FERRY COUNTY SHORELINE MASTER PROGRAM ORDINANCE #2016-01

AMENDING FERRY COUNTY SHORELINES MASTER PROGRAM ORDINANCE #2002-09

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FERRY COUNTY
Planning Department
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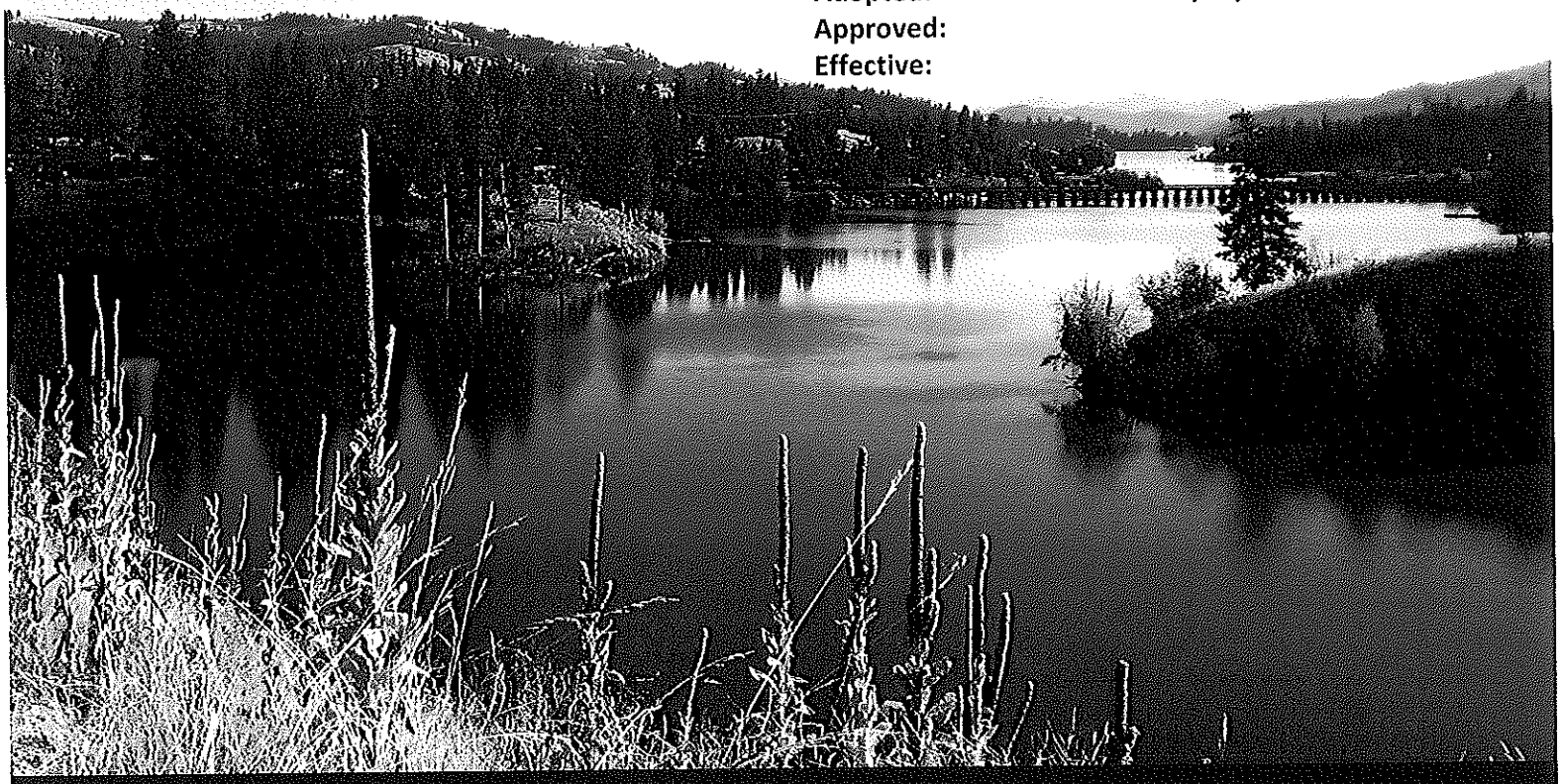

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PREPARED FOR: FERRY COUNTY AND THE CITY OF REPUBLIC

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Final Draft Shoreline Master Program

Ferry County Coalition Shoreline Master Program Update

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TABLE OF CONTENTS

List of Tables

PART I: Shoreline Goals and Policies (RCW 90.58.100)

1 Introduction

Ferry County and the City of Republic have formed the Ferry County Coalition (Coalition) to update the Shoreline Master Program (SMP). The SMP intends to implement the requirements of the Washington State Shoreline Management Act (SMA; Revised Code of Washington [RCW] 90.58), the state SMA Guidelines (Guidelines; Chapter 173-26 Washington Administrative Code [WAC]), and the Shoreline Management Permit and Enforcement Procedures (WAC 173-27).

The SMA was enacted in 1971 to provide for the management and protection of shorelines of the state by regulating development in the shoreline area. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines" (RCW 90.58.020). The SMA requires cities and counties to adopt an SMP to regulate shoreline development and accommodate "all reasonable and appropriate uses" consistent with "protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...and public rights of navigation." Ferry County adopted its SMP in 1975, with a revision in 2002.

Washington State Department of Ecology (Ecology) approved the updated SMA Guidelines in 2003. The SMA and implementing SMP Guidelines require all towns, cities, and counties across the state to comprehensively update their SMPs. The Guidelines provide new requirements for environmental protections, including meeting no net loss of ecological functions, providing for public access, accounting for advancements in science and shoreline management practices, and establishing a clear relationship between the SMA and the Growth Management Act (GMA).

The updated SMP provides goals, policies, and regulations for the development of the Coalition's shorelines consistent with the SMA and Guidelines.

2 Relationship to Growth Management Act

An SMP contains goals, policies, regulations, and environment designation maps that guide shoreline development in accordance with state requirements. The SMP is integrated with local land use regulations. Consistent with RCW 36.70A.480, the goals and policies contained in this SMP shall be considered an element of the local comprehensive plan. All other portions of this SMP, including the use regulations, are considered a part of the local development regulations. Ferry County is in the process of possibly opting out of planning under the Growth Management Act (GMA) per EHB 1224. This would limit the applicability of the SMP update to the critical area components as they relate to the GMA.

The Inventory, Analysis, and Characterization Report; Restoration Plan; Cumulative Impacts Analysis Report (which includes the "no net loss of shoreline ecological functions" analysis findings); and Public Participation Plan are supporting documents and are not adopted as part of this Program or the local Comprehensive Land Use Plan.

The Inventory, Analysis, and Characterization Report establishes the baseline against which the standard "no net loss of shoreline ecological functions" is measured. The Restoration Plan identifies and prioritizes shoreline ecological restoration opportunities that may be undertaken independently or in conjunction with mitigation for development impacts to improve shoreline ecological functions over time.

3 Profile of the Shoreline Jurisdiction within the Ferry County Coalition

The Washington State SMA defines the shoreline of the state as "all 'shorelines' and 'shorelines of statewide significance' within the state" (RCW 90.58.030). The shoreline includes floodways, land within 200 feet of the ordinary high water mark (OHWM) of the waterways, floodplains up to 200 feet from the floodway edge, and associated wetlands.

Ferry County Coalition's SMP encompasses shoreline along 4 rivers, 10 creeks, and 12 lakes. The Coalition's shoreline waterbodies are described in the following Sections.

3.1 Shorelines of Statewide Significance

The Coalition's shoreline jurisdiction includes four rivers that are considered Shorelines of Statewide Significance (SSWS) as listed in Table 1. The SMA designates certain shoreline areas as SSWS, which are defined as "natural rivers or segments thereof" that have a mean annual flow of 200 cubic feet per second or more (or for streams east of the crest of the Cascades, the portion downstream from the first 300 square miles of drainage area [RCW 90.58.030]) and lakes, whether natural, artificial, or a combination thereof, of 1,000 acres or greater in surface area. The Columbia, Kettle, West Fork Sanpoil, and Sanpoil rivers are SSWS based on both the flow and upstream drainage criteria.

In the Superior Court of the State of Washington, Stevens County Decree #8282 of 1925, the Court adjudicated that the Kettle River is a non-navigable stream. Ferry County recognizes, as per this case, that the owner in fee land, together with the shores and beds of the Kettle River lying in front of said land to the center line of the river, also owns the other rights as laid out in the case. Ferry County also recognizes, as per this case, the state of Washington has no estate, right, title, or claim in or to said lands, beds, or shores of this river. It is recognized the SMA and this SMP do apply to the Kettle River, but that Ecology does not have the authority to determine or defend the navigability status of any waterbody.

The SSWS protection and management goals are described in SMP Section 4.4, Shoreline Uses and Modifications Element.

Ferry County Coalition's SSWS are identified in Table 1.

Table 1. Shorelines of Statewide Significance

Stream Name	Total Length of Proposed Shoreline
Columbia River	98.8 miles
Kettle River	62.9 miles
West Fork Sanpoil River	3.1 miles
Sanpoil River	47.2 miles

Note:
The entire length of the Columbia River along the Confederated Tribes of the Colville Reservation was included.

3.2 Other Rivers and Streams

Table 2 identifies the Coalition's Shorelines of the State.

Table 2. Shoreline Jurisdiction Streams and Creeks

Stream Name	Total Length of Proposed Shoreline
Boulder Creek	2.6 miles
South Fork Boulder Creek	10.3 miles
Curlew Creek	10.7 miles
Sanpoil River	16.7 miles
West Fork Sanpoil River	2.5 miles
Toroda Creek	4.6 miles
Sherman Creek	9.3 miles
Deadman Creek	5.0 miles
Granite Creek	4.0 miles
Hall Creek	37.0 miles
Ninemile Creek	13.1 miles
Stranger Creek	10.2 miles

A portion of Granite Creek is within the City of Republic.

3.3 Lakes and Reservoirs

Table 3 identifies the Coalition's lakes which include Shorelines of the State.

Table 3. Shoreline Jurisdiction Lakes

Lake Name	Total Area of Proposed Shoreline
Mud Lake	24 acres
Sanpoil Lake	24 acres
Curlew Lake	860 acres
Ferry Lake	20 acres

Lake Name	Total Area of Proposed Shoreline
Lake Ellen	75 acres
Swan Lake	54 acres
Twin Lakes	1,661 acres
Elbow Lake	56 acres
Camille Lake	26 acres
Bourgeau Lake	37 acres
Round Lake	83 acres
La Fleur Lake	46 acres

4 Development of Goals and Policies

Goals express broad value statements that reflect the local shorelines vision. Goals also provide a framework upon which the more detailed SMP shoreline use environments, policies, regulations, and administrative procedures are based in subsequent chapters. Policies are more detailed statements reflecting the goals and visions for shorelines. Policies provide detail to the associated goals and act as a bridge between the goals and implementing regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

The SMP goals and policies are categorized according to the Master Program elements mandated in the SMA. The general goal and policy statements found within each SMP element provide the policy basis for local program administration.

4.1 Economic Development Element

A. Goals

1. Goal A: Encourage, sustain, and, where possible, enhance the existing economic activities such as agriculture, mining, angling, hunting, forestry, and general water-oriented recreation.

2. Goal B: Develop, as an economic asset, the water-oriented tourism and recreational industry that would further enhance the public enjoyment of the shoreline.

3. Goal C: Promote economic growth that provides for the sustainable use of natural resources, conserves open spaces and maintains the environmental quality and rural character that makes Ferry County and the City of Republic preferred places to live and work.

4. Goal D: Maintain and secure additional commercial and industrial facilities and infrastructure necessary for existing and future development in shoreline areas where it is most feasible, while maintaining environmental quality and shoreline ecological functions.

5. Goal E: Maintain and, where possible, enhance natural resource-based industries within shoreline, including productive agriculture (cultivation and grazing), mining, fisheries, and forest practices while maintaining environmental quality. Discourage incompatible uses near the natural resource-based industries.

6. Development within shoreline jurisdiction should recognize the economic values of the natural resources along with the natural character and aesthetics of views and vistas to the shoreline.

B. Policies

1. Ensure healthy, orderly economic growth by providing for those economic activities that will be an asset to the local economy and for which the adverse effects on the quality of the shoreline and surrounding environment can be avoided, or where this is not possible, mitigated.

2. Maintain current agricultural, mining, and forestry natural resource uses as a major economic strength of the region. Protect current agricultural, mining, and forestry land uses and provide for developing new resource uses in shorelands.

3. Maintain and protect existing water-dependent and water-related uses that support Ferry County's economy. Provide opportunities for future expansions of such uses. Examples include, but are not limited to, ferries, recreational fisheries, and navigation.

4. Allow diversion of water for agricultural purposes consistent with the state water rights and watershed planning laws.

5. Promote tourism and develop and maintain the recreation and tourism industry along shorelines in a manner that will enhance public enjoyment.

6. Work with port districts and other agencies to ensure sustainable economic growth along the shoreline. Encourage cooperative use of existing port facilities, including docks and piers, where feasible and when they do not negatively affect public safety.

7. Give preference to economic activities in undeveloped areas, which either leave natural or existing shoreline features, such as trees, shrubs, grasses, and wildlife habitat, unmodified or modify them in a way that enhances human awareness and appreciation of the shoreline and other natural and non-natural surroundings.

8. Encourage new economic development in the following priority order: water-dependent; water-related; and water-enjoyment.

9. Ensure that any economic activity taking place along the shoreline operates without causing irreparable harm to the site's ecological integrity and functions and that of adjacent shorelands.

10. Where possible, developments are encouraged to incorporate low-impact development techniques into new projects and integrate architectural and landscape elements that recognize and are consistent with the shoreline environment.

11. Encourage commercial and recreational developments that are non-water-oriented to provide ecological enhancement and public access as appropriate.

12. Ensure that new industrial, commercial, recreation, and natural resource uses, including agricultural uses, will not result in a net loss of shoreline ecological functions or have significant adverse impacts on navigation, recreation, and public access.

4.2 Public Access and Recreation Element

A. Goals

1. Goal A: Promote, protect, and, where possible, enhance both physical and visual public access along the shoreline, especially on the Columbia, Kettle, Sanpoil, and West Fork Sanpoil rivers and Curlew and Twin lakes. Increase the amount and diversity of public access along the shoreline consistent with private property rights, public safety, National Park Service requirements, and the natural shoreline character.

2. Goal B: Maintain and, where possible, enhance existing physical and visual public access and provide additional public access, where appropriate and where possible, such as Lake Roosevelt, Kettle River, Curlew Lake, parks and campgrounds along the rivers, and other shorelines.

3. Goal C: Provide new physical and visual public access as feasible and when new development creates demand for public access.

4. Goal D: Encourage diverse, convenient, and adequate water-oriented recreational opportunities along the shoreline for the public, recognizing the significant sections of privately owned lands (both upland and aquatic lands, as applicable) on the Kettle River, Sanpoil River, Curlew Creek, and Curlew Lake.

5. Goal F: Give water-oriented shoreline recreational development priority within public lands on shoreline jurisdiction.

B. Policies

1. Protect and, where possible, enhance visual and physical access to publicly owned shorelines. Provide visual access, such as viewpoints or view corridors, in areas with limited physical access due to extensive private ownership, physical constraints such as a steep slope, or the sensitive nature of the shoreline where practicable, whenever possible.

2. Ensure that new developments, uses, and activities on or near the shoreline do not impair or detract from the public's access to the water. Where practicable, public access to the shoreline should be enhanced.

3. Design public access to minimize potential impacts to private property and individual privacy.

4. Locate, design, manage, and maintain public access and recreation facilities in a manner that protects shoreline ecological functions and processes and the public's health and safety.

5. Identify opportunities for public access on publicly owned shorelines. Encourage federal, state, and local governments to provide public access and recreational uses on existing shoreline properties according to their management policies and public preferences. Preserve, maintain, and, where possible, enhance public access afforded by shoreline street ends, public utilities, and rights-of-way.

6. Provide physical and visual public access in the shoreline jurisdiction in association with the following uses when feasible: residential developments with five or more dwellings, commercial development, and public agency recreational development.

7. Provide public access and interpretive displays as part of publicly funded restoration or enhancement projects where significant ecological impacts are addressed.

8. Allow for passive and active shoreline recreation that emphasizes location along shorelines consistent with City, County, and other public agency parks, recreation, wildlife habitat, and open-space plans.

9. Explore opportunities for providing additional public access in suitable areas on the Columbia River, Kettle River, and Curlew Lake, while also protecting private property rights and avoiding the creation of additional recreation management challenges such as trespassing on private lands.

10. Encourage a variety of compatible recreational experiences and activities to satisfy the Coalition's diverse recreational needs such as parks, boat launches, docks, trail, and viewing platforms.

11. Give water-dependent recreation priority over water-enjoyment recreation uses. Give water-enjoyment recreational uses priority over non-water-oriented recreational uses.

12. Integrate and link recreation facilities with linear systems, such as water and walking trails, bicycle paths, easements, and scenic drives, when feasible, to connect waterbodies, roads, and trails and capitalize on other opportunities.

13. Promote non-intensive recreational uses, which avoid adverse effects to the natural environment, do not contribute to flood hazards, and avoid damage to the shoreline environment by minimizing erosion and other impacts, and through modifications such as structural shoreline stabilization or native vegetation removal.

4.3 Circulation Element

A. Goals

1. Goal A: Develop safe, convenient, and multi-modal circulation systems to ensure efficient movement of people, goods, and services, with minimal adverse impacts on the shoreline environment.

B. Policies

1. Provide safe, reasonable, and adequate road, trail, and water circulation systems to shorelines where routes will minimize adverse effects on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

2. Within the shoreline jurisdiction, locate land circulation systems that are not shoreline-oriented and as far from the land-water interface as practicable to reduce interference with either natural shoreline resources or other appropriate shoreline uses.

3. Allow for maintenance and improvements to existing roads and parking areas. Allow for necessary new roads and accessory parking areas where other locations outside of shoreline jurisdiction are not feasible.

4. Plan and develop a circulation network, which is compatible with the shoreline environment and respects and protects ecological and aesthetic values in the shoreline of the state as well as private property rights.

5. In the circulation network, plan for pedestrian, bicycle, equestrian, and public transportation along with various watercraft where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with this SMP.

6. Promote existing transportation corridors for reuse for water-dependent uses or public access when they are abandoned, such as rails to trail.

7. Encourage relocation or improvement of those circulation elements that are functionally or aesthetically disruptive to the shoreline, public waterfront access, and ecological functions.

8. Plan parking areas to achieve optimum use. Where possible, parking should serve more than one use (e.g., serving recreational use on weekends and commercial uses accessory to a water-dependent, water-related, or water-enjoyment use on weekdays).

9. Encourage low-impact parking facilities such as gravel or permeable pavements designed to avoid runoff and increase infiltration.

10. Encourage trail and bicycle paths along shorelines in a manner compatible with the natural character, resources, and ecology of the shoreline.

11. Encourage the linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking and bicycle paths, easements, and scenic drives along the shoreline.

4.4 Shoreline Uses and Modifications Element

A. Goals

1. Goal A: Encourage shoreline development that recognizes the Coalition's natural and cultural values and its unique aesthetic qualities offered by its variety of shoreline environments. These include, but are not limited to, free flowing and reservoir-bounded river segments, agricultural development, mining and forestry uses, cliffs and steep slopes, riverine wetlands, lakes, open views, and formal and informal public access.

2. Goal B: the Coalition recognizes and protects the functions and values of the shoreline environments of statewide and local significance. For SSWS, protection and management priorities are as follows:

   a. Recognize and protect statewide interest over local interest

   b. Preserve the natural character of the shoreline

   c. Provide long-term over short-term benefits

   d. Protect the resources and ecology of shoreline

   e. Increase public access to publicly owned areas of shoreline

   f. Increase recreational opportunities for the public in shoreline areas

B. General Policies

1. Maintain areas within SMP jurisdiction with unique attributes for specific long-term uses, including agricultural, mining, forestry, commercial, industrial, residential, recreational, and open space uses.

2. Ensure that proposed shoreline uses are distributed, located, and developed in a manner that will maintain or improve the health, safety, and welfare of the public when such uses occupy shoreline areas.

3. Ensure that activities and facilities are located so as to retain or improve shoreline natural character and ecological function. Encourage new developments to locate in areas already developed with similar uses that are consistent with this SMP.

4. Ensure that proposed shoreline uses do not infringe upon the rights of others, upon the rights of private ownership, upon the rights of the public under the Public Trust Doctrine or federal navigational servitude, and upon treaty rights of Native American tribes.

5. Minimize the adverse impacts of shoreline uses and activities on the environment during all phases of development (e.g., design, construction, management, and use).

C. Shoreline Environment Designation Policies

1. Provide a comprehensive shoreline environment designation system to categorize the Coalition's shoreline into environments based on the primary characteristics of shoreline areas to guide the use and management of these areas.

2. Designate properties as Natural in order to protect and, and where possible, restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are sensitive to potential impacts from human use.

3. Designate properties as Rural to accommodate low-density rural home sites and natural resource-based uses such as timber harvesting, mining, and agriculture or rangeland uses, as well as to maintain an open-space character and provide opportunities for recreational uses.

4. Assign appropriate designations to accommodate recreational uses. Ensure that intense recreational uses, such as boat launches and parks, do not conflict with the sensitive nature of the shoreline (e.g., wildlife areas and shoreline reaches with riparian and floodplain plant communities exhibiting high ecological integrity) where low-impact recreational uses are more appropriate.

5. Assign properties as High Intensity to support industrial, commercial, transportation, and navigation activities while maintaining ecological functions. Ensure that public services, such as irrigation and navigation uses, are separately addressed from the commercial uses.

6. Designate properties as Shoreline Residential to accommodate higher density residential development and recognize existing and proposed land uses. This designation is appropriate on lands with residential uses, including multi-family residences.

7. Assign appropriate environment designations to preserve riparian, wetland, and upland ecosystems in shorelands, natural resource uses, and public agency operations.

D. Agriculture Policies

1. This SMP recognizes the cultural and historic importance of agriculture to the Coalition and supports its continued viability. This SMP provides for ongoing agricultural activities and should protect agricultural lands from conflicting uses, such as intensive or unrelated residential, industrial, or commercial uses, while also maintaining shoreline ecological functions and processes.

2. New agricultural development should be conducted in a manner that ensures no net loss of shoreline ecological functions and processes.

3. Maintain native riparian and upland vegetative buffers between agricultural lands and streams or wetlands.

4. Conversion of agricultural lands to other uses should comply with all policies and regulations for non-agricultural uses.

E. Aquaculture Policies

1. Aquaculture, which includes salmonid acclimation facilities, is a preferred water-dependent use of the shoreline and, when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is a preferred use of the shoreline (WAC 173-26-241(3)(b)).

2. Give preference to aquaculture operations that avoid or minimize environmental impacts. Aquaculture should control pollution, avoid adverse impacts to the environment, and preserve habitat for native species.

3. Aquaculture should not be allowed in areas where it would impair navigation or conflict with other water-dependent uses.

4. Design aquaculture facilities to minimize nuisance odors and noise as well as visual impacts on surrounding shoreline development.

5. The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant/proponent and the tribe is encouraged.

F. Boating Facilities Policies

1. Locate and design boating facilities so their structures and operations will be compatible with the area's environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.

2. Encourage restoration activities when substantial improvements or repair to existing boating facilities is planned.

3. Boating facilities that minimize the amount of shoreline modification are preferred.

4. Boating facilities should provide physical and visual public shoreline access and provide for multiple water-oriented uses, to the extent compatible with shoreline ecological functions and processes and adjacent shoreline use.

5. Boating facilities should be located and designed to avoid adverse effects on riverine processes, such as erosion, littoral transport, accretion, sediment transport, and channel migration. Installing boating facilities should, where feasible, enhance degraded, riverine ecological and geomorphic functions.

6. Location and design of boating facilities should not unduly obstruct navigable waters and should avoid adverse effects to recreational opportunities, such as fishing, pleasure boating, swimming, beach walking, picnicking, and shoreline viewing, and to private lands.

G. Breakwaters, Jetties, Groins, and Weirs Policies

1. To the extent feasible, limit the use of breakwaters, jetties, groins, weirs, or other similar structures to those projects providing public safety or ecological restoration or other public benefits. These structures should avoid or minimize significant ecological impacts. Impacts that cannot be avoided should be minimized and mitigated.

H. Dredging and Dredge Material Placement Policies

1. Dredging and dredge material placement should avoid and minimize significant ecological impacts. Impacts that cannot be avoided should be minimized and mitigated.

2. Design and locate new shoreline development to avoid the need for dredging.

3. Limit dredging and dredge material disposal to the minimum necessary to allow for shoreline restoration, flood hazard reduction, and maintenance of existing legal moorage and navigation. Dredging to provide for new navigation uses should be minimized.

4. Allow dredging for the primary purposes of flood hazard reduction only as part of a long-term management strategy consistent with an approved flood hazard management plan.

5. Ensure that dredging operations are planned and conducted in a manner that will minimize interference with navigation and avoid adverse impacts to shoreland natural character and ecological functions.

I. Fill Policies

1. Limit fill waterward of the OHWM to support ecological restoration or to facilitate water-dependent or public access uses.

2. Allow fill consistent with floodplain regulations upland of the OHWM provided it is located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and is the minimum necessary to implement an approved project.

J. Forest Practices

1. Ensure compliance with the state's Forest Practices Act for all forest management activities on non-federal forest lands including Class IV, general forest practices, where shorelines are being converted or are expected to be converted to non-forest uses.

2. Conduct forest practices within shoreline areas to ensure water quality and the maintenance of vegetative buffer strips to protect fish populations and avoid erosion of stream banks.

3. Seeding and reforestation should be encouraged to reduce potential erosion hazard on logged areas. Introduced vegetation should be of similar species and density as native vegetation in the general vicinity.

4. Logging should be avoided on shorelines where significant sediment runoff would be precipitated unless adequate restoration and erosion control can be expeditiously accomplished. Logging should be conducted to ensure the maintenance of buffer strips of adequate vegetation where needed to prevent temperature increases adverse to fish populations and erosion of stream banks.

5. Ensure that timber harvesting on SSWS does not exceed the limitations established in RCW 90.58.150 except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.

6. Shoreline areas having well-known scenic qualities such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal should be closely regulated so that the quality of the view and viewpoints along SSWS in the region are not degraded.

7. Proper road and stream crossing structure design (e.g., bridge, culvert, or ford), location, and construction and maintenance practices should be used to prevent development of roads and structures which would adversely affect shoreline resources.

8. When forest lands are converted to another use, assure no net loss of shoreline ecological functions or adverse impacts on other shoreline uses, resources, and values such as navigation, recreation, and public access.

K. Instream Structures Policies

1. Locate, plan, and permit instream structures consistent with the full range of public interests, including, but not limited to, structures for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, structures primarily intended for fisheries management, or other purposes. Protect ecological functions and processes, and, where impacts cannot be avoided, mitigate impacts. Address environmental concerns, with special emphasis on protecting and, where possible, restoring priority habitats and species.

2. Instream structures designed specifically to address restoration or enhancement of ecological function are encouraged (e.g., rehabilitating natural channel morphology).

L. Mining Policies

1. Locate mining facilities outside shoreline jurisdiction whenever feasible.

2. Design and locate mining facilities and associated activities to prevent loss of ecological function. Give preference to mining uses that result in the creation, restoration, or enhancement of habitat for priority species.

3. Mineral prospecting and extraction activities, including, but not limited to, panning, dredging, placer mining, and related concentrating and extraction techniques and equipment use, shall conform to all regulations and equipment specifications in the Gold and Fish Pamphlet published by the Washington Department of Fish and Wildlife (WDFW) and regulations administered by all other local, state, and federal agencies.

4. Mineral prospecting and extraction activities should be conducted in a manner which prevents damage to all other aspects of shoreline natural character, floodplain and upland ecosystems, and ecological functions.

5. Mineral prospecting and extraction activities should be conducted in a manner which prevents impinging, limiting, or interfering with normal public use of shorelines, including, but not limited to, angling, boating, wading, and related activities.

6. Mineral prospecting and extraction activities should be conducted in a manner which prevents turbidity, sedimentation, and any other short-term or long-term impacts to water quality.

7. Protect waterbodies from pollution, including, but not limited to, sedimentation and siltation, chemical and petrochemical use, and spillage and storage/disposal of mining wastes and spoils.

M. Piers and Docks Policies

1. Pier and dock provisions should be consistent with the Washington State DNR, WDFW, Colville tribe and National Park Service standards and regulations, as applicable.

2. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft and that other moorage facilities are not available or feasible. Moorage for water-related and water-enjoyment uses or shared moorage for multi-family use should be allowed as part of a mixed-use development or where it provides public access.

3. New moorage, excluding docks accessory to single-family residences, should be permitted when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.

4. As an alternative to continued proliferation of individual private moorage, mooring buoys are preferred over docks or floats. Shared moorage

facilities are preferred over single-user moorage where feasible, especially where water use conflicts exist or are predictable. New subdivisions of more than two lots and new multi-family development of more than two dwelling units should provide shared moorage where feasible.

5. Docks, piers, and mooring buoys should avoid locations where they will adversely impact shoreline ecological functions or processes, including high-velocity currents, fish spawning beds, and littoral drift.

6. Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto, such as, but not limited to, fishing, swimming, and pleasure boating and private riparian rights of adjacent land owners.

7. Moorage should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width, and height of piers and docks should be no greater than that required for safety and practicality for the primary use.

8. Pile supports are preferred over fills because piles do not displace water surface or aquatic habitat and are removable and, thus, more flexible in terms of long-term use patterns. Floats may be less desirable than pile structures where aquatic habitat or littoral drift are significant.

9. The use of buoys for small craft moorage is preferred over pile or float structures because of less long-term impact on shore features and users; moorage buoys should be placed as close to shore as possible to minimize obstruction to navigation.

10. Piers and docks should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

11. New pier and dock development should be designed so as not to interfere with lawful public access to or use of shorelines. Developers of new piers and shared moorage should be encouraged to provide physical or visual public access to shorelines whenever safe and compatible with the primary use and shore features.

N. Recreational Development Policies

1. Shoreline recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.

2. Recreational developments should facilitate appropriate use of shoreline resources while conserving them. These resources include, but are not limited to, accretion shoreforms, wetlands, soils, groundwater, surface water, native plant and animal life, and shore processes.

3. Recreational and associated facilities may be a combination of active (developed) and passive (undeveloped) opportunities. Planning the location of recreational facilities and opportunities should consider the ecological function and sensitive nature of the shoreline in order to avoid adverse impacts. For example, wildlife and habitat preservation areas with sensitive shoreline habitat should have low-impact recreational uses.

4. Recreational developments and plans should provide a varied and balanced choice of recreation experiences in appropriate locations. Public agencies and private interests should coordinate their plans and activities to provide a wide variety of recreational opportunities without needlessly duplicating facilities.

5. Recreational development should encourage the linkage of shoreline parks, recreation areas, and public access points with linear systems such as hiking paths, bicycle paths, easements, and scenic drives.

6. When feasible, recreation facilities should incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shoreline management. Opportunities incorporating educational and interpretive information should be pursued in the design and operation of recreation facilities and nature trails.

7. Recreational development should be located and designed to preserve, enhance where possible, or, where feasible, create scenic views and vistas.

O. Residential Development Policies

1. Single-family residential development is a priority use.

2. Locate and construct residential development in a manner that ensures no net loss of shoreline ecological functions.

3. Ensure the overall density of development, lot coverage, and height of structures is appropriate to the physical capabilities of the site and consistent with local comprehensive plans and development regulations.

4. Ensure new residential development provides adequate buffers or open space from the water to protect ecological functions and ecosystem-wide processes, preserves views from the shoreline to the water and from the water to the shoreline, preserves shoreline aesthetic characteristics, protects the privacy of nearby residences, and minimizes use conflicts.

5. Make adequate provisions for services and infrastructure necessary to support residential development.

6. Design and locate residential development to preserve existing shoreline vegetation, control erosion, and protect water quality.

7. Residential development over water should not be permitted.

8. Design and locate new residences so that shoreline stabilization will not be necessary to protect structures and associated developments. Planning for new residential lots should demonstrate the lots can be developed without the following results:

   a. Constructing shoreline stabilization structures (such as bulkheads)

   b. Causing significant erosion or slope instability

   c. Minimized impacts to existing native vegetation within shoreline buffers

P. Shoreline Habitat and Natural Systems Enhancement Projects Policies

1. Include provisions for shoreline vegetation restoration or enhancement, fish and wildlife habitat rehabilitation, and low-impact development techniques in projects located within shoreline jurisdiction.

2. Encourage and facilitate implementation of projects and programs included in the SMP Shoreline Restoration Plan (partial draft developed).

Q. Shoreline Stabilization Policies

1. Locate and design new development, including subdivisions, to avoid potential future impingement on channel migration zones (CMZs) and eliminate the need for new shoreline modification or stabilization.

2. Design, locate, size, and construct new or replacement structural shoreline stabilization measures to minimize and mitigate the impact of these modifications on Ferry County Coalition's shorelines.

3. Give preference to non-structural shoreline stabilization measures over structural shoreline stabilization, and give preference to soft structural/ biotechnical shoreline stabilization design approaches over hard/fixed structural shoreline stabilization such as riprap or bulkheads.

4. Allow location, design, and construction of riprap and other bank stabilization measures primarily to prevent damage to existing development or to protect the health, safety, and welfare of Ferry County Coalition's residents.

R. Utilities Policies

1. Allow for utility maintenance and extension with criteria for location and vegetation restoration as appropriate.

2. Plan, design, and locate utility facilities to avoid or minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and future planned land and shoreline uses.

3. Do not permit new non-water-oriented utility infrastructure, such as power plants, solid waste storage, or disposal facilities, within shoreline jurisdiction unless no other options are possible. Primary utility facilities, such as wastewater treatment plants, and expansion of existing facilities should be located in shoreline jurisdiction only if no practical upland alternative or location exists. Such facilities and expansions should be designed and located to avoid or minimize impacts to shoreline ecological functions, including riparian, floodplain, and aquatic areas, and to the natural landscape and aesthetics. Consistent with the prioritized, preferred uses delineated in RCW 90.58.020, public health and safety should be the highest priority for the planning, development, and operation of primary utility facilities.

4. Locate utility transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of shoreline jurisdiction where possible. Where permitted within shoreline jurisdiction, such facilities should be located within existing or approved road crossings, and rights-of-way located in such a way to avoid or minimize potential adverse impacts on shoreline areas. Joint use of rights-of-way and corridors in shoreline areas should be encouraged.

5. Locate new utility facilities in a manner that avoids new shoreline protections where feasible.

6. Locate utility facilities and corridors to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.

7. Design utility facilities and rights-of-way to preserve the natural landscape and to avoid or minimize conflicts with present and planned land uses.

S. Existing Uses Policies

1. Allow nonconforming, existing legal uses and structures to continue in accordance with this SMP. Residential structures and appurtenant structures that were legally established and are used for a conforming use but do not meet standards for setbacks, buffers, yards, area, bulk, height, or density should be considered a conforming structure.

2. Allow alterations of nonconforming structures, uses, and lots in consideration of historic development patterns when occupied by preferred uses and consistent with public safety and other public purposes.

3. Encourage transitions from nonconforming uses to conforming uses.

4. Allow for nonconforming structures to expand when they do not increase the nonconformity according to SMP requirements.

5. Allow for existing roads, driveways, and utility lines to continue and expand when they do not increase the nonconformity according to SMP requirements.

6. Consider the no-net-loss of ecological function objective to guide review of proposed expansions or other changes to nonconforming uses and new development on nonconforming vacant lots. This objective may be addressed in an area-wide manner consistent with the SMP cumulative impacts analysis.

4.5 Conservation Element

(Goals and policies for Environmental Protection, Critical Areas, and Shoreline Vegetation Conservation and Water Quality, Stormwater Management, and Nonpoint Pollution)

A. Goals

1. Goal A: Protect the natural and shoreland ecosystems and ecological functions and scenic and recreational values, of Ferry County Coalition's shorelines.

B. General Policies

1. Develop and implement management practices that will ensure a sustained yield of renewable resources of the shorelines while preserving, protecting, or, where possible, enhancing and restoring shoreline resources, environments, or features, which cannot be replaced or restored within the planning horizon of this SMP.

2. Rehabilitate areas that are biologically and aesthetically degraded where feasible.

3. Preserve scenic vistas, aesthetics, fisheries and wildlife habitat, and other critical areas.

4. Protect shoreline processes and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, and regulation of development within shoreline jurisdiction. These measures should include incentives for private

property owners to encourage ecologically sound design and implementation of best land management practices.

5. Protect and manage shoreline-associated wetlands, including maintenance of sufficient volumes of surface and subsurface drainage into wetlands, to sustain existing vegetation and wildlife habitat.

6. Work with other agencies in the region and private entities to deal effectively with regional and watershed-wide natural environment issues and the protection, preservation, and, where possible, enhancement of all shoreline areas as fish and wildlife habitat.

7. Manage development to avoid risk and damage to property and loss of life from various geological conditions.

8. Regulate development within the SMP area of the 100-year floodplain to avoid risk and damage to property and loss of life. This regulation should also integrate with protecting ecological functions and CMZs in floodplains.

9. Prohibit the introduction of invasive non-native plant species along the shoreline, and encourage the removal of noxious and invasive weeds and trees. Maintain, protect, and, where possible, enhance healthy vegetation consistent with the local climate and nature of shoreline. Rehabilitate areas that are biologically and aesthetically degraded while maintaining appropriate use of the shoreline.

C. Critical Area Goals

1. Goal A: Promote public health and welfare by instituting local measures to preserve naturally occurring wetlands, critical aquifer recharge areas, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat conservation areas that exist in the Coalition's shoreline jurisdiction for their associated value.

2. Goal B: Reduce the threat posed to the health and safety of citizens from commercial, residential, or industrial development that may be sited in areas of significant geologic hazard.

3. Goal C: Identify categories of fish and wildlife habitat conservation areas in Ferry County Coalition's shoreline jurisdiction, based in part on information supplied by WDFW's Priority Habitat and Species Program and other sources, as well as other local and regional experts.

4. Goal D: Protect aquatic and terrestrial wildlife and reflect the needs and desires of local, regional, and state constituencies.

D. Critical Area Policies

1. Recognize that critical areas may serve a variety of vital functions, including, but not limited to, flood storage and conveyance, water quality protection, recharge and discharge areas for groundwater, erosion control, sediment control, fish and wildlife habitat, recreation, education, and scientific research.

2. Implement protection measures that protect identified values and functions of critical areas from future development proposals. However, these regulations shall not prohibit uses legally existing on any parcel prior to their adoption.

3. Avoid unnecessary duplication with various legal means and levels of government that already addresses protection of wetlands, and promote cooperation and coordination whenever possible.

4. Recognize that risks from geologic hazards can be avoided, minimized, or mitigated to acceptable levels through engineering design or modified construction practices. In other cases where technological efforts are not sufficient to reduce associated risks, building is best avoided. It is Ferry County's intention that the federal and state agencies coordinate their land use planning for intermingled state and federal lands with Ferry County's planning.

5. Preserve land necessary for aquatic and terrestrial wildlife species survival and preserve seasonal migration and daily wildlife movements for feeding, watering, resting, breeding, and thermal and escape cover.

4.6 Historic, Cultural, Scientific, and Educational Resources Element

A. Goals

1. Goal A: Conserve and protect historical, cultural, and archaeological resources found to be significant by recognized local, state, tribal, or federal processes.

2. Goal B: Encourage educational and scientific projects and programs that foster a greater appreciation for the importance of shoreline management, water-oriented activities, environmental conservation, and local historic connections with the Coalition's shoreline.

B. Policies

1. Encourage the identification, protection, and conservation of important archeological, historic, and cultural sites located in shoreline areas.

2. Encourage educational projects and programs that foster a greater appreciation of the importance of good shoreline management, maritime activities, environmental conservation, and maritime history, consistent with ensuring no net loss of ecological functions.

3. Prevent public or private uses and activities from damaging, altering, removing, or destroying any site having historic, cultural, scientific, or educational value without appropriate analysis and mitigation.

4.7 Floodplain Management Element

A. Goals

1. Goal A: Protect public safety within river and creek floodways and floodplains, and protect natural systems by preserving the flood storage and channel migration functions of floodplains.

2. Goal B: Prevent potential hazards that may be caused by inappropriate development in areas where severe and costly flooding is anticipated to occur.

B. Policies

1. Manage development proposed within floodplains and floodways consistent with the SMA, Federal Emergency Management Agency (FEMA) standards, and Critical Areas Regulations for frequently flooded areas contained within this SMP.

2. Implement protection measures designed to minimize hazards in frequently flooded areas that already exist for the Coalition as detailed in the Ferry County Flood Damage Prevention Ordinance (2002-01), as hereafter amended.

4.8 Private Property Right

A. Goals

1. Goal A: Recognize and protect private property rights in shoreline uses and developments consistent with the SMP.

B. Policies

1. Shoreline uses should be located and designed to respect private property rights in shorelands in the Coalition, including both upland and aquatic lands on the Kettle and Sanpoil rivers and Twin and Curlew lakes. Shoreline uses should maintain privacy of private property, be compatible with the shoreline environment, protect ecological functions and processes, and protect aesthetic values of the shoreline.

2. Public access to shoreline, such as trails, bikeways, or roads, should be designed and located to protect privacy of adjacent private property owners.

PART II: Shoreline Regulations

Section 1.00: Authority and Purpose

Section 1.01 Authority

A. The SMA of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of this SMP.

Section 1.02 Applicability

A. This Program shall apply to all of the shorelands, aquatic lands, and critical areas determined to be within shoreline jurisdiction, as described in SMP Part I: 3, Shoreline Goals and Policies, Profile of the Shoreline Jurisdiction.

B. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required. See SMP Part 1: Shoreline Goals and Policies for the shoreline jurisdiction description and SMP Section 7.00, Administration and Enforcements, for the definition of uses, activities, and development.

C. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW. This Program shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of federal ownership. All federal activities on nonfederal lands are subject to all of the provisions and administrative procedures of this SMP (WAC 173-27-060).

D. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Native American tribes.

E. Maps indicating the extent of shoreline jurisdiction areas and shoreline designations are for guidance only. They are to be used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state, including SSWS, whether mapped or not, are subject to the provisions of this Program.

Section 1.03 Purpose

A. The purposes of this SMP are as follows:

1. To promote the public health, safety, and general welfare of the Coalition by providing comprehensive policies and effective, reasonable regulations for development, use, and protection of jurisdictional shorelines

2. To further assume and carry out the local government responsibilities established by the SMA in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the SMA in RCW 90.58.020

3. To provide a high quality shoreline environment where the following situations occur:

   a. Recreational opportunities are abundant

   b. The public enjoys access to and views of shoreline areas

   c. Natural systems are preserved, or, where possible, enhanced or restored

   d. Ecological functions of the shoreline are maintained and improved over time

   e. Water-oriented uses are promoted consistent with the shoreline character and environmental functions

4. To apply special conditions to those uses that are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline

5. To ensure no net loss of ecological functions associated with the shoreline

Section 1.04 Relationship to Other Codes, Ordinances, and Plans

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction. Where this Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

B. In the event that provisions of this SMP conflict with provisions of federal, state, or local regulations, the provision that is most protective of shoreline resources shall prevail. The provisions of this chapter may not allow development to occur at what otherwise might be a property's full land use potential.

1. Local plans or programs include, but are not limited to, the following:

   a. Watershed Management Plans

   b. Ferry County Flood Damage Prevention Ordinance

   c. Ferry County State Environmental Policy Act (SEPA) Ordinance

   d. Ferry County Development Regulations

e. Ferry County Solid Waste Permits

f. Ferry County On-site Sewage Disposal Permits, as applicable

g. Ferry County Natural Resource Policy Plan

h. Ferry County Timber and Forest Practices Ordinance

2. State and federal programs include, but are not limited to, the following:

a. Washington State Hydraulic Project Approval (HPA)

b. Washington State Pesticide Applicator License Requirements

c. Washington State Waste Discharge Permits

d. Washington State Water Quality Certification Requirements (Clean Water Act [CWA] Section 401)

e. U.S. Army Corps of Engineers (USACE) Permits under CWA Section 404 and Rivers and Harbors Act Section 10

C. The policies in the SMP state the underlying objectives that the regulations are intended to accomplish. The policies guide the interpretation and enforcement of the SMP regulations contained in the SMP Ordinance. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

D. This SMP contains critical area regulations in Section 5.00, applicable only in shoreline jurisdictions that provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources (RCW 36.70A.480). In the event of a conflict between the requirements of this code and any other code or ordinance of the Coalition members, the regulation that provides the greater protection for the particular critical area within shoreline jurisdiction shall apply.

E. Projects in the shoreline jurisdiction that have either been deemed technically complete through the application process or have been approved through local and state reviews prior to the adoption of this SMP are considered accepted. Major changes or new phases of projects that were not included in the originally approved plan will be subject to the policies and regulations of this SMP.

Section 1.05 Severability

A. Should any Section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole.

Section 1.06 Liberal Construction

A. RCW 90.58.900 – SMA is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Section 1.07 Effective Date

A. This SMP is hereby adopted on the 16th day of February 2016. This SMP and all amendments thereto shall become effective 14 days after final approval and adoption by Ecology.

Section 2.00: Environment Designation

Section 2.01 Environment Designations

A. The Coalition has designated shorelines pursuant to chapter 90.58 RCW by defining them, providing criteria for their identification, and establishing shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this SMP. This SMP classifies local shoreline into six shoreline environment designations consistent with the purpose and designation criteria as follows:

1. Aquatic
2. Natural
3. Rural
4. High Intensity
5. Recreation
6. Shoreline Residential

B. Official Shoreline Maps

1. Shoreline Area Designations are delineated on a map, hereby incorporated as a part of this SMP Section 7.18, that shall be known as the Official Shoreline Map. Maps indicating the extent of shoreline jurisdiction and shoreline designations are to be used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed.

C. Unmapped or Undesignated Shorelines

1. All areas meeting the definition of a shoreline of the state or SSWS, whether mapped or not, are subject to the provisions of this SMP.

D. Interpretation of Environment Designation Boundaries

1. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the boundaries. Appeals of such interpretations may be filed pursuant to SMP Section 7.12, Appeals.

2. All shoreline areas waterward of the OHWM shall be designated Aquatic.

3. Only one shoreline area designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature. Such linear features shall be clearly noted in the metadata associated with the Official Shoreline Map.

4. All areas within shorelines that are not mapped and/or designated are automatically assigned a "Rural" designation.

Section 2.02 Aquatic

A. Purpose

1. The purpose of the Aquatic shoreline designation is to protect, manage, and, where possible, restore the unique characteristics and resources of the areas waterward of the OHWM.

B. Designation Criteria

1. An Aquatic shoreline designation is assigned to lands and waters waterward of the OHWM.

C. Management Policies

1. In addition to the other applicable policies and regulations of this SMP, the following management policies shall apply:

a. New overwater structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.

b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.

c. In-water uses should be allowed where impacts can be avoided, minimized, or mitigated to ensure no net loss of shoreline

ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.

d. On navigable waters or their beds, all uses and developments should be located and designed to meet all of the following objectives:

i. Avoid or minimize interference with surface navigation

ii. Avoid or minimize impacts to public views

iii. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on daily movements among habitat types and seasonal migration

2. Multiple or shared use of overwater and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.

3. 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.

4. Natural light should be allowed to penetrate to the extent necessary to support fisheries and nearshore aquatic habitat unless other illumination is required by state or federal agencies.

5. 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.

6. Shoreline uses, development, activities, and modifications in the Aquatic shoreline designation requiring use of adjacent landside property should be in a shoreline designation that allows that use, development, activity, or modification.

Section 2.03 Natural

A. Purpose

1. The purpose of the Natural shoreline designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline ecological functions less tolerant of human use. These systems require that only very low-intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide

processes. Consistent with the policies of the designation within this environment, restoration of degraded shorelines is appropriate, where possible.

B. Designation Criteria

1. Use one or more of the following criteria when applying a Natural environment designation:

a. The shoreline ecological functions are substantially intact and have a high opportunity for preservation and low technical and logistical opportunity for restoration.

b. The shoreline is generally in public or conservancy ownership or under covenant, easement, or a conservation tax program.

c. The shoreline contains little or no development or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety.

d. There are low-intensity agricultural or forested land uses and no active mining uses.

e. The shoreline has high potential for low-impact, passive, or public recreation.

f. The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.

C. Management Policies

1. In addition to other applicable policies and regulations, apply the following management policies:

a. Any use beyond existing uses that would substantially degrade shoreline ecological functions or natural character of the shoreline area should not be allowed.

b. Scientific, historic, cultural, educational research, and low impact, passive recreational uses are allowed in addition to existing uses, while meeting no net loss of ecological function requirements.

c. Single-family residential development may be allowed as a conditional use if the density and intensity of such use is limited as necessary to protect ecological functions and is consistent with the purpose of the environment.

d. Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species through ongoing management activities or as part of a development proposal. Proposed subdivision or lot line adjustments, new development, or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.

e. Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited.

f. Only physical alterations that serve to support an existing use or protect a significant or unique physical, biological, or visual shoreline feature that might otherwise be degraded or destroyed or those alterations that are the minimum necessary to support a permitted use should be allowed.

g. Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public.

Section 2.04 Rural

A. Purpose

1. The purpose of the Rural environment designation is to protect and conserve existing natural and resource-based uses such as rural agricultural and working forest lands, large lot home sites, other privately owned large parcels, and lands in public ownership; restrict intensive development along undeveloped spaces; and protect shoreline ecological functions and valuable historic and cultural areas to provide for sustained resource use, maintenance of natural processes, and recreational opportunities. In addition to existing and future agricultural, rangeland, and forest uses, examples of uses that are appropriate in Rural shoreline environment include low- and higher-intensity recreational uses, natural resource-based low-intensity uses, development in support of agricultural uses, and low-intensity residential development.

B. Designation Criteria

1. Use one or more of the following criteria for a Rural environment designation:

a. The shoreline is not highly developed, and most development is agriculture, rangeland, or low-density residential. Unimproved land is used for livestock grazing, forestry, logging, and/or harvesting of non-cultivated crops.

b. The shoreline has riparian vegetation with high to moderate ecological functions.

c. The shoreline has low to moderate potential for public, water-oriented recreation where ecological functions can be maintained or restored.

d. The shoreline has high potential for agricultural uses.

C. Management Policies

1. In addition to the other applicable policies and regulations of this SMP, apply the following management policies:

a. In addition to existing agriculture, forestry, or rangeland uses, other shoreline uses should be limited to those that sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area.

b. New development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation (e.g., residential developments shall maintain low density and adequate buffer and building setbacks from the water and wetlands).

c. Encourage regulations that provide adequate buffers from the shoreline, promote water quality protection and native vegetation conservation, promote invasive species control or removal and replacement with native species, provide opportunities for restoration actions, and reduce the need for shoreline stabilization to ensure no net loss of shoreline ecological function.

d. Water-oriented recreational and natural resource uses and facilities that conserve natural resources are preferred uses, provided that significant adverse impacts to the shoreline are avoided if technically possible or otherwise minimized and mitigated.

e. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

f. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected.

Section 2.05 High Intensity

A. Purpose

1. The purpose of the High Intensity environment designation is to provide for water dependent public and private commercial and transportation uses. The preferred use emphasis is on water-dependent or water-oriented commerce. Examples of uses that are appropriate in a High Intensity shoreline environment include transportation, ferry terminal, navigation uses, grain elevators, fish hatcheries, marinas, hotels and restaurants (when designed with water-enjoyment features), and similar uses. This environment may also provide for recreation, while protecting existing ecological functions and, where possible, restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria

1. Use one or more of the following criteria for a High Intensity environment designation:

   a. The shoreline has low ecological function with low opportunity for ecological enhancement or rehabilitation.

   b. The shoreline is highly developed, and most development is related to public utility, infrastructure, navigation, industry, or commerce with potential for additional related development, and facility rehabilitation or other modifications.

   c. The uses depend on proximity to water, including high-intensity uses related to industrial production, conveyance, transportation, wastewater treatment, or navigation.

   d. The shoreline has limited or no unique historic or cultural resources values.

C. Management Policies

1. In addition to the other applicable policies and regulations of this SMP, apply the following management policies:

   a. In regulating uses in the High Intensity environment, first priority should be given to water-dependent commercial or public facility uses. Second priority should be given to water-related and water-enjoyment uses that are not in conflict with the surrounding commercial uses. Non-water-oriented uses are allowed as part of commercial or public facility operational needs.

b. Policies and regulations shall ensure no net loss of shoreline ecological functions as a result of redevelopment, facility upgrades, and new development. Where applicable, development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal laws.

c. Where feasible and appropriate, visual and physical public access provisions may be included as consistent with SMP Section 3.07, Public Access.

d. Aesthetic objectives should be implemented by means such as appropriate development siting, screening, and maintenance of natural vegetative buffers.

Section 2.06 Recreation

A. Purpose

1. The purpose of the Recreation environment designation is to provide for water-oriented recreational uses with potential opportunity for commercial and/or residential (mixed) uses to support the water-oriented recreational uses while protecting existing ecological functions, conserving existing natural resources, and, where possible, restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria

1. Use one or more of the following criteria for a Recreation environment designation:

a. The shoreline has low to moderate ecological function with low to moderate technical and logistical feasibility for ecological restoration.

b. The shoreline is highly developed, and most development is recreation-related with potential for additional recreation and recreation-related commerce or is suitable and planned for water-oriented uses.

c. The shoreline has existing recreation uses or moderate to high potential for public and private water-oriented recreation where ecological functions can be maintained or enhanced.

d. The shoreline has limited scientific or educational value or unique historic or cultural resources values.

C. Management Policies

1. In addition to the other applicable policies and regulations of this SMP, apply the following management policies:

a. When regulating uses in the Recreation environment, first priority should be given to water-dependent recreational uses. Second priority should be given to water-related and water-enjoyment recreational uses. Non-water-oriented uses should not be allowed, except as part of mixed-use developments with a recreation focus.

b. Policies and regulations shall ensure no net loss of shoreline ecological functions as a result of new development. Consistent with the SMP, new development may be required, as applicable, to include mitigation or enhancement of shoreline functions as part of project proposals.

c. Where feasible, visual and physical public access should be required as provided for in SMP Section 3.07, Public Access. Recreational objectives should be enhanced by combining physical and visual public access opportunities with other recreational opportunities where feasible.

d. Water-oriented commercial uses should be allowed.

e. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening, architectural standards, and maintenance of natural riparian and upland vegetative buffers.

Section 2.07 Shoreline Residential

A. Purpose

1. The purpose of the Shoreline Residential environment designation is to accommodate primarily residential development and appurtenant structures but also allow other types of development consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

B. Designation Criteria

1. Use one or more of the following criteria for a Shoreline Residential environment designation:

a. The shoreline has low to moderate ecological function with low to moderate opportunity for restoration.

b. The shoreline contains mostly residential development at urban densities or in clusters in a rural setting.

c. The shoreline has low to moderate potential for low-impact, passive, or active water-oriented recreation where ecological functions can be restored.

C. Management Policies

1. In addition to the other applicable policies and regulations of this SMP, apply the following management policies:

a. Require regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization, and maintaining or improving water quality.

b. The scale and density of new uses and development should be compatible with the existing residential character of the area.

c. Public access and joint (rather than individual) use of recreational facilities should be promoted.

d. Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible and be the minimum necessary to adequately serve existing needs and planned future development.

e. Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.

f. Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed-used developments.

Section 3.00: General Regulations

Section 3.01 Shoreline Use and Modification

A. Regulations

1. SMP Table Section 3.01(B) indicates which shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

   a. Permitted Uses require a Shoreline Substantial Development Permit or a Shoreline Exemption.

   b. Conditional Uses require a Shoreline Conditional Use Permit per SMP Section 7.06.

   c. Prohibited activities, uses, developments, and modifications are not allowed and cannot be permitted through a Variance or Shoreline Conditional Use Permit.

   d. General Regulations (SMP Section 3) and Shoreline Modifications and Use Regulations (SMP Section 4.4) shall be considered for additional limitations.

2. All uses shall comply with the written provisions and regulations in this SMP and the shoreline use and modification matrix (Table 3.01(B). Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

B. General

1. Accessory uses shall be subject to the same shoreline permit process as their primary use.

2. Authorized uses and modifications shall be allowed only in shoreline jurisdictions where the underlying land use designation allows for it and are subject to the policies and regulations of this SMP.

3. A use is considered unclassified when it is not listed in Table 3.01(B) or in the Shoreline Modifications and Use Regulations (SMP Section 4.4). Any proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this SMP.

4. If any part of a proposed activity, use, modification, or development is not eligible for exemption per SMP Section 7.08 (Exemptions from Shoreline Substantial Development Permits), then a Shoreline Substantial

Development Permit or Shoreline Conditional Use Permit shall be required for the entire proposed development project.

5. When a specific use or modification extends into the Aquatic environment and an abutting upland environment without clear separation (e.g., private moorage facility or shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

6. Shoreline and critical areas buffers found in SMP Section 5.00, Critical Areas, apply to all uses and modifications unless stated otherwise in the regulations.

7. None of the allowed uses shall be conducted in the floodway in any environment designation, except as allowed by SMP Section 5.05, Frequently Flooded Areas.

8. Administrative interpretation of these regulations shall be done according to SMP Section 7.02, Interpretation.

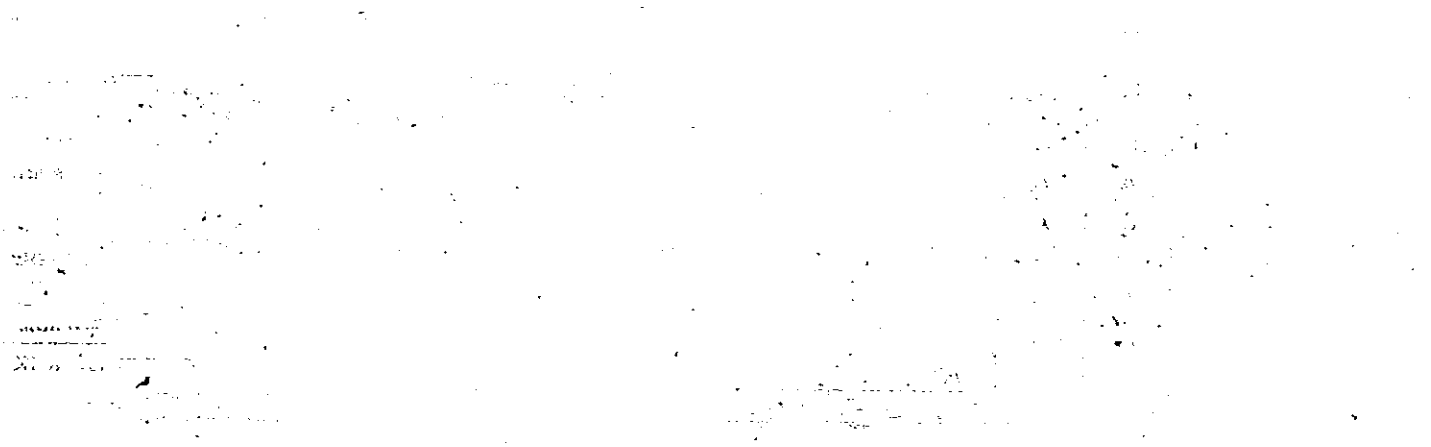

Table 3.01 (B). Shoreline Use and Modification Matrix for Ferry County Coalition

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable Use/Modification	Aquatic	Natural	Rural	Recreation	High Intensity	Shoreline Residential
Resource Uses						
Agriculture	X	X[1]	A	X[1]	A	A
Aquaculture	A[2]	X	A[2], C	X	A[2], C	X
Forest practices	X, C[3]	X	A	C	X	C
Mining[4]	A, C	X	A	C	A	C
Boating Facilities						
Boat launch (motorized boats)	A	X	A	A	A	A
Boat launch (non-motorized boats—canoe/kayak)	A	C	A	A	A	A
Marina	A	X	C	A	A	C
Docks, Piers, Mooring Facilities						
Private and shared moorage	A	X	A	A	A	A
Public moorage	A	C	A	A	A	A
Covered moorage	C	X	C	C	C	X
Commercial Development						
Water dependent	C	X	A	A	A	A
Water-related and water-enjoyment	X	X	C	A	A	C
Non-water-oriented	C[5]	X	C[5]	A[5]	A[5]	A[6]
Dredging Activities						
Dredging	A	NA	NA	NA	NA	NA
Dredge material disposal	A[7]	X	C	C	C	C[8]
Dredging and fill as part of ecological restoration/enhancement	A	A	A	A	A	A
Fill						
Fill waterward of OHWM and in floodways	C	C	C	C	A	C
Upland fill	NA	C	A	A	A	A
In-water Modifications						
Breakwater	C	X	C	C	C	C
Groins and weirs[12]	A	X	A	A	A	A
In-stream structures[9]	A	A[10]	A[10]	A	A	C
Research and Monitoring						
Water dependent	A	A	A	A	A	A
Water-related and water-enjoyment	A	A	A	A	A	A
Non-water-oriented	A	A	A	A	A	A
Recreational Development						

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable **Use/Modification**	Aquatic	Natural	Rural	Recreation	High Intensity	Shoreline Residential
Water dependent	A	A[11]	A	A	A	A
Water-related and water-enjoyment (trails and accessory buildings)	C	C	A	A	A	A
Non-water-oriented	X	X	C	A	A	A[5]
Residential Development	X	C	A	A	A	A
Shoreline Habitat and Natural Systems Enhancement Projects	A	A	A	A	A	A
Shoreline Stabilization and Flood Control						
Flood Control						
Modification of existing flood control facilities (dams, dikes, and levees), including replacement landward of existing location	A	A	A	A	A	A
New flood control facilities (dams, dikes, weirs, and levees)	C[12]	C[12]	C[12]	C[12]	A	C
Shoreline Stabilization						
New						
Hard (conventional, bulkheads, and riprap)	C[12]	C[12]	C[12]	C[12]	A	C
Soft (biotechnical)	A	A	A	A	A	A
Replacement[13]	A	A	A	A	A	A
Transportation						
Highways, arterials, and railroads (parallel to OHWM)	NA	X	A	A	A	A
Secondary/public access roads (parallel to OHWM)	NA	X	A	A	A	A
Roads perpendicular to the OHWM	X	C	A	A	A	A
Bridges (perpendicular to shoreline)	A	C	A	A	A	A
Existing bridges, trails, roads, and parking facilities (improvement or expansion)	A	A	A	A	A	A
New parking, accessory	Allowed to support primary authorized use – see permitting requirements for primary use					
Utilities						
Aboveground and underground utilities (parallel and across shoreline)	A	A	A	A	A	A

Notes:

1. Grazing activities allowed per existing state and federal rules or agreements.
2. Allowed for non-commercial net pens or rearing ponds supporting native-species recovery efforts or public recreational fisheries.
3. Log salvage activities are permitted as a Conditional Use subject to SMP Section 4.08, Forest Practices, and subject to applicable WDNR and other state rules and regulations.
4. Low-intensity mineral prospecting and placer mining activities are allowed without a permit, but must comply with the WDFW Gold and Fish Pamphlet requirements.
5. New uses are allowed as part of mixed use or according to SMP Section 4.05 or as part of an existing use according to SMP Section 6.00, Existing Uses, Structures, and Lots.

6. Home businesses are allowed.
7. Allowed when discharge of dredge material is 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 per WAC 173-26-231 (3)(f).
8. Allowed as fill upland of the OHWM with a Conditional Use Permit for residential developments only.
9. Construction, practices, and maintenance of facilities that are necessary for U.S. Bureau of Reclamation and National Park Service operations and associated water-dependent uses to access, pump, and convey water for project purposes to public agencies or private water users and as consistent with permit exemptions described in SMP Section 7.08
10. Allowed for habitat restoration and/or fish habitat enhance purposes only and at the existing hydropower dam just west of the City of Republic along Granite Creek.
11. Low-intensity only.
12. Only when no other feasible alternatives are available.
13. Exempt for protective bulkhead common to single-family residences according to SMP Section 7.08 (D) and when consistent with SMP Section 4.13 (E) and (F).

Section 3.02 Development Standards

A. Regulations

1. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in the Table 3.02 (B). These standards apply to all uses and modifications unless indicated otherwise. In addition, shoreline developments shall comply with all other dimensional requirements of the local codes.

2. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a Shoreline Variance.

3. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines.

B. Shoreline Development Standards Matrix

Table 3.02 (B). Shoreline Development Standards Matrix for Ferry County Coalition

X = Prohibited NA = Not Applicable Standards	Aquatic	Natural	Rural	Recreation	High Intensity	Shoreline Residential
Building height	15	35	35	35	35	35
Impervious surface cover	NA	5%	10% for lots greater than 5 acres; 15% for lots 5 acres or less		NA	10% for lots greater than 5 acres; 15% for lots 5 acres or less
Riparian buffer width in feet (forested areas)* [1, 2, 3, 4]	NA	Entire area	150	50		100
Riparian buffer width in feet (shrub-steppe habitat Columbia River/Lake Roosevelt, particularly Subreach 3c and Reach 4, and portions of Sanpoil River Reach 6 (see Section 5.07 for additional detail)[5, 6]	NA	Entire area	65	50	35	65
Trail width in feet	NA	5	10 feet or the minimum as required by ADA regulations. Trails on private properties and not open for public use may be up to 5 feet wide.			

Notes:

1. Measured from the ordinary high water mark or top of bank as applicable.
2. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland buffers, priority habitat, and species-specific management recommendations for inland dunes, cliffs and bluffs habitat, and other Shoreline Master Program conditions, as applicable.
3. Except where roadway, paved trail, or parking area encroaches, providing an ecological functional break, and then to the waterward edge of the facility maintenance area (disturbed area), as applicable.
4. In parallel environment designations, the most restrictive buffer requirement applies.
5. 130 feet for new agricultural development on slopes 15% or greater within shoreline jurisdiction.
6. Buffers were based on the *Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates* (Anchor QEA 2013), Table 1 findings for fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet), erosion control (40 to 50 feet), water quality (50 to 65 feet) and organic input (less than 50 feet; Anchor QEA 2013).

ADA = Americans for Disabilities Act

Anchor QEA (Anchor QEA, LLC), 2013. *Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates.* Prepared for Grant County. June 2013.

Section 3.03 Archaeological and Historic Resources

A. In all developments, whenever an archaeological area or historic site is discovered by a development in the shoreline area, the developer shall comply with applicable state and federal laws and regulations.

B. Developers and property owners shall stop work immediately and notify the local government, the office of archaeology and historic preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.

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

Section 3.04 Environmental Protection

A. All project proposals, including those for which a Shoreline Substantial Development Permit is not required, shall comply with RCW 43.21C, the Washington SEPA.

B. Applicants shall apply the following mitigation sequencing steps in order of priority to avoid or minimize adverse effects and significant ecological impacts (with number 1 being top priority):

1. Avoid the adverse impact altogether by not taking a certain action or parts of an action.

2. Minimize adverse 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.

3. Rectify the adverse impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project.

4. Reduce or eliminate the adverse impact over time by preservation and maintenance operations.

5. Compensate for the adverse impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitor the adverse impact and the compensation projects and take appropriate corrective measures.

C. Projects that cause significant adverse environmental impacts, as defined in WAC 197-11-794 and SMP Section 7.17, Definitions, are not allowed unless mitigated according to SMP Section 3.04(B), to avoid reduction or damage to ecosystem-wide processes and ecological functions. As part of this analysis, the

applicant shall evaluate whether the project may adversely affect existing hydrologic connections between streams and wetlands and either modify the project or mitigate any impacts as needed.

D. When compensatory measures are appropriate pursuant to the mitigation priority sequence in SMP Section 3.04(B), preferential consideration shall be given to measures that replace the adversely impacted functions directly and in the immediate vicinity of the adverse impact. However, alternative compensatory mitigation may be authorized within the affected drainage area or watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or resource management plans, including the Shoreline Restoration Plan, applicable to the area of adverse impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

Section 3.05 Shoreline Vegetation Conservation

A. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses, and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

B. Regulations specifying establishment and management of shoreline buffers are located in the SMP Section 5.00, Critical Areas. Vegetation within shoreline buffers, other stream buffers, and wetlands and wetland buffers shall be managed consistent with SMP Section 5.00, Critical Areas.

C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and wetland buffers within shoreline jurisdiction shall be managed according to this SMP Section 3.04, Environmental Protection, and any other regulations specific to vegetation management contained in other chapters of this SMP.

D. Vegetation clearing outside of wetlands and wetland and stream buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing per SMP Section 3.04, Environmental Protection, shall be applied so that the design and location of the structure or development minimizes native vegetation removal.

E. Removal of noxious weeds and other invasive species shall be incorporated in management and mitigation plans, as necessary, to facilitate establishment of a stable community of native plants.

Section 3.06 Water Quality, Stormwater, and Nonpoint Pollution

A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface runoff water, groundwater, and stormwater infiltration on and adjacent to the site.

B. All shoreline development should comply with the requirements of the latest version of Ecology's Stormwater Management Manual for Eastern Washington.

C. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.

D. Potentially harmful materials, including, but not limited to, oil, wet cement, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.

E. Within 25 feet of a waterbody, herbicides, fungicides, fertilizers, and pesticides shall be applied in strict conformance to the manufacturer's recommendations and in accordance with relevant state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. U.S. Environmental Protection Agency (EPA) shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject waterbodies and shall be applied by a qualified professional in accordance with state and federal law.

F. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the latest version of Ecology's Stormwater Management Manual for Eastern Washington, including the use of BMPs. Additionally, new development shall implement low-impact development techniques where feasible and necessary to fully implement the core elements of the Surface Water Design Manual.

G. For new development activities with the potential for adverse impacts on water quality or quantity in a stream or Fish and Wildlife Habitat Conservation Area, a Critical Areas Report as prescribed in the SMP Section 3.04 and SMP Section 5.00, Critical Areas, shall be prepared. Such reports should discuss the project's potential to exacerbate water quality parameters, which are impaired, and for which total maximum daily loads for that pollutant have been established, and prescribe any necessary mitigation and monitoring.

H. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, and approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave or boat wake splash, rain, or runoff. Wood treated with creosote,

copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies.

Section 3.07 Public Access

A. Applicants required to provide shoreline public access shall provide physical access—or if this is not appropriate for safety or similar reasons, visual access—consistent with the Coalition's and other agencies' management plans when applicable, unless specifically exempted in this Section. Examples of physical and visual access are as follows:

1. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual access to shorelines of the state.

2. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, public right-of-way for county roads and state highways, or other areas serving as means of physical approach to public waters.

B. Except as provided in SMP Section 3.07(C), new uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

1. The development is proposed by a public entity or on public lands.

2. The nature of the proposed use, activity, or development will likely result in an increased demand for public access to the shoreline.

3. The proposed use, activity, or development is not a water-oriented or other preferred shoreline use, activity, or development under the SMA, such as a non-water-oriented commercial or recreational use.

4. The proposed use, activity, or development may block or discourage the use of customary and established public access paths, walkways, trails, public transportation rights-of-way for roads and highways, or corridors.

5. The proposed use, activity, or development will interfere with the public use, activity, and enjoyment of shoreline areas or waterbodies subject to the public trust doctrine.

6. The proposed use, activity, or development includes key areas for public access recommended in the Shoreline Restoration Plan (partial draft developed).

7. The proposed activity is a publicly financed shoreline erosion-control measure that can accommodate public access without sacrificing long-term performance of the control measure and public safety.

C. An applicant shall not be required to provide public access where one or more of the following conditions apply, provided such exceptions shall not be used to prevent implementing the access and trail provisions mentioned in local and other agencies' management plans. In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the Coalition shall consider alternative methods of providing public access, such as adjacent off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access. The conditions are as follows:

1. Proposed use, activity, or development involves single-family residential development that does not reduce visual access to the shoreline from public rights-of-way, including roads and highways, and the development involves four or fewer single-family or multifamily dwellings.

2. Proposed use is agricultural/ranching activities.

3. Proposed use is within an area where public visual or physical access is not present, and the use will not increase demand for public access or reduce public access.

4. The nature of the use, activity, or development or the characteristics of the site make public access requirements inappropriate due to health, safety (including consistency with Crime Prevention Through Environmental Design [CPTED] principles, where applicable), or environmental hazards. The proponent shall carry the burden of demonstrating by substantial evidence the existence of unavoidable or unmitigable threats or hazards to public health, safety, or the environment that would be created or exacerbated by public access upon the site.

5. An existing, new, or expanded road or utility crossing through shoreline jurisdiction shall not create the need for public access if the development being accessed or served by the road or utility is located outside of shoreline jurisdiction.

6. The economic cost of providing for public access at the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity, or development.

7. Safe and convenient public access already exists in the general vicinity, such as on the same reach of the stream or river, and/or the Coalition's and agencies' plans show adequate public access at the property.

8. Public access has reasonable potential to threaten or harm the natural functions and native characteristics of the shoreline and/or is deemed detrimental to threatened or endangered species under the Endangered Species Act (ESA).

9. The site is within or part of an overall development, a binding site plan, or a planned unit development which has previously provided public access adequate to serve the project in full build-out through other application processes.

D. Public access shall be located and designed to respect private property rights, be compatible with the shoreline environment, protect ecological functions and processes, protect aesthetic values of shoreline, and provide for public safety (including consistency with CPTED principles, where applicable).

E. For any development where public access is not required, shared community access may be allowed if there is no existing or planned public access along the shoreline identified in the Coalition's and other agencies' plans. Where provided, community access shall be subject to all applicable development standards of this Section. Shared community access is not required when any of the conditions under SMP Section 3.07(C) applies.

F. General Performance Standards

1. Uses, activities, and developments shall not interfere with the regular and established public use.

2. Shoreline substantial development or conditional uses shall avoid or minimize the impact on views of shoreline waterbodies from public land or substantial numbers of residences.

3. Proponents shall include within their shoreline applications an evaluation of a proposed use, activity, or development's likely adverse impact on current public access and future demands for access to the site. Such evaluation shall consider potential alternatives and mitigation measures to further the policies of this SMP and the provisions of this Section.

4. Public access easements, trails, walkways, corridors, and other facilities may encroach upon any buffers or setbacks required in SMP Section 5.00, Critical Areas, or under other provisions of this SMP, provided that such encroachment does not conflict with other policies and regulations of this SMP and no net loss of ecological function can be achieved. Any encroachment into a buffer or setback must be as close to the landward edge of the buffer as possible.

5. Public access facilities shall accommodate persons with disabilities, unless determined physically or logistically infeasible by the Shoreline Administrator.

G. Trails

1. Existing improved and primitive public trails shall be maintained.

2. Where public access is to be provided by dedication of public access easements along the OHWM, the minimum width of such easements shall be 20 feet.

3. The total width of trails, including shoulders in all environments except for Natural environment, shall be 10 feet maximum or as required by Americans with Disabilities Act (ADA) regulations. In Natural environment, only primitive and low-impact trails shall be allowed with a maximum width of 5 feet.

4. Pervious surfaces are encouraged for all trails.

5. Trails should make use of an existing constructed grade such as those formed by an abandoned rail grade, road, or utility when feasible.

6. Trails shall be located, constructed, and maintained so as to avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation consistent with a Habitat Management Plan.

7. Trails on private properties and not open for public use may be up to 5 feet wide or the minimum required by ADA regulations, as applicable, and shall meet applicable setbacks from the OHWM.

H. Rights-of-way, Easements, and Streets for Public Access

1. The Coalition shall maintain public rights of ways or easements as a means of retaining public access on the shoreline. Proposed use, activity, or developments shall maintain public access provided by public street ends, public utilities, and rights-of-way.

2. The public easements required pursuant to this Section, for the purpose of providing access across or through the site to the OHWM, shall be maintained by the property owner to provide for reasonable and safe public access to the OHWM.

I. Where public access routes terminate, connections should be made with the nearest public street unless determined by the Shoreline Administrator to be infeasible. Public access facilities required for an approved or permitted use, activity, or development shall be completed prior to occupancy and use of the site or operation of the activity. Public access shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.

J. Off-site public access may be permitted by the Shoreline Administrator where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, compatibility, or feasibility are present. Off-site public access may include, but is not limited to, adequate access

on public lands in proximity to the site, opportunity to increase public lands and access with adjoining or proximate public area, enhancing a County- or City-designated public property (e.g., existing public recreation site, existing public access, road abutting a body of water, or similar) in accordance with local standards, or other related measures.

K. Signage

1. Signage to be approved by the Shoreline Administrator shall be conspicuously installed along public access easements, trails, walkways, corridors, and other facilities to indicate the public's right of use and the hours of operation. Public access and interpretive displays may be provided for publicly funded restoration projects where significant ecological impacts are addressed. The proponent shall bear the responsibility for establishing and maintaining signs.

2. The Shoreline Administrator may require the proponent to post signage restricting or controlling the public's access to specific shoreline areas. The proponent shall bear the responsibility for establishing and maintaining such signage.

3. All signs shall be located and designed to minimize interference vistas, viewpoints, and visual access to shoreline.

4. Over-water signs should be related to water-dependent uses only and shall be on floats, piles, or part of the water-dependent use.

Section 3.08 Flood Hazard Reduction

A. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, as well as applicable guidelines of FEMA, and SMP Section 5.05, Critical Areas related to Frequently Flooded Areas.

B. The CMZ is considered to be that area of the stream channel that may erode as a result of normal and naturally occurring processes as mapped consistent with WAC 173-26-221(3)(b). Applicants for shoreline development or modification may submit a site-specific CMZ study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include historical aerial photographs, topographic mapping, flooding records, and field verification. The CMZ must be prepared by a licensed geologist or engineer with at least 5 years of applied experience in assessing fluvial geomorphic processes and channel response.

1. CMZs identified through mapping were developed as part of the 2014 SMP update. See maps and reference documents in the Ferry County

Coalition SMP Inventory, Analysis, and Characterization Report for CMZs.

C. The uses and activities may be authorized within the CMZ or floodway are as follows:

1. New development or redevelopment landward of existing legal, publicly owned, and maintained structures, such as levees, that prevent active channel movement and flooding.

2. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. The evaluation of cost differences between options within the CMZ or floodway and outside of the CMZ or floodway shall include the cost of design, permitting, construction, and long-term maintenance or repair. For the purposes of this Section, "unreasonable and disproportionate" means that locations outside of the floodway or CMZ would add more than 20% to the total project cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.

3. New or redeveloped measures to reduce shoreline erosion, provided that the following terms are met: it is demonstrated by a licensed engineer with at least 5 years of applied experience, the erosion rate exceeds that which would normally occur in a natural condition, the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.

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

5. Mining when conducted in a manner consistent with Section 4.10, Mining, and the shoreline environment designation.

6. Modifications or additions to an existing non-agricultural legal use, provided that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.

7. Repair and maintenance of existing legally established use and developments, provided that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.

8. Existing and ongoing agricultural activities, provided that no new restrictions to channel movement are proposed.

D. Existing structural flood hazard reduction measures, such as levees, may be repaired and maintained as necessary to protect legal uses on the landward side of such structures. Increases in height of an existing levee, with any associated increase in width, that may be needed to prevent a reduction in the authorized level of protection of existing legal structures and uses shall be considered an element of repair and maintenance.

E. New flood hazard reduction measures shall not result in channelization of normal stream flows, interfere with natural hydraulic processes, such as channel migration, or undermine existing structures or downstream banks.

F. Approve new development or subdivisions when it can be determined by a qualified professional in fluvial geomorphology that the development or use would not require structural flood hazard reduction measures within the CMZ or floodway during the life of the development or use consistent with the following conditions (WAC 173-26-221(3)(c)(i)):

1. Floodway

a. New development and subdivisions shall be subject to applicable floodway regulations, Frequently Flooded Areas, and Flood Damage Prevention in SMP Section 5.00, Critical Areas.

2. Channel Migration Zone

a. New development in the CMZ is allowed subject to the following conditions:

i. Structures are located on an existing legal lot created prior to the effective date of this program.

ii. A feasible alternative location outside of the CMZ is not available on site.

iii. To the extent feasible, the structure and supporting infrastructure is located the farthest distance from the OHWM, unless the applicant can demonstrate that an alternative location is the least subject to risk.

b. New subdivisions in the CMZ may be allowed subject to the following conditions:

i. All lots contain 5,000 square feet or more of buildable land outside of the CMZ.

ii. Access to all lots does not cross the CMZ.

iii. All infrastructure is located outside the CMZ. However, an on-site wastewater treatment system is allowed in the CMZ if a feasible alternative location is not available on site and the wastewater treatment system is located the farthest distance from the OHWM.

iv. Alternative on-site wastewater treatment systems, including composting toilets and greywater systems, shall be recognized acceptable alternatives to conventional septic tanks and drain fields, so long as they are properly designed, constructed, and installed by qualified professionals.

G. New public and private structural flood hazard reduction measures shall be approved when a scientific and engineering analysis demonstrates the following criteria:

1. The measures are necessary to protect existing development.

2. Non-structural measures such as setbacks, land use controls, wetland restoration, dike removal, structure removal or relocation, biotechnical measures, and stormwater management programs are not possible.

3. Adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss.

4. Appropriate vegetation conservation actions are undertaken consistent with SMP Section 3.05, Shoreline Vegetation Conservation.

H. Flood hazard reduction measures shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the Shoreline Administrator.

I. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways.

J. In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in state, federal, or other flood hazard agency documents governing County-authorized, legal flood hazard reduction measures, the vegetation requirements of this SMP will not apply. However, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications and shall comply with all other provisions of this Section and this SMP that are not strictly prohibited by the approving flood hazard agency.

K. The removal of gravel or other riverbed material for flood management purposes shall be consistent with SMP Section 4.06, Dredging and Dredge Material Disposal, and SMP Section 4.10, Mining, and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction and does not result in a net loss of ecological functions.

L. Roads shall be located outside the floodway, except necessary crossings, which shall be placed perpendicular to the waterbody as much as is physically feasible. New transportation facilities shall be designed so that the effective base flood storage volume of the floodplain is not reduced. The applicant shall provide all necessary studies, reports, and engineering analysis which shall be subject to review and modification by the Shoreline Administrator. If proposed transportation facilities effectively provide flood control, they shall comply with policies and regulations of this Section.

Section 4.00: Shoreline Modifications and Use Regulations

Section 4.01 Agriculture

A. This SMP shall not require modification of or limit agricultural activities occurring on agricultural lands consistent with RCW 90.58.065.

B. For shoreline areas used for agriculture, new uses, activities, and development that are not existing and ongoing agriculture shall be subject to the following requirements:

1. Such uses, activities, and development shall be allowed or permitted in a manner to ensure maintenance of ecological functions and be consistent with the Coalition's land use plan.

2. If the new use, activity, or development is more intensive than the existing land use, no significant vegetation removal, development, or grading shall occur in the shoreline buffer without associated mitigation, except as necessary to accommodate low-intensity, water-dependent uses and public access that sustains ecological functions.

3. New agricultural lands created by diking, draining, or filling wetlands or CMZs shall not be allowed.

C. A Substantial Development Permit shall be required for all agricultural developments not specifically exempted by the provisions of SMP Section 7.05, Shoreline Substantial Development Permits.

D. SMP provisions shall apply in the following cases:

1. New agricultural activities on land not meeting the definition of agricultural land

2. Expansion of agricultural activities on non-agricultural lands

3. Conversion of agricultural lands to other uses

4. Other development on agricultural land that does not meet the definition of agricultural activities

5. Agricultural development and uses not specifically exempted by the SMA

E. New non-agricultural activities proposed on agricultural lands shall be consistent with the environment designation and the Shoreline Use and Modification Matrix table in SMP Section 3.01(B), as well as other applicable shoreline use standards (e.g., commercial [SMP Section 4.05] or residential [SMP Section 4.13]).

F. Agricultural uses and developments in support of agricultural uses shall be located and designed to ensure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.

G. New feedlots are prohibited in critical area buffers. Feed lots shall be located in such a manner as to prevent waste runoff from entering waterbodies or groundwater.

H. Agricultural uses and activities shall prevent and control erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

I. Agricultural chemicals shall be applied in a manner consistent with BMPs for agriculture and SMP Section 3.06, Water Quality, Stormwater, and Nonpoint Pollution.

J. New agricultural activities shall not remove existing native or non-native vegetation, except for noxious or invasive weedy vegetation, between all cropland or pasture areas and adjacent waters or wetlands consistent with provisions of this SMP.

K. Agricultural development shall conform to applicable state and federal policies and regulations.

Section 4.02 Aquaculture

A. Non-commercial aquaculture undertaken for conservation or native species enhancement, or for recreational fisheries purposes, is a preferred use within Ferry County Coalition's shorelines. Allowed fisheries' aquaculture facilities shall include net pens in existing waterbodies, hatcheries, rearing ponds, spawning channels, water diversion structures, and groundwater wells, provided that their construction does not result in a net loss of ecological function.

B. Aquaculture for non-native species or for commercial or other purposes shall require a Shoreline Conditional Use Permit.

C. Proponents of an aquaculture use or activity shall supply, at a minimum, the following information in their application for shoreline permit(s):

1. Species to be reared
2. Aquaculture method(s)
3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals and their predicted adverse impacts
4. Harvest and processing method and timing
5. Method of waste management and disposal
6. Best available background information and probable adverse impacts on water quality, biota, and any existing shoreline or water uses
7. Method(s) of predator control
8. A description of the proposed use of lights and noise-generating equipment and an assessment of adverse impacts upon surrounding uses
9. Other pertinent information as required by the local government

D. Aquacultural activities shall meet all applicable federal, state, and local government standards and regulations.

E. No garbage, wastes, or debris shall be allowed to accumulate upon the site of any aquaculture use or activity nor be discharged to any waterbody regulated by this SMP.

F. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals shall be used until approved by all appropriate state and federal agencies. Those agencies shall include the WDFW, Washington State Department of Agriculture, Ecology, and the U.S. Food and Drug Administration. Evidence of such approval shall be submitted to the local government.

G. Aquaculture structures and equipment that come in contact with the water shall contain no substances that are toxic to aquatic life, and aquaculture activities that would degrade water quality shall be prohibited.

H. Aquaculture activities shall be subject to conditions and requirements for mitigation to ensure no net loss of ecological function.

I. Aquaculture projects shall be located in areas that do not impact navigation, public access, or normal public use of the water.

J. Aquaculture facilities shall be designed to minimize nuisance odors and noise, as well as minimize visual impacts on surrounding shoreline development.

Section 4.03 Boating Facilities

A. General Requirements:

1. All boating uses, development, and facilities shall protect the rights of navigation.

2. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions and shall meet Department of Natural Resources (DNR) and USACE requirements and other state guidance if located in or over state-owned aquatic lands.

3. Boating facilities shall be located on stable shorelines in areas where the following requirements are met:

   a. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard.

   b. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities.

   c. Water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

4. Do not locate boating facilities in either of the following areas:

   a. Where new dredging will be required

   b. Where wave action caused by boating use would increase bank erosion rates, unless no-wake zones are implemented at the facility

5. Locate boating uses and facilities far enough away from public swimming beaches and aquaculture harvest areas to alleviate any aesthetic or adverse impacts, safety concerns, and potential use conflicts.

6. Schedule in-water work to protect biological productivity, including, but not limited to, fish runs, spawning, and benthic productivity.

7. Accessory uses at boating facilities are to meet the following requirements:

a. Be limited to supporting water-oriented uses, (for example, a minor accessory building), including uses that provide physical or visual shoreline public access)

b. Be located as far landward as possible while still serving their intended purposes

8. Landscape or screen parking and storage areas to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

9. Locate boating facilities where access roads are adequate to handle the traffic generated by the facility and so that lawful existing or planned public shoreline access is not unnecessarily blocked, obstructed, or made dangerous.

10. Joint-use moorage with ten or more berths is regulated under this Section as a marina (see SMP Section 4.03[C]). Joint-use moorage with fewer than ten berths is regulated under this Section as a dock or pier.

11. All marinas and public launch facilities should provide at least portable restroom facilities for boaters' use that are clean, well-lit, safe, and convenient for public use.

12. Install boat waste disposal facilities, such as pump-outs and portable dump stations at all marinas and also encourage these facilities at public boat launches to the extent possible. The locations of such facilities shall be considered on an individual basis in consultation with the Washington State Department of Health, Ecology, DNR, Washington State Parks, and WDFW, as necessary.

13. Place all utilities at or below dock levels or below ground, as appropriate.

14. When appropriate, marinas and boat launch facilities should install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.

15. Construct boating facilities of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol, or other similarly toxic materials is prohibited for use in moorage facilities.

16. Boating facilities in waters providing a public drinking water supply should be constructed of untreated materials such as untreated wood,

approved plastic composites, concrete, or steel (see SMP Section 3.06, Water Quality, Stormwater, and Nonpoint Pollution).

17. Restrict vessels from extended mooring on waters of the state except as allowed by state regulations and provided that a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

B. Boat Launch Facilities

1. Public boat launch facilities may be allowed in areas where no launching opportunities exist within close proximity of a site (within less than 2 miles distance by road to a waterbody launch site).

2. Design and construct boat launch and haul-out facilities (e.g., ramps, marine travel lifts, and marine railways) and minor accessory buildings in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation, and neighboring uses.

3. Design and construct boat launch facilities using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

4. Motorized boat ramps, when allowed on privately owned, non-commercial properties, shall demonstrate that other public launch sites are not readily accessible, the launch site footprint has been reduced to the minimum area necessary, and impacts will be mitigated according to SMP Section 3.04, Environmental Protection.

C. Marinas

1. Marinas shall be designed to meet all of the following requirements:

   a. Provide flushing of all enclosed water areas

   b. Allow the free movement of aquatic life in shallow water areas

   c. Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms

2. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

3. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.

4. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

5. New marina development shall provide public access amenities such as viewpoints, interpretive displays, and public access to accessory water-enjoyment uses (e.g., restaurants).

6. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazards, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage and the containment, recovery, and mitigation of spilled petroleum, sewage, toxic products, and other potentially harmful or hazardous materials.

7. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste.

D. Multi-family residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided for a parcel or development.

E. Applications for docks or piers serving single commercial or industrial enterprises shall demonstrate that the following requirements are met:

1. The facility serves a water-dependent use.

2. The facility is the minimum size required to serve the proposed use, provided that provisions for expansion or future joint use may be provided.

3. The facility minimizes impacts to the extent feasible.

Where impacts are unavoidable, the facility mitigates impacts to navigation; aquatic habitat; upland habitat; public access to the water for recreation, fishing, and similar use; and public access to publicly accessible lands below the OHWM.

F. Commercial or industrial moorage facilities shall demonstrate that the following requirements are met:

1. The dock or pier shall be the minimum length required to serve the use.

2. Access from the shore to piers or floats shall minimize water cover in order to minimize impacts to shallow water habitat.

3. Piers and ramps shall be elevated to provide the maximum feasible light penetration.

4. Grating or clear translucent material shall be used to the maximum extent feasible to provide light penetration.

5. Floats shall be constructed and attached so that they do not ground out on the substrate.

6. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms or result in structural damage from driftwood impact or entrapment.

7. Pile diameter shall be minimized while meeting structural requirements.

G. Covered structures may be permitted only to serve a water-dependent use where it is demonstrated that adequate upland sites are not feasible, and it is demonstrated that the area covered is the minimum necessary to serve the use.

Section 4.04 Breakwater, Jetties, Groins, and Weirs

A. Breakwaters shall be allowed in environments defined in SMP Section 3.01, Shoreline Use and Modification Matrix, with a Shoreline Conditional Use Permit.

B. New, expanded, or replacement groins and weirs shall only be permitted if the applicant demonstrates that the proposed groin or weir will not result in a net loss of shoreline ecological functions and the structure is necessary for water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

C. Groins and weirs shall require a Substantial Development Permit and shall only be approved when no other stream restoration or shoreline stabilization design approach, employed singly or in combination, is technically possible for the affected reach.

D. Groins and weirs shall be located, designed, constructed, and operated consistent with mitigation sequencing principles, including avoiding critical areas, as provided in SMP Section 3.04, Environmental Protection.

Section 4.05 Commercial Development

A. Water-dependent commercial development shall be given priority over non-water-dependent commercial uses within shoreline environments. Secondarily, water-related and water-oriented uses shall be given priority over non-water-oriented commercial uses.

B. Non-water-oriented commercial uses shall be allowed if they can demonstrate at least one or more of the following requirements:

1. The commercial use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the objectives of the SMA.

2. The commercial use is physically separated from the shoreline by another property, public right-of-way, or levee.

3. The commercial use is farther upland than 200 feet from the OHWM; therefore, a water-oriented use is not a viable option.

C. Non-water-oriented uses, including, but not limited to, residential uses, may be located with water-oriented commercial uses provided the following requirements are met:

1. The mixed-use project includes one or more water-dependent uses.

2. Water-dependent commercial uses, as well as other water-oriented commercial uses, have preferential locations along the shoreline.

3. The underlying land use permits residential uses together with commercial uses.

4. Public access is provided and/or ecological restoration is provided as a public benefit.

D. The Shoreline Administrator shall use the following criteria in its review of all commercial development applications:

1. Whether there is a water-oriented aspect of the proposed commercial use or activity when it is located within 200 feet of the OHWM

2. Whether the proposed commercial use is consistent with the Shoreline Use and Modification Matrix in SMP Section 3.01

3. Whether the application has the ability to enhance compatibility with the shoreline environment and adjacent uses

4. Whether adequate provisions are made for public and private visual and physical shoreline access

5. Whether the application makes adequate provisions to prevent adverse environmental impacts and provides for shoreline ecological or critical area mitigation, where appropriate

E. Commercial development shall be designed and maintained in a manner compatible with the character and features of surrounding areas. Developments should incorporate low-impact development techniques into new developments. Architectural and landscape elements should be employed that recognize the river and lake environments. The local government may prescribe and modify project dimensions, screening standards, setbacks, or operation intensities to achieve this purpose.

F. Eating and drinking facilities and lodging facilities shall be oriented to provide views to the waterfront when such view is available from the site.

G. Commercial uses shall provide for public access as a condition of approval, unless such public access is demonstrated by the proponent to be infeasible or inappropriate for the shoreline pursuant to SMP Section 3.07, Public Access.

H. Commercial uses shall provide for suitable measures to rehabilitate and enhance the shoreline ecology as a condition of approval.

I. Non-water-oriented commercial uses shall not be allowed over water in any shoreline environment.

J. All commercial loading and service areas shall be located upland or away from the shoreline. Provisions shall be made to screen such areas with walls, fences, and landscaping and to minimize aesthetic impacts.

K. The storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 200 feet of the OHWM, whichever boundary extends farthest landward.

L. Development shall be located, designed, and constructed in a manner that ensures no net loss of shoreline ecological functions and without adverse impacts on other preferred land uses and public access features.

Section 4.06 Dredging and Dredge Material Placement

A. Dredging

1. New dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, shoreline ecological functions, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural fluvial processes, drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

2. Dredging and dredge placement shall be prohibited on or in archaeological sites meeting the criteria for placement on the National Register of Historic Places and the Washington Heritage Register until such time that they have been reviewed and approved by the appropriate agency.

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

4. Dredging shall be permitted only in the following circumstances:

   a. For navigation or navigational access

   b. In conjunction with a water-dependent use of waterbodies or adjacent shoreline areas

   c. As part of an approved stream or river rehabilitation or habitat improvement project

   d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from re-entering the water

   e. In conjunction with a bridge, navigational structure, or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist

5. Dredging for fill is prohibited except where the material is necessary for restoration of shoreline ecological functions.

B. Dredge Material Placement

1. Upland dredge material placement within shoreline jurisdiction is discouraged. In the limited circumstances when it is allowed, it will be permitted under the following conditions:

   a. Shoreline ecological functions and processes will be preserved, restored, or enhanced, including protection of surface and groundwater.

   b. Erosion, sedimentation, floodwaters, or runoff will not increase adverse impacts on shoreline ecological functions and processes or property.

   c. The site will ultimately be suitable for a use allowed by this SMP.

2. Dredge material placement shall not occur in wetlands nor within a stream's CMZ, except as authorized by Conditional Use Permit as part of a shoreline restoration project.

3. Dredge material placement within areas assigned an Aquatic environment designation may be approved only when authorized by applicable agencies, which may include the USACE pursuant to Section 404 (CWA) permits, WDFW Hydraulic Project Approval, and/or the Dredged Material Management Program of the DNR, and when one of the following conditions apply:

   a. Land placement is not feasible, less consistent with this SMP, or prohibited by law.

   b. Placement as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

4. Dredge materials approved for placement within areas assigned an Aquatic environment designation shall comply with the following conditions:

   a. Aquatic habitat will be protected, restored, or enhanced.

   b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated.

   c. Shifting and dispersal of dredge material will be minimal.

5. Upland placement sites shall be planted with vegetation native to the shoreline location or that which would be present in an undisturbed condition.

6. Dredge material placement operating periods and hours shall be limited to those stipulated by the WDFW and hours from 7:00 a.m. to 5:00 p.m. Monday through Friday, except in time of emergency as authorized by the Shoreline Administrator. Provisions for buffers at land placement or transfer sites, in order to protect public safety and other lawful interests and to avoid adverse impacts, shall be required.

C. Dredging application submittals require the following information:

1. A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.

2. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including in the following information:

a. A site plan map outlining the perimeter of the proposed dredge area, including the existing bathymetry (water depths that indicate the topography of areas below the OHWM), with data points at a minimum of 2-foot depth increments

b. A Critical Areas Report

c. A mitigation plan, if necessary, to address any identified adverse impacts on ecological functions or processes

d. Information on stability of areas adjacent to proposed dredging and spoils placement areas

e. A detailed description of the physical, chemical, and biological characteristics of the dredge materials to be removed, including the following information:

i. Physical analysis of material to be dredged (e.g., material composition and amount, grain size, organic materials present, and source of material).

ii. Chemical analysis of material to be dredged (e.g., volatile solids; chemical oxygen demand; grease and oil content; and mercury, lead, and zinc content).

iii. Biological analysis of material to be dredged.

3. A description of the method of materials removal, including facilities for settlement and movement.

4. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.

5. Frequency and quantity of project maintenance dredging.

6. Detailed plans for dredge spoil placement, including specific and relevant information on the placement site, including, but not limited to the following information:

a. Dredge material placement area

b. Physical characteristics, including location, topography, existing drainage patterns, and surface and groundwater

c. Size and capacity of placement site

d. Means of transportation to the placement site

e. Proposed dewatering and stabilization of dredged material

f. Methods of controlling erosion and sedimentation

g. Future use of the site and conformance with land use policies and regulations

7. Total estimated initial dredge volume.

8. Plan for placement of maintenance spoils for at least a 20-year period, if applicable.

9. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.

D. This SMP recognizes that stream and river restoration rehabilitation and enhancement projects may require excavation and material placement which would otherwise meet the definitions for dredging and relocation of dredged materials. Descriptive and reporting requirements specified in Section 4.07 shall be waived for earth moving (including stream bed materials) and relocation activities that are design elements of stream and river restoration projects.

E. Stream and river restoration projects shall be designed to rehabilitate natural fluvial geomorphic and ecological functions and processes.

Section 4.07 Fill and Excavation

A. Fill and excavation is allowed only in association with a permitted use. Where allowed, fill and excavation shall be the minimum necessary to accommodate the development.

B. Fill and excavation waterward of the OHWM requires a Conditional Use Permit, except for fill to support ecological restoration and fill in a High Intensity environment where a Substantial Development Permit is required. Fill and excavation waterward of the OHWM may be permitted only in the following conditions:

1. In conjunction with water-dependent or public access uses allowed by this SMP

2. In conjunction with a bridge or transportation facility of statewide significance, for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist

3. In conjunction with implementation of an interagency environmental cleanup plan to clean and dispose of contaminated sediments

4. Disposal of dredged material considered suitable under, and conducted in accordance with provisions in Section 4.06

5. In conjunction with any other environmental restoration or enhancement project

C. Waterward of the OHWM, pile or pier supports shall be used whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.

D. Fill upland and waterward of the OHWM, including in non-watered side channels, shall be permitted only where it is demonstrated that the proposed action will not cause the following scenarios:

1. Result in significant ecological damage to water quality, fish, and/or wildlife habitat

2. Adversely alter natural drainage and circulation patterns, currents, or river flows or significantly reduce flood water capacities

3. Alter channel migration, geomorphic, or hydrologic processes

4. Significantly reduce public access to the shoreline or significantly interfere with shoreline recreational uses

E. Fills are prohibited in the floodway, except when required in conjunction with uses allowed by this SMP and when the fill would not reduce flood water storage and conveyance capacity that would endanger other areas.

F. Fills are allowed in floodplains outside of the floodway only where they would not alter the hydrologic characteristics or flood storage capacity or inhibit channel migration.

G. Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill.

H. Fills or excavation shall not be located where shore stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.

I. Fills, beach development or nourishment, and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use, including lawful access and enjoyment of scenery.

Section 4.08 Forest Practices

A. Forest practice applications shall meet all local, state, and federal regulations regarding in-water salvaging of logs, and forest practices and land clearing, especially the state's Forest Practices Act for all forest management activities including Class IV, general forest practices, where shorelines are being converted

or are expected to be converted to non-forest uses. The Shoreline Administrator will need to consult with the Department of Natural Resources and other agencies, timber owners, and operators as applicable during the permit review process.

B. Normal stream depositions of logs, uprooted tree snags, and stumps, which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property, will generally be left as they lie, in order to protect the resultant dependent aquatic systems. Forest practices fees are charged only if timber harvesting is proposed, including salvage of snags, down wood, dying trees, or stumps

C. If a log was placed in-water by a logging operation, and the log can be traced to a current landowner or business that still retains ownership, then the log can be retrieved by the owner, consistent with the following provisions:

1. Impacts to riparian vegetation must be minimized, with mitigation required for any unavoidable impacts according to SMP Section 3.04, Environmental Protection

2. A retrieval plan must be provided to the County demonstrating how best management practices will be employed to reduce impacts to water quality, habitat and other applicable ecological functions

3. Compliance with all other applicable state rules and regulations is required.

D. Conversion of forest lands to another use shall ensure no net loss of ecological function or no significant adverse impacts on other shoreline uses, resources, and values such as navigation, recreation, and public access.

E. Within 200 feet landward of the OHWM within SSWS, only selective commercial timber cutting is allowed, such that no more than 30% of the merchantable trees may be harvested in any 10-year period of time, provided 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, and provided that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this SMP may be permitted.

F. Logging, timber harvesting, and maintenance activities shall ensure water quality and the maintenance of vegetative buffer strips to protect fish populations and avoid erosion of stream banks.

G. Forest practices shall maintain views of shorelines having well-known scenic qualities such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas.

H. Proponents of a forest practice or activity shall supply the following information in their application for shoreline permit:

1. Documentation describing how the activity will protect water quality and meet any applicable standards

2. Plan for maintaining vegetative buffer strips to protect fish populations and other aquatic life

3. Description of other measures to prevent erosion of stream bank

Section 4.09 In-stream Structures

A. In-stream structures are those structures placed by humans within a stream or river waterward of the OHWM that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, structures primarily intended for fisheries management, or other purposes. Docks, piers, and marinas are not regulated as instream structures under this Section of the SMP (see SMP Section 4.16, Transportation: Trails, Roads, and Parking and SMP Section 4.17, Utilities, for regulations governing road and utility crossings of streams).

B. In-stream structures can also be placed as components of stream and river restoration and rehabilitation projects, where the explicit purpose is ecological restoration and enhancement. These may include a variety of lithic and woody structures including engineered log jams, boulder arrays, and other structures designed to replicate natural habitat, flow, and sediment transport conditions in degraded streams and rivers. This SMP and the following provisions recognize that instream structures associated with stream restoration work are designed to improve geomorphic and ecological functions.

C. General

1. The location, planning, and design of instream structures shall be compatible with the following elements:

a. The full range of public interests; existing agricultural activities; USACE Lake Roosevelt operations, maintenance, and facility upgrade activities; and providing for public access to shoreline waters, desire for protection from floods, and need for preservation of historic and cultural resources.

b. Protection and preservation of ecosystem-wide processes and ecological functions, including, but not limited to, fish and wildlife, with special emphasis on protecting and restoring priority habitats and species and water resources within the context of the

hydrology and water management effects of Columbia river operations, as applicable.

2. New structures shall be designed, located, and constructed consistent with mitigation sequencing principles in SMP Section 3.04, Environmental Protection, and as otherwise limited by floodplain regulations found in SMP Section 3.08, Flood Hazard Reduction, and SMP Section 5.4, Frequently Flooded Areas.

3. New structures shall be designed and located to minimize removal of riparian vegetation and, if applicable, to return flow to the stream in as short a distance as possible.

4. In-stream structures shall provide for adequate upstream and downstream migration of resident fish, as applicable, and shall not adversely affect native resident and aquatic wildlife or adversely modify aquatic wildlife habitat, as applicable.

5. Utilities and transmission lines shall be located so as to minimize obstruction or degradation of views and comply with applicable provisions of SMP Section 4.17, Utilities.

6. Mitigation shall be required of the proponent for the loss of ecological functions and processes pursuant to SMP Section 3.04, Environmental Protection, and SMP Section 5.00, Critical Areas. No net loss in function, value, or acreage shall occur from such development.

7. In-stream structures which are components of stream restoration projects shall be designed to appear like natural river features and to replicate natural stream channel morphology and distribution of woody debris.

D. In addition to the standard requirements listed in SMP Section 7.04, Application Requirements, all permit applications for instream structures shall contain, at a minimum, the following additional information:

1. A site suitability analysis, which provides sufficient justification for the proposed site; the analysis must fully address alternative sites for the proposed development.

2. Proposed location and design of primary and accessory structures, transmission equipment, utility corridors, and access/service roads.

3. A plan that describes the extent and location of vegetation, which is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required by this SMP.

4. An analysis prepared by a licensed professional engineer or fluvial geomorphologist that sufficiently describes the project's potential effects

on fluvial geomorphology and channel form, including potential changes in base flood elevation, velocity, volume of flows, and sediment transport.

5. Biological resource inventory and analysis that sufficiently describes the project's effects on aquatic and terrestrial ecosystems, prepared by a qualified professional as defined in Section 5.00, Critical Areas, of this SMP.

6. Provision for erosion control, protection of water quality, and aquatic and terrestrial ecosystems during construction.

7. Long-term management plans that describe in sufficient detail the provisions for protection of instream resources during construction and operation; the plan shall include means for monitoring its success.

Section 4.10 Mining

A. Except as provided for under 4.10 B. below, mining shall be prohibited waterward of the OHWM.

B. Low-intensity mining activities are allowed in all shorelines except for Natural environment. Mining activities addressed in the most recent version of the Washington Department of Fish and Wildlife's Hydraulic Project Approval (HPA) pamphlet titled "Gold and Fish, Rules for Mineral Prospecting and Placer Mining," or as updated shall not require a shoreline permit, but should be conducted in conformance with the pamphlet provisions. More intensive mining proposals are addressed through substantial development or conditional use permitting in this SMP, and through the WDFW Hydraulic Permit Approval process.

C. Mining facilities shall be located within shoreline jurisdiction (shorelands) only when no feasible sites are available outside shoreline jurisdiction.

D. All gold and other mineral prospecting, concentration, and extraction activities shall strictly conform to requirements of the Gold and Fish Pamphlet for those activities which are limited to the scope, techniques, and equipment specified in the pamphlet. Compliance with the Gold and Fish Pamphlet does not necessarily preclude the requirement for a Substantial Development Permit for mineral prospecting, concentration, and extraction activities.

E. All similar activities which exceed the criteria and parameters specified in the Gold and Fish Pamphlet shall be designed and conducted to avoid impacts to shoreline natural character and ecological functions, including, but not limited to, riparian and floodplain plant communities and ecosystems and ecological functions.

F. Determining when mining facilities may or may not be located within Shorelands shall be based on an evaluation of geologic factors such as the distribution and

availability of mineral resources for that jurisdiction; the need for such mineral resources; and economic, transportation, and land use factors. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations and may be integrated with any relevant environmental review conducted under SEPA (RCW 43.21C) or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a), as amended.

G. Mining facilities and associated activities shall be designed and located to prevent loss of ecological function.

H. Application for permits for mining operations shall be accompanied by operation plans, reclamation plans, and analysis of environmental impacts sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes. These evaluations and plans shall address these functions and processes during the course of mining and after reclamation and how impacts will be mitigated to achieve no net loss of these functions. Creation, restoration, habitat enhancements, and the future productivity of the site may be considered in determining no net loss of ecological functions.

I. Preference shall be given to mining uses that result in the creation, restoration, or enhancement of habitat.

Section 4.11 Piers and Docks

A. All boating uses, development, and facilities shall protect the rights of navigation and demonstrate no net loss of ecological functions, including providing on-site and off-site mitigation, as applicable.

B. Shared moorage serving single-family use consisting of docks and piers with more than four berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as Boating Facilities under SMP Section 4.03.

C. Docks and piers with four or fewer berths or any number of mooring buoys are regulated under this Section.

D. The design and location of structures must follow the mitigation sequence to protect freshwater habitats of special concern.

E. Boating facilities shall avoid the following sites:

1. Areas where shoreline modification is required for approach and other upland facilities

2. Locations where they would adversely impact upland riparian or nearshore habitat for aquatic species

3. Locations where they would adversely affect flood channel capacity or create a flood hazard

4. Locations where water depths for vessels are not adequate without dredging

5. Fish spawning areas.

F. Boating facilities, except those accessory to single-family residences, shall provide public access in accordance with SMP Section 3.07, Public Access, and shall be located and designed such that existing public access to public shorelines is not obstructed nor made hazardous.

G. All in-water and overwater structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Wood treated with creosote, pentachlorophenol, or other similarly toxic materials is prohibited. Docks generally shall be constructed of untreated materials such as untreated wood, approved plastic composites, concrete, or aluminum.

H. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and unless a lease or other permission is obtained from the state and impacts to navigation and public access are mitigated.

I. Boat Launches

1. Boat launches accessory to single-family and multi-family residential uses are prohibited.

2. Private boat launches shall be allowed only for water-dependent uses and marinas and only when it is demonstrated that public boat launches will not feasibly serve the use. Rail and track systems shall be preferred over concrete ramps.

3. New public boat launches for general public use or expansion of public boat launches by adding launch lanes shall demonstrate that the following requirements are met:

a. Water depths are adequate to avoid the need for dredging and eliminate or minimize potential loss of shoreline ecological functions or other shoreline resources from offshore or foreshore channel dredging.

b. Adjacent residential properties will not be adversely affected by adverse proximity impacts such as noise, light and glare, or scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

c. Exterior lighting will not adversely impact aquatic species.

d. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

e. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, shall minimize traffic impacts on nearby streets, and shall include adequate parking for boat trailers. Parking on public streets may be allowed for peak periods if it is demonstrated that such parking will not adversely impact through traffic or residential uses.

J. New moorage to serve a single-family residence may be allowed only if the following requirements are met:

1. An applicant demonstrates that existing facilities (boat launches and public and private marinas) are not reasonably available to meet demand.

2. The lot does not have access to shared moorage in an existing subdivision, and there is no homeowners association or other corporate entity capable of developing shared moorage.

3. In cases where a new dock or pier is approved, the Coalition may require an agreement to share with nearby residences with water frontage and provide for expansion to serve such additional users.

4. If allowed, only one private dock shall be permitted on a shoreline residential lot.

5. Any adverse impacts of the proposed dock shall be adequately mitigated.

K. A dock or pier serving a single-family residence shall meet the following standards:

1. General

a. Skirting or other structures shall not be constructed near the piers, docks, or floats.

b. All waste material, such as construction debris, silt, excess dirt, or overburden resulting from a construction, shall be deposited above the limits of flood water in an approved upland disposal site.

c. Extreme care shall be taken to ensure no petroleum product, hydraulic fluid, fresh cement, sediments-laden water, chemicals, or any other toxic or deleterious material is allowed to enter or leach into the waterbody.

d. Alteration or disturbance of the shoreline and shoreline vegetation shall be limited to that necessary for constructing. Within 7 calendar days of the project completion, all disturbed areas shall be protected from erosion using vegetation and other means. Within 1 year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of 3 feet (on center) and maintained as necessary for 3 years to ensure 80% survival.

e. 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.

2. Dock dimensional and materials standards. The following dimensional standards shall apply to all new docks serving four or fewer residential dwellings. Deviations from the dimensional standards must be approved through a Shoreline Variance Permit.

a. Width

i. Piers and floats shall not exceed 8 feet in width. Ramps shall not exceed 4 feet in width.

ii. Dock finger extensions shall not exceed 2 feet in width

b. Length

i. The length of the dock shall not exceed the length necessary in order for the end of the dock to reach a minimum water depth of 4 feet measured at ordinary high water.

c. Area

i. The area of new docks shall be limited by the maximum width and length allowed in a) and b) above. Only one float is allowed per single-use dock. A maximum of two floats are allowed for joint-use docks.

ii. 320 square feet for single use docks, excluding the ramp and all associated appurtenances.

iii. 450 square feet for joint-use docks, excluding the ramp and all associated appurtenances.

d. Height. The bottom of any piers or the landward edge of any ramp must be at least 1 foot above the OHWM. The freeboard height on all floats must be at least 10 inches.

3. Dock Support Piles and Float Anchors

a. Piling shall be structurally sound and cured prior to placement in the water.

b. Pilings shall not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds.

c. Pilings shall not extend beyond the end of the dock.

d. Use the smallest diameter and number of pilings required to construct a safe structure.

i. Pilings shall not exceed 4 inches in diameter.

ii. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed 5 inches.

iii. Steel piling used to construct residential docks should not exceed 6 inches in diameter. Limit the diameter of steel piling used to construct public recreational docks to the minimum width needed to accommodate the intended use.

iv. Piles up to 8 inches in diameter may be approved by the Shoreline Administrator without a Shoreline Variance Permit if the designing engineer documents need for larger piles for safety or structural reasons.

e. Pilings or piling sleeves shall be white in color.

f. All pilings must be fitted with devices to prevent perching by fish-eating birds.

g. The anchoring system for the floating structures shall be installed and used in a manner that will not damage the lakebed as a result of structure or anchor movement.

h. Floatation for structures shall be enclosed and contained to prevent the breakup or loss of the floatation material into the water.

4. Dock and Watercraft Lift Spacing

a. Private docks and watercraft lifts shall be spaced a minimum of 10 feet from the side property lines for individual properties. Joint-use structures may abut or overlap property lines, provided the adjacent property owners have mutually agreed to the structure location, and the agreement is recorded through contract or a covenant is recorded with the County Auditor's Office.

b. For those new docks located adjacent to larger existing overwater structures, such as marinas or community docks, the responsible local government may require a greater separation between moorage structures to reduce potential navigation and use conflicts.

c. The bottom of the watercraft lift/grid must be at least 1 foot above the bed.

d. No new structure may be installed within 100 feet of the outlet of any river or stream.

5. Decking Materials

a. Use of materials specified for aquatic use is required.

b. Flotation materials shall be permanently encapsulated.

6. Floats

a. Float components shall not exceed the dimensions of 8 by 20 feet, or an aggregate total of 160 square feet, for all float components.

b. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water (e.g., rectangular float tubs).

c. Grating shall cover 100% of the surface area of the float(s). The open area of the grating shall be no less than 50%, as rated by the manufacturer.

d. Functional grating will cover no less than 50% of the float.

e. Floats shall not be located in shallow-water habitat where they could ground or impede the passage or rearing of any salmonid life stage.

f. Nothing shall be placed on the overwater structure that will reduce natural light penetration through the structure.

g. Floats shall be positioned at least 40 feet horizontally from the OHWM and no more than 100 feet from the OHWM, as measured from the landward-most edge of the float. Adjustments to this requirement may be made on an individual basis where street compliance with this standard may present safety issues or be excessive for site conditions.

h. 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. Shared residential docks and piers shall generally meet the standards for single-family docks (in SMP Section 4.11[J]), except that the number of floats and the size of piers and other facilities may be increased to serve additional slips to provide one moorage space per residence served.

M. Docks and piers shall be set back a minimum of 10 feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.

N. Moorage related to subdivision

1. If moorage is to be provided or planned as part of a new residential development of two or more waterfront dwelling units or lots or as part of a subdivision or other divisions of land occurring after the effective date of this SMP, joint-use or community dock facilities are required when feasible, rather than allowing individual docks for each residence. A joint-use dock shall not be required for:

a. Single-family residential development

b. Existing single-family residential units that currently do not have a dock

c. Replacement of existing single-family residential docks

2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:

a. There is no reasonably available public or private moorage that can serve the moorage needs of the residences or the subdivision.

b. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. The size of a dock must consider the use of mooring buoys for some or

all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

c. Public access shall be provided in all shared docks utilizing public aquatic lands that accommodate five or more vessels.

3. If a community or shared dock is not developed at the time of subdivision, a community association shall be established with the authority to levy assessments within the subdivision to construct and maintain a community dock in the future. The failure of a subdivision to develop a community or shared dock shall not affect the prohibition on individual docks.

O. Multi-family residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided for a parcel or development.

P. Applications for docks or piers serving single commercial or industrial enterprises shall demonstrate the following requirements:

1. The facility serves a water-dependent use.

2. The facility is the minimum size required to serve the proposed use, provided that provisions for expansion or future joint use may be considered.

3. The facility minimizes impacts to the extent feasible. Where impacts are unavoidable, the facility mitigates impacts to navigation; aquatic habitat; upland habitat; public access to the water for recreation, fishing, and similar use; and public access to publicly accessible lands below the OHWM.

Q. Commercial moorage facilities shall demonstrate that the following requirements are met:

1. The dock or pier shall be the minimum length required to serve the use.

2. Access from the shore to piers or floats shall minimize water cover in order to minimize impacts to shallow water habitat.

3. Piers and ramps shall be elevated to provide the maximum feasible light penetration.

4. Grating, or clear translucent material, shall be utilized to the maximum extent feasible to provide light penetration.

5. Floats shall be constructed and attached so that they do not ground out on the substrate.

6. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms or result in structure damage from driftwood impact or entrapment.

7. Pile diameter shall be minimized while meeting structural requirements.

8. Covered structures may be permitted only to serve a water-dependent use where it is demonstrated that adequate upland sites are not feasible, and it is demonstrated that the area covered is the minimum necessary to serve the use.

Section 4.12 Recreational Development

A. General Preferences

1. Recreational uses and facilities shall include features that relate to access, enjoyment, and use of Ferry County Coalition shorelines.

2. Both passive and active shoreline recreation uses are allowed.

3. Water-oriented recreational uses and activities are preferred in shoreline jurisdiction. Water-dependent recreational uses shall be preferred as a first priority and water-related and water-enjoyment recreational uses as a second priority.

4. Existing passive recreational opportunities, including hunting, angling, nature appreciation, primitive trails where motorized vehicles are not allowed, and environmental interpretation shall be maintained.

5. Preference shall be given to the development and enhancement of public access to the shoreline to increase fishing, boating, and other water-related recreational opportunities.

B. General Performance Standards

1. The potential adverse impacts of all recreational uses shall be mitigated and adequate provisions for shoreline rehabilitation shall be made part of any proposed recreational use or development to ensure no net loss of shoreline ecological function.

2. Sites with fragile and unique shoreline conditions, such as high-quality wetlands and wildlife habitats, shall be used only for non-intensive recreation activities such as trails, viewpoints, interpretive signage, and similar passive and low-impact facilities that result in no net loss of

shoreline ecological function and do not require the construction and placement of permanent structures.

3. Use of chemical fertilizers and pesticides should be avoided at recreational developments in shoreline environments. New recreational developments shall be designed to avoid their use. Where their use is required, such use shall be minimized. Measures shall be taken to avoid pesticides and fertilizers leaching into soils and nearshore hyporheic zones in shorelines. The proponent shall specify the BMPs to be used to prevent these applications and resultant leachate from entering adjacent waters.

4. Recreational developments shall be located and designed to preserve, enhance, or create scenic views and vistas.

5. In approving shoreline recreational developments, the Shoreline Administrator shall ensure that the development will maintain, enhance, or restore desirable shoreline features including unique and fragile areas, scenic views, and aesthetic values. The Shoreline Administrator may, therefore, adjust or prescribe project dimensions, on-site location of project components, intensity of use, screening, lighting, parking, and setback requirements.

C. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at all points of access.

D. Recreational developments shall provide facilities for non-motorized access to the shoreline, such as pedestrian and bicycle paths and equestrian access, as applicable. New motorized vehicle access shall be located and managed to protect riparian, wetlands, and shrub steppe habitat functions and value.

E. Proposals for recreational developments shall include a landscape plan indicating how self-sustaining native plant communities are incorporated into the proposal to maintain ecological functions. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of permitted structures or facilities and shall be consistent with provisions of SMP Section 3.05, Shoreline Vegetation Conservation, and Section 5.00, Critical Areas.

F. Accessory uses and support facilities, such as maintenance facilities, utilities, and other non-water-oriented uses, shall be consolidated and located in upland areas outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and uses are allowed in shoreline buffers based on the regulations of this SMP.

G. The placement of picnic tables, playground apparatus, and other similar minor components within the floodways shall be permitted, provided such structures are located and installed in such a manner as to prevent them from being swept away during a flood event.

H. Recreational facilities shall make adequate provisions, such as screening, landscaping buffer strips, fences, and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas, as applicable.

I. Recreational facilities or structures are only allowed to be built over water when they provide public access or facilitate a water-dependent use and shall be the minimum size necessary to accommodate the permitted activity.

J. Recreational developments shall make adequate provisions for all of the following items:

1. On-site and off-site access and, where appropriate, equestrian access

2. Appropriate water supply and waste disposal methods

3. Security and fire protection

K. Structures associated with recreational development shall not exceed 35 feet in height, except when such structures document that the height beyond 35 feet will not obstruct the view of a substantial number of adjoining residences, as noted in SMP Section 3.02, Development Standards.

L. Recreational development shall minimize effective impervious surfaces in shoreline jurisdiction and incorporate low-impact development techniques.

Section 4.13 Residential Development

A. Single-family residential development is a preferred use when it is developed in a manner consistent with SMP provisions.

B. Residential development shall be located and constructed to result in no net loss of shoreline ecological function.

C. Lots for residential use shall have a maximum density consistent with the local government Comprehensive Plan and land use regulations. Lot density and number for residential use may be further limited by other provisions, including goals, policies, and use regulations of this SMP.

D. Accessory uses and structures shall be located outside of the riparian buffer, unless the structure is or supports a water-dependent use. Storage structures to support water-related uses are not water-dependent uses and, therefore, shall be located outside of the riparian buffer.

E. All residential development shall be located or designed in such a manner as to prevent measurable degradation of water quality from stormwater runoff. Adequate mitigation measures shall be required and implemented where there is the reasonable potential for such adverse effect on water quality.

F. New shoreline residences and appurtenant structures shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other shoreline stabilization and flood-control structures, are not necessary to protect proposed residences and associated uses.

G. New floating residences and overwater residential structures are prohibited in shoreline jurisdiction.

H. New multi-unit residential development, including duplexes, fourplexes, and the subdivision of land into five or more lots, shall make adequate provisions for public access consistent with the regulations set forth in SMP Section 3.07, Public Access.

I. Fences associated with single-family residences and multi-family structures and their appurtenances shall not obstruct existing visual access to shorelines from public rights-of-way.

J. New residential development shall connect with sewer systems, when available.

K. All new residential development shall meet the vegetation management provisions contained in SMP Section 3.05, Shoreline Vegetation Conservation, and SMP Section 5.07, Fish and Wildlife Habitat Conservation Areas.

L. Residential development clustering may be required by the Shoreline Administrator where appropriate to minimize ecological and visual impacts on shorelines, including minimization of impacts on shoreline vegetation consistent with SMP Section 3.05, Shoreline Vegetation Conservation.

Section 4.14 Shoreline Habitat and Natural Systems Enhancement Projects

A. Shoreline restoration and enhancement activities designed to restore or enhance shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species and shall be given priority.

B. Shoreline ecological restoration, enhancement, and mitigation activities shall be designed to facilitate recovery of sustainable ecosystems and natural processes toward the objective of achieving no net loss of shoreline ecological functions.

C. Restoration activities shall be carried out in accordance with an approved shoreline restoration plan required as an adjunct to this SMP, which will reference applicable local, state and federal ecological restoration and habitat linkage plans, and in accordance with the provisions of this SMP.

D. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the shoreline restoration plan.

E. Habitat creation, expansion, restoration, and enhancement projects may be permitted, subject to required state or federal permits, when the applicant has demonstrated that the following requirements have been met:

1. The primary objective is clearly restoration or enhancement of the natural character or ecological function of the shoreline.

2. The project will not adversely impact spawning, nesting, or breeding in Fish and Wildlife Habitat Conservation Areas.

3. Upstream or downstream properties or Fish and Wildlife Habitat Conservation Areas will not be adversely affected.

4. Water quality will not be degraded.

5. Flood storage and conveyance capacity will not be degraded.

6. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated.

7. The project will not interfere with the normal public use of the shorelines of the state.

8. Stream and floodplain restoration projects shall be based on a watershed scale, process-based analysis of fluvial geomorphology and hydrology.

9. Stream and floodplain restoration projects shall be designed to restore fluvial processes including sediment transport, recruitment and distribution of woody debris, channel migration within identified CMZs, and redevelopment or enhancement of native plant communities.

10. Stream and floodplain restoration projects shall employ current best technical and scientific design and practices.

F. The Shoreline Administrator shall review the projects for consistency with this SMP in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving all materials necessary to review the request for exemption from the Substantial Development Permit submitted by the applicant (see SMP Section 7.08, Exemptions from Shoreline Substantial Development Permits).

Section 4.15 Shoreline Stabilization

A. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species and shall be given priority.

B. New shoreline stabilization for new development is prohibited unless it can be demonstrated that reasonable use of a lot or parcel legally created prior to the effective date of this program is precluded without shore protection or is necessary to restore ecological functions or hazardous substance remediation.

C. Proposed designs for new or expanded shoreline stabilization shall be designed using biotechnical design approaches and techniques in accordance with applicable state guidelines unless a qualified engineer and biotechnical bank protection practitioner demonstrates that only conventional riprap or bulkheading will stabilize the shoreline.

D. Shoreline stabilization must incorporate the most current scientific and technical information available. They must demonstrate that future stabilization measures would not be required on the project site or adjacent properties and must be certified by a qualified professional.

E. Land subdivisions and lot line adjustments shall be designed to ensure that future development of the newly created lots will not require structural stabilization for subsequent development to occur.

F. New or expanded structural shoreline stabilization is prohibited except when necessity is demonstrated consistent with the requirements of WAC 173-26-231(3)(a)(iii). Necessity is demonstrated through conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within 3 years as a result of shoreline erosion caused by wind/wave action or other hydraulic forces and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.

G. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures, or public facilities, including roads, bridges, railways, and irrigation and utility systems from erosion caused by stream undercutting or wave action. The existing shoreline stabilization structure will be removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the facility was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. Proposed designs for new or expanded shore stabilization shall be in accordance with applicable state guidelines and certified by a qualified professional.

H. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as 3 years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

I. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 will be authorized through a Shoreline Exemption (see SMP Section 7.08). Stabilization projects that are not part of such a fish enhancement project will be regulated by this SMP.

J. Small-scale shoreline stabilization projects (e.g., tree planting projects or other minimally intrusive enhancements) shall be reviewed by a qualified professional to ensure that the project has been designed using the most current scientific and technical information available.

K. Large-scale or more complex shoreline stabilization projects (e.g., projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using the most current scientific and technical information available. The applicant may be required to have a qualified professional oversee construction or construct the project.

L. New stabilization structures, when found to be necessary, will implement the following standards:

1. Limit the size of the project to the minimum amount necessary

2. Include measures to ensure no net loss of shoreline ecological functions

M. Use biotechnical bank stabilization techniques unless those are demonstrated to be infeasible or ineffective before implementing "hard" structural stabilization measures

Section 4.16 Transportation—Trails, Roads, and Parking

A. New or expanded motor vehicle and rail transportation facilities shall not be located within shoreline jurisdiction unless at least one of the following conditions applies:

1. The proponent demonstrates that no feasible upland alternatives exist.

2. The project represents the minimum development necessary to serve another specific, localized, and permitted shoreline use.

3. In the case of a water crossing, the proponent demonstrates that the project is necessary to further a substantial public interest.

B. When new roads or road expansions are unavoidable in shoreline jurisdiction, proposed transportation facilities shall be planned, located, and designed to achieve the following goals:

1. Meet mitigation sequencing provisions of SMP Section 3.04, Environmental Protection

2. Avoid adverse impacts on existing or planned water-oriented uses

3. Set back from the OHWM to allow for a usable shoreline area for vegetation conservation and any preferred shoreline uses unless infeasible

4. First avoid and then minimize grading, vegetation clearing, and alterations of the natural topography

5. Use BMPs for preventing erosion and degradation of surface water quality

C. Improvements to existing motor vehicle and rail transportation facilities shall not interfere with pedestrian and bicycle access and shall, whenever possible, provide for expansion and enhancement of pedestrian and bicycle transportation facilities.

D. Transportation facilities and services for motor vehicles and rail shall utilize existing transportation corridors whenever possible.

E. The development, improvement, and expansion of pedestrian and bicycle transportation facilities are allowed within all environments except for natural environment designation. Such transportation facilities are a preferred use wherever they are compatible with the natural character, resources, and ecology of the shoreline.

F. Pedestrian and bicycle transportation facilities shall be designed, located, and constructed consistent with the policies and regulations for public access as provided in SMP Section 3.07, Public Access. Linkage among shoreline parks, recreation areas, and public access points are encouraged when feasible.

G. Parking facilities are not a water-dependent use and shall only be permitted in the shoreline jurisdiction to support an authorized primary use where it can be demonstrated to the satisfaction of the Shoreline Administrator that there are no feasible alternative locations away from the shoreline. Accessory parking facilities shall be subject to the same permit type as the primary use.

H. Accessory parking facilities shall be planned to avoid or minimize adverse effects on unique or fragile shoreline features and shall not result in a net loss of shoreline ecological functions or adversely affect existing or planned water-dependent uses. Parking facilities shall be located upland of the principal structure, building, or development they serve and preferably outside of shoreline jurisdiction except in the following circumstances:

1. Where the proponent demonstrates that an alternate location would reduce adverse impacts on the shoreline and adjacent uses

2. Where another location is not feasible

3. When ADA standards require otherwise

In such cases, the applicant shall demonstrate use of measures to reduce adverse impacts of parking facilities in shoreline jurisdiction, such as low-impact development techniques, buffering, or other measures approved by the Shoreline Administrator.

I. Parking facilities shall be landscaped in a manner to minimize adverse visual and aesthetic impacts on adjacent shoreline and abutting properties.

J. All forms of transportation facilities shall, wherever feasible, consolidate water crossings and make joint use of rights-of-way with existing or planned future primary utility facilities and other transportation facility modalities.

K. Improvements to all existing transportation facilities shall provide for the reestablishment and enhancement of natural vegetation along the shoreline when appropriate.

L. If located in the side yard or waterward side of a structure, loading areas shall be screened from view of pedestrians on either side of the waterway. The visual screen shall be composed of a fence or wall with trees and shrubs consistent with local landscape standards, as applicable.

M. Shoreline crossings and culverts shall be designed to minimize adverse impacts on riparian and aquatic habitat and shall allow for fish passage. See SMP Section 5, Fish and Wildlife Habitat Conservation Areas, for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

N. Trails shall be designed consistent with public access requirements in SMP Section 3.07, Public Access.

Section 4.17 Utilities

A. The existing hydropower dam, just west of the City of Republic along Granite Creek, is a permitted use in shoreline jurisdiction for power production and the location of associated utilities to serve the facility.

B. Non-water-oriented utility production, processing, and transmission facilities are permitted in shoreline jurisdiction only if no practical upland alternative or location exists. New primary utility production and processing facilities or parts of those facilities, such as power plants, solid waste storage, or disposal facilities that are non-water-oriented, should not be permitted within shoreline jurisdiction unless no other options are feasible.

C. The principal uses permitted by this Section include facilities within the High Intensity designation and other facilities, including sewage collection, holding, transfer and treatment pipelines, tanks, structures, containment facilities, and buildings. Accessory facilities are also permitted, including, but not limited to, the following items:

1. Plant monitoring and control facilities and on-site administrative offices

2. Plant access and logistical facilities such as storage areas and material handling ramps and facilities, including utility delivery (electrical and communication) facilities

3. Plant security and safety features such as fences and signage

4. Other accessory or auxiliary uses or features necessary to the effective and efficient operation of the plant, which cannot feasibly be located outside the shoreline jurisdiction

D. Expansion of existing primary utility facilities within shoreline jurisdiction must demonstrate the following criteria:

1. The expansion is designed to protect adjacent shorelands from erosion, pollution, or other environmentally detrimental factors during and after construction.

2. The project is planned to fit existing natural topography as much as practical and avoid alteration of the existing natural environment.

3. Debris, overburden, and other construction waste materials shall be disposed of so as to prevent erosion or pollution of a waterbody.

E. New primary utility facilities and expansions shall include provisions to control the quantity and quality of surface water runoff to natural waterbodies, using BMPs to retain natural flow rates. A maintenance program to ensure continued proper functioning of such new facilities shall be required.

F. Applications for installation of utility facilities other than water-dependent facilities within the High Intensity environment designation shall include all of the following information (at a minimum):

1. Reason why the utility facility must be in shoreline jurisdiction

2. Alternative locations considered and reasons for their elimination

3. Location of the same, similar, or other utility facilities in the vicinity of the proposed project

4. Proposed method(s) of construction

5. Plans for reclamation of areas to be disturbed during construction

6. Landscape plans

7. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation

8. Consistency with Coalition's plans for utilities, where such plans exist

G. Applications for installation of utility facilities shall include the following information (at a minimum):

1. Proposed method(s) of construction

2. Plans for reclamation of areas to be disturbed during construction

3. Landscape plans

4. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation

H. Where feasible, utilities shall be consolidated within a single easement and utilize existing rights-of-way. Any utility which must cross shoreline jurisdiction, shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. This option shall be exercised by the public only when both of the following situations occur:

1. The public will not be exposed to dangers from the utility equipment.

2. The utility itself will not be subjected to unusual risks of damage by the public.

I. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively affect an environmentally critical area, obstruct public access to the shoreline, or interfere with the navigability of a waterbody regulated by this SMP. See SMP Section 5, Fish and Wildlife Habitat Conservation Areas, for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

J. Utility facilities shall be designed and located in a manner that protects scenic views and minimizes adverse aesthetic impacts.

K. New utilities, which must be constructed across shoreline jurisdiction in previously undisturbed areas, must submit a mitigation plan demonstrating the restoration of the shoreline to at least its existing condition, to achieve no net loss of ecological functions. Upon completion of utility installation or maintenance, any disturbed areas shall be regraded to be compatible with the natural terrain of the area and revegetated with appropriate native plants to prevent erosion.

L. Outside of the High Intensity environment designation, all underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the waterbody except for public sanitary

sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.

M. Where utilities cannot cross a shoreline waterbody via a bridge or other existing water crossing, the utilities shall evaluate site-specific habitat conditions and demonstrate whether impacts can be mitigated to negatively impact substrate or whether utilities will need to be bored beneath the waterbody such that the substrate is not disturbed. Construction of pipelines placed under aquatic areas shall be placed in a sleeve to avoid the need for excavation in the event of a failure in the future.

N. Minor trenching to allow the installation of necessary underground pipes or cables is allowed if no alternative, including boring, is feasible, and if the following criteria are met:

1. Impacts on fish and wildlife habitat are avoided to the maximum extent possible.

2. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

3. Appropriate BMPs are employed to prevent water quality impacts or other environmental degradation.

O. Utility installation and maintenance operations shall be conducted in a manner that does not negatively affect surface water quality or quantity. Applications for new utility projects in shoreline jurisdiction shall include a list of BMPs to protect water quality.

Section 5.00: Critical Areas

A. Critical areas within the shoreline jurisdiction of Ferry County Coalition shall be regulated in accordance with the following Sections of the Ferry County 2014 Critical Areas Ordinance (CAO) 2014-03 (or as amended), which is herein incorporated by reference into this SMP with the exception of the following Sections, as described:

1. CAO Section 1 – Authority. Excluded; replaced with SMP Section 5.01
2. CAO Section 2 – Purpose. Excluded; replaced with SMP Section 5.01
3. CAO Section 3 – Definitions. Excluded; Critical Areas-specific definitions are included in SMP Section 7.17
4. CAO Section 4 – Critical Areas Defined. Excluded; replaced with SMP Section 5.01
5. CAO Section 5 – Wetlands. Amended; see SMP Section 5.03
6. CAO Section 6 – Aquifer Recharge Areas. Amended; see SMP Section 5.04
7. CAO Section 7 – Frequently Flooded Areas. Amended; see SMP Section 5.05
8. CAO Section 8 – Geologically Hazardous Areas. Amended; see SMP Section 5.06
9. CAO Section 9 – Fish and Wildlife Habitat Conservation Areas. Amended. See SMP Section 5.07
10. CAO Section 10 – Administration. All except CAO Section 10.16 excluded.
    a. CAO Section 10.16 shall apply to shorelands as relevant.

B. CAO amendments in this Section, as summarized SMP Section 5.00 (A), shall only apply to critical areas within shoreline jurisdiction. Critical areas outside of shoreline jurisdiction shall be governed by the provisions adopted in Ferry County 2014 CAO 2014-03 (or as amended) and the City of Republic CAO, Ordinance Number 92-11 (or as amended).

Section 5.01 General Provisions

A. Purpose

1. The purpose of SMP Section 5, Critical Areas, is as follows:

a. Define, identify, and protect critical areas as required by the GMA of 1990 (Chapter 17, Laws of 1990), or per EHB 1224 for opting out of GMA, and the SMA (RCW 90.58) through the application of the most current scientific and technical information available.

b. The Ferry County Coalition shall regulate in shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas.

c. The critical area regulations shall apply in addition to other SMP requirements as an overlay and in addition to land use and other regulations adopted by the Ferry County Coalition.

B. Relationship to Other Regulations and Permits

1. Compliance with the provisions of this section does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (e.g., Shoreline Substantial Development Permits, Hydraulic Project Approval permits, USACE Section 404 permits, and National Pollutant Discharge Elimination System permits). The applicant is responsible for complying with these requirements apart from the SMP compliance process established in this Section.

C. Jurisdiction. Critical Areas in Shoreline Jurisdiction

1. Critical areas regulated by this Section, as described in Ferry County CAO, include the following areas:

a. Wetlands

b. Critical aquifer recharge areas

c. Frequently flooded areas

d. Geologically hazardous areas as designated

e. Fish and wildlife habitat conservation areas

2. All areas within the Ferry County Coalition's shoreline jurisdiction meeting the definition of one or more critical area, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Section.

D. Protection of Critical Areas. Any action taken pursuant to Section 5, Critical Areas, shall result in maintaining no net loss of ecological function of the critical areas associated with the proposed action, as determined by the most current scientific and technical information. All actions and developments shall be

designed and constructed in accordance with Mitigation Sequencing, per SMP Section 3.04, Environmental Protection, to avoid, minimize, and restore all adverse impacts. Applicants must first demonstrate an inability to avoid or reduce impacts before restoration and compensation of impacts will be allowed.

E. Authorizations Required. Prior to fulfilling the requirements of this Section, the Ferry County Coalition shall not grant any approval or permission of permits to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement including, but not limited to, the following items:

1. Building Permit
2. Conditional Use Permit
3. Shoreline Conditional Use Permit
4. Shoreline Substantial Development Permit
5. Shoreline Variance
6. Binding Site Plan
7. Short Subdivision
8. Subdivision
9. Variance
10. Land Use Reclassification
11. Any other adopted permit or required approval not expressly exempted by this Section.

F. Most Current Scientific and Technical Information

1. WAC 173.26.201(2)(a) requires the Ferry County Coalition to identify and assemble the most current, accurate, and complete scientific and technical information available regarding the development of policies related to identification of and policies governing management recommendations for critical areas.

2. Special reports, studies, surveys, mitigation and management plans, and decisions to permit the alteration of critical areas within the shoreline jurisdiction shall rely on the most current scientific and technical information to ensure the protection of the ecological functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance fish and their habitat.

3. The most current scientific and technical information shall be consistent with criteria established in WAC 173.26.201(2)(a) and may include the following items:

   a. Critical area maps included in the Ferry County Coalition's Comprehensive Plans

   b. Maps and reference documents in the Ferry County Coalition's SMP Inventory, Analysis, and Characterization, and Report, as applicable

   c. Ferry County Coalition's SMP Inventory, Analysis, and Characterization Report Map Folio for wetland, soil, geology, Priority Habitat Species, and water quality data sources

   d. U.S. Geological Survey topographic quadrangle maps

   e. DNR Geologic Hazard, Mine Hazard Area, and Water Type map

   f. U.S. Bureau of Land Management Mine Hazard Area map

   g. Aerial photographs

   h. Soil Survey Ferry County, Washington, by the U.S. Department of Agriculture (USDA), Soil Conservation Service

   i. National Wetland Inventory maps

   j. WDFW Priority Habitats and Species data and management recommendations

4. The Critical Area Overlay Maps include all of the following:

   a. FEMA 100-year flood map(s)

   b. Geologically Hazardous Map(s)

   c. Critical Aquifer Recharge Map(s) and CMZ areas

   d. Wetland Map(s)

   e. Other maps as appropriate

5. Applicability of reference maps: In some cases, the Critical Area Overlay Maps identified herein display general locations and approximate boundaries of potential critical areas. Further field determination and analysis may be necessary for specific development proposals to establish exact location, extent, and nature of critical areas. Fish and Wildlife

Conservation Areas are identified using the references, maps, and criteria established in SMP 5.07, Fish and Wildlife Habitat Conservation Areas.

6. General and Critical Area Identification Review Process

a. The Shoreline Administrator shall follow the process outlined below:

i. Verify the information submitted by the applicant for the applicable permit. Evaluate the application for information on whether or not critical areas are present in the project area vicinity.

ii. Evaluate the project area and vicinity for critical areas. The Shoreline Administrator shall, if he/she deems necessary, conduct a site inspection to review critical area conditions at the site. The Shoreline Administrator shall notify the property owner of the inspection prior to the site visit. Reasonable access to the site shall be provided by the property owner for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

iii. Determine whether the proposed project is likely to impact the functions or values of critical areas.

iv. Determine if the proposed project adequately addresses the impacts and avoids impacts to the critical area associated with the project.

b. The Shoreline Administrator will review each shoreline permit application in accordance with this SMP and determine if the provisions of this Section will be applied to the project. In making the determination, the Shoreline Administrator may use any of the most current scientific information and the Critical Area reference maps and/or inventories identified in SMP Section 5.01 (C)(3) to (4).

c. Minimum Standards. Any proposed activity shall be conditioned as necessary to mitigate impacts to critical areas to ensure no net loss of ecological function and conformity to the performance standards required by this Section and SMP3.04, Environmental Protection.

d. No Critical Areas Present

i. After evaluation of the application, project area, and vicinity for critical areas according to the SMP

Sections 5.01.(A)(6)(a) and 5.01.(A)(6)(b), if the 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, then the Shoreline Administrator shall rule that the critical area review is complete and note on the identification form the reasons that no further review is required. A summary of this information shall be included in any staff report or decision on the underlying permit.

e. Critical Areas Present and Potential Impact Likely. If the Shoreline Administrator determines that the proposed project is within, adjacent to, or is likely to impact a critical area, the Shoreline Administrator shall:

i. Notify the applicant that a critical area study, SEPA checklist, or other applicable information must be submitted prior to further review of the project and indicate each of the critical area types that should be addressed.

ii. Require a critical area study or other applicable information, paid for by the applicant, and that has been prepared by a qualified professional. Additional information and requirements may be obtained within this SMP.

iii. Review and evaluate the Critical Area Report and other applicable information to determine whether the development proposal conforms to the purpose and performance standards of this SMP.

iv. Assess potential impacts to the critical area and determine if they are necessary and unavoidable.

v. Determine if any mitigation proposed by the applicant is sufficient to protect the critical area and meet the standards for no net loss of ecological functions and public health, safety, and welfare concerns.

vi. A summary of this analysis and the findings shall be included in any decision on the underlying permit(s). Critical area review findings may result in: no adverse impacts to critical area(s), a list of applicable critical area(s) protection conditions for the underlying permit(s), or denial of permit based upon impacts that cannot be adequately mitigated to critical area(s) ecological functions and values.

7. Critical Areas Report Requirements