



Shoreline Narrative
for
Anchor Point Cowlitz River Dredged Material Disposal Site
Kelso, Washington
Revised October 16, 2020

Introduction

This shoreline narrative was prepared by Ecological Land Services, Inc (ELS) on behalf of the applicant, Winters Anchor Point, LLC, owners of the Cowlitz River Dredged Material Disposal Site (Anchor Point property). The proposal subject to the narrative is the renewal of the existing Shoreline Substantial Development (SSDP) (Number SHR 14-001) for the continued placement, dewatering, and subsequent surface mining of dredged material within an approximately 200-acre upland site located at Cowlitz River Mile 0, east of Carrolls Channel. This request is in compliance with the *City of Kelso, Washington Shoreline Master Program* (SMP 2016).

The site is located within Sections 11, 12, 13, 14, Township 7N, Range 2W, west of the Willamette Meridian, in the city of Kelso, Washington (Sheet 1). The project proposes the continued placement of up to 0.5 to 2.2 million cubic yards (mcy) annually of Cowlitz and Columbia River dredged material from the years 2021 through 2026.

Purpose

The Anchor Point site has been used as a dredge disposal area since the 1980s, when the US Army Corps of Engineers (Corps) began dredging the lower Cowlitz and Columbia Rivers following the eruption of Mount St. Helens. The eruption caused a dramatic increase in fine sediment deposition within the river system and the approval of a long term sediment management plan was developed that included as-needed dredging on the rivers through the year 2035. Sediment accumulation at the mouth of the Cowlitz River compromises the flood capacity of the river, thereby endangering the upstream communities of Kelso, Longview, Lexington, and Castle Rock. The dredging completed by the Corps effectively restores the sediment transport potential of the Cowlitz River to move sand into the Columbia River and increases channel capacity to maintain the levels of flood protection for the upstream communities. The Corps obtains all necessary federal and state permits for the dredging action.

Following the placement and dewatering of dredged material, Winters Anchor Point, LLC contracts with a third party that holds a Department of Natural Resources (DNR) surface mining permit to sell the material for use at permitted offsite locations.

Project Description

The project proposes the continued placement and/or removal of approximately 0.5 to 2.2 mcy annually of Cowlitz and Columbia River dredged material on the site from 2021 through 2026. The dredging of the lower Cowlitz and Columbia Rivers is performed on an as-needed basis

following flood control assessments completed by the Corps. Mechanical dredging will occur during approved in-water work windows, with dredged material hydraulically pumped into the Anchor Point disposal area. Upon disposal, dredged materials are dewatered within the upland disposal area that is contained by a system of berms. Water is stored within settling ponds to allow sediment to filter out before being released through a series of weirs and routed to temporary outfalls to be discharged into Carrolls Channel. The outfalls extend approximately 40-foot waterward of the ordinary high water mark (OHWM) of the channel in order to prevent bank scour and sediment transport during discharge. Following dewatering, the dredged material (primarily sand) is mined and removed under a DNR-issued surface mining permit. Access by trucks and machinery associated with the mining is done from a series of existing gravel roads and will occur solely in uplands, within the clearly marked mining boundary.

The majority of the project work occurs outside of shoreline jurisdiction and onsite critical areas with the exception of the temporary outfalls that extend past the OHWM of Carrolls Channel and intersect its riparian buffer as well as the outer portion of the buffer of a Category III, riverine wetland on the southwest boundary of the site (Sheet 2). The outfalls are temporary, do not require vegetation removal, and can be removed following dewatering. Though no vegetation removal is anticipated, species may establish between outfall removal and installation periods. If these species are damaged or removed, they will re-establish quickly resulting in temporary, self-mitigating riparian and wetland buffer impacts. Permanent impacts to habitat have been avoided. As per the SMP, the shoreline jurisdiction extends 200-feet from the OHWM of the adjacent Carrolls Channel and Cowlitz River, both Shorelines of Statewide Significance (SSWS) as well as from the adjacent floodway and contiguous floodplain. The project extends into shoreline jurisdiction along the northwest, northeast, and southeast site boundaries, where existing gravel roads, access points, and a small amount of the disposal and mining area currently reside.

Project Permit History

The project is currently operating under a SSDP and SCUP (Numbers SHR 14-001 and 14-002) issued by the City of Kelso in late 2014, originally approving onsite dredge spoil placement between the years 2014 to 2019. The Washington State Department of Ecology (Ecology) approved the Shoreline Conditional Use Permit in March 2015. These permits were then extended by the City in July 2019 until March of 2021 and project work has been ongoing since. The permit renewal for this cycle will extend from the years 2021 to 2026. The Corps is responsible for most other required permits as part of their Cowlitz Flood Control Dredging Project, including Section 404, Section 10, Section 401, Section 7, and National Environmental Protection Act (NEPA) reviews. Winters Anchor Point, LLC will apply for a Hydraulic Project Approval (HPA) from Washington Department of Fish and Wildlife (WDFW) for installation of the temporary outfall below the OHWM of Carrolls Channel to discharge treated water produced from dewatering of dredged materials. The DNR surface mining permit (number #70-012906) issued to a third party is ongoing.

A SEPA Determination of Non Significance (DNS) was issued for the dredged material disposal and subsequent removal on June 29, 2007. The continued and ongoing use of the site for disposal and removal of dredged material is discussed in an associated updated SEPA by ELS (June 2020).

It is anticipated that as the proposal is for the continuation of ongoing dredge spoil placement and there have been no substantial changes to the scope of work, that the DNS will remain in place. Additionally, in accordance with current SMP, a Conditional Use Permit is no longer required.

Compliance under the SMP

The proposed dredge spoil disposal and subsequent surface mining are industrial activities, consistent with the zoning (General Industrial) and shoreline designation (High Intensity) of the site. The SMP regulates the proposed and ongoing activity under multiple sections. Table 7-1 of the SMP indicates that the disposal of dredged material onsite is permitted in a High Intensity shoreline environment with the review of an SSDP. The surface mining of dredged material is also permitted in accordance with SMP Mining Section 7.2.9.E which states “The provisions of this section do not apply to dredging of authorized navigation channels or management, placement, or beneficial reuse of dredged materials when conducted in accordance with Section 7.3.5 and all other provisions of this Program”.

Addressed below is an assessment of how this project meets the goals and policies of the SMP with excerpts from the SMP in italics and a response by ELS in regular font. Only regulations that apply to this project are addressed.

SMP Sect. 3 Applicability, Exemptions, and Prohibited and Nonconforming Uses

3.1 Applicability

All new or expanded uses and development within shoreline jurisdiction shall be carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a SLE, SSDP, Variance, or SCUP is required. Unless described otherwise, this Program does not apply to the continuance of legally established and permitted uses and developments.

A. This Program shall apply to all of the shorelands and waters within the City of Kelso that fall under the jurisdiction of RCW 90.58. Such shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways and contiguous floodplain areas landward two hundred feet from such floodways, associated wetlands, river deltas associated with the streams that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

1. Within the City of Kelso the following waters are considered “shorelines” and are subject to the provisions of this Program: Columbia River, Cowlitz River, Coweeman River, and Owl Creek.

The proposed continuation of dredge spoil placement, subsequent removal through surface mining, and discharge of treated water will occur in and adjacent to shorelines within 200-feet of the OHWM of the Columbia (via Carrolls Channel) and Cowlitz Rivers. Temporary outfall structures will outlet treated water to Carrolls Channel and

will extend approximately 40-feet past the mapped OHWM in order to prevent bank scour or sediment transport. The approximately 200-acre upland area where dredge spoils are placed and mined from is primarily located outside of shoreline jurisdiction; however, its outer boundary and some associated gravel roadways extend into the shoreline jurisdiction boundary.

SMP Sect. 4 Shoreline Master Program Goals and Policies

4.4 Economic Development

4.4.1 Goal

Give priority to those industrial, commercial, and recreational uses and developments that are particularly dependent on their location on City of Kelso's shoreline.

The project site is zoned General Industrial and is located directly adjacent to the portions of the Cowlitz and Columbia Rivers that are to be dredged. The project utilizes the land-water interface to allow upland placement of hydraulically dredged material from the adjacent Cowlitz and Columbia Rivers where the project is taking place, as opposed to alternative locations farther from the river that would not adequately serve this purpose. The proximity of the dredge disposal area to the dredging activity makes the project particularly dependent on this location.

4.4.2 Policies

- A. Minimize the adverse effects of new commercial, industrial, and recreational development upon the physical environment and natural processes through careful siting and design and mitigation sequencing.***

The proposal is for the continued use of the site as a dredged material disposal area as it has been utilized for since the 1980s. The project has been designed so that the continued placement of dredge spoils and subsequent surface mining of those materials will occur in existing degraded and primarily unvegetated uplands and will not impact the physical environment or natural processes of the shoreline and riparian buffers that extend into the site. The discharge of treated water into Carrolls Channel following the settling of the dredged material will occur within the mapped OHWM and riparian buffer and consists of the temporary installation of outfall pipes. The temporary outfalls do not require vegetation removal; however, volunteer species may establish between outfall removal and installation periods. If these species are damaged or removed, they will re-establish quickly resulting in temporary, self-mitigating riparian and wetland buffer impacts. By extending the outfalls beyond the OHWM, bank scour and sediment transport is avoided. Best management practices (BMPs) will be implemented to ensure that there are no unanticipated impacts throughout the life of the project. The site was chosen for its proximity to the dredging activity, Industrial zoning, and High Intensity shoreline designation, all of which make it highly compatible with the proposed use.

B. Provide effective flood protection for the City of Kelso.

The portion of the project site where the dredge spoils are to be placed is outside of the mapped floodplain and will not impact flood levels. The project is directly tied to the active dredging of the Cowlitz River, which is done as part of a long term sediment management and plan designed by the Corps to reduce the flood risk of upstream communities, including the City of Kelso.

4.10 Shoreline Uses

4.10.2 Policies

F. Industrial

1. Priority should be given to water-dependent industrial uses within shoreline jurisdiction.

The proposal is an industrial and water-dependent use as it pertains to the placement of dredged materials on the project site and the subsequent dewatering and surface mining of that material. The ability of the site to fulfill the need as a disposal area is directly attributed to its proximity to the dredging in the Cowlitz River and compliance with industrial zoning restrictions.

2. New industrial development that is not water-oriented should be discouraged in shoreline jurisdiction unless such development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of way.

The proposal is an industrial, water-dependent use that has been ongoing since the 1980s and requires the disposal site to be directly adjacent to the dredging being performed.

I. Mining

1. Mining activities should be sited, designed, operated and completed to result in no net loss of shoreline ecological functions and processes after final reclamation of the site.

The mining and removal of dredged material from the site is conducted in compliance with BMPs set forth in the surface mining permit issued by DNR (permit #70-012906). The portion of the site where dredged material is placed and subsequently removed through mining has been used for this purpose since the 1980s and consists of degraded uplands with sparse vegetation that lies outside of riparian and wetland buffers within the project site. Furthermore, the dredge disposal area is contained by a series of berms and catchment basins that allow sediments to settle out and water to be treated prior to release into Carrolls Channel. The containment of mining activities inside of the designated berms prevents impacts from erosion and runoff into the adjacent waterbodies. The DNR permit for the mine allows excavation to 23 feet elevation and requires reclamation after completion of mining activities including grading for future use as an industrial property,

resulting in no net loss of shoreline functions and processes during or following the completion of mining.

2. *Give preference to mining proposals that result in the creation, restoration or enhancement of habitat for priority species.*

The proposed mining does not specifically lend to habitat creation, restoration, or enhancement for priority species; however, the continuation of mining onsite is not anticipated to negatively affect any priority species.

4.11 Shoreline Modifications

4.11.2 Policies

F. Dredging and Dredge Material Disposal

1. *Dredging operations should conform to the operating standards specified on any federal and state permits required for such operations.*

The Corps will obtain and adhere to all necessary permits to perform the dredging activity. The disposal of the dredged material onsite will adhere to standards, best management practices, and conditions outlined in the SMP and state and City-issued permits.

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

There will be no new development for the proposed continuation of dredged material disposal onsite. The ongoing dredging is part of a long term sediment management plan designed by the Corps for flood management.

3. *The necessary and ongoing maintenance dredging of the Cowlitz River for flood control purposes, including actions by the U.S. Army Corps of Engineers, should be supported.*

This proposal directly contributes to the necessary and ongoing maintenance dredging of the Cowlitz River as it provides an efficient and compatible location for the disposal of the dredged material directly adjacent to where the dredging activity is performed. The site has served this use since the 1980s and is a necessary component of the long term maintenance plan developed by the Corps, which requires permitted, upland disposal sites.

SMP Sect. 5 Shoreline Environment Designations and Shorelines of Statewide Significance

5.4.1 High-Intensity Environment

Purpose

The purpose of the High-Intensity environment designation is to provide for high-intensity, water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and seeking to restore ecological functions in areas that have been previously degraded.

Management Policies

- A. *Priority should be given to water-dependent, water-related, and water-enjoyment uses in that order of preference. Non-water-oriented uses within the High-Intensity SED are appropriate on sites where there is no direct access to the shoreline because of another property or a public-right-of way separating it from the shoreline.*

The proposal is an industrial, water-dependent use as it pertains to the placement of dredged materials on the project site, which is zoned as General Industrial, and the subsequent dewatering and surface mining of that material. The ability of the site to fulfill the need as a disposal area is directly attributed to its proximity to the dredging in the Cowlitz and Columbia Rivers, compliance with industrial zoning restrictions, and ability to outlet treated water back to the adjacent channel through temporary outfalls.

- B. *Non-water-oriented uses on sites adjacent to the water should provide significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration in compliance with the provisions of this Program.*

As mentioned above, the proposal is a water-oriented use.

- C. *Where unavoidable impacts to ecological functions occur, appropriate mitigation should be provided in accordance with this Program to achieve no-net loss. Where applicable, development should include environmental cleanup and restoration of the shoreline in accordance with relevant state and federal law.*

The proposal will not cause impacts to the ecological functions of the site. The dredge disposal area consists of degraded uplands that have been used for this purpose for several decades. There will be no permanent impacts to the riparian buffer of Carrolls Channel arising from the placement of the temporary outfalls and only clean water will be released into the channel. All dredge disposal and mining activities occur in an upland area surrounded by a series of berms and catchment basins that prevent sediment transport and runoff into the adjacent water bodies.

- D. *Visual and/or physical public access should be provided, where feasible.*

The project site is privately owned and public access to the shoreline is not permitted from the site. Public safety would be at risk if public access were allowed due to the narrow crossings under existing bridges and heavy use of access roads by mining equipment.

- E. *Aesthetic objectives of this Program should be in character with high-intensity development and include height limits, screening, and other standards consistent with the primary purpose of accommodating high-intensity uses.*

The placement of dredged material onsite has been occurring since the 1980s and reflects the “normal” conditions of the site. The placement of dredge spoils does increase the elevation of the site, but mining operations are not typically visible from the water. Additionally, the vegetated portions of the shoreline are outside of the permitted mining and disposal boundary and will not be disturbed by the ongoing activities. Thus, the scenic and aesthetic qualities of the shoreline will not be degraded by ongoing use of the site for dredged material disposal or removal and will not negatively impact the physical and aesthetic qualities of the natural environment.

- F. *Full utilization of existing urban and extensively altered areas should be achieved before further expansion of intensive development is allowed.*

The continuation of dredged material disposal and mining will occur in the existing designated upland area that has been used for this purpose for decades. The disposal area is primarily unvegetated and consists of previously placed spoils. No new or expanded development or alteration of the site will occur.

5.5. Shorelines of Statewide Significance

The Act designated certain shoreline areas as Shorelines of Statewide Significance (SSWS). Because these shorelines are major resources from which all people in the state derive benefit, the City shall give preference to uses which favor long-range goals and support the overall public interest.

Within the City of Kelso, the Columbia River and the Cowlitz River are designated as SSWS. SSWS are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

- A. *Every project located on a SSWS shall demonstrate consistency with the following priorities, in order of preference, in all permit review, in addition to compliance with other criteria provided by this Program:*
1. *Recognize and protect the statewide interest over local interest.*
 - a. *Solicit comments and opinions from groups and individuals representing statewide interests by circulating amendments to the Program, and any proposed amendments affecting SSWS, to state agencies, affected tribes, adjacent jurisdictions, citizen's advisory committees and local officials, and statewide interest groups.*
 - b. *Recognize and take into account state agencies' policies, programs, and*

recommendations in developing and administering use regulations and in approving shoreline permits.

- c. *Solicit comments, opinions, and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.*

The public and regulatory agencies will be able to comment on the application during the public notice process.

2. *Preserve the natural character of the shoreline.*

- a. *Designate and administer shoreline environment designations and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.*

This is a policy for the city when it reviews a shoreline application.

- b. *Restore, enhance, and/or redevelop those areas where intensive development or uses already exist in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.*

The continued use of the site for dredged material disposal and mining prevents this activity from extending to other low-intensity or undeveloped areas, which may impact the environment.

- c. *Protect and preserve existing diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.*

The diversity of vegetation and habitat values, wetlands, and riparian corridors will be protected by continuing to place dredge spoils within the upland mining and disposal area, outside of shorelines and buffers and by avoiding and minimizing impacts to vegetation through the use of temporary outfalls within onsite riparian and wetland buffers.

3. *Support actions that result in long-term over short-term benefit.*

- a. *Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.*

The continued use of the site as a dredged material disposal and mining area is in coordination with a long term sediment management plan developed by the Corps. As there is little activity related to the project that resides in shoreline or critical areas buffers aside from the placement of temporary outfalls, there are no anticipated costly or long term impairments to the natural shoreline.

- b. *Protect resources and values of SSWS for future generations by modifying or prohibiting development that would irretrievably damage shoreline resources.*

This project will not irretrievably damage aquatic resources as it is for the continued placement and mining of dredged materials within an upland disposal area, which has been occurring onsite since the early 1980s. The only potential impact to riparian and wetland buffers is the placement of temporary outfalls that may disturb a small amount of volunteer vegetation. If vegetation is impacted, it will re-establish following the removal of the outfalls and will be self-mitigating. The project directly contributes to long-term flood mitigation by providing a compatible, upland disposal area directly adjacent to where the dredging will be performed.

- c. *Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.*

The placement of dredged material onsite has been occurring since the 1980s and reflects the “normal” conditions of the site. The placement of dredge spoils and mining operations occur in the central upland portion of the site and are not typically visible from the water. The scenic and aesthetic qualities of the shorelines will not be degraded by ongoing use of the site for dredged material disposal or removal and will not negatively impact the physical and aesthetic qualities of the natural environment.

- 4. *Protect the resources and ecological function of the shoreline.*
 - A. *Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.*

The placement and mining of dredged materials onsite will not inhibit the natural functioning of the shoreline ecosystem as the majority of activities take place in the central upland portion of the site. The project was designed to avoid potential drainage and water quality issues relating to the water-laden dredge spoils by incorporating a series of berms, catchment basins and weirs, to ensure that water infiltrates slowly or is released after sediment has settled out. The installation of temporary outfalls within the shoreline and riparian buffer of Carrolls Channel will not impact water quality, drainage, or stability functions of the shoreline as they will extend past the OHWM to prevent bank scour and sediment transport and any minor impacts to vegetation will be self-mitigating.

- B. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.*

The associated JARPA describes the listed species and habitat areas within or adjacent to the project site. There are no anticipated adverse impacts to wildlife resources as BMPs will be in place during dredge spoil disposal, dewatering, and mining, which will primarily occur outside of the shoreline and critical areas buffers onsite.

- C. Restrict or prohibit access onto areas which cannot be maintained in a natural condition under human use.*

Because the site is privately owned and maintained, there is no internal public access. Adjacent properties are also privately owned.

- D. Shoreline materials including, but not limited to, bank substrate, soils, beach sands, and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in SSWS shoreline areas.*

There are no anticipated impacts to existing shoreline materials. The dredging activity is completed in accordance with approved permits obtained by the Corps. The surface mining associated with the project only pertains to the dredged material that has been disposed of in the central upland portion of the site, which is demarcated by visible boundaries and has been approved by the DNR under permit number 70-012906. No mining of shoreline material will occur outside of the approved dredge placement area.

- E. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded wetland areas.*

Several wetlands border the site to the northeast, south, and southwest (see JARPA for further detail). The wetlands lie outside of the dredge disposal and mining area footprint and will not be impacted by the project. The temporary outfalls extending into Carrolls Channel intersect the outer portion of the buffer of a riverine wetland along the southwest portion of the site (Sheet 3). The outfalls do not require vegetation removal; however, a small amount of volunteer species may be disturbed if they establish between outfall removal and installation periods. Any vegetation in this area that is damaged or removed will re-establish quickly, resulting in temporary, self-mitigating impacts.

SMP Section 6 – General Shoreline Regulations

6.1 No Net Loss of Ecological Function

- A. All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in accordance with the mitigation sequencing provisions of this program.***

The continued disposal and mining of dredged material onsite has been located, designed, constructed, conducted, and maintained in accordance with the mitigation sequencing outlined in the SMP, with avoidance being the primary goal. Permanent impacts to critical areas on and adjacent to the site are being completely avoided and only a small amount of temporary, self-mitigating buffer impacts may arise from the placement of the temporary outfalls within the riparian buffer of Carrolls Channel during dewatering.

- B. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food web support, and water quality maintenance.***

Fish and wildlife habitat functions, including food-web support and water-quality maintenance, will be protected by proper site design and the use of uplands for the primary project work as well as through BMPs and continued impact avoidance and minimization measures. Temporary outfalls will be removed during the approved in-water work window and during low tide to further avoid impacts.

- C. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.***

This project will not affect any of the above shoreline processes. The placement and mining of dredged materials onsite will not inhibit the natural functioning of the shoreline ecosystem as the primary activities take place in the central upland portion of the site. The project was designed to avoid potential impacts to infiltration, groundwater recharge, sediment delivery and transport, and other hydrologic processes by incorporating a series of berms, catchment basins and weirs, to ensure that water infiltrates slowly or is released after sediment has settled out. The installation of temporary outfalls within the shoreline and riparian buffer of Carrolls Channel will not impact large woody debris recruitment, organic matter input, nutrient and pathogen removal or any stream channel formation processes.

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

In-water work performed by the Corps will be completed in accordance with state and federal permits. The installation of the temporary outfalls will occur during the in-water work window and during low tide and will not impact biological productivity or commercial fishing

6.3 Critical Areas Protection

6.3.1 Applicable Critical Areas

For purposes of this Program, the following critical areas will be protected under this Program: Wetlands, Critical Aquifer Recharge Areas, Frequently Flooded Areas, Geologically Hazardous Areas, and Fish and Wildlife Habitat Conservation Areas

The project site contains wetlands, fish and wildlife habitat conservation areas, and portions of the 100-year floodplain, which extends into the northwest, northeast, and southern portions of the site. The continued dredge spoil disposal and mining will occur in the central upland portion of the site, outside of the listed critical areas. The installation of temporary outfalls within Carrolls Channel will intersect the riparian buffer of the channel; however, this will not cause any permanent impacts to vegetation or habitat.

6.3.2 General Provisions

- A. Shoreline uses, activities, developments, and their associated structures and equipment shall be located, designed, and operated to protect the ecological processes and functions of critical areas.*

The majority of activities and equipment associated with the dredged material placement and mining will remain within the central upland portion of the site, outside of critical areas. The temporary outfalls extending into Carrolls Channel will not affect the ecological processes or functions of the critical areas onsite.

- B. New and expanded development proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to ensure no net loss of ecological functions.*

The proposal is a continuation of the current use of the site as a dredge spoil disposal area. The primary project components will occur within the central upland portion of the site. The project has incorporated protection of critical areas by avoiding permanent impacts and has been designed to ensure no net loss of ecological functions within the shoreline or associated wetland and riparian buffers.

- C. *Critical areas within the shoreline jurisdiction shall be regulated for any use, development, or activity as provided in accordance with this Program and Appendix C.*

A habitat assessment was completed for the project in accordance with Appendix C and is included with the project application materials.

- D. *If provisions of Appendix C and other parts of this Program conflict, the provisions most protective of ecological resources shall apply, as determined by the City.*

In accordance with Appendix C, where critical area buffers overlapped, the more stringent buffer was used.

- E. *Unless otherwise stated, critical area buffers associated with jurisdictional shoreline areas shall be regulated in accordance with this Program and Appendix C.*

The habitat assessment follows regulations within Appendix C.

- F. *All critical areas in the City of Kelso located in areas outside of the jurisdiction of the Shoreline Management Act shall be subject to the provisions of the Kelso Municipal Code and the Washington State Growth Management Act.*

There are no critical areas on the site outside of shoreline jurisdiction.

- G. *These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 3.1, Applicability.*

N/A

6.5 Public Access

Public access provisions apply to all shorelines of the state unless stated otherwise and are intended to protect the ability of the general public 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 from adjacent locations.

The proposed project is for the continued placement and mining of dredge spoils on the privately owned industrial site, which does not currently allow internal public access. Public safety would be at risk if public access were allowed on the site due to the narrow crossings under existing bridges and heavy use of access roads by mining equipment. According to general shoreline regulations in the SMP *Section 6.5, Figure 6-1*, the water-oriented project does not increase or create demand for public access, impact or interfere with existing access, or impact or interfere with public use of waters, and therefore does not require public access.

6.6 Vegetation Conservation

- A. *All development shall minimize vegetation removal in areas of shoreline jurisdiction to the amount necessary to accommodate the permitted use.*

No vegetation removal is anticipated for the project; however, volunteer species may establish within the riparian buffer within the outfall area between removal and installation periods. If these species are damaged or removed, they will re-establish quickly, resulting in temporary, self-mitigating riparian and wetland buffer impacts. Permanent impacts to vegetation have been avoided.

- B. *Unless otherwise specified, all shoreline uses and development shall comply with the setback and buffer provisions of this Program included in Table 7-1; Table 4, Appendix C; and Section 6.3, Critical Areas Protection, to protect and maintain shoreline vegetation.*

The critical areas buffers and shoreline jurisdiction boundaries shown on Sheet 2 were derived from *Appendix C* of the SMP. There are no permanent impacts or vegetation removal proposed for critical areas onsite.

- H. *Vegetation may be removed from levees, dikes, docks, airports, roads, and railways in accordance with the provisions of this Program, including the requirement to result in no net loss of ecological functions; as well as applicable federal, state, and local standards, including but not limited to the requirements of the U.S. Army Corps of Engineers, the Federal Aviation Administration, the Washington State Department of Transportation Aviation Division, and City of Kelso.*

A small amount of temporary impacts to vegetation may occur during the installation and/or removal of the outfalls. Aside from this, the project will not require vegetation removal within shorelines.

- I. *Vegetation may be removed or altered landward of shoreline buffers described in this Program provided that there is no net loss of ecological function.*

Vegetation removal may occur on berms and roads within uplands where dredged material disposal and mining is to occur. This area is primarily unvegetated due to repeated dredge spoil placement since the 1980s; however, a small amount of herbaceous vegetation and/or shrubs, likely invasive weeds that colonized on the bare spoils, may be removed over the course of the project. The removal of this vegetation will not result in a net loss of ecological function and is outside of shorelines and critical areas.

6.7 Water Quality and Quantity

- A. *All shoreline development shall comply with the applicable requirements of the City's Comprehensive Stormwater Management Plan, Comprehensive Plan, and best management practices to prevent impacts to water quality and stormwater quantity that would result in a*

net loss of shoreline ecological functions and/or a significant impact to aesthetic qualities or recreational opportunities.

As there is no development or impervious surface proposed for the project, there are no stormwater facilities. Impacts to water quality and ecological functions have been avoided by incorporating a series of berms, catchment basins and weirs, to ensure that water infiltrates slowly or is released after sediment has settled out. The installation of temporary outfalls within the shoreline and riparian buffer of Carrolls Channel will not impact water quality, drainage, or stability functions of the shoreline as they will extend past the OHWM to prevent bank scour and sediment transport and any impacts to vegetation will be minor and temporary.

SMP Section 7 – Specific Shoreline Use and Modification Regulations

7.2.6 Industrial

- A. Water-dependent industrial uses are preferred over non-water-dependent industrial uses. Water-oriented uses are preferred over non-water-oriented uses.*

The proposal is an industrial, water-dependent use as it pertains to the placement of dredge material on the project site (zoned General Industrial), the subsequent dewatering and release of treated water to the adjacent channel, and surface mining of the dredge material. The ability of the site to fulfill the need as a disposal area is directly attributed to its proximity to the dredging in the Cowlitz River and compliance with industrial zoning restrictions.

- B. Water-related and non-water oriented industrial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or SLE.*

The proposal is water-dependent and has been occurring on the site since the 1980s as approved by the previously issued SSDP.

- C. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated prior to impacting undeveloped shoreline areas.*

The proposal does not propose impacts to undeveloped shoreline as the project work will occur within the upland dredge disposal and mining area and where currently placed outfalls intersect critical areas buffers there will not be any permanent vegetation removal.

- D. Proposed developments shall maximize the use of existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial developments shall demonstrate the need for expansion into an undeveloped area.*

The proposal is for the continued use of the site as a dredged material disposal and mining area, as it has been utilized for the last several decades. The project will use existing upland facilities for disposal and mining and only temporary/removable outfalls will be used within shoreline and buffer areas.

- E. Only water-dependent elements of a proposal for industrial use may encroach on required vegetated buffers of this Program (see Table 4, Appendix C, Critical Areas Regulations).*

The only project component that encroaches into the riparian buffer are the temporary outfalls that release treated water into Carrolls Channel. This is a water-dependent element and will not cause permanent impacts.

7.2.9 Mining

Mining in Washington is controlled by the Surface Mining Act of 1970 (RCW 78.44) and is administered by the Washington Department of Natural Resources. The provisions of this legislation shall be followed in all cases.

E. The provisions of this section do not apply to dredging of authorized navigation channels or management, placement, or beneficial reuse of dredged materials when conducted in accordance with Section 7.3.5 and all other provisions of this Program.

Current mining activities are considered a beneficial reuse of dredged materials. Dredging will be conducted in accordance with Section 7.3.5 as described below and will meet all other provisions of the SMP as describe in this narrative.

7.3.5 Dredging and Dredge Material Disposal

- F. Dredge materials exceeding the Ecology criteria for toxic sediments shall be disposed of according to state and federal law. Proof of proper disposal at an upland permitted facility may be required.*

The Cowlitz River, just upstream and downstream of the project site, and the Columbia River, downstream of the site are both listed on the Department of Ecology's 303d list for two parameters: temperature and bacteria. Neither of the listed parameters are found within the sediment medium and the Corps will test dredged material and water quality in conformance with their permits from the Department of Ecology.

G. *Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a SCUP. Disposal of dredge material within wetlands or within a river's channel migration zone shall be allowed only when proposed as part of an ecological restoration project demonstrated by a qualified professional to:*

1. *Improve wildlife habitat;*

The proposal will not place dredged material on shorelands or wetlands within the channel migration zone as the disposal area is within uplands in the central portion of the site.

2. *Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat; or*

3. ***There are no past shoreline modifications onsite. Create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit.***

The proposal will not place dredged material on shorelands or wetlands within the channel migration zone as the disposal area is within uplands in the central portion of the site.

H. *When allowed, dredge material disposal must meet the following standards:*

1. *Dredge disposal in shoreline jurisdiction shall be permitted only where it is demonstrated by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural 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 functions.*

The disposal, dewatering and mining of dredged materials onsite will not result in significant or ongoing impacts to the above listed critical areas and functions. Dredged material will be placed in and mined from an upland location in the central portion of the site that has been used for this purpose since the 1980s and currently consists of previously disposed of dredge spoils. The project has been designed to avoid adverse impacts to drainage, circulation, and water quality issues relating to the water laden dredge spoils by incorporating a series of berms, catchment basins and weirs, to ensure that water infiltrates slowly or is released after sediment has settled out. The installation of temporary outfalls within the shoreline buffer of Carrolls Channel will not impact water quality, drainage, or stability functions of the shoreline as they will extend past the OHWM to prevent bank

scour and sediment transport. All permanent impacts to critical areas have been avoided through siting, design and the use BMPs. The temporary impacts arising from the placement of outfalls within the shoreline buffer of Carrolls Channel and adjacent wetland buffer will be self-mitigating upon removal the of outfalls following dewatering activities. The associated dredging contributes to sediment transport within the Cowlitz and Columbia Rivers and provides flood control for the benefit of public use along shorelines in upstream communities. A habitat management plan has been prepared in accordance with Appendix C of the SMP.

2. *Dredge disposal both above and below the OHWM may be approved if it is demonstrated that it complies with the provisions of Section 7.3.5.H.1 above and one or more of the following:*

a. *It benefits shoreline resources; or*

See 2(c)

b. *If applicable, it utilizes the guidance from the 2007, or as amended, U.S. Army Corps of Engineers and Environmental Protection Agency publication EPA842-B-07-001, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual; or*

See 2(c)

c. *For dredging projects under U.S. Army Corps of Engineers jurisdiction, the disposal has been identified and evaluated through an approved Corps Dredge Management Material Program.*

The proposal complies with SMP provision 7.3.5 H(1) and directly contributes to the necessary and ongoing maintenance dredging of the Cowlitz River by the Corps by providing an efficient and compatible location for the disposal of dredged material directly adjacent to where the dredging is performed. The site has served this use since the 1980s, following the eruption of Mount Saint Helens, when it was identified as a suitable upland disposal area. The continued ability to dispose of dredged materials at the Anchor Point property is a necessary component of the long term sediment management plan developed by the Corps, which requires permitted, upland disposal sites.

I. *Clearing of secondary, volunteer vegetation growth on approved dredge disposal deposits does not require compensatory mitigation.*

Secondary volunteer vegetation removal may occur on berms and roads within uplands where dredge disposal and mining is to occur.

- J. Dredge disposal is allowed through an SSDP on lands already covered by legally deposited dredge spoils.*

The site has been utilized as a permitted dredge disposal area for the Corps' maintenance dredging on the Cowlitz and Columbia Rivers since the early 1980s. The disposal and mining of dredged material onsite is currently covered under a SSDP and SCUP that were issued in 2015 and will expire on March 22, 2021

- K. Dredging and dredge disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities and other water dependent uses.*

The active dredging in the Cowlitz and Columbia Rivers will be completed by the Corps in accordance with all state and federal permits for in-water work. There are no anticipated impacts to biological productivity arising from the dredge spoil placement and mining as this will occur in uplands, with only a small portion of the work area extending into the shoreline jurisdiction boundary. The dewatering of dredged material and release of clean, treated water into Carrolls Channel through temporary outfalls will occur in accordance with the HPA issued by WDFW and will incorporate BMPs to ensure that impacts to biological productivity are avoided.

- L. Dredging and dredge materials disposal shall be done in a manner that avoids or minimizes significant ecological impacts and impacts that cannot be avoided shall be mitigated.*

The active dredging will be completed by the Corps in accordance with all state and federal permits for in-water work. There are no anticipated ecological impacts arising from the dredge spoil placement and mining, which will occur in uplands with only a small portion of the work area extending into the shoreline jurisdiction boundary. The dewatering of dredged material and release of treated water into Carrolls Channel through temporary outfalls will occur within a small portion of wetland and riparian buffer; however, no permanent vegetation removal is required, and any temporary impacts will be self-mitigating.

Conclusion

This shoreline narrative demonstrates that the project is consistent with the goals, regulations, and policies of the City of Kelso's SMP and is therefore consistent with the policies of the Shoreline Management Act to obtain a substantial development permit. Because dredging and dredging disposal will be conducted in accordance with SMP Section 7.3.5. mining of the dredged material will not require a Conditional Use Permit. All additional required permits will be obtained from local and state regulatory agencies prior to continuation of the proposal.

The information and data in this report were compiled and prepared under the supervision and direction of the undersigned.



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