Exhibit C-1

Staff Report

Exhibit C-1

AGENDA SUMMARY

To: Cowlitz County Hearing Examiner

From: Ron Melin, Senior Environmental Planner

Agenda Item No.: 1

Dept. of Origin: Building & Planning

Date Submitted: December 30, 2016

Reviewed and Approved:

Elaine Placido, Director

For Agenda of: January 23, 2017

Expenditure Required: N/A

Re: Open Record Public Hearing
Shoreline Management Substantial Development and Conditional Use Permit application submitted by the Port of Kalama and Northwest Innovation Works LLC, to construct and operate a marine export facility used to manufacture and export methanol in and adjacent to the Columbia River, an Urban and Conservancy designated shoreline of statewide significance.

Permit No. SL 16-0975

Open Record Public Hearing

Attending: Staff will attend.

List of Exhibits:
C-2 SEPA FEIS
C-3 Letter from Department of Ecology regarding lead agency under SEPA
C-4 JARPA (with Biological Assessment)
C-5 Vicinity Map and Site Plans
C-6 Critical Areas Assessment
C-7 Applicant Shoreline Compliance Narrative
C-8 Notice of Application and Request for Public Comment
C-9 Applicant Response to Comments with Attachments

Organization:
This staff report addresses the following topics in order:

1. Summary Statement Department Recommendation
2. Project Information
3. Comprehensive Plan Consistency
4. Zoning Consistency
5. Shoreline Master Program Consistency
6. Other Permits and Approvals
7. SEPA Compliance
8. Public Notice and Comments
9. Conclusion and Recommendation

10. Recommended Permit Timing
11. Recommended Conditions of Approval

1. SUMMARY STATEMENT AND DEPARTMENT RECOMMENDATION:

The applicant, the Port of Kalama (Port) and Northwest Innovation Works LLC (NWIW), has filed an application for shorelines substantial development (SSDP) and conditional use permits (SCUP) within the Columbia River shoreline to construct and operate a marine export facility used to manufacture and export methanol. The applicant originally submitted an application for shoreline permit approval on December 4, 2015. County staff determined that additional information and revisions to submitted materials was required from the applicant. On February 25, 2016 the applicant submitted the required documents and revisions to staff. The submitted application was determined to be fully complete on July 19, 2016.

The Department recommends that the Hearing Examiner approve, subject to the conditions set forth in the Staff Report and Recommendation, the SSDP and recommend approval to the Washington State Department of Ecology for the SCUP application No. SL 16-0975 submitted by the applicant, to construct and operate a marine export facility used to manufacture and export methanol, in and adjacent to the Columbia River, within an **Urban and Conservancy** designated shoreline of statewide significance. Shoreline uses proposed under the application shoreline application include the following:

Proposed Uses	Conservancy SED	Urban SED
Dredging	Special Conditions[1]	Conditionally Permitted
Ports and Water-Related Industries	Conditionally Permitted	Permitted
Recreation	Permitted	N/A
Roads	Permitted	Permitted

1. Per page 44 of the SMP dredging is prohibited in the Conservancy District except in specific circumstances.

The uses above which are listed as permitted will require a SSDP, uses which are listed as conditionally permitted will require a SCUP. Dredging in the Conservancy SED requires a demonstration of consistency with the specific criteria established by the SMP.

2. PROJECT INFORMATION

a. PROCEDURAL SUMMARY

As stated above, the applicant submitted a shoreline application for a SSDP and SCUP on December 4, 2015. The County Staff reviewed the application and requested that the applicant adjust the boundaries of the Urban and Conservancy designations and adjust the project narrative accordingly. The applicant revised the original submittal package, and resubmitted to the County on February 25, 2016. The resubmitted application package was determined to be fully complete on July 19, 2016. The applicant provided a response to the public comments and additional information on December 14, 2016.

The project is subject to review under the State Environmental Policy Act (SEPA) for the State of Washington. The Port and NWIW, as project proponents, worked with the County and determined that the project could have probable significant adverse environmental impacts and the preparation of an Environmental Impact Statement (EIS) was necessary. The Port and the County served as SEPA co-lead agencies. The Department of Ecology concurred in this SEPA lead agency approach (Exhibit C-3). The scoping notice was issued on November 7, 2014 and extended for period for of 45 days ending on December 8, 2014. The DEIS for the project was issued on March 3, 2016. The comment period was open

for a period of 45 days and ended on April 18, 2016. A public hearing was held on March 22, 2016 at Kalama High School in Kalama, Washington, to receive public comments on the DEIS. Comments were received by letter, e-mail, webform, comment forms, and orally at the public hearing from tribal governments, agencies, organizations, and individuals. The Final EIS (FEIS – Exhibit C-2) was published September 30, 2016.

In addition to the shoreline permits addressed by this staff report, the following permits will be required by the applicant from county, state, and federal authorities:

Federal

- Rivers & Harbors Act Section 10 / Clean Water Act Section 404 Permit
- ESA Section 7 Consultation[1]
- Marine Mammal Protection Act (MMPA) Incidental Harassment Authorization[2]
- NEPA Review
- Private Aids to Navigation Permit
- National Historic Preservation Act Section 106 consultation

State

- Hydraulic Project Approval (HPA)[2]
- 401 Water Quality Certification
- Air Containment Discharge Permit[3]
- NPDES Industrial General Stormwater Permit
- NPDES Construction General Stormwater Permit

County

- Critical Areas Permit (CCC 19.15)
- Floodplain Permit (CCC 16.25)
- Engineering and Grading (CCC 16.15, 16.20, 16.35)
- Building, Mechanical, Fire and other construction permits (CCC 16.05)

b. PROJECT LOCATION/SITE DESCRIPTION

The project is located at the Port of Kalama's North Port site at 222 West Kalama River Road in unincorporated Cowlitz County, Washington and consists of portions of tax parcels 63302, 63304, 63305, 60822, 60831, 63301, and WH2500003. The North Port site is located at approximately Columbia River Mile 72 along the east bank of the Columbia River. The project site includes and is bounded by the Columbia River to the west; by Tradewinds Road, the Air Liquide industrial facility, and the Port's industrial wastewater treatment plant to the east (Exhibit C-5). The project site is located in Sections 31 and 36, Township 7 North, Range 2 West Willamette Meridian. A portion of the project site consists of state-owned lands that are subject to a Port Management Agreement between the Port and the Washington State Department of Natural Resources.

The project site has been used primarily as part of the U.S. Army Corps of Engineers (USACE) network of dredged material placement sites. The site was filled to its current elevation beginning in 1980 using material

[1] The applicant provided a copy of the USFWS biological opinion as an attachment to Exhibit C-9
[2] The applicant provided a copy of this approved permit as an attachment to Exhibit C-9
[3] The applicant provided a copy of a draft of this permit as an attachment to Exhibit C-9. A hearing is scheduled before SWCAA on January 4, 2017 to consider this permit.

dredged from the Columbia River to maintain the federal navigation channel. The site was removed from the USACE dredged material placement sites network in 2015. The site has very little vegetation and is generally flat. It is primarily covered with sandy dredged material. There are no wetlands on the project site but there are wetland areas located to the north.

An existing 38,000-square-foot building is located on the southwest portion of the project site. The building is used as a warehouse, office space, and parking for Steelscape (another Port tenant). This building and adjacent areas would be reused as part of the project.

The Port has been actively pursuing development of the project site and has established and maintained wells and water rights. The Port received federal, state, and local authorizations to construct a 127,200-square-foot cargo dock (SSDP/SCUP SL No. 95-0678; USACE Permit No. 199600782), on the site in 2005 which have since expired.

c. **PROJECT DESCRIPTION:**

The project consists of a methanol production facility; accessory administrative, support, and infrastructure facilities located in upland areas; and a new marine terminal located on the Columbia River. The marine terminal would include the construction of a new dock that would require work (pile driving and dredging) below the ordinary high water mark (OHWM) of the Columbia River. The proposed marine terminal would accommodate oceangoing vessels that would transport methanol to destination ports. It would also be designed to accommodate other vessel types and, when not in use for loading methanol, would be made available for general use by the Port for other cargo operations, as a lay berth where vessels could moor while waiting to use other Port berths, and also for topside vessel maintenance.

The project is designed to produce up to 10,000 tonnes (US metric tons) per day of AA-grade methanol (high purity; low ethanol) from natural gas. The proposed manufacturing facility will have two production lines, each with a production capacity of 5,000 tonnes per day. The project site and infrastructure will be developed to accommodate both production lines. The anticipated yearly production at full capacity is approximately 3.6 million tonnes of methanol. The methanol would be stored in non-pressurized aboveground storage tanks with a total capacity of approximately 200,000 tonnes surrounded by a containment area. Methanol would be transferred by pipeline from the storage area to the marine terminal where it would be loaded onto ships.

The applicant provided a detailed project description which is included in Exhibits C-2, C-4, C-6 and C-7.

The project would receive natural gas from the Kalama Lateral Pipeline project to be constructed by Northwest Pipeline GP (Northwest Pipeline) and would receive power from Cowlitz County Public Utilities District #1 (Cowlitz PUD).It is expected that Cowlitz PUD will upgrade an existing transmission line from its existing Kalama Industrial Substation to the project site by installing new lines on existing towers within the existing transmission line corridor and a new crossing of I-5. The Lateral Pipeline project and the Cowlitz PUD transmission line upgrades were evaluated in the Final SEPA EIS as related actions, but are being permitted separately by others and are not evaluated within this staff report and recommendation.

This staff report only addresses elements of the applicant's project which lie in shoreline jurisdiction except to the extent that activities outside the Shoreline jurisdiction affect the Shoreline. Shoreline jurisdiction applies to the Columbia River, and upland areas landward 200 feet of the Ordinary High Water Mark (OHWM). The southern portion of the project site, beginning at the southern extent of a backwater channel of Columbia River is located within the Urban SED. North of this is within in the Conservancy SED (Exhibit C-5, Figure 3).

3. COMPREHENSIVE PLAN FINDINGS:

The Comprehensive Plan is not typically applied to individual development applications. However because the Shoreline Management Master Program for Cowlitz Count (SMP) is integrated with the Comprehensive Plan, an analysis of consistency with the Comprehensive Plan is included. The applicable plan policy is provided followed by findings and conclusions. The Comprehensive Plan designations are: Land Use element – Industrial Heavy (MH), and Forestry – Open Space (Comprehensive Plan for Cowlitz County - Updated May of 1981 - Plate IV Kalama Urban Area)

The goals and policies of the Comprehensive Plan regarding lands designated MH, and Forestry-Open Space, and that are applicable to the project are listed below. Each goal-supporting policy is followed by staff findings pertaining to the conformity of the project with that particular goal or policy.

a. INDUSTRIAL AND AG-INDUSTRIAL LAND USE GOALS AND POLICIES

GOAL: *PROVIDE FOR ADEQUATE LAND TO ACCOMMODATE A MODERATE LEVEL OF ECONOMIC GROWTH IN COWLITZ COUNTY.*

POLICY:
Undeveloped industrial land should be banked for a 10 to 15-year industrial growth period.

Finding: This policy is directed at planning for an adequate supply of industrial land within the County. The proposed use is industrial and the site is designated Industrial.

Conclusion: The project is consistent with this policy because it will use industrial land for its intended purpose.

POLICY:
Encroachment by incompatible non-industrial land uses should be discouraged in those vacant areas banked for industrial use. Agriculture activities, forestry uses, or open space should be encouraged as the appropriate interim land use for areas banked for industrial use.

Finding: The project will use designed industrial land for industrial purposes.

Conclusion: The project is consistent with this policy because the project is an industrial use it will not result in encroachment of non-industrial uses in industrial areas.

GOAL: *ENCOURAGE INDUSTRIAL DEVELOPMENT THAT WILL MAINTAIN OR ENHANCE THE COUNTY'S ENVIRONMENT. INDUSTRIES REQUIRING SHORELINE LOCATIONS SHOULD BE DEVELOPED CONSISTENT WITH THE SHORELINES MANAGEMENT SECTION OF THIS PLAN.*

POLICY:
Industrial activities which discharge pollutants shall adhere to all federal, state, and local pollution abatement requirements. Non-nuisance industrial growth should be encouraged. A "nuisance" industry is one having a pollution problem including odor, noise, or visual pollution which, because of the nature of the industrial activity, cannot be adequately controlled.

Finding: The project will result in the discharge of air emissions. As noted previously in the Procedural Summary Section, these emissions will require regulatory approval consistent with the requirement of this policy. According to Section 4.6 of the FEIS, no unavoidable significant adverse impacts to air quality would result from the project. The applicant indicated that a draft permit has been issued for the air emissions from SWCAA (Exhibit C-9, Attachment 2).

The project will not involve discharge to surface waters. As originally proposed the project would have discharged treated process water through an existing approval after approval of a NPDES permit. The applicant's response to public comments received (Exhibit C-9) indicated that an alternative wastewater system has been selected for process water that will eliminate the discharge to the Columbia River.

With respect to noise, Section 14.6 of the FEIS concluded that no unavoidable significant adverse impacts would result from the project if the following mitigation measures were employed to limit noise impacts to receiving properties in Oregon from cooling water and methanol pumps:

Cooling water pumps:

- *Option 1 - Limit the sound level of the cooling water pumps to 65 dBA or less at a distance of 100 feet.*
- *Option 2 - Install the cooling water pumps on the east side of the cooling tower.*

Methanol loading pumps:

- *Option 1 - Construct a noise wall around the north, west, and south sides of the pad containing the methanol loading pumps. The wall should be 2 feet taller than the pumps. Such a wall would reduce the sound levels at residential receptors to the west (in Oregon) and south (at the Sportsmans Club), and would not adversely affect residences to the east.*
- *Option 2 - Limit the sound level for each pump to 59 dBA or less at 100 feet.*

Other noise mitigation measures could also be considered if determined to be equally effective at reducing noise levels. With implementation of the appropriate noise mitigation measures, sound levels would comply with applicable noise limits and regulations and would not result in significant adverse noise impacts, and, therefore, would not constitute a "noise nuisance industry" as contemplated by this policy. Staff recommends that the noise mitigation measures from the FEIS listed above should be included as a condition of approval.

Where odor is concerned, Section 4.4.1.2 of the FEIS concluded that based on SWCAA requirements for restricting offensive odors being received off site, there would be little likelihood of significant adverse odor impacts. Based on this conclusion, no conditions regarding odor other than compliance with SWCAA requirements for restricting offensive odors being received off site are warranted.

In regards to the project's visual impacts, Section 10.7 of the FEIS concluded that the project would result in no significant adverse impacts to visual resources, and thus no additional mitigation measures or conditions are warranted.

Conclusion: Because the project will not result in discharges that would be considered nuisances the project is consistent with this policy.

POLICY:
Industrial growth should be evaluated for its environmental impact. If adverse environmental impacts exceed the beneficial environmental impacts, the activity should be re-designed such that the beneficial environmental impacts equal or exceed the adverse environmental impacts.

Finding: The FEIS analyzed project impacts on the natural and built environment and where significant adverse environmental impacts were identified the FEIS identified mitigation measures which would

mitigate the impacts to less than significant levels. Staff recommends that the mitigation measures from the FEIS should be included as conditions of SSDP/SCUP approval. With the inclusion of mitigation measures, beneficial impacts are expected to equal or exceed environmental impacts.

Conclusion: The project is consistent with this policy.

POLICY:
Industrial activities located on the county's rivers should be encouraged to maintain existing public access to the shoreline which will not conflict with the industrial activity.

Finding: The Port currently allows public access to the shoreline and will maintain access on the northwest side of the project site adjacent to the shoreline. Public access would continue to be provided to the shoreline via a two-lane road (Tradewinds Road) owned and maintained by the Port of Kalama for recreational access along the north side of the proposed facility. The road would end at a new recreational parking area constructed adjacent to the Columbia River shoreline. The parking area would provide public access for low-intensity recreational uses such as scenic viewing and walking the unofficial trail systems of the area.

Conclusion: Because the project will maintain access to the majority of the shoreline is consisting with this policy.

POLICY:
Industrial activities located on the Columbia River should be designed to utilize the shoreline as efficiently as possible.

Finding: The project is proposing an industrial export facility primarily within the Urban shoreline environmental designation on lands that have been altered by past development actions. The project is a water dependent use and occupies the majority of the site, but it is setback far enough from the shoreline to allow for proposed mitigation plantings.

Conclusion: Because the project uses the site efficiently and does not propose activities on the shoreline that could be located elsewhere, it is an efficient use of the shoreline.

GOAL: *INDUSTRIAL DEVELOPMENT SHOULD BE LOCATED NEAR EXISTING INDUSTRIAL ACTIVITIES SO THAT SPECIAL FACILITIES AND SERVICES REQUIRED TO SUPPORT INDUSTRIAL ACTIVITIES CAN BE MORE EFFECTIVELY AND EFFICIENTLY PROVIDED, THEREBY MINIMIZING PRIVATE AND PUBLIC COSTS.*

POLICY:
New industries should be located in those areas of the county where existing housing is in close proximity and where such housing may be easily expanded to meet the housing requirements to the industries.

Finding: The project is located 2.25 miles north of the city of Kalama. According to the FEIS “the U.S. Census Bureau’s 2013 ACS five-year estimates that the population of the study area contains 2,718,987 residents”. The project is anticipated to add approximately 192 jobs, which could increase the population by approximately 492 people based on an average household size of 2.56 if all employees were new to the area. This would represent a negligible increase in the overall population of the study area (approximately 0.02 percent of the total 2013 population). Furthermore, with an area wide averaged 7 percent vacancy rate, it is anticipated that any increase in households could be

absorbed into the current housing market." Therefore, there would be no significant adverse impacts to population or housing characteristics due to the project.

The project would employ approximately 1,000 workers at its peak during construction. It is likely that many construction workers would already live in the area, and therefore would not have the potential to affect population and housing characteristics. According to the FEIS the study area included approximately 1.4 million workers in 2014 and the project's construction employment would constitute approximately less than 0.1 percent of the total employment in these counties and available construction workers by trade exceed what is needed by the project by at least seven times. Given the number of people currently employed in the study area and the availability of construction labor, it is anticipated that the project could predominately utilize the existing construction labor pool and construction laborers would not represent a significant increase in population or impact the housing characteristics of the study area.

Conclusion: Because the project site is located near Kalama which has adequate housing available, the project is consistent with this policy.

POLICY:
Industrial development should be provided with fire protection as required by the fire district serving the activity. All new industrial development should be located in a fire district.

Finding: The project is located in Fire Protection District #5. The FEIS states that the "*project proponent would develop close relationships with Cowlitz County Fire District No. 5 and would conduct regular emergency response drills at the project site with them and the Port. The project proponent has consulted with Cowlitz County Fire District No. 5, and the fire district has agreed that the emergency response staff at the methanol manufacturing facility would be first responders and would manage the response to an incident at the facility with the fire district providing support. For fires exceeding the capability of these facility first responders, the Cowlitz County Fire District No. 2 and City of Vancouver HAZMAT teams would provide response support based on existing mutual aid agreements with Cowlitz County Fire District No. 2. Emergency response training and certification for the proposed project's staff would be in compliance with Occupational Safety and Health Administration, Process Safety Management, and the National Fire Protection Association (NFPA) requirements."* The completed project would feature on-site emergency response capabilities for first response to fire or other emergencies. These personnel will be augmented by Cowlitz County Fire District No. 5 and would not place substantial new demands on public fire protection. Therefore, the project would not result in a significant adverse impact to fire protection and emergency service providers.

Conclusion: Because the project will include appropriate fire protection and is within a fire district it is consistent with this policy.

GOAL: *ENCOURAGE INDUSTRIAL DIVERSIFICATIONS SO THAT THE COUNTY'S ECONOMY IS LESS VULNERABLE TO THE CYCLICAL FLUCTUATIONS OF ONE OR TWO DOMINANT INDUSTRIES.*

Finding: The project would be the only methanol manufacturing facility in the area. According to the Port of Kalama Comprehensive Plan, other industrial tenants at the Port of Kalama generally consist of companies which manufacture and/or export grain, wood products, chemicals, glass, and steel.

Conclusion: Because this will diversify the existing industrial economy it is consistent with this goal.

GOAL: *INDUSTRIAL GROWTH IN SHORELAND AREAS OF THE COUNTY SHOULD BE PLANNED SO THAT UNIQUE RECREATION AND ENVIRONMENTAL FEATURES COMMON TO THESE AREAS ARE PROTECTED.*

Finding: Compliance with shoreline policies pertaining to the protection of recreational and environmental features is addressed later in Section 5 of this staff report.

Conclusion: The project, as explained in Section 5, is consistent with this goal.

b. FOREST AND OPEN SPACE LANDS

GOAL: TO MAINTAIN AND PROMOTE AN ADEQUATE COMMERCIALLY PRODUCTIVE FOREST LAND BASE.

POLICY:
To encourage the retention of highly suited commercial forest land for timber production and to discourage conversion of such land to other uses.

Finding: A small area in the northwest portion of the project site (Parcel No. 63305) is designated as Forestry – Open Space by the County's current comprehensive plan. The portion of the project proposed on Forestry – Open Space designated land was cleared and graded many years before the applicant's submittal of a development application; therefore, no commercial forest or timber lands will be impacted by the proposed development. The improved recreation access and portions of the stormwater infiltration pond and flare would be located within the Forestry – Open Space designation. Siting the infiltration pond and flare, in this previously cleared area designated for Forestry--Open Space will not interfere with this land use goal because (a) the site is not currently used for timber production, (b). There are no adjacent areas under timber production, and (c) the site does not represent unique wildlife habitat. The use of a portion of this area for recreational purposes is consistent with the Cowlitz County comprehensive plan because it would improve an existing recreation access point.

Conclusion: Because the project does not contain and is not suitable for forest production it is consistent with this policy.

GOAL: CONSERVE UNIQUE WILDLIFE HABITATS NATURAL FEATURES AND RECREATION AREAS OF COWLITZ COUNTY.

POLICY:
Retain wherever possible wetland and shoreland areas in their natural state for the maintenance and production of wildlife and recreation uses.

Finding: The land proposed for development, and which is located in the Forestry - Open Space designation, has been altered by past use on the site. There are currently no wetlands or shorelands on the project site that are in their natural state. Therefore, natural wetland and shoreland is not applicable to be preserved. The project will result in impacts to aquatic land and wetland buffers. The applicant had developed compensatory mitigation measures are described in Exhibit C-6, Appendix B. The mitigation plan offsets impacts from the project such that there is no net loss of shoreline or wetland functions.

Conclusion: Because the site is not in a natural condition and the project will compensate for unavoidable impacts to the Columbia River, shorelines and wetlands resulting in a no-net loss of functions, the project is consistent with this policy.

4. ZONING CONSISTENCY

The project site is located in an unincorporated portion of the County. The project site and the parcels immediately adjacent to the project site are unzoned and therefore are not subject to the County zoning regulations established in the Land Use and Development Code, Chapter 18.10. Dimensional standards and use restrictions are not established for unzoned property, except that, uses that are deemed to be a public nuisance are not permitted.

5. SHORELINE MASTER PROGRAM (SMP) AND SHORELINE MANAGEMENT ACT (SMA):

All proposed developments in or adjacent to state shorelines must be consistent with the goals, policies, and regulations of the SMP and the SMA (RCW 90.58). A shorelines substantial development approval and a shoreline conditional use permit are required for the project because it meets the definition of both substantial and conditional use development and it lies within the jurisdictional area of the Columbia River, in an Urban and Conservancy designated portion of a shoreline of statewide significance. The following review includes an analysis of the project's consistency with RCW 90.58, the applicable provisions of the Cowlitz County Shoreline Master Program, and the Washington Administrative Code related to administration of the Shoreline Management Act.

This section of the staff report is organized as follows:

a. Shoreline environments and proposed uses
b. Shorelines of Statewide Significance policies
c. Requirements for Substantial Development Permits
d. Conditional Use Permit criteria
e. Goals, Objectives and Policies
f. Use Activity Regulations.

Specific activities proposed in the Urban and Conservancy Districts, are as follows:

Note: (P) = permitted outright, and will require the applicant to obtain an SSDP
(C) = conditionally permitted, and will require the applicant to obtain an SCUP.

Proposed Use	Conservancy District	Urban District	Cowlitz County General Shoreline Uses
Water-Dependent Uses/Activities			
Dredging	(P) (subject to specific conditions)[1]	(C)	Landfill/Dredging
Ranney well and associated improvements		(P)	Ports and Water-Related Industries
Dock (for mooring and loading methanol onto ships, cargo operations, loading and unloading, vessel supply operations, lay berthing, for short- and long-term non-methanol vessel moorage)		(P)	

Exhibit C-1

Proposed Use	Conservancy District	Urban District	Cowlitz County General Shoreline Uses
• Dock structure (piles, caps, decking, etc.) • Stormwater pump station • Longshore break shelter • Security gate • Operation shack • Hydraulic and electrical utility box • Mechanical loading arms • Utilities			
Temporary falsework		(P)	
Habitat Mitigation	(P)		
Water-Related Uses			
Methanol pipelines		(P)	
Bulk product storage tanks	(C)		
Fire suppression water storage	(C)		
Pipe rack		(P)	
Methanol pump pad/ship scrubber		(P)	
Site process water pump station/collector well		(P)	
Utilities serving site uses		(P)	
Infiltration pond	(C)		
First flush pond	(C)		
Foam building	(P)		
Security guard shack		(P)	
Security guard shack parking		(P)	
Air separation unit		(P)	
Stormwater weir and outfall removal		(P)	
Electrical Substation		(P)	
Security fencing	(C)	(P)	
Loop Road	(P)		
Site grading and excavation	(C)	(P)	
Temporary construction structures (temporary crane pads, , and construction trailers)	(P)	(P)	
Water-Enjoyment Uses			
Parking for recreation	(P)		Recreation
Recreational access point	(P)		
Tradewinds Road (private)	(P)	(P)	

1. Per page 44 of the SMP dredging is prohibited in the Conservancy District except in specific circumstances.

A. **SHORELINE Management Districts:** Cowlitz County shoreline environmental designation (SEDs) include Natural, Conservancy, Rural, and Urban districts. These environmental designations are based on the suitability of various shoreline areas to accommodate human activities, while at the same time furthering the goals of the SMA. Developments must be planned and constructed so that the objectives of the designated environments are achieved. This project site includes only Urban and Conservancy SEDs.

Finding: The SEDs of the project area are split between Urban and Conservancy (Shoreline Management Master Program For Cowlitz County, Washington 1977, Plate I). Per the Shoreline Master Program, the Urban SED includes, "those shoreline areas suitable for intensive recreation, residential, industrial, and commercial development," while the Conservancy SED includes, "those shoreline areas endowed with resources which may be harvested and naturally replenished. Also, those areas which, through flooding, slide prone soils, or other natural parameters, are not suitable for intensive agriculture or high density human use." The applicant's compliance with these two SEDs' objectives, goals, and policies is explained below.

B. **Shorelines of Statewide Significance**: Proposals located on shorelines of statewide significance must meet the six criteria listed on page 2 of the 1977 Cowlitz County SMP and in the Revised Code of Washington (RCW 90.58.020) as follows:

i. Recognize and protect statewide interest over local interest.

Finding: The Shoreline Management Act policies (Chapter 90.58 RCW) as implemented by the Cowlitz County SMP explicitly recognize the necessity to protect the natural shoreline environment and the need to use the shoreline environment for port and industrial uses that depend on a shoreline location. The statewide interests require both.

To achieve both, the SMP identifies the project site as appropriate for port and industrial uses because it is a location where such uses can be constructed and operated consistent with pollution control and environmental protection requirements, while also promoting maritime commerce on the Columbia River. RCW 90.58.020 expressly states that alteration of the shoreline is permitted for port and industrial uses which are dependent on a shoreline location.[4]

As described in the application materials and the Final EIS, the project will comply with all applicable pollution control regulations and will be designed and constructed to avoid significant shoreline environment impacts. The Final EIS concludes that with the project design and mitigation measures recommended in the EIS, the project will have no significant unavoidable adverse impacts to the environment.

Finally, the applicant proposes to maintain and enhance public access to the Columbia River shoreline, which is also a statewide interest

Conclusion: Public health, safety and welfare will be maintained. An altered, industrial site will be used for a water-dependent industrial use. No net loss of habitat will result from the project. Overall, the project should provide a net increase in public access to the shoreline with the proposed

[4] RCW 90.58.020: "Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state."

construction of improved public access north of the site via Tradewinds Road. For these reasons the project is consistent with the policy.

ii. Preserve the natural character of the shoreline:

Finding: The site's natural character is degraded as a result of previous development practices including vegetation clearing and the use of the site for the disposal of dredge spoils from the Columbia River Deepening Project. Currently, the upland site is used for dredge spoil disposal, sand material sale and reuse, as well as recreational access. The area with the least disturbed natural character occurs on the northwest portion of the project site where there are intact riparian buffers. As discussed in the applicant's narrative and JARPA (Exhibits C-7 and C-4 respectively), the project has the potential to affect the suitability of aquatic habitat as described below. The applicant proposes to enhance the natural character of the shoreline through wetland and riparian buffer enhancements, Engineered Log Jams (ELJs), and pile removal.

The applicant proposes minor impacts to riparian buffers on the northwestern portion of the site (20,163 square feet, approximately 0.45 acre) for construction of an infiltration pond, security fencing and upland site improvements, and recreational access and roadway within the Conservancy SED. Additionally, proposed impacts in the Urban SED would include 8,843 square feet (0.20 acre) for constructing security fencing and upland improvements and a dock and trestle (a total of 29,006 square feet or 0.67 acres of riparian buffer impacts at the site). However, the project has been specifically designed to preserve the large wetland areas and buffers to the north of the project site on parcels 63305 and 63301. Thus, the applicant proposes to not only preserve the site's natural shoreline character but to avoid these features and enhance appropriate areas.

Conclusion: In light of the existing degraded condition of the project site and given the applicant's proposal to construct ELJs, enhance wetland and riparian buffer areas and remove piles, the natural character of the shoreline, to the extent natural character is present onsite, will be preserved to the extent practicable and provides mitigation/enhancement to compensate for unavoidable impacts. A condition of permit approval should require compliance with the applicant's plans and drawings which were submitted to the County as part of the applicants permit package.

iii. Address uses that result in long-term benefit over short-term benefit:

Finding: The applicant's project will establish a long-term industrial use without requiring significant modification to the natural shoreline. Consistent with RCW 90.58.020, "uses shall be preferred which are… unique to or dependent upon use of the state's shoreline" and "shall be given priority for… ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for people to enjoy the shorelines of the state."

The project has been designed to preserve the riparian areas and buffers at or adjacent to the project site by locating improvements on previously impacted areas that have been identified over the long term for industrial use. As a water-dependent and water-related industrial use, the project will provide long-term economic benefit by providing industrial jobs at the Port and within Cowlitz County. The project includes water-dependent and water-related industrial uses which are consistent with goals of the SMA. The applicant is also proposing environmental enhancements (native riparian and wetland buffer plantings, ELJs, and the removal of pilings) that will offset

riparian and wetland buffer impacts and lead to no significant adverse effect on shoreline resources.

The project will facilitate public access to the shoreline and additional long-term public benefits including a 21-car parking area and improved public access from Tradewinds Road (a private road to be maintained by the Port of Kalama) at the northwestern corner of the project site.

Conclusion: This project meets this criterion by providing for the long-term benefit of water-related industrial use on a site that avoids or minimizes alteration of existing shoreline conditions and provides improved public access to the Columbia River.

iv. Protect the resources and ecology of the shoreline:

Finding: As previously described, the project would be located on a site with a degraded natural character that has been cleared and used for dredged material storage, sand material sales and reuse, as well as recreational access. Very little native habitat exists on the site. The project will be located in upland areas adjacent to the Columbia River and the proposed dock will be located in the river.

The project will comply with all applicable federal and state pollution regulations that have been adopted to protect the resources and ecology of the shorelines, including but not limited to the Clean Water Act, Rivers and Harbors Act, Endangered Species Act and Washington State Hydraulic Code.

The applicant provided a discussion of consistency with this policy in Exhibit C-7, Section 5.2. Staff concurs with the rationale.

Conclusion: To ensure adequate protection of aquatic resources, water quality and ecology, a condition of shoreline permit approval should require compliance with the terms and conditions of all federal and state permits issued for the project.

Proper erosion control devices should be installed using BMPs prior to construction. All BMPs should be properly maintained throughout project construction. A condition requiring such should be placed on the permit.

An additional condition should be applied that directs the applicant to take certain precautions and direct actions should a spill of some hazardous material occur in or near the water. Any spills, soil or debris accidentally entering the water during construction shall be immediately removed by approved methods. All project work shall cease immediately until clean-up of such spills is completed. If a spill does occur, or if an oil sheen or distressed or dying fish are observed in the project vicinity, the permittee shall immediately contact Ecology at its Southwest Regional Spill Response Office.

To ensure that construction workers are aware of the activities allowed by the permit and any restrictions thereof, the applicant should provide a copy of the permit and conditions to the contractor and post it on site. Department staff should have access to the site to ensure compliance with permit and its conditions. A condition requiring such shall be placed on the permit.

v. Increase public access to publicly owned areas of the shoreline:

Finding: In order to provide improved public access to Cowlitz County shoreline areas, a new parking area will be constructed at the terminus of Tradewinds Road. Public recreation in the project area consists of low-intensity uses of an unofficial trail system and the sandy beaches, fishing, and visual access associated with the Columbia River, all of which will continue with the project.

Conclusion: The project will not interfere with the public use of the shoreline; and the recreation access improvements will increase public access to the Columbia River shoreline.

vi. *Increase recreational opportunities for the public on the shorelines:*

Finding: Recreational activities currently occur along the Columbia River shoreline and on unofficial trails located north of the project site. Currently, Tradewinds Road is an unpaved dirt roadway as it enters the project boundary. The roadway will be paved to improve public access to the shoreline. Redevelopment of the roadway will include asphalt construction consisting of 2 lanes (one for eastbound and one for westbound travel) and parking for approximately 21 vehicles for access to the shoreline and trails. This will serve to increase recreational opportunities by providing additional accessibility

Conclusion: The project will increase the public's recreational opportunities on the shoreline by increasing accessibility to the shoreline via improvements to Tradewinds Road, and by providing vehicle parking near the shoreline. Additionally, the proposed development is consistent with statewide interests of promoting water dependent and water related industrial activities for long-term employment use. The project has been designed to address shoreline policies and to maintain shoreline functions while allowing industrial activity.

C. **Substantial Development Permit:** *Applicants for substantial development permits shall be required to provide such documentation, illustrations, maps, and accurate engineering data as the administrator may deem necessary to adequately appraise the development proposed, the potential impact on the environment, and ensure compliance with the shorelines management act and substantial development permit.*

Finding: The uses listed in the table above that require a SSDP must be evaluated for consistency with the relevant use regulations[5], as well as compliance with the SMA generally, and conformance with other applicable federal, state and local regulations and agency requirements.[6]. The permit application submitted by the applicant included a narrative and supporting documentation including a shoreline designation map and completed JARPA.

The SSDP application is reviewed for compliance with SMP policies and for use regulations. A discussion of that compliance is found below.

D. **Shorelines Conditional Use:** The uses listed in the table above that require a SCUP must be evaluated for compliance with the five criteria listed in WAC 173-27-160 and the four criteria listed in the SMP on page 25. To satisfy both sets of criteria, the proposal must meet the following:

[5] SMP Page 28 to 59
[6] SMP Page 25.

i. **Conditional Use Criterion #1 - Be consistent with the goals and policies of the SMA and SMP**

The following are the applicable goals and policies found within the SMP and explanation as to why the project is or is not consistent with them.

Circulation Goal*: When necessary to develop facilities for any of the various modes of transportation on the shorelines of Cowlitz County, these features must not endanger the life, property, or rights of others, nor debilitate the quality of life enjoyed by the public.*

Circulation Policies:

a) Whenever feasible, major highways, freeways, and railways should be located away from shorelines except in port and heavy industrial areas, so that shoreline roads may be reserved for slow-moving recreational traffic.

Finding: There are no major highways, freeway or railways proposed with this project. Tradewinds Road, an existing access road, extends along the northern project boundary adjacent to shoreline and wetland buffer areas. The existing dirt roadway will be paved for an additional 3,700 feet to provide improved recreational access to the Columbia River shoreline. The roadway will be constructed consistent with private roadway standards outlined in Cowlitz County Code, Title 11.

Conclusion: The project is consistent with this policy because there are no major highways, freeways or railways proposed in the shoreline or in areas that could affect the shoreline.

b) Roads located in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.

Finding: No roads are planned in wetland areas but are located in wetland buffers and the shoreline jurisdiction. Roadway construction must be consistent with the construction and operation regulations[7].

Conclusion: The project is consistent with this policy as not project elements are located in wetlands and construction requirements address erosion control.

c) All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.

Finding: During construction, debris, overburden, and other waste materials will be disposed of in a manner preventing their entry into waterbodies. These materials will be removed off site to an approved location consistent with applicable waste management regulations. During construction, materials will be staged in areas away from waterbodies and critical areas.

Conclusion: The project is consistent with this policy.

d) Road locations should be planned to fit the topography so that minimum alterations of natural conditions of the shorelines will be necessary.

[7] SMP Page 27

Finding: Topography at the project site would be generally flat. The northwestern portion of the site may be set at a higher elevation than the eastern portion to provide additional infiltration capacity for the stormwater pond. The site grade changes within the project site will be designed to fit the topography within the site and minimize alterations to the shoreline. Roadways accessing the site will require minimal alterations or grading.

Conclusion: The project is consistent with this policy.

e) *Provision should be made for sufficient viewpoints, rest areas, and picnic areas in public shorelines.*

Finding: A parking lot for recreational access by the public to the shoreline will be located on the northwest corner of the project area at the terminus of Tradewinds Road which will provide a viewpoint and access to the public shorelines.

Conclusion: The project is consistent with this policy

Conservation Goal: *"Encourages best management practices of the continued sustained yield of replenishable resources of the shorelines and preserve, protect, and restore those unique and non-renewable resources."*

a) *Wildlife - Hunting and fishing are major recreational activities for residents of Cowlitz County. Also, a large number of non-residents from other areas of the state and neighboring Oregonians visit the county to hunt and fish. The wildlife resource of the county also provides a source of enjoyment for those who desire to observe and photograph wildlife. Since wildlife, which includes the fish in lakes and streams, constitutes a major use of the county's shorelines, consideration should be given to habitat requirements of wildlife in order to maintain and enhance this valuable natural resource.*

b) *The impact of proposed development should be considered in areas identified as harboring rare or endangered species.*

Finding: In order to protect rare and/or endangered species, the applicant will obtain all necessary permits and authorizations required under local, state, and federal guidelines. Permits and authorizations to be obtained for the project include a permit under federal regulations that require Endangered Species Act (ESA) Section 7 consultation, Magnusson Stevens Fisheries Protection Act, essential fish habitat analysis issued by NOAA Fisheries (NOAA), the U.S. Fish and Wildlife Service (USFWS), an Incidental Harassment Authorization (IHA) for marine mammals during construction, Hydraulic Project Approval from WDFW and a local critical areas permit. The applicant provided copies of the approved IHA and HPA and biological opinion from USFWS with Exhibit C-9.

Mitigation measures will consist of piling removal in the adjacent Columbia River backwater channel, the construction of ELJs, and native riparian and wetland buffer plantings. Details for these mitigation measures are outlined in Exhibit C-6, Appendix B.

Conclusion: The project is consistent with this policy.

c) *Professional expertise should be solicited and seriously regarded in matters of the impact developments and uses might have on spawning beds, rearing areas of fish, and seasonal feed areas of wildlife.*

Finding: As noted above permits and authorizations will be obtained from multiple resource agencies and effects of the project on the noted elements will be considered. Input from natural resource scientists on the impact to aquatic and terrestrial species has been obtained and mitigation measures have been identified and incorporated in to the applicants JARPA, and as conditions of approval in this staff report.

Conclusion: The project is consistent with this policy.

d) Seasonal constraints upon uses proposed may be considered as necessary to protect a variety of wildlife resources in the shoreline areas.

Finding: In-water construction initiated by the applicant will comply with work windows established by regulatory agencies. Initial site preparation activities (clearing and grading) within areas identified as potentially suitable streaked horned lark nesting habitat would be conducted outside of the nesting season.

Conclusion: The project is consistent with this policy.

Economic Development Goal: "*To encourage the establishment and development of industrial and commercial activities in Cowlitz County on shorelines that require the land-water interface for productive efforts."*

Finding: The proposal is a methanol export facility. As a marine export terminal, it is water-dependent and requires a land-water interface.

Conclusion: The project is consistent with this policy.

Economic Development Objective:
"Those economic developments proposed on the shorelines must effectively operate without reducing the environmental quality of the surrounding and adjacent shoreline area, or the quality of life of county residents."

Finding: The applicant's project required an EIS which analyzes the projects impacts to the environmental quality of the surrounding and adjacent shoreline area, and the quality of life of county residents. The EIS also outlines mandatory mitigation measures for the project to minimize adverse impacts.

Conclusion: Project compliance with relevant environmental regulations will ensure compliance with this objective.

Economic Development Policies: (The following policies apply to private industrial development along shorelines)

Ports and Water-Related Industry: *Ports are centers for water-borne traffic and as such, have become gravitational points for industrial/manufacturing firms.*

a) Port facilities shall be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety.

Finding: The proposed facility would permit continued low-intensity public recreation and provide associated roadways for access. The proposed recreation area, located on the northwest corner of the project site, would provide the public safe access to the shoreline.

Conclusion: The project is consistent with this policy.

b) Sewage treatment, water reclamation, desalinization and power plants shall be located where they do not interfere with, and are compatible with recreational, residential, or other public uses of the water and shorelands. Waste treatment ponds for water-related industry shall occupy as little shoreline as possible.

Finding: The project does not include water reclamation, sewer treatment, desalinization, or power plants within the shoreline area. Therefore, this policy does not apply to the project.

Conclusion: The project is consistent with this policy.

c) The cooperative use of dock parking, cargo handling, and storage facilities shall be strongly encouraged in waterfront industrial areas.

Finding: The proposed dock would be located approximately 500 feet north of the Port's existing North Port dock (currently in use by Steelscape). The proposed marine terminal would accommodate the oceangoing vessels that would transport methanol to destination ports. It would also be designed to accommodate other vessel types when not in use for loading methanol. The dock would be made available for general use by the Port, for other cargo operations for loading and unloading, supply vessels, and/or as a lay berth, for short-term vessel moorage, where vessels could moor while waiting to use other Port berths, or for topside vessel maintenance. In Exhibit C-10 the applicant identified reasons why the project cannot use the existing dock for methanol loading.

Conclusion: The project is consistent with this policy.

d) Land transportation and utility corridors serving ports and water related industry in the shoreline area shall follow the guidelines provided under the sections dealing with utilities and road and railroad design and construction. Where feasible, transportation and utility corridors shall be located upland to reduce pressures for the use of waterfront sites.

Finding: This policy is not applicable to the project as roads and utilities are not proposed in the shoreline.

Conclusion: The project is consistent with this policy.

e) Prior to allocating shorelines for port uses, local government shall consider statewide needs and coordinate planning with other jurisdictions to avoid wasteful duplication of port services within port-service regions.

Finding: The site is planned for industrial uses and the proposal would benefit the local and state needs without allocating more shoreline area to port uses, thus potentially reducing the demand for new shoreline facilities of the same type within the region. In addition the project will be the only methanol manufacturing and export facility in the County and will not duplicate existing uses.

Conclusion: The project is consistent with this policy.

f) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses, aesthetics, and shoreline resources. Because heavy industrial activities are associated with industrial piers and docks, the location of these facilities must be considered a major factor in determining the environmental and aesthetic compatibility of such facilities.

Finding: The proposed dock facility is a water-dependent use and requires close proximity to the shoreline. Sites adjacent to the proposed facility consist of heavy manufacturing uses typical in port-operated areas. The following are the design measures implemented by the applicant to comply with the policy above:

- Dock structures have been kept to the minimum size necessary to support their needed functions.
- The design of the terminal locates the platforms, dolphins, and structures associated with it (except for the access trestle) in water deeper than 20 feet below OHWM (11.6 feet CRD).
- The design minimizes the effects to aquatic habitats by minimizing structures in and over shallow water habitats.
- Walkways would be grated to further minimize shading.
- The access trestle abutments were designed and configured to eliminate the need for shoreline armoring along the riverbank.
- The project would not restrict access to adjacent industrial facilities.
- The dock would be located in such a manner that it would not displace recreational activities.

Conclusion: In light of the proposed design described above, the project is consistent with this policy.

g) Because a large impact cannot be avoided due to ports and port-related uses, preference will be given to develop and redevelopment of existing port areas.

Finding: The project would be located at an underutilized existing port site. The project will provide economic opportunity, through the redevelopment and improvement of an underutilized and shovel-ready industrial property.

Conclusion: The project is consistent with this policy.

h) Ports and water-related industries are encouraged to locate in urban environments, but in exceptional cases may locate under natural, conservancy and rural environments, subject to conditional use and specific performance standards. An exception is log storage and rafting which may be permitted in conservancy, rural, urban [environments], and considered as a conditional use on natural shorelines.

Finding: The project would be located in two shoreline SEDs (Urban and Conservancy), with the bulk of the facility located in the Urban SED. A SCUP application has been submitted by the applicant for proposed water-related industry in the conservancy district and dredging operations in the Urban SED. In addition, the site has already been altered from a natural condition through

dredged material placement. This presents an exceptional case to allow the industrial development in the Conservancy SED.

Conclusion: The project is consistent with this policy.

Utilities: Utilities are services which produce and carry electric power, gas, sewage, communication, and oil.

a) *Upon completion of installation/maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted with native species, and provided maintenance care until the newly planted vegetation is established.*

Finding: Shoreline banks will not be modified with utility installations that would require restoration activities.

Conclusion: The project is consistent with this policy.

b) *Whenever these facilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area.*

Finding: Utilities have been located below ground whenever feasible, except where attached to the dock.

Conclusion: The project is consistent with this policy.

c) *Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.*

Finding: All site utilities have been designed specifically to meet the needs of the project site and will not be oversized to accommodate future growth. There is no additional suitable land for development within the immediate area and future growth of the facility is not anticipated.

Conclusion: The project is consistent with this policy.

Historical/Cultural Goal: *"Protect, preserve, and restore those historical, cultural, educational, and scientific sites in the shorelines of Cowlitz County for the general public."*

a) *Where possible, sites should be permanently preserved for scientific study and public observation. In areas known or suspected to contain archaeological data, local government should attach a special condition to a shoreline permit, providing for a site inspection and evaluation by an archaeologist to ensure that possible archaeological data are properly salvaged. Such a condition might also require approval by local government before work can commence or resume on the project following such an examination.*

Finding: A cultural resources survey prepared by Archaeological Investigations Northwest (AINW) for the project did not identify any resources on the project site that are eligible for listing under the National Register of Historic Places (NRHP). In addition, AINW conducted Geoprobe explorations to sample the native soils beneath an average of 16 feet of dredge material in the project area and

concluded that the site area has a low probability of retaining deeply buried archaeological sites. No additional archaeological work or monitoring was recommended by AINW.

Conclusion: The project is consistent with this policy.

b) Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archaeological data are uncovered during excavations.

Finding: Applicable inadvertent discovery regulations and BMPs will be followed by the applicant and the applicant will develop an inadvertent discovery plan consistent with the mitigation measures identified in the FEIS and Page 11 of the SMP.

Conclusion: The project is consistent with this policy.

c) Development which might destroy an archaeological or historic site may be delayed for six months until the appropriate agency or organization can be given the opportunity to purchase the site or obtain the desired data. Such delays will not be prolonged if little or no interest is shown, or if a group wanting protection tends to cause delay.

Finding: As noted above there are no known resources on the site.

Conclusion: The project is consistent with the Historical/Cultural Goal.

***Recreation Goal:** "To assure that recreational opportunities, adequate to satisfy the diversity of demands from the region's population, are provided."*

a) Priority will be given to developments, other than single family residences which are exempt from the permit system of the act, which provide recreational uses and other improvements facilitating public access to shorelines.

Finding: The project is designed to allow for the continuation of existing recreational uses adjacent to the site and will establish a new parking area to facilitate low-intensity recreational uses of the shoreline such as the unofficial trail system and sandy beaches, and similar low-intensity activities.

Conclusion: The project is consistent with this policy.

b) Access to recreational locations such as fishing streams and hunting areas should be a combination of areas and linear access (parking areas and easements, for example), to prevent concentrations of use pressure at a few points.

Finding: Other than the new 21-space parking area described above, the project does not propose any new recreational access that this policy would apply to. The parking area will provide access to an informal network of shoreline trails along the river.

Conclusion: The project is consistent with this policy.

c) This shoreline program should encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used such as hiking paths, bicycle trails, and/or scenic drives.

Finding: The recreation areas (i.e., unofficial trail system) do not connect to other formal trails or paths. However, pedestrians currently use the site for informal access to northern port beaches and trails. Because the recreation area is located on a peninsula, there is limited potential for formal connectivity to other trail systems.

Conclusion: The project is consistent with this policy.

d) *Attention should be directed toward the effect the developments of a recreational site will have on the environmental quality and natural resources of an area.*

Finding: Parking for public recreation is located near the shoreline as part of the project. The parking area would have 21 parking spaces and be constructed with impervious asphalt. The improvements would be located approximately 53 feet from the biological OHWM, primarily in an area of prior disturbance and use. Per page 51 of the County SMP Conservancy SED use activity regulations, parking is permitted greater than 20 feet landward from the OHWM. The impacts of the development of recreational amenities on shoreline resources would be minimal and would be mitigated through the provision of riparian and wetland buffer enhancements discussed in the applicants' JARPA, and as conditioned in this staff report.

Conclusion: The project is consistent with this policy.

e) *To avoid wasteful use of the limited supply of recreational shoreland, parking areas should be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods. Automobile traffic on beaches, dunes, and fragile shoreland resources should be discouraged.*

Finding: The site's recreational parking area would be located at the terminus of the proposed Tradewinds Road improvements, approximately 53 feet away from the OHWM. The parking area will contain curbing and wheel stops to discourage vehicular access to the shoreline.

It will continue to be possible to access the physical shoreline of the river and the recreational trails along the river by foot after construction of the recreational parking facility.

Conclusion: The project is consistent with this policy.

f) *Recreational developments should be of such variety as to satisfy the diversity of demands from groups in nearby population centers.*

Finding: The site has been designed to accommodate existing shoreline recreational uses and activities. Existing low-intensity recreational uses consist of fishing, walking, trail exploration, and scenic viewing. Public access for these uses would be improved by improving the road and parking.

Conclusion: The project is consistent with this policy.

g) *The supply of recreation facilities should be directly proportional to the proximity of population and compatible with the environment designations.*

Finding: Proposed recreational areas have been designed to support existing local populations and recreation uses.

Enhanced public access to existing uses such as fishing, waterfront walks, and scenic views of the Columbia River would be provided by improving Tradewinds Road and constructing the 21-car parking area.

Conclusion: The project is consistent with this policy.

h) Facilities for intensive recreational activities should be provided where sewage disposal and insect control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses.

Finding: Activities at the site will consist of low-intensity recreation not requiring sewage disposal or insect control. Therefore, no sewage facilities are proposed in recreation areas.

Conclusion: The project is consistent with this policy.

i) In locating proposed recreation facilities such as playing fields, and golf courses, and other areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemical from entering the water. If this type of facility is approved on a shoreline location, provision should be made for protection of water areas from drainage and surface runoff.

Finding: The recreational area would not require facilities, fertilizers, pesticides, and/or turf maintenance programs.

Conclusion: The project is consistent with this policy.

j) State and local health agencies have broad regulations which apply to recreation facilities, recreation watercraft, and ocean beaches, which should be consulted in preparing use regulations and issuing permits.

Finding: The proposed recreation area will contain no structures and will consist of opportunities for low-intensity recreation.

Conclusion: The project is consistent with this policy.

k) Regional, as well as local, needs shall be considered where recreational development takes place.

Finding: Regional and local recreational needs are considered by improving a recognized public recreation area and providing a new parking lot.

Public access to the recreation area is currently provided by an unpaved segment of Tradewinds Road with no parking area. The project would pave the road for an additional 3,700 feet terminating at the new 21-car parking area.

Conclusion: The project is consistent with this policy.

Residential Goal: "*Establish criteria for safe, orderly residential growth in suitable areas of shorelines of Cowlitz County."*

Finding: This goal relates to locating residential development in certain shoreline areas. The project will not preclude or hinder the locating of residential uses in the shoreline area.

Conclusion: The project does not involve residential uses and is consistent with the Residential goal.

Public Access Goal: *"To assure the safe and reasonable access for the public to public property in the shorelines of Cowlitz County."*

a) To retain existing public access and develop additional access where such will not endanger life or property nor interfere with the rights inherent with private property.

Finding: Upon completion of the project, public access to the shoreline would be continued and improved at the parking area at the terminus of Tradewinds Road. For safety reasons, access to the proposed dock and the immediately adjacent shoreline area will be prohibited in compliance with the Maritime Transportation Security Act (MTSA) through the construction of security fences.

Conclusion: The project is consistent with this policy.

b) Such access should not have an adverse effect on unique or fragile natural features, nor alter ecological systems of the area.

Finding: Improving public access to the shoreline would not result in adverse effects to ecological systems or natural features.

Conclusion: The project is consistent with this policy.

Other General Shoreline Uses (Goals and Policies)

Goal: *Developments within shorelines of Cowlitz County must be for the betterment of the lifestyle of the citizens of Cowlitz County, and so located to prevent ecological debilitation from occurring.*

Finding: The shoreline will be devoted to water-dependent port industries and recreation use, which will serve to support the goal of betterment of the lifestyle of Cowlitz County citizens. The project is a marine export terminal that requires a land-water interface to access interstate shipping channels which is a use encouraged under the Economic Development Goal and its Policies of the County's Comprehensive Plan. Construction of this project will in turn add to the county's tax base as well as the other junior taxing districts with jurisdiction. The increased public revenue will enable these entities to better perform their respected duties for the betterment of their constituents. Adherence by the applicants to other local, state, and federal development and environmental regulations will help to ensure ecological debilitation is prevented.

Conclusion: The project is consistent with this goal.

Objectives:

a) *To encourage those uses which are necessary to maintain or improve the health, safety and welfare of the citizens when such uses must occupy shorelines.*

Finding: As stated previously, the proposal is a methanol export facility which is water dependent and will result in economic development that will support the welfare of Cowlitz County citizens.

Public health and safety associated with this project are discussed in the FEIS. See the immediately preceding discussion regarding the project's effects on betterment of lifestyle insofar as public welfare is concerned.

Conclusion: The project is consistent with this objective.

b) *To locate those necessary uses and design facilities on the shorelines in such a manner as to retain or improve the physical and aesthetic quality of the natural environment.*

Finding: The Ports industrial area has been in long term industrial use and is consistent with the Urban SED which promotes water related and water dependent uses such as those proposed with the project. Additionally, the project, as mitigated, will maintain shoreline functions and result in no-net loss of shoreline resources.

Conclusion: The project is consistent with this policy.

c) *To encourage the multiplicities of use in proposed shoreline area developments.*

Finding: The proposed marine terminal is designed to allow docking by ships other than those solely serving the project and the project has been designed to accommodate shoreline based recreational activities.

Conclusion: The project is consistent with this objective.

d) *To retain or improve the degree of public access to shorelines.*

Finding: Public access to the shoreline would be continued and improved at the parking area at the terminus of Tradewinds Road.

Conclusion: The project is consistent with this objective.

Policies:

Dredging Policies: *Dredging is the removal of earth from the bottom of a stream, river, lake, bay, or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill.*

a) Dredging operations shall be so controlled as to minimize damage to existing ecological values and natural resources of both the area to be dredged, and the area for deposit of dredged materials.

Finding: Dredging will be controlled to minimize impacts. A Rivers and Harbors Act, Section 10, Clean Water Act Section 404, Hydraulic Project Approval and other applicable permits/authorizations would be acquired by the applicant before dredging operations begin. Dredging is not proposed in shallow water areas and material will be deposited upland at the project site or in areas already approved for dredged material disposal. For further details on mechanical and hydraulic dredging methods, please see the JARPA (Exhibit C-4).

Conclusion: The project is consistent with this policy.

b) This program must include long-range plans for the deposit and use of spoils on land. Spoils deposit sites in water areas shall also be identified by local government in cooperation with the state departments of natural resources, game, and fisheries. Depositing of dredge material in water areas shall be allowed only for habitat improvement, to correct problems of material distribution adversely affecting fish and shellfish resources, or where the alternatives of depositing material on land is more detrimental to shoreline resources than depositing it in water areas.

Finding: Dredged material will be placed at existing authorized in-water and upland placement sites. The existing permits (NWP-1994-462-1) authorize both in-water and upland placement of dredged material as follows:

- Flow lane placement to restore sediment at a deep scour hole associated with pile dike 75.63 M located on the Washington side of the river;
- Beach nourishment at the Port's shoreline park (Louis Rasmussen Park) at RM 76;
- The Ross Island Sand and Gravel disposal site in Portland, Oregon;
- Upland portions of the project site ("North Port" site) that have been previously used for dredged material placement; and,
- The South Port upland placement site located north of the CHS/TEMCO grain terminal at approximately RM 77.

The applicant has also stated that additional in-water and upland sites may be identified and permitted for dredge material placement in the future.

Conclusion: The project is consistent with this policy.

c) Dredging of bottom materials for the single purpose of extending one's property shall be discouraged.

Finding: Dredging is only planned for vessel access and will not be used to extend property area.

Conclusion: The project is consistent with this policy.

d) Navigation channels, turning and moorage basins shall be identified. Future channel and basin areas which would be used in conjunction with potential future ports and marinas should be identified as non-deposit areas for spoils from other dredging operations.

Finding: The proposed dredging area is identified in the applicants JARPA and defines the navigation needs of the project. No disposal operations are currently occurring within the proposed dredge area.

Conclusion: The project is consistent with this policy.

Landfill Policies: *Landfill is the creation of dry upland area by the filling or depositing of sand, soil or gravel to a wetland area.*

Finding: The project does not include any filling of biological wetlands. The Cowlitz County SMP uses "wetlands" to refer to the upland area within 200 feet of the OHWM. That definition of "wetland" is consistent with the former use of that term in the SMA. The project does not propose

to place any material in the shoreline area for the express purpose of creating dry land. Therefore, as defined in the SMP, the project will not include any landfills.

Conclusion: Landfill policies do not apply to this project.

Shorelines Protection Works (SPW) Policies: *Shoreline protection works shall include bulkheads, breakwaters, jetties, groins, levees, berms, retaining walls, riprapping, dikes, and the like.*

Finding: The project does not include any shoreline protection works, as defined by the Cowlitz County SMP.

Conclusion: Shoreline Protection Works policies do not apply to this project.

Piers Policies: *A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transportation or for recreation purposes.*

a) *The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fisherman will not be impaired.*

Finding: The applicant has not proposed construction of a floating dock, as a floating dock is not feasible due to the scale of ships used in exporting methanol. The SMA and the SMP recognize that fixed docks are permitted where necessary for water dependent activities and this policy is not intended to prohibit fixed docks in industrial areas. The County has not designated specific areas or resources within the project area has having high scenic values. The project site is an industrial area where the upland has been fully developed for storing dredged materials and is not an area where scenic values are high.

Conclusion: The project is consistent with this policy.

b) *Open pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired.*

Finding: The dock would be open pile construction and located in an area where similar docks are constructed. Although views will be modified by the project, the existing scenic values will not be obstructed as existing shoreline residents are located upland and one-half mile away from the project site and are not located adjacent to the project site.

Conclusion: The project is consistent with this policy.

c) *Priority should be given to the use of community piers and docks in all new major waterfront developments. In general, encouragement should be given to the cooperative use of piers and docks.*

Finding: The proposed dock will be used cooperatively with the Port for non-methanol related vessel use. The applicant anticipates three to six shipping trips per month, and when the dock is not in use by the proposed operations, it will be available for other Port or shipping uses.

Conclusion: The project is consistent with this policy

d) In providing for boat docking facilities in the Master Program, local governments should consider the capacity of the shoreline uses to absorb the impact of waste discharge from boats including gas and oil spillage.

Finding: The surrounding property is Port-operated heavy industry. The County, through its Comprehensive Plan, has determined this area best for supporting potential shipping-related impacts.

BMPs intended to prevent gas and oil spillage that would be employed at the site include regular checks of fuel hoses, oil drums, oil or fuel transfer valves, fittings, etc., and a spill prevention, control, and countermeasures (SPCC) plan outlining prevention and process in the event of leaking or discharge.

Conclusion: The project is consistent with this policy.

e) The risk and potential damage of contaminants must be determined for piers and the ability of the shoreline area to recover from such spills must be known. Where appropriate, contamination prevention and abatement measures will be required as port of any proposal to erect a pier.

Finding: The dock would employ containment to collect methanol in case of a spill during the transfer and loading process. Any accidental spills from pipelines on the dock would be captured on the dock surface and collected by the stormwater system. Valves would be installed on the storm conveyance pipes so that a spill could be diverted to a separate pumping system that would convey the contaminated water back to the proposed methanol manufacturing facility for treatment and reuse.

Conclusion: With these design measures, the project is consistent with this policy.

Other Policies: The project is also consistent with the other policies for Other General Shoreline Uses. ***Policy 5, "Restoration"*** relates to restoration of abandoned and dilapidated sites, which is inapplicable here. ***Policy 6, "Solid Waste Disposal"*** relates to solid waste disposal, which is inapplicable here.

Overall Conclusion: The proposed methanol export facility will be consistent with the goals and policies of the SMA and SMP. The project meets conditional use criterion #1.

ii. **Conditional Use Criterion #2 - Not interfere with the normal public use of public shorelines.**

Finding: Consistent with policies regarding public use of the Urban and Conservancy SEDs, public access to the shoreline would be maintained on the northwest side of the project site adjacent to the shoreline. Public access would continue to be provided to the shoreline via a two-lane road owned and maintained by the Port for recreational access (Tradewinds Road) along the north side of the proposed facility. Tradewinds Road would not be publicly dedicated and would therefore qualify as a "private roadway" under Cowlitz County Code section 11.36.040. The road would end at a new 21-car parking area constructed adjacent to the methanol facility and the Columbia River shoreline in the northwest portion of the project site. The parking area would provide public access for low-intensity recreational uses such as scenic viewing and walking the unofficial trail systems of the area.

The security fence constructed around the facility would not interfere with public access to the shoreline on the northwest portion of the site. Public access to the shoreline would be maintained by Tradewinds Road and the roadway would not be restricted.

Conclusion: Normal public uses of the shoreline in the location of the site would be maintained and enhanced with the project. The project meets conditional use criterion #2.

iii. **Conditional Use Criterion #3 - Be compatible in use and design with other permitted uses in the area and be compatible with uses planned for the area under the comprehensive plan and shoreline master program.**

Finding: As stated previously, the site is unzoned and has a comprehensive plan designation of Heavy Industrial and Forestry/Open Space. The Heavy Industrial comprehensive plan designation is intended to accommodate heavy industrial uses, such as is proposed for the subject site. Existing industrial uses adjacent to the site include steel shipping and manufacturing (Steelscape, Inc.), the Port's domestic wastewater treatment plant, and the Air Liquide industrial facility. Steelscape consists of multiple large buildings and a marine terminal.

In addition to consistency with local land use policy, shoreline SEDs (Urban and Conservancy) on the project site permit water-dependent port-related activities as outlined in the County's SMP. Water-related, port industrial uses, like those proposed in the northwest portion of the project site, while considered as permitted uses in the Urban SED, are conditional uses in the Conservancy SED.

Consistency with the Comprehensive Plan was discussed previously in Section 3.

Conclusion: The project meets conditional use criterion #3.

iv. **Conditional Use Criterion #4 - Cause no significant adverse effects to the shoreline environment.**

Finding: Impacts associated with the in-water and riparian portions of the project are outlined in the applicants' JARPA. As discussed earlier, the northwest portion of the project site in the Conservancy SED is proposed to be developed with water-related industrial uses supporting the water-dependent port facility proposed on the Columbia River. Proposed uses requiring a conditional use permit in the Conservancy SED in the northwestern portion of the project site within shoreline jurisdiction consist of the infiltration pond; fire suppression water storage; first flush pond; and security fencing. The applicant is also proposing to dredge approximately 126,000 cubic yards in the Urban and Conservancy SEDs to accommodate ocean going vessels at the proposed dock which requires a conditional use permit. The following discussion summarizes the impacts and mitigations for the water-related industrial uses proposed on the northwest part of the site in the Conservancy SED and dredging in the Urban SED.

As discussed in the applicants' JARPA, the entirety of the site, including the northwestern portion, is located in a highly degraded area where dredge material has been placed through previously permitted activities. The project site design specifically avoids impacts to high quality terrestrial, aquatic, and riparian habitats by locating them on a previously developed site.

In total, the project would result in direct permanent impacts to approximately 29,006 square feet (0.67 acre) of RHA buffer. This includes approximately 2,198 square feet (0.05 acre) associated with the construction of the dock trestle, approximately 6,645 square feet (0.15 acre) associated

with fencing and upland site improvements in the vicinity of the pump house and collector well, approximately 12,153 square feet (0.28 acre) associated with the construction of the improved recreational access, and approximately 8,010 square feet (0.18 acre) associated with upland site improvements and an infiltration pond at the north end of the site. Development in the wetlands has been specifically avoided through the layout of site features.

Mitigation for these impacts, as well as impacts to riparian and wetland buffers from the recreational access improvements, dock trestle, and associated upland site improvements would include pile removal, ELJ installation, riparian enhancement and invasive species management within an area 2.42 acres in size along the Columbia River, and enhancement of 0.58 acre of wetland buffer at the north end of the site.

The applicant has also applied for a conditional use permit for dredging for the marine terminal. Several best management practices (BMPs) and conservation measures will be implemented to minimize environmental impacts during dredging. These are described in Section 8a of the applicant's JARPA (Exhibit 5). Dredging specific BMPs include the following:

- Conducting dredging during the work window approved for the project.
- Dredging will be conducted to prevent impingement of juvenile salmonids by dredging equipment.
- Construction activities will be conducted in compliance with Surface Water Quality Standards for Washington.
- Appropriate BMPs will be employed to minimize sediment loss and turbidity generation during dredging.
- Enhanced BMPs may also be implemented and may include slowing the velocity of the ascending clamshell bucket, pausing the dredge bucket at the bottom and top while ascending and descending and placing filter material over the barge scuppers.
- If sediment is placed on a barge for delivery, no spill of sediment from the barge will be allowed.

These mitigation measures are proposed by the applicant as part of the project and will become conditions of approval.

Conclusion: The project meets conditional use criterion #4.

v. **Conditional Use Criterion #5 - Cause no substantial detrimental effect to the public interest.**

Finding: The site is planned for industrial use consistent with port activities. As a water-dependent and water-related use defined by WAC 173-26-020, the site's Columbia River frontage in an industrial area makes it appropriate for manufacturing and exporting. The project will be developed and operated in a manner that avoids or mitigates for significant adverse effects to the public or natural resources.

Conclusion: The project meets conditional use criterion #5.

vi. **Cumulative Impacts:** Per WAC 173-27-160(2): In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent

with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

As previously discussed, a shoreline conditional use permit is required for the water-related industrial uses in the Conservancy SED and for dredging for the marine terminal in the Urban SED. Impacts from the water-related industrial uses in the Conservancy SED are limited to 20,163 square feet (approximately 0.45 acres) of riparian area. These and other impacts on the site will be mitigated by riparian enhancement and invasive species management within an area 1.41 acres in size along the Columbia River, enhancement of 0.58 acres of wetland buffer, ELJ installation, and pile removal at the north end of the site. As previously mentioned, the applicant will avoid potential impacts to streaked horned lark by conducting site preparation activities (clearing and grading) outside of the nesting season.

For the proposed dredging, BMPs will be employed to reduce impacts as described in the applicants JARPA section 8a, summarized above, and included in this staff report as recommended conditions of approval. The riparian buffer enhancements and dredging BMPs will reduce impacts to result in no substantial adverse effects on the shoreline environment.

Vacant lands extending approximately three miles to the north of the project site are in the Conservancy SED and appear to be constrained by critical areas (wetlands and habitat areas). Development potential and suitability of these sites to accommodate heavy industrial or manufacturing uses is likely limited in comparison with the project site due to the presence of critical areas.

There are no other industrial or manufacturing projects planned for or proposed in the Conservancy SED. If development is proposed on sites to the north in the Conservancy SED, a conditional use permit for port and water-related industries would be required along with mitigation for impacts to the shoreline environment to result in no substantial adverse effects to the shoreline environment. The Cowlitz County critical areas code would require that wetland and habitat impacts be mitigated to a standard of “no net loss.” Dredged or fill materials placed in jurisdictional wetlands likely present on these sites would also be regulated and required to obtain permits from the Corp of Engineers (section 404 permit), if proposed. A water quality certification (section 401) through the Washington Department of Ecology would be required to discharge to federal waters. All of these permit processes would help ensure that future development proposed in the adjacent Conservancy SED would result in no substantial adverse effects to the shoreline environment.

The applicant noted several locations that could accommodate new docks. If new docks were proposed to serve upland industrial or manufacturing uses at these site, dredging would likely be required. As such, Section 401, Section 404, and Section 10 permits, as well as critical areas permits, and shoreline permits would likely be required through the Corps, Department of Ecology, and relevant local jurisdictions to establish docks at these locations. These permits would ensure that water quality and shoreline resources would be protected.

If similar heavy industrial or manufacturing projects applying the same BMPs for dredging activities and mitigation for construction within riparian areas as the subject proposal, it follows that they would also result in no substantial adverse effects on the shoreline environment because they would be required to adhere to shoreline regulations, federal and state permitting and other mandatory environmental reviews. Considered together, these uses would not result in cumulative impacts that produce substantial adverse effects on the shoreline environment.

Conclusion: The project will comply with the five criteria listed in WAC 173-27-160 and the four criteria listed in the SMP and the Hearing Examiner should recommend approval of the SCUP to Ecology.

E. **Cowlitz County Use Activity Regulations**

i. **Construction and Operations Regulations**: *The following regulations cover the construction practices that must be observed for substantial developments within the shoreline jurisdiction.*

1. *No construction equipment shall enter any shoreline body of water, except as authorized under the terms of a substantial development permit.*

Finding: As noted in the applicant's JARPA, dredging, dock construction, barge unloading, and mitigation activities would require construction equipment to be in and over the water. Construction of the dock will require up to approximately four in-water barges to be operated waterward of the Columbia River's OHWM at any given time. A temporary crane pad and falsework would also be installed on the project site along the Columbia River shoreline with falsework temporarily placed waterward of the OHWM to facilitate unloading overwater barges anchored waterward of the Columbia River OHWM.

2. *Vegetation along the water shall be left in its natural condition unless the substantial development permit allows otherwise.*

Finding: Limited vegetation existing within the shoreline area would be impacted by project construction as shown on the applicant's site plans (Exhibit C-5). Site preparation would consist of clearing and grubbing the site, grading, and setting up the temporary construction facilities.

3. *During construction, care will be taken to assure that waste material and foreign matter are not allowed to enter the water.*

Finding: Construction BMPs will be employed throughout all phases of project construction. These BMPs include working within approved in-water work windows, complying with state water quality standards (WAC 173-201A), discharge prevention measures for oil, fuels, or chemicals to surface waters, or onto land where there is a potential for re-entry into surface waters, and employing an SPCC plan during all demolition and construction operations.

4. *All fuel and chemicals shall be kept, stored, handled and used in a fashion which assures that there will be no opportu4ity for entry of such fuel and chemicals into the water.*

Finding: The storage of standard fuel and/or chemicals required to operate the facility will occur consistent with protective systems which prevent entry into the waterways including the storage area containment system, dock containment and project specific spill prevention and response plan described in the applicant's project description (Exhibit C-7). Construction equipment will be checked regularly for leaks and other problems that could result in the discharge of petroleum-based products or other material into the water, corrective actions will be taken in the event of any discharge of oil, fuel, or chemicals into the water, and oil-absorbent materials will be present on site for use in the event of a spill or if any oil product is observed in the water.

5. *Protection from siltation and erosion shall be provided for on all earthworks projects.*

Finding: An erosion and sediment control plan has been submitted to the County for review.

6. *Land being prepared for development shall have an adequate drainage system to prevent runoff from entering water bodies.*

Finding: Due to the size of the development, the facility will be to be registered under and comply with Ecology's construction stormwater permit and will require an industrial stormwater permit, although stormwater will not be discharged to the river. General and construction stormwater permits as required by the permit, the project's stormwater design report includes BMPs outlined in the applicants JARPA. Upon the completion of construction, stormwater runoff would be infiltrated through on-site features. Roads will drain to roadside swales.

7. *Side casting of excess road building material into streams will not be permitted.*

Finding: Road building materials would not be side-cast into streams.

8. *All construction debris such as fuel and oil containers and barrels and other miscellaneous litter shall be removed from the shoreline area. No equipment shall be abandoned within the shoreline area.*

Finding: Materials would be placed in designated construction staging areas. Unused equipment and materials would be removed from the project site once construction is completed and disposed as appropriate in accordance with applicable regulations.

9. *State and federal water quality standards for both inter-state and intra-state waters already are established. These shorelines regulations need only allude to these and other regulations already in effect. Any activities within the shorelines must, as a minimum, meet all these other regulations.*

Finding: The project would comply with all applicable water quality standards, including WAC 173-221, the Clean Water Act as well as County and State standards The project has the potential to effect water quality during construction and operation through the addition of impervious surfaces. The applicant will obtain a 401 water quality certification from the Department of Ecology, and general Construction and Industrial stormwater permits and has undergone review by the County for compliance with minimum stormwater requirements. Therefore, the project will meet all applicable water quality standards.

Conclusion: The project complies with the Construction and Operations Regulations. A condition requiring compliance with the SMP construction and operation regulations should be placed on the permit.

ii. **Forest Practices and Shoreline Management - Roads**
Conservancy and Urban SEDs

1. ***Road Location:*** *Road should be located on stable soils and constructed in such a manner as to minimize the risk of material entering waterways.*

a. Fit the road to the topography so that minimum alteration of natural features will be necessary.

Finding: The existing roadway is located on flat topography and existing topography will not be altered to accommodate the roadway.

b. Avoid steep, narrow canyons, slide areas, slumps, marshes, wet meadows or natural drainage channels. Also, utilize available topographic surveys, soils, and geologic data to assist in selecting locations which avoid steep and/or unstable areas.

Finding: Tradewinds Road is not located on these features, however the roadway is located south of and adjacent to wetlands and within riparian habitat buffers. The applicant is seeking to preserve public access to the shoreline, and the existing roadway alignment will be maintained in order to meet this objective. The proposed road alignment and recreational access area will impact 12,153 square feet (0.28 acre) of riparian habitat buffer in the Conservancy SED. The recreational access area will also impact approximately 0.09 acre of wetland buffer in the Conservancy SED. However, roadway improvements will not result in wetland buffer impacts. Riparian and wetland buffer impacts will be mitigated onsite through the enhancement of approximately 1.41 acres of riparian buffer, 0.58 acre of wetland buffer, ELJ installation, and pile removal.

c. Where possible, locate roads far enough away from waterways to leave buffer zones.

Finding: The proposed roadway improvements would primarily avoid impacts to regulated buffer areas. However, 12,153 square feet (0.28 acres) of riparian buffer would be impacted on the northwest part of the site, but these impacts would occur within the existing roadway limits. The recreational access area will also impact approximately 0.09 acre of wetland buffer.

d. Minimize the number of waterway crossings and avoid unnecessary duplication of road systems by making use of existing road where practical. Where roads traverse land in another ownership, but still adequately serve the operation, attempt to negotiate with the owner for use before resorting to location of new roads.

Finding: No waterway crossings are proposed and all lands where roadway improvements are proposed are owned by the Port.

*2. **Road Specifications:** Establish specification criteria for each road so that it is best adapted to the terrain and soil properties providing for a drainage system which will control the dispersal of surface runoff water from roads and exposed soils in order to minimize turbid waters from draining into waterways.*

a. Balance cuts and fills or provide waste and borrow areas which minimize damage to soil and water.

Finding: Construction of the roadway will require cuts and fills, sub-excavation and surface compaction, base and top course, and asphalt surfacing both within and outside of the 100-year floodplain. Stormwater runoff will infiltrate through local sandy soils, drainage ditches, and/or sheet flow dispersion. The roadway would be constructed balancing cuts and fills at the site.

b. Specify cut and fill and slopes at the normal angle of repose or less.

Finding: Cut and fill and slopes have been proposed consistent with County regulations.

c. Plan roads to drain by outsloping, crowning, waterbars, and through grade changes wherever possible

Finding: Roads would drain through sloping and standard roadway construction design.

d. Design the road drainage (whether from culverts, cross-drainage, or ditches) onto the forest floor, preferably on benches so that sediment can settle out before drainage water reaches waterway.

Finding: Sediment would filter from the roadway into the sandy soils, roadside ditches, and shallow containment by infiltration and/or sheet flow dispersion methods.

3. ***Road Construction:*** *Roads should be constructed in such a manner as to prevent the entry of construction or waste material into waterways while adhering to road design, specifications, and requirement of the hydraulic project approval*

a. Until such time as adequate identification can be made throughout the county of the 50- or 100-year flood level, deposit excess material in stable locations above the ordinary high water level.

Finding: Roadway materials would be deposited in approved areas above the OHWM.

b. Clear drainage ways of all debris generated during road construction and/or maintenance which potentially interferes with drainage or water quality

Finding: No construction will occur in drainage ways.

c. In the construction of road fills, properly compact the material to reduce the entry of water and to minimize the settling of fill material.

Finding: There are no significant fills required for the construction of Tradewinds Road. Placement and compaction of needed fills and base course will comply with engineering standards and design criteria.

All excavated soil from roadway construction would remain on the site and would not be disposed offsite or into water systems. The applicant intends to balance cut and fills to the extent practicable.

d. Install drainage structures as soon as feasible during the pioneer stage of road construction. Uncompleted road grades subject to washing before grading should be adequately cross-drained

Finding: Drainage would occur through sloped roadway design, roadside ditches, and shallow containment to infiltration and/or sheet flow dispersion.

4. Road Maintenance: Adequately maintain all portions of the road system to prevent water quality degradation

a. Clean culvert inlets, outlets, ditches and trash racks to diminish danger of clogging and the possibility of washouts and overflows.

Finding: Tradewinds Road would be maintained to the standards of the SMP and County code by the Port.

b. When it is the intention of the land owner to discontinue active use of the road, the road shall be left in such a state as to provide for adequate drainage and soil stability without continuous active maintenance

Finding: The road will be maintained by the Port and therefore this regulation is not applicable to the project.

c. Retain road drainage by performing proper maintenance grading

Finding: The road will be constructed of asphalt and therefore this regulation is not applicable to the project.

d. Use mechanical equipment in preference to herbicides for control of road side brush

Finding: The applicant will use herbicides only when mechanical equipment is not appropriate for site-specific conditions.

Conclusion: This project meets these criteria.

iii. **Landfill and Dredging**: *Dredging or landfill operations (aka, filling, grading and excavation) within Urban shorelines are to be considered as a conditional use, and prohibited in the Conservancy* SED*, except where they do not substantially change the character of the district along navigable waterways deemed necessary for adequate navigation as determined by the U.S. Army Corps of Engineers, and where they are a necessary accessory to a project which is clearly dependent on a location near or adjacent to a body of water.*

Urban SED

All dredging and landfills shall be subject to the following standards and regulations:

1. Dredging or landfill operations with Urban shorelines are to be considered as a conditional use.

2. Regulations under rural Nos. 2 and 3 shall apply

3. All dredging or spoils disposal operations shall be subject to the following regulations:

a. Dredging operations shall conform to the operating standards specified on any federal and state permits required for such operations. Operations not requiring federal or state permits shall have similar standards imposed as conditions of obtaining a permit.

b. Dredge spoils exceeding the department of ecology criteria for toxic sediments shall be disposed of on land. The results of chemical and physical analyses of the spoils material shall be forwarded to the administrator prior to the beginning of dredging operations.

c. Dredge spoils disposal sites shall be completely enclosed by dikes of sufficient capacity to allow for the settling of sediment before entrapped water leaves the diked area.

The outside face of the dikes shall be sloped at 1-1/2 to 1 (horizontal to vertical) or flatter and seeded with grass or otherwise protected to prevent erosion. Outlet structures in dikes shall be placed so that water discharged within the dikes will take the longest possible time to reach the outlet and shall be designed so that only the clearest water is allowed to return to the receiving waters.

4. All landfills shall be subject to the following standards and regulations:

Finding: The applicant will obtain dredging and in-water work permits prior to the start of construction per the submitted shoreline narrative. Dredging-related permits to be obtained include the Rivers and Harbors Act Section 10, Clean Water Act Section 404, WDFW Hydraulic Project Approval, and County SSDP and SCUP.

Sampling of dredge spoils was conducted in February 2015 and dredged material characterization was reviewed by the Portland Sediment Evaluation Team. A Suitability Determination was issued that approves in-water placement.

Approved upland dredged material disposal sites would be enclosed by dikes with sufficient capacity to contain sediment prior to discharging water. Details on dredging disposal has been included in the applicants JARPA which was submitted to the County for review.

The SMP defines "filling" as "the process of depositing dirt and mud in marsh areas to create more land for real estate development." Filling can disturb natural ecological cycles. The applicant is not proposing to fill wetland areas; therefore, these criteria do not apply.

Conservancy SED

1. *Dredging operations or landfills shall be prohibited on Conservancy shorelines, except where they do not substantially change the character of that district along navigable waters deemed necessary for adequate navigation as determined by U. S. Army Corps of Engineers, and where they are a necessary accessory to a project which is clearly dependent on a location near or adjacent to a body of water.*

2. *Dredging operations or landfills allowed under No. 1 shall comply with all applicable standards and regulations given under rural Nos. 1, 2, and 3 below.*

Finding: In order to provide a dock to accommodate ships arriving, loading and departing, dredging is necessary in the Conservancy SED and is clearly water dependent. The Columbia River is designated as a navigable waterway by the U.S. Army Corps of Engineers. The dredging will not change the character of the waterway as it is being conducted in deep water and will not impact shorelines or shoreline uses. The only visible element of dredging is during the actual activity. Compliance with dredging and landfill provisions is addressed in the finding above.

Conclusion: This project meets these criteria to allow dredging within the Conservancy SED. A condition should be placed requiring the applicant to employ the necessary erosion control measures to ensure there is no degradation of water quality at the site.

iv. **Ports and Water Related Industries:** Port facilities and water-related industries shall be permitted on Urban shorelines and conditionally permitted on Conservancy shorelines. A permit for a port facility or water-related industry, or any expansion or alteration thereof which constitutes a complete project may be granted a permit subject to compliance with local ordinances and the following regulations:

Urban SED

1. *Port facilities and water-related industries shall be permitted on Urban shorelines.*

2. *Any person proposing a development, expansion or alteration, or any phase thereof which constitutes a complete project, of a port facility or water-related industry, shall apply for a permit.*

3. *A permit for a port facility or water-related industry, or any expansion or alteration thereof which constitutes a complete project, may be granted a permit subject to compliance with local ordinances and the following regulations:*

   a. *Demonstration of compliance with the regulations specified on any federal and state permits required for such facilities and operations, by presentation of an application for each permit or other means satisfactory to the administrator.*

   b. *Compliance with other applicable use regulations in this program is required.*

Finding: As defined under WAC 173-26-20(43), a "water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location."." Due to the facility's water-based exporting of methanol, the project is a water-related and water-dependent use and is therefore permitted on Urban and Conservancy shorelines. The applicant has submitted an application for a shoreline substantial development and shoreline conditional use permit. Additionally, the applicant has provided a JARPA application consistent with federal and state permitting requirements, has received HPA approval consistent with state requirements, and the project is consistent with the Cowlitz County SMP.

Conservancy SED

1. *Deep-draft ports or water-related industries other than those activities covered in other sections of this program shall be considered as conditional uses on conservancy shorelines.*

Finding: The proposed dock facility is a water-dependent use located at the Port of Kalama shoreline; per the SMP, the project requires an SSDP. Water-related industrial uses are proposed in the Conservancy SED, therefore a SCUP is also required. The SCUP criteria are addressed in the applicant's narrative, and earlier in this staff report.

Conclusion: This project meets this policy. A condition requiring the applicant to provide copies of all federal and state permits, authorizations and other licenses to this department shall be placed on the permit.

v. **Shoreline Works and Structures**: *Shoreline works and structures are allowed anywhere on Urban shorelines. Riprapping and other bank stabilization measures shall be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway. In all environments, the use of non-rock riprap material shall be considered as a conditional use, and the use of abandoned automobiles for SWS shall be prohibited.*

Finding: The project does not include shoreline works or structures; therefore, this section is not applicable to the project.

Conclusion: The project is not subject to these regulations.

vi. **Recreation**
Urban and Conservancy SEDs

1. *Low-intensity recreational uses shall be permitted on conservancy shorelines, subject to the following regulations:*

a. *A recreational facility or structure which detracts from the character of the local environment shall be prohibited.*

Finding: No recreational structures are proposed with the project. In order to improve public access to recreational opportunities, improvements would be made to Tradewinds Road. These improvements would include paving approximately 3,700-feet of the existing unpaved roadway terminating at a new parking area approximately 53 feet from the OHWM of the Columbia River. The parking area and roadway improvements would improve public access to the waterfront, shoreline, and unofficial trail systems. The area is currently used for recreational purposes and the proposed improvement will not detract from the character of the area, but would enhance it.

b. *Access roads to recreational facilities shall comply with regulations under the use activity roads.*

Finding: Compliance with Forest Practices and Shoreline Management (Roads) is addressed above.

c. *Parking facilities shall be prohibited within twenty (20) feet of the shoreline as measured on a horizontal plane and surface runoff must meet all city, county, and state requirements in view of water quality.*

Finding: Parking facilities are not proposed within 20 feet of the OHWM. The recreational parking area located at the terminus of Tradewinds Road would be located approximately 53 feet from the OHWM.

Runoff management is consistent with County standards by being directed to roadside ditches and shallow containment areas through infiltration and/or sheet flow dispersion.

d. *Little or no major change of environment by man-made structures, contrivances shall be permitted.*

Finding: Roadway improvements and a parking area are proposed for public access to existing recreational areas. Currently, members of the public access the site via an unpaved roadway and park in the sandy shoreline area. The roadway improvements and new parking area improve public access to the shoreline.

Activities at the subject site would include low-intensity structure-less recreation such as sightseeing along the shoreline and walking the unofficial trail systems.

A total of 12,153 square feet (0.28 acre) of riparian buffer and 0.09 acres of wetland buffer would be impacted by the proposed recreational facility and roadway, but would be mitigated by additional buffer enhancements.

Conclusion: This project meets these criteria.

vii. **Roads and Railroads**
Conservancy SED

1. *Non-motorized trails shall be permitted within conservancy shorelines.*

Finding: Non-motorized access to existing informal trails will continue. No new trails are proposed.

2. *All private roads must meet the road specifications as outlined in the Forest Practices and Shoreline Management Special Report, found under Forest Practices and Shoreline Management, pages 34 - 36.*

Finding: Tradewinds Road will be owned and operated by the Port of Kalama, but will not be a publicly dedicated road and is therefore a "private roadway" per Cowlitz County Code 11.36.040. Compliance with Forest Practices and Shoreline Management (Roads) is addressed above.

Conclusion: This project meets these criteria.

viii. **Sewage Collection and Treatment**
Urban and Conservancy SEDs

1. *Sewage disposal facilities for any proposed use shall meet all applicable state and local regulations, including those of the Department of Social and Health Services, Department of Ecology, Cowlitz County Health Department and those found in zoning subdivision ordinances*

Finding: Sewage from the administrative and support areas and restrooms of the facility would be directed to and treated at the existing Port wastewater treatment plant. The applicant is proposing to implement a zero liquid discharge system which will eliminate wastewater discharge to the Columbia River.

Conclusion: There are no sewage disposal facilities located in the shoreline jurisdiction and facilities located outside shoreline jurisdiction will not have impacts on the shoreline. This project meets this criterion.

ix. **Utilities**
Urban and Conservancy SEDs

1. *Utility systems, such as permanent electric lines, pipelines, sewer trunk lines, water main lines, and similar facilities shall be permitted on conservancy shorelines.*

Finding: Standard utilities necessary to operate methanol facilities would be located at the project site and, as stated in this section, are permitted within the Conservancy SED.

2. *Any person proposing to install or construct a utility system shall apply for a permit.*

Finding: Utilities are included in the applicants SSDP application. Utilities located in the Urban SED will include domestic water service provided to the proposed dock and to the new fire hydrants serving the site and dock. New hydrants fed by six-inch diameter lines would be located at the dock and where the trestle connects to the land as required by the fire code. These hydrants would be fed using six-inch-diameter fire main. A 1 1/2-inch water service for domestic water service would be provided on the dock. A three-inch domestic water line would be constructed to the outside face of the dock. This water supply would serve two two-inch-diameter provisioning connections, as well as two washdown water spigots on the dock. All exposed water piping hung from the dock structure would be heat-traced to prevent freezing. Pipe supported on hangers would be equipped with flexible couplings at expansion joints.

A new 15 kV electrical substation will be constructed near the dock to provide electrical service to the dock and will consist of transformers and switchgear sized to handle the dock equipment and shore power for berthed vessels. Electrical panels will be provided on the dock to serve lighting, freeze protection, and receptacles. The electrical substation will be an approximate 50' x 60' bollard-enclosed area. The switchgear house will be a stainless steel enclosure mounted on a concrete pad foundation.

Dock lighting will be provided by fixtures mounted on 40-foot steel poles. Private aids to navigation lighting would also be installed on the dock.

3. A permit may be granted subject to the following regulations:

a. All such utility systems shall be underground unless such undergrounding would not be feasible.

Finding: Where feasible, utility systems will be located underground. A stormwater infiltration pond will be located on the northwestern part of the site. Overhead utility lines would be located in the Urban SED and include an electrical substation, pipelines, as well as mechanical, electrical, and plumbing utilities elevated above the dock surface on a steel frame pipe rack. These utilities will be located above the Columbia River and OHWM and must be located above ground to serve the dock.

b. *Where such utility systems occupy shoreline areas, clearing necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by trees and other vegetation with the proposed transmission facilities*.

Finding: Utilities located within the Conservancy SED would be constructed within the project site, and no interference by trees or other vegetation is anticipated.

Vegetation at the site consists of a mix of mosses, grasses, and forbs and scattered Scotch broom on the east side of the project site, with dense mosses, grasses, and herbaceous vegetation to the southwest, and, in the northwest portion of the site, sparse vegetation consisting of low-growing herbaceous vegetation and a mix of perennial and annual grasses. Previously placed sandy dredge spoils occupy the remainder of the upland site. Given the sparsely vegetated condition of the project site, impacts to vegetation from utility systems will be minimal.

c. Upon completion of installation of such utility systems or of any maintenance project which disrupts the environment, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide an attractive, harmonious vegetation cover.

Finding: Utilities would be located within the project site and no restoration activities are anticipated by the applicant.

4. Utility hookup linkages to shoreline use facilities shall be underground where feasible.

Finding: Utilities would be located underground where feasible.

Conclusion: This project meets these criteria.

6. OTHER PERMITS AND APPROVALS:

Other local, state and federal governmental approvals are required for the proposed development. Please see the procedural summary section of this staff report for a complete list of required permits and approvals which the applicant will need to obtain. It is the applicant's responsibility to ascertain the requisite permits and obtain them. Obtaining a shorelines permit does not relieve the applicant of the necessity of acquiring all requisite local, state and federal permits for this project.

The Columbia River is a DNR Type S stream which, per the Cowlitz County critical areas ordinance, has a 150' riparian habitat area (RHA) in which development is regulated. The project has both in-water and upland components within the inner RHA, which requires a Level II Habitat Assessment. The applicant, in lieu of a Level II Habitat Assessment, has prepared and submitted a Biologic Assessment which goes above and beyond what is required by the County's critical areas ordinance (CAO) and have submitted a mitigation and monitoring plan which staff has reviewed and confirmed that it meets the intent of the CAO. A critical areas permit and floodplain permit will be issued with the shoreline substantial development and conditional use permits, pending Hearing Examiner and Ecology approval.

7. SEPA COMPLIANCE

An EIS was completed for the project and the FEIS was published on September 30, 2016. It is included as Exhibit C-2 and fulfills the required SEPA review under Cowlitz County Code Chapter 19.11 and WAC 197-11.

8. SHORELINE PUBLIC NOTICE AND COMMENTS:

Staff determined the shoreline application was complete on July 19, 2016. Public notice of the application was posted on the property and distributed to neighboring property owners within 300 feet of the subject property and to agencies and parties of interest on August 2nd, 2016. The comment period was for 30 days and ended September 1, 2016. A total of 2,079 comments were received by the County. Of these 2,062 were duplicates of the same comment (petition) submitted by individuals. The remaining 17 contained specific comments regarding the project.

The applicant has a provided a response to applicable comments (Exhibit C-9). Staff has reviewed these responses and is generally in agreement with the applicants' responses, explanations and interpretations of code.

9. CONCLUSION AND RECOMMENDATION:

The individual findings and conclusions stated previously establish that this proposal either meets, or if conditioned as recommended below, will meet: 1) the standards established in the Shoreline Management Master Program; 2) the six criteria for granting a substantial development permit on a shoreline of statewide significance; 3) the five criteria for granting a conditional use permit on a shoreline of statewide significance; 4) zoning standards (as there are none) ; and, 5) Comprehensive Plan policies. Completion of this project, if constructed as conditioned below, will therefore be consistent with the Shoreline Management Act, the County's Shoreline Management Master Program and other existing land uses in the project area.

Staff recommends that the Cowlitz County Hearing Examiner approve the SSDP proposed by the Port of Kalama and Northwest Innovation Works and recommends approval of the SCUP to the Washington State Department of Ecology subject to the following conditions:

10. RECOMMENDED PERMIT TIMING:

Normally, per WAC 173-27-090, shoreline authorizations to conduct development activities terminate five years after the effective date of a substantial development permit, with the possibility of the authorize of a single extension for a period not to exceed one year based on reasonable factors, provided that activity on the project commences within two years of final approval. However, WAC 173-27-090(1) allows local governments to adopt different time limits upon a finding of good cause, based on the requirements and circumstances of the project proposed. While the scope of the proposal is quite large and unusual, the applicant has not indicated that they would require an extended period of time to complete the project. Staff recommends the standard five-year permit time limit be placed on this project. The applicant has agreed with staff's recommendation on this matter.

11. RECOMMENDED CONDITIONS OF APPROVAL :

1. Construction shall proceed consistent with the plans, specifications and supporting documents submitted to this department with the application for the shoreline permits. Proposed changes or modifications to these plans and specifications, including those required by other agencies, may require additional regulatory review and/or approval by the Department of Building and planning prior to implementation.

2. Construction and operation of the project shall comply with all County, State, and Federal permit conditions.

3. Construction activities of approved projects are authorized for a period of five years from the date of final approval, provided that activity on the project commences within two years of final approval.

4. Construction waterward of the OHWM shall be tied to the schedule conditions of other federal and state agencies, provided such conditions are consistent with and pertinent to the SMA and SMP goals, policies and regulations. Pursuant to this condition, the applicant shall provide the Building and Planning Department with copies of all local, state and federal permits associated with the project.

5. Stormwater and erosion control must be provided in accordance with the applicable Chapters of Title 16 of the Cowlitz County Code. The applicant is also responsible for compliance with all other applicable local, state and federal stormwater and erosion control permitting requirements. The applicant shall develop and implement a Water Quality Protection and Monitoring Plan (WQPMP) for project construction. The plan, at a minimum, shall include provisions for visual monitoring of adjacent surface water bodies and wetlands if stone column installation occurs within 100 feet of the surface water or wetland. The applicant shall provide a copy of the final WQPMP prior to the initiation of construction. Proper erosion control devices shall be installed using BMPs prior to construction. All BMPs shall be properly maintained throughout project construction.

6. In the event of the discovery of cultural and/or archeological sites during construction, the project shall be halted and the applicant shall immediately notify the Washington State Department of Archaeology and Historic Preservation and copy such notification to the Cowlitz County Department of Building and Planning.

7. The applicant shall provide a copy of the permit, conditions, and drawings to all contractors performing any of the authorized work.

8. Significant light or glare shall not be cast onto adjacent properties or the Columbia River.

9. Representatives from this department shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that the project is being, or has been, accomplished in accordance with the terms and conditions of this permit.

10. The permittee shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The permittee shall notify this department immediately should the authorized activity cease or be abandoned. Such action may require restoration of the area.

11. The applicant shall comply with Construction and Operation Regulations in the Cowlitz County Shoreline Master Program (attached to permit).

12. Maximum permissible noise levels shall be in accordance with the provisions of WAC Chapter 173-60. To comply with applicable noise levels, the applicant shall undertake the following noise mitigation measures:

    Cooling water pumps:
    a. Option 1 - Limit the sound level of the cooling water pumps to 65 dBA or less at a distance of 100 feet.

    b. Option 2 - Install the cooling water pumps on the east side of the cooling tower.

    Methanol loading pumps:
    a. Option 1 - Construct a noise wall around the north, west, and south sides of the pad containing the methanol loading pumps. The wall should be 2 feet taller than the pumps. Such a wall would reduce the sound levels at residential receptors to the west (in Oregon) and south (at the Sportsmans Club), and would not adversely affect residences to the east.

    b. Option 2 - Limit the sound level for each pump to 59 dBA or less at 100 feet.

    Other noise mitigation measures could also be considered if determined to be equally effective at reducing noise levels. The applicant shall provide details of compliance with this condition prior to building permit approval for the subject elements.

13. Proposed in-water work shall be conducted only during the in-water work window that is ultimately approved for this project.

14. There shall be no discharge of oil, fuels, or chemicals to surface waters, or onto land where there is a potential for re-entry into surface waters

15. Fuel hoses, oil drums, oil or fuel transfer valves, fittings, etc., shall be checked regularly for leaks, and materials shall be maintained and stored properly to prevent spills.

16. A spill prevention, control, and countermeasures (SPCC) plan shall be prepared by the contractor and used during all demolition and construction operations. A copy of the plan with any updates shall be maintained at the work site.

17. Any spills, soil or debris accidentally entering the water during construction shall be immediately removed by approved methods. All project work shall cease immediately until cleanup of such spills is completed. If a spill requiring reporting occurs, or if an oil sheen or distressed or dying fish are observed in the project vicinity, the permittee shall immediately contact DOE at its Southwest Regional Spill Response Office, (360) 407-6300.