9.5.1 When a minimum lot size is waived, a note shall be placed on the face of the plat that the parcel is not a building site other than for the permitted utility use. The requirement for verification of adequate provisions for water and sewage disposal may be waived.
 - 9.5.2 When the minimum lot size is waived for utilities exempted from platting by RCW 58.17.040(9), a notice to title shall be recorded with the county auditor stating that the parcel is not an allowable building site other than for the permitted utility use. The notice shall be in a form approved by the land services director.

9.6 In general, utility uses in the rural area shall be designed and constructed to harmonize with the character of the surrounding area. Landscaping alternatives incorporating water conservation, such as xeriscaping, are preferred. The land services director is granted broad authority and discretion to approve modifications to landscape standards.

10. Comprehensive Plan. The subject property is within the irrigated agriculture land use designation. The following goals and policies set forth in the comprehensive plan are relevant to this development:

10.1 8.3 UTILITIES GOALS AND POLICIES

- 10.1.1 GOAL: Development in Douglas County will only occur in conjunction with the availability of adequate, cost effective provision of utilities. The installation and expansion of utilities will be coordinated to minimized cost and disruption of normal activities.
- 10.1.2 U-1. Recognize energy facility need and future demand in Douglas County and ensure facilities be properly located to increase effectiveness of the resource, protect the public, health safety and welfare, address land use compatibility, and the environment.
- 10.1.3 U-3. Utility and energy facilities with the least impact to the public health, safety and the environment are encouraged.
- 10.1.4 U-10. Promote the continued use, maintenance, development and revitalization of existing utilities whenever possible.
- 10.1.5 U-11. Encourage the siting of utilities and utility corridors within rights of way
- 10.1.6 U-12. Encourage State agencies to streamline their requirements for provision of services by including flexible standards that are based on specific situations, as opposed to strict application of statewide standards.
- 10.1.7 U-13. Encourage State agencies' to review applications and issue permits concurrent with local permit requirements and timelines.

10.2 CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

- 10.2.1 GOAL 1: Protect fish and wildlife habitat areas as an important natural resource for Douglas County, particularly in regard to their economic, aesthetic and quality of life values.
- 10.2.2 CA-13. Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.
- 10.2.3 CA-14: Impacts of new development on the quality of land, wildlife and vegetative resources will be considered as part of the environmental review process and require any appropriate mitigating measures. Such mitigation may involve the retention and/or enhancement of habitats.
- 10.2.4 CA-15: The maximum amount of vegetation should be maintained in its natural state and be disturbed only as minimally necessary for the development. Disturbed areas should be re-vegetated with native vegetation as soon as possible. Re-vegetation will be maintained in good growing conditions, as well as being kept free of noxious weeds.
- 10.2.5 CA-16: If a development proposal is located in or near a habitat conservation area shown on the reference maps, a consultation and subsequent mitigation measures, if needed, should be encouraged from the WDFW or other appropriate agency.
- 10.2.6 CA-18: Proper riparian management that maintains existing riparian habitat and is consistent with best agricultural management practices should be encouraged.

- 10.2.7 CA-19: Ensure that land uses adjacent to naturally occurring wetlands and other fish and wildlife habitat areas will not negatively impact the habitat areas. If a change in land use occurs, adequate buffers will be provided to the habitat areas.
 - 10.2.8 CA-20: Activities allowed in fish and wildlife habitat conservation areas and open space will be consistent with the species located there, including all applicable state and federal regulations and/or best management practices for the activity regarding that species.
11. According to the Applicant, the Mitigation Action Plan (MAP) is referenced in the Finding of No Significant Impact (FONSI) for the Bonneville Power Administration (BPA) Northern Mid-Columbia Joint Project (Joint Project or Proposed Action) (U.S. Department of Energy Environmental Assessment DOE/EA-1945, March 2016).
 12. This MAP is for the Proposed Action and includes all of the measures presented in the final Environmental Assessment (final EA) to mitigate adverse environmental impacts. BPA developed this MAP to reduce the potential for adverse impacts from the Joint Project regardless of their potential significance or lack thereof.
 13. Mitigation includes actions that were taken during the design phase to avoid or minimize adverse impacts. It also includes mitigation measures that will be implemented for the Joint Project prior to construction, during construction, and post-construction. Proposed mitigation measures specific to aquatic resources and critical areas are listed within the JARPA. In addition, the JARPA includes conservation measures as part of the Joint Project to avoid or minimize impacts to fish and fish habitat implemented by Douglas PUD.
 14. The applicant has provided the following plans and/or studies in support and to address Mitigation sequencing:
 - 14.1 U.S. Department of Energy Environmental Assessment DOE/EA-1945, March 2016 (BPA Northern Mid-Columbia Joint Project Environmental Assessment; DOE/EA1945; March, 2016)
 - 14.2 Mitigation Action Plan (MAP) (within the FONSI)
 - 14.3 BPA Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings; DOE/EA-1945; March, 2016
 - 14.4 JARPA – April 5, 2021.
 15. Shoreline Master Program. The Douglas County Regional Shoreline Master Program classifies this reach of the Columbia River shoreline as Rural Conservancy. The purpose of the rural conservancy environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of appropriate uses include but are not limited to low impact outdoor recreation uses, agricultural uses, aquaculture, low intensity residential development, and other natural resource based low intensity uses.
 16. WAC 173-27 provides updated rules for administering the Shoreline Management Act (RCW 90.58) and the local master program. WAC 173-27-150 establishes minimum review criteria for substantial development permits. The criteria states that a substantial development permit shall be granted only when the proposed development is consistent with:
 - 16.1 The policies and procedures of the Act;
 - 16.2 The provisions of these regulations; and
 - 16.3 The applicable master program adopted or approved for the area.

16.4 The applicant has provided JARPA and other support materials.

17. Environmental Review. The Public Utility District No.1 of Douglas County is the designated Responsible Official; and issued an Adoption of Existing Environmental Documents: Determination of Non-Significance for the Northern Mid-Columbia Joint Project – August 19, 2019.

17.1 The BPA Northern Mid-Columbia Joint Project Environmental Assessment was prepared to examine environmental impacts, alternatives and mitigation measures for development of the proposed Northern Mid-Columbia Joint Project.

17.2 The BPA Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings determined BPA's environmental findings of no significant impact on the selected project route. The FONSI also includes a BPA Mitigation Action Plan that lists the mitigation measures to be implemented for the proposed project along with a BPA Floodplain statement of finding the proposed project would avoid direct impacts on floodplains.

18. Applicable agencies have been given the opportunity to review this proposal. The following agencies have been sent copies of the proposal and have commented as indicated below:

Agency Notified	Response Received	Agency Notified	Response Received
Douglas County TLS - GIS	05/14/2021	Douglas County – Land Services	06/18/2021
WA Department of Ecology	N/R	WA Dept. of Fish & Wildlife	05/25/2021
WA Department of Ecology - Shorelines	N/R	Douglas County – PUD	N/R
US Army Corps of Engineers	N/R	Colville Confederated Tribes	06/10/2021
Douglas County Transportation and Stormwater	N/R	Dept. of Arch. & Historical Preservations	N/R
WA State DOT	05/24/2021	Dept. of Natural Resources	N/R

19. No public comments were received.

20. Upon review of the application materials, site plans, agency comments, the Douglas County Countywide Comprehensive Plan, the Douglas County Regional Shoreline Master Program and other applicable codes and requirements, the Hearing Examiner offers the following findings for the subject application:

21. Comprehensive Plan consistency: The largest power supplier in Douglas County is the Douglas County Public Utility District #1 (PUD). Power is sold nationally to retail and wholesale customers. Generally, the power distribution system lines and equipment are located in public street and road right of ways or on private utility easements. Transmission Line & Facilities will take place within existing transmission line easements and existing facilities. This is consistent with the Utilities Goals and Policies. The Critical area policies place preference on the protection of and preservation of wetlands over the alteration and mitigation of impacts to wetlands. The

proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan.

22. Consistency with the Douglas County Shoreline Master Program: The Applicant has provided information that demonstrates consistency with the Douglas County Shoreline Master Program (SMP). The following goals and objectives set forth in the Shoreline Master Program are relevant to this project.

22.1 SMP 5.17 Utilities – Policies:

22.1.1 New public or private utilities should be located inland from the water unless,

22.1.1.1 Perpendicular water crossings are unavoidable; or

22.1.1.2 Utilities are required for authorized shoreline uses consistent with this Master Program.

22.2 Utilities should be located and designed to avoid adverse impacts to public recreation and public access areas and significant natural, historic, archaeological or cultural resources.

22.3 Utilities should be located, designed, constructed, and operated to result in no net loss of shoreline ecological functions and processes.

22.4 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.

22.5 Utilities should be located in existing rights of way and corridors.

22.6 Utilities serving new development shall be located underground, where practical.

22.7 Development and/or maintenance of utility facilities that would disrupt shoreline ecological functions should be discouraged. When permitted, facilities and/or maintenance should not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

22.8 Regulations:

22.8.1 All applicants shall document that the facility cannot be feasibly located outside of shoreline jurisdiction due to the uses served or the need to cross shorelands to connect specific end points. An analysis of alternatives may be required. New or expanded public or private utilities should be located inland from the water, preferably out of shoreline jurisdiction.

22.8.2 All applicants shall document that the proposed facilities comply with critical area regulations in Section 4.1, Ecological Protection and Critical Areas.

22.8.3 All applicants shall document how the location, design and use achieves no net loss of shoreline ecological functions and incorporates appropriate mitigation.

22.8.4 Applicants shall document that facilities will avoid adverse impacts to public recreation areas and significant natural, historic, archaeological or cultural sites, and that all feasible measures to minimize adverse impacts to such resources have been incorporated into the proposal.

22.8.5 Applications must demonstrate adequate provisions for preventing spills or leaks, as well as procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

22.8.6 Applications must demonstrate that the utility facility has located in existing right-of way corridors where feasible.

22.8.7 Applications must demonstrate that the utility facility minimizes conflicts with present and planned uses of the shoreline.

22.8.8 Facilities shall not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values

- such as parks and recreation facilities, public access and archaeological, historic, and cultural resources, and aesthetic resources.
- 22.8.9 Some utilities have critical location requirements, but are not normally water dependent. Components that are not water-dependent shall not be located within the shoreline jurisdiction unless alternatives are infeasible and shall include analysis of alternative routes, and alternative designs which avoid or minimize impacts.
 - 22.8.10 Facilities not water dependent include, but are not limited to:
 - 22.8.10.1 Sewage trunk lines, interceptors, and pump stations.
 - 22.8.10.2 Oil, gas and natural gas pipelines.
 - 22.8.10.3 Energy and communication systems including substations, towers, and transmission/distribution lines.
 - 22.9 The applicant has provided the following plans and/or studies in support and address regulations:
 - 22.9.1 JARPA – April 5, 2021
 - 22.9.2 U.S. Department of Energy Environmental Assessment DOE/EA-1945, March 2016 (BPA Northern Mid-Columbia Joint Project Environmental Assessment; DOE/EA1945; March, 2016)
 - 22.9.3 Mitigation Action Plan (MAP) (within the FONI)
 - 22.9.4 BPA Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings; DOEIEA-1945; March, 2016.
 - 22.10 4.1 ECOLOGICAL PROTECTION AND CRITICAL AREAS
 - 22.10.1 POLICY 1: Shoreline use and development should occur in a manner that assures no net loss of existing ecological functions and processes and protects critical areas. Uses should be designed and conducted to avoid, minimize, or to fully mitigate in so far as practical, any damage to the ecology and environment.
 - 22.10.2 REGULATION 1: Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:
 - 22.10.2.1 Avoiding the impact altogether by not taking a certain action or parts of an action;
 - 22.10.2.2 Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - 22.10.2.3 Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
 - 22.10.2.4 Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - 22.10.2.5 Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - 22.10.2.6 Monitoring the impact and the compensation projects and taking appropriate corrective measures.
 - 22.10.3 The applicant has provided the following plans and/or studies in support and address mitigation:
 - 22.10.3.1 JARPA – April 5, 2021
 - 22.10.3.2 U.S. Department of Energy Environmental Assessment DOE/EA-1945, March 2016 (BPA Northern Mid-Columbia Joint Project Environmental Assessment; DOE/EA1945; March, 2016)
 - 22.10.3.3 Mitigation Action Plan (MAP) (within the FONI)

- 22.10.3.4 BPA Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings; DOEIEA-1945; March, 2016.
- 22.10.4 Generally, the project is designed to minimize impacts to habitat in the vicinity of the project. In order to avoid or minimize potential adverse impacts to the environment, the applicant has provided BMPs which will be employed during construction.
- 22.11 4.2 WATER QUALITY
 - 22.11.1 REGULATION 5: All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.
- 22.12 4.3 VEGETATION CONSERVATION
 - 22.12.1 REGULATION 2: Where impacts to buffers are permitted under Section 4.1, Ecological Protection and Critical Areas, new developments shall be required to develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements of Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions. Vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the County Auditor.
 - 22.12.2 REGULATION 4: Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.
- 22.13 4.7 RESTORATION
 - 22.13.1 POLICY 2: Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.
- 22.14 Appendix H, Chapter 3: Critical Areas – Fish and Wildlife Habitat Conservation Areas: The applicant has provided the following plans and/or studies in support and address mitigation:
 - 22.14.1 JARPA – April 5, 2021
 - 22.14.2 U.S. Department of Energy Environmental Assessment DOE/EA-1945, March 2016 (BPA Northern Mid-Columbia Joint Project Environmental Assessment; DOE/EA1945; March, 2016)
 - 22.14.3 Mitigation Action Plan (MAP) (within the FONSI)
 - 22.14.4 BPA Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings; DOEIEA-1945; March, 2016.
- 23. This MAP is for the Proposed Action and includes all of the measures presented in the final Environmental Assessment (final EA) to mitigate adverse environmental impacts. BPA developed this MAP to reduce the potential for adverse impacts from the Joint Project regardless of their potential significance or lack thereof. Mitigation includes actions that were taken during the design phase to avoid or minimize adverse impacts. It also includes mitigation measures that will be implemented for the Joint Project prior to construction, during construction, and post-construction. Proposed mitigation measures specific to aquatic resources and critical areas are listed within the MAP and JARPA.
- 24. As conditioned, the proposal is consistent with the Douglas County Shoreline Master Program.

25. Consistency with WAC 173-27 and RCW 90.58: As conditioned below, the project appears consistent with the requirements and criteria of the Shoreline Management and Enforcement Procedures, and the Shoreline Management Act.
26. As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 and 19 of the Douglas County Code, the Douglas County Countywide Comprehensive Plan, and the Douglas County Regional Shoreline Master Program.
27. WAC 173-27-090 requires that construction must be commenced within 2 years of the effective date of the shoreline permit and that authorization for construction shall terminate 5 years after the effective date of the shoreline permit.
28. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.
29. The Notice of Application allowed for a public and agency comment period that began on 5/13/2021 and ended on 6/11/2021. Surrounding property owners were given the opportunity to comment on the proposal, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
30. No public comments were received.
31. An open record public hearing after legal notice was held on July 15, 2021 via Zoom video conference.
32. At the open record public hearing, the entire planning staff file was admitted into the record.
33. Appearing and testifying at the hearing was Larry Lehman. Mr. Lehman stated that he is an agent authorized to testify on behalf of the Applicant/property owner. Mr. Lehman testified that the Applicant had no objection to any of the Conditions of Approval.
34. No member of the public appeared at the hearing.
35. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

CONCLUSIONS

1. The Hearing Examiner has been granted authority to render this Decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan and the Douglas County Regional Shoreline Master Program.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As proposed and conditioned, potential impacts of the project can be mitigated.
5. Public interests will be served by approval of this proposal.


6. As conditioned, the proposal is consistent with Title 18 “Zoning” and Title 19 “Environment” of the Douglas County Code, and the Douglas County Shoreline Mater Program.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file, submitted on 04/13/2021 except as amended by the conditions herein.
2. This permit is issued for the “Southern” site which is located at / near the BPA's Columbia Substation located to the west of the Palisades area of Douglas County. At no time does this permit imply or grant approval for activity outside of the authority of Douglas County.
3. The applicant shall comply with all applicable local, state and federal regulations.
4. The project application shall proceed consistent with the following plans and/or studies in support of the project:
 - 4.1 JARPA – April 5, 2021
 - 4.2 U.S. Department of Energy Environmental Assessment DOE/EA-1945, March 2016 (BPA Northern Mid-Columbia Joint Project Environmental Assessment; DOE/EA1945; March, 2016)
 - 4.3 Mitigation Action Plan (MAP) (within the FONI)
 - 4.4 BPA Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings; DOEIEA-1945; March, 2016.
5. During construction, noise from construction equipment may occur between the hours of 7 a.m. and 10 p.m., Monday through Sunday, in accordance with Douglas County Code, Chapter 8.04.130.
6. Construction of the project for which this permit has been granted must be commenced within two (2) years of the effective date of this permit. Authorization to conduct development activities granted by the permit shall terminate five (5) years from the filing date of the permit.
7. Non-compliance can result in the scheduling of a hearing with the Douglas County Hearing Examiner to review conformance with the conditions of approval and to determine what actions may be appropriate.
8. Where a condition imposed herein may be found inconsistent with the requirements of the Washington State Department of Fish and Wildlife, HPA Permit, or permitting issued by the United States Army Corps of Engineers, the Douglas County Land Services Director shall have discretion to allow for project redesign consistent with the approvals granted by said agencies; if the redesign can be found consistent with the Douglas County Code, the Shoreline Master Program, and the Shoreline Management Act.

APPROVED this 19 day of July, 2021.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This permit is granted pursuant to the Shoreline Master Program of Douglas County, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit. Anyone aggrieved by this decision has twenty-one (21) days from the "date of receipt" as defined in RCW 43.21B.001 to file a petition for review with the Shorelines Hearings Board as provided for in Washington law.

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A
CONDITIONAL USE OR VARIANCE PERMIT**

Date received by the Department _____

Approved _____

Denied _____

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

Date

Signature of Authorized Department Official