

14 June 2012

Steve Harvey, Director
Cowlitz-Wahkiakum Council of Governments
207 Fourth Avenue North
Kelso, WA 98626

Re: Proposed Cowlitz County Shoreline Jurisdiction

Dear Steve:

The Watershed Company (TWC) and Parametrix, in collaboration with staff from Cowlitz County (County) and the cities of Castle Rock, Kelso, Kalama, and Woodland, has developed a set of preliminary maps showing the proposed shoreline jurisdiction as part of the Shoreline Master Program (SMP) update for Cowlitz County and its partner jurisdictions. [Enclosed]

The proposed shoreline jurisdiction shown in these maps is determined based upon the State Shoreline Management Act (SMA) and current Washington Department of Ecology (Ecology) rules and guidance documents. Under the SMA, all of the following areas are regulated as “Shorelines of the State” under the SMP:

- Streams and rivers with over 20 cubic feet per second (cfs) mean annual flow; their floodway and contiguous floodplain areas extending 200 feet from the floodway;
- Lakes 20 acres or greater in size, measured from Ordinary High Water Mark (OHWM);
- Shorelands 200 feet landward from the OHWM of all jurisdictional streams, rivers, and lakes; and
- Associated wetlands that are hydrologically connected to any of the shorelines described above, located within 200 feet of a jurisdictional waterbody, or are entirely/partly located within the waterbody’s 100-year floodplain.

Our first step in updating the shoreline jurisdiction was to review the precise shoreline boundaries (OHWM location or stream centerline) and associated wetlands definitions found in the WAC and in Ecology’s SMP guidance documents. The best available geographical data from Ecology, the U.S. Geological Survey (USGS), the U.S. Fish and Wildlife Service (USFWS), and the Federal Emergency Management Agency (FEMA) were reviewed collectively in determining the most accurate shoreline boundary. Mapping of the approximate OHWM utilized primarily two data sets, the National Hydrography Dataset (NHD) developed by the

USGS (2010) and Ecology's Suggested Shorelines Arcs (2010), and compared to the County's most recent aerial imagery.

While the jurisdiction boundary is built on the most current data, the level of accuracy remains limited and might require ground-truthing at the time of a development action review. Particularly, site-specific analysis of the OHWM, wetland boundary and connectivity will be needed. Each jurisdiction map therefore will include the following disclaimer, derived from Ecology's recommendation:

"Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation at the project level may be needed to confirm/verify information shown on this map."

Streams/Rivers

The upstream limit of shoreline jurisdiction for streams and rivers is that point where the mean annual flow becomes less than 20 cubic feet per second (cfs). Ecology GIS data (Suggested Shoreline Points, 2010) was consulted to verify the upstream limits of stream and river shoreline jurisdiction based on the USGS's 1998 study of the 20 cfs cut-off (Kresch 1998¹). For purposes of this preliminary map set, shoreline jurisdiction is shown extending upstream to this 20 cfs cut-off points as directed by Department of Ecology. The 1998 USGS study has resulted in some expansion of shoreline jurisdiction, both in terms of including new waterbodies as well as extending jurisdiction further upstream than previously mapped. For example, Studebaker Creek (above Castle Lake), South Coldwater Creek, Coldwater Creek, Outlet Creek, and South Fork Mill Creek have all been designated as 20 cfs streams at some point along their watercourse.

Additionally, the current County-adopted FEMA Q3 flood data (1996) was used to identify both the floodway and 100-year floodplain, where present. Per the SMA, all areas within the floodway are included as part of shoreline jurisdiction, as well as the area up to 200 feet landward of the floodway where a contiguous floodplain is present.

All streams and rivers which have mean annual flow of 1,000 cfs or greater are considered Shorelines of Statewide Significance and will be documented in the Shoreline Inventory Map Folio (in development).

Lakes

Within Cowlitz County, 3 lakes are listed by WAC 173-20-180 as Shorelines of the State since they are larger than 20 acres (Fawn, Merrill, and Horseshoe Lakes). Additionally, WAC 173-20-

¹ http://www.ecy.wa.gov/programs/sea/pubs/USGS_reports/WRIR%2098-4160.pdf

190 lists Merwin, Silver, and Yale Lakes as Shorelines of Statewide Significance since they are greater than 1,000 acres in surface area. Further study has shown an additional 5 lakes are also considered Shorelines of the State based on the 20-acre criterion and the NHD GIS polygons. These include: Coldwater and Castle Lakes, located within federally owned land; Swift Number Two Forebay, which connects Swift Reservoir with Yale Lake; Kress Lake, a 24.6-acre lake and former gravel mine located within the City of Kalama's urban growth boundary; and Log Pond, located within Longview's planned annexation boundary.

Associated Wetlands

Associated wetlands are those that are "in proximity to and either influence or are influenced by ... a lake or stream subject to the Shoreline Management Act" and "[t]he entire wetland is associated if any part of it lies within the area 200 feet from either the ordinary high water mark or floodway" or "if any part is located within the 100 year floodplain of a shoreline"².

Wetlands meeting the latter two criteria are mapped as "Potentially Associated Wetlands" in the attached map set. Location and boundary of these wetlands are drawn from the National Wetlands Inventory (NWI) GIS dataset (USFWS, 2010). Non-associated wetlands are intentionally omitted from this map set.

However, wetlands that are either outside of the floodplain or the 200-foot standard shorelands area may still be associated on the basis of a hydraulic connection to the shoreline. Wetlands that are separated by an obvious topographic break from the shoreline are not associated, provided they are outside the shoreland zone, and that the break is not an artificial feature such as a berm or road. These possible additional shoreline-associated wetlands can only be determined on a project-level basis at the time of permit application. Further, the NWI is not completely accurate and up-to-date. Therefore, actual wetland presence and boundaries must be verified at the project level. NWI boundaries have been adjusted only in very limited circumstances where documentation has been provided and the corresponding results would have significant bearing on the analysis of ecological functions.

Optional Shoreline Jurisdiction Boundaries

The County has the option of expanding shoreline jurisdiction to include lands necessary for critical area buffers and/or the entire Special Flood Hazard Area (SFHA), also known as 100-year floodplain. The legislative intent for sole regulation under an updated SMP includes an important caveat. If a local government's SMP does not include "land necessary for buffers for critical areas," then its critical areas ordinance (CAO) will continue to regulate critical areas and floodplain that are partly within the normal SMA jurisdiction and their buffers. The SMP also will apply within shoreline jurisdiction, resulting in dual coverage by both the CAO and SMP.

² http://www.ecy.wa.gov/programs/sea/sma/st_guide/jurisdiction/Shorelands.html

The County can voluntarily extend shoreline jurisdiction to include critical area buffers and/or floodplain that are beyond the usual SMA jurisdiction. Extending SMA jurisdiction helps to reduce regulatory duplication in the future. This is a fundamental issue that should be carefully considered by the County. These are options that are best deferred to the decision-making process in Phase 3.

The attached maps currently do not include expanded shoreline jurisdiction to include critical area buffers and/or floodplain. More information is included within Ecology's Shoreline Master Program Handbook:

Integration of Critical Areas:

http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/pdf/integrating_caos_smp_revised411.pdf

Shoreline Jurisdiction:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/Chapter5.pdf>.

Federal Ownership

The SMA generally does not include federal and tribal lands in shoreline jurisdiction. As stated in RCW 90.58.280: "The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them." However, WAC 173-27-060 says that "lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership" are subject to the SMA. For these purposes, all federal lands are included in the proposed jurisdiction boundary. Provisions can be included in the SMP addressing any future unanticipated nonfederal leases or easements on federal lands adjacent to shoreline waterbodies.

Future Annexation Areas

For cities with potential future annexation areas, SMPs may include Shoreline Environment pre-designations within designated unincorporated Urban Growth Boundaries. For reference, these areas are depicted on both the County and City scale jurisdiction maps. Any pre-designated environment designations should be discussed during Phase 3 of the County's SMP update process.

While the proposed shoreline jurisdiction excludes areas within the City of Longview, Longview's unincorporated Planned Annexation Boundary (PAB) is included in the County's proposed jurisdictional area. Similar to the above discussion, any pre-designations within Longview's PAB should be coordinated during Phase 3 of the County's SMP update process.

S. Harvey
14 June 2012
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Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Nickel". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Dan Nickel
Environmental Engineer

Enclosures