

**SHORELINE MANAGEMENT PERMIT
ACTION SHEET**

Application #: SP-2020-01 - Washington Department of Fish & Wildlife

Administering Agency Douglas County Transportation and Land Services

Type of Permit: ■ Shoreline Substantial Development Permit

Action: ■ Approved □ Denied

Date of Action: August 20, 2020

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:

Washington Department of Fish & Wildlife (WDFW)

1. The applicant is Washington Department of Fish & Wildlife (WDFW).
2. Washington Department of Fish & Wildlife (WDFW) has submitted an application for a shoreline substantial development permit for boat launch improvements and restroom facility.
3. The subject properties are approximately 1.9 acres in size and are located at 54 Moe Rd, Brewster WA. The property is located in the Rural Resource 20 (RR-20) zoning district under Douglas County Code, and is further described as being located within Section 28, Township 30N, Range 25E, W.M. The Assessor's Parcel Numbers are 30252810012 & 30252810013.
4. The subject property is located in the Rural Resource 20 (RR-20).
5. Within 200 feet of the **Columbia River** and/or its associated wetlands.
6. The Columbia River Shoreline section of the subject property is designated as Rural Conservancy by the Douglas County Regional Shoreline Master Program.
7. WAC 173-27-150 establishes minimum review criteria for Shoreline Substantial Development Permits. This criteria states that a substantial development permit shall be granted only when the development proposed is consistent with the policies and procedures of the Act; the provisions of this regulation; and the applicable master program adopted or approved for the area.
8. According to Douglas County GIS, there appears to be roughly 28 foot gap between parcels 30252810012 and 30252810017 that still needs to be finalized. If this has been resolved or recorded, please submit the documents to County staff.

9. The applicant has provided the following plans and/or studies in support of the project:
 - 9.1 Biological Assessment to support Endangered Species Act consultation with federal agencies Shannon & Wilson, Inc., 2019.
 - 9.2 Archeological and Historic Services Report (AHS) report, Ives, 2019.
 - 9.3 Wetland Delineation Report - Wells Recreation Boat Launch Project by Shannon & Wilson dated June 26, 2020 and updated July 10, 2020.
 - 9.4 Wells Recreation Site Development – Boat Launch Project Mitigation and Monitoring Plan dated July 31, 2020 and received August 3, 2020.
10. The mitigation proposed in the plans and/or studies meets the requirements of the Douglas County Regional Shoreline Master Program.
11. The project is designed to minimize impacts to instream and upland habitat.
12. Washington Department of Fish & Wildlife is the designated Responsible Official and issued a Determination of Non-significance on December 13, 2019.
13. The applicant has provided a JARPA and other support materials.
14. 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. The following agencies were notified:

Agency Notified	Response Received	Agency Notified	Response Received
Douglas County TLS - GIS	07/28/2020	Douglas County - Fire District	07/07/2020
WA Department of Ecology	N/R	WA Dept. of Fish & Wildlife	N/R
WA Department of Ecology - Shorelines	N/R	Douglas County - PUD	07/09/2020
US Army Corps of Engineers	N/R	Colville Confederated Tribes	N/R
Douglas County Transportation and Stormwater	07/06/2020	Dept. of Arch. & Historical Preservations	N/R

15. No public comments were received.
16. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
17. 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.
18. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

19. An open record public hearing after legal notice was held on August 20, 2020. Appearing and testifying at the hearing was Ann Sample. Ms. Sample testified that she was an agent authorized to appear and speak on behalf of the applicant and property owner. Ms. Sample indicated that the property owner had no opposition to any of the proposed Conditions of Approval. Ms. Sample indicated that the concerns within proposed Condition of Approval No. 20 had been resolved and that the plans required by proposed Condition of Approval Nos. 8 and 9 would be submitted to staff before any construction took place.
20. No member of the public appeared at the hearing.
21. At the open record public hearing, the entire planning staff file was admitted into the record.
22. 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, revised, 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.
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 06/01/2020, revised and augmented 07/20/2020, and August 2020.
2. The applicant shall comply with all applicable local, state and federal regulations.
3. Applicable permits for the Project shall be obtained prior to construction. Work shall be performed according to the requirements and conditions of these permits.
4. A copy of this permit and attached conditions shall be kept on-site and provided to the contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this permit and attached conditions and shall follow its conditions at all times.

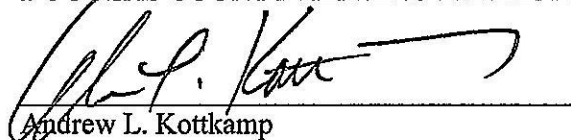
5. The project application shall proceed consistent with the following plans and/or studies in support of the project:
 - 5.1 Biological Assessment to support Endangered Species Act consultation with federal agencies Shannon & Wilson, Inc., 2019.
 - 5.2 Archeological and Historic Services Report (AHS) report, Ives, 2019.
 - 5.3 Wetland Delineation Report - Wells Recreation Boat Launch Project by Shannon & Wilson dated June 26, 2020 and updated July 10, 2020.
 - 5.4 Wells Recreation Site Development – Boat Launch Project Mitigation and Monitoring Plan dated July 31, 2020 and received August 3, 2020
6. Best management practices (BMP), including turbidity curtains, shall be installed to limit the extent of turbidity caused by temporary erosion.
7. The project shall be designed using the Washington State Department of Ecology’s 2019 Stormwater Management Manual for Eastern Washington. Stormwater runoff generated from impervious surfaces created by the proposed vault toilet and the gravel parking lot will be controlled onsite through limited impact development including sheet flow through native vegetation.
8. Prior to site disturbance, the applicant shall submit a temporary erosion and sediment control plan. Construction activities shall be conducted in accordance with a temporary erosion and sediment control plan. The Contractor shall monitor conditions and ensure that these practices and preventive measures are undertaken. Any bare earth area where no near-term work is scheduled to take place will be immediately stabilized with seeding, mulching, or other appropriate methods.
9. The contractor shall clean equipment to remove noxious weeds/seeds, aquatic invasive species, and petroleum products prior to mobilizing to the site.
10. BMP would be used to control temporary air pollutant emissions in the construction area. Those will consist of requiring proper maintenance of construction equipment, avoiding prolonged idling of vehicles, spraying water to minimize dust, and periodically sweeping paved areas as necessary.
11. At no time shall discharge waste material be allowed into ground or surface water. The vault will be solid concrete, double-lined with high-density polyethylene liner.
12. All disturbed areas shall be seeded with native seed.
13. Preserved trees that are adjacent to the construction footprint will be protected with construction fencing. As part of the construction fencing, clearing limits shall be clearly marked to limit impacts to upland vegetation in those areas proposed as part of this Project.
14. Refueling shall occur at least 100 feet from the shoreline, within site construction BMP, and construction equipment shall be maintained to reduce the potential of contamination during construction activities.
15. The contractor shall inspect fuel hoses, oil or fuel transfer valves, and fillings on a regular basis for drips or leaks in order to prevent spills or runoff of deleterious materials into the surface water.

16. Prior to site disturbance, the applicant shall prepare a Spill Prevention, Control, and Countermeasures Plan. The Plan shall be on-site and available, and construction shall comply with the Project-specific Spill Prevention, Control, and Countermeasures Plan. In addition, the Spill Prevention, Control, and Countermeasures Plan would outline roles and responsibilities, notifications, inspections, and response protocols to be implemented in the event of a spill
17. 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.
18. Excess or waste materials shall not be disposed of or abandoned waterward of the OHWM or allowed to enter Waters of the State.
19. Imported materials shall consist of clean granular material free of contaminants and all other deleterious materials.
20. As applicable, and if not already accomplished, the applicant shall resolve the 28 foot gap between parcels 30252810012 and 30252810017.
21. Pursuant to the Wells Recreation Site Development – Boat Launch Project Mitigation and Monitoring Plan dated July 31, 2020 and received August 3, 2020, the monitoring period shall commence upon placement of the planting materials and wetland mitigation.
 - 21.1 The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall include corrective actions to rectify problems, include rigorous, as-needed elimination of undesirable plants; protection of shrubs and small trees from competition by grasses and herbaceous plants, and repair and replacement of any dead plants.
 - 21.2 Onsite monitoring and monitoring reports shall be submitted to Douglas County Transportation and Land Services 1 year after mitigation installation; and each after mitigation installation. Monitoring reports shall be submitted by Washington Department of Fish and Wildlife. Washington Department of Fish and Wildlife must verify that the conditions of approval and provisions in the Mitigation and Monitoring Plan have been satisfied.
22. The applicant/contractor is responsible for taking measures necessary to prevent sediment from discharging on to the public right-of-way and/or adjacent properties.
23. Construction materials, equipment and debris shall not be stockpiled within the County right-of-way. This includes but is not limited to portable toilets and building/landscaping materials.
24. Implementation and update of temporary erosion control plan required until site is stabilized. Prior to construction, the stabilized entrance shall be in place. The construction entrance shall be maintained and refurbished as necessary to keep sediment from being tracked off site.
25. .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.
26. Public launch ramps shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas.

27. Garbage or litter receptacles shall be provided and maintained by the operator at several locations convenient to users.
28. Disposal or discarding of fish cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles is prohibited.
29. At public or community launch ramps, trailer spaces at least 10 feet by 40 feet shall be provided commensurate with projected demand.
30. Launch ramps shall be placed and maintained near flush with the foreshore slope.
31. 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.
32. 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 21st day of August, 2020.

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