

CLALLAM COUNTY

PROJECT COMPLETION REPORT

CZM306 GRANT CONTRACT #G0089037

TD
171.3
.W22
C63
1989

TD171.3.W22C63 1989

CLALLAM COUNTY

PROJECT COMPLETION REPORT

CZM306 GRANT CONTRACT #GOO89037

"The preparation of this report was financially aided through a grant from the Washington State Department of Ecology with funds obtained from the National Oceanic and Atmospheric Administration, and appropriated for Section 306 of the Coastal Zone Management Act of 1972."

Clallam County Project Completion Report

Summary

Clallam County and the Washington State Department of Ecology entered into an agreement under CZM 306 funds to carry out two work activities: Environment redesignations for Clallam River and Clallam Spit and Completion of Hydropower Use Activity Chapter for the County Shoreline Master Program. Because of staff changes within the Clallam County Planning Division, work on the first element (environmental redesignation) did not begin under this grant contract. The second work element, however, has been successfully completed.

The second work element consisted of adding a hydropower use activity element chapter in the Shoreline Master Program. The Shoreline Advisory Committee conducted a public hearing on the draft amendments on November 29, 1988. The Committee considered state agency and public comments and concluded that an additional work session was warranted. The Shoreline Advisory Committee held a work session on March 8, 1989, and incorporated substantive changes to the chapter. Due to the substantive changes, a second public hearing by the Shoreline Advisory Committee was held on May 30, 1989. At that time, after minor revisions, the Committee passed their recommendations to the Board of Clallam County Commissioners. The Board held a hearing on July 5, 1989, and unanimously recommended that Washington Department Ecology accept these amendments to the Clallam County Shoreline Master Program. The Resolution of the Board with proposed amendments has been attached as Exhibit A.

Summary of Proposed Amendments

The proposed amendment consists of a new chapter of the Clallam County Shoreline master Program (Chapter 5.22) which establishes a new definition, new policies and new regulations for the siting, construction and operation of hydroelectric generating facilities in Clallam County. The amendment applies to facilities siting on Shorelines of the State, as defined by the Shoreline Management Act, Chapter 90.578 RCW.

The amendment established new policies and regulations which establish location and design criteria, public access requirements, recreational consideration, site development and mitigation requirements for developments which would result in loss of wildlife habitat or valuable ecosystems.

The amendment also removes hydroelectric developments from the chapter of the Master Program dealing with utilities (Chapter 5.09).

List of Exhibits

Exhibit A - Board Resolution adopting Shoreline Master Program amendments

Exhibit B - SEPA Threshold Determination and Environmental Checklist

Exhibit C - Affidavits of Publication of Notice of Hearing

Exhibit D - Chapter 5, Clallam County Shoreline Master Program Review and Amendment Process

Exhibit E - Shoreline Advisory Committee hearing minutes

Exhibit F - Comments received under WAC 173-19-061(3) & (4)

Exhibit G - Staff Report

BEFORE THE CLALLAM COUNTY BOARD OF COMMISSIONERS, STATE OF WASHINGTON

IN THE MATTER OF:

Findings of Fact)
Revisions to the)
Clallam County)
Shoreline Master)
Program)

RESOLUTION NO. 108, 1989

The Clallam County Shoreline Advisory Committee finds as follows:

WHEREAS, the Clallam County Shoreline Advisory Committee has proposed refinements to the Clallam County Shoreline Master Program.

WHEREAS, the Clallam County Shoreline Advisory Committee conducted a public hearing on May 30, 1989, to accept public testimony on the proposed refinements.

WHEREAS, the Clallam County Shoreline Advisory Committee considered those public comments received at the public hearing on May 30, 1989.

WHEREAS, the Clallam County Shoreline Advisory Committee has followed the procedures as set forth in Chapter 90.58.120 RCW for revisions to local master programs.

WHEREAS, the Clallam County Shoreline Advisory Committee and Board of Clallam County Commissioners have reviewed the environmental checklist on the proposed revision and the environmental determination of non-significance.

WHEREAS, the refinements to the Master Program consist of a new section on hydroelectric developments to further the intent of the Shoreline Management Act and the policies established under Washington Administrative Code 173-16.

WHEREAS, the Board of Clallam County Commissioners has reviewed the proposed revisions as recommended by the Shoreline Advisory Committee and concurs with the Committee's recommendation.

THEREFORE, BE IT RESOLVED THAT the above findings of fact be adopted for the revisions to the Clallam County Shoreline master Program and that the said revisions be marked as Exhibit 1 to this resolution.

PASSED AND ADOPTED THIS 5th DAY OF July, 1989.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Dorothy Duncan
Dorothy Duncan, Chair

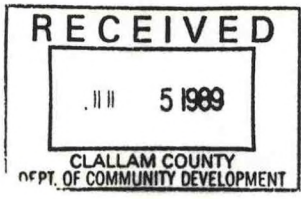
Dave Cameron
Dave Cameron

Lawrence Gaydeski
Lawrence Gaydeski

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

ordrez:smpamend.doc



5.22 HYDROELECTRIC DEVELOPMENT and IMPOUNDMENT STRUCTURES

A. DEFINITION

A hydroelectric generating facility is hereby defined as an in-stream facility or device requiring the diversion, impoundment or use of water in order to produce, generate and transmit electrical power. This section shall apply to all hydroelectric generation facilities, including private hydropower development on National Forest lands where the stream flow meets the minimum requirements for shorelines of the state, pursuant to Chapter 90.58.030 R.C.W.

A dam is an in-stream impoundment structure extending across the width of a streamway and is designed and constructed to provide flood control, irrigation, or water supply.

B. POLICIES

1. Location and Design Features

- a. Hydroelectric generation and associated facilities should provide for the protection and preservation of natural and cultural resources including, but not limited to, fish, wildlife and water resources, sensitive areas such as marshes, bogs and swamps, sensitive geologic and geohydraulic areas and waterfalls, erosion and accretion areas and natural scenic vistas.
- b. Careful consideration should be given to avoiding or minimizing land use conflicts to properties in the shorelines jurisdiction and to properties both adjacent to and upstream and downstream of the proposed site.
- c. Proposals for hydroelectric generation and associated facilities should give careful consideration to the design, location, security and construction of access roads, impoundment structures and reservoirs, penstocks, and power houses to minimize adverse impacts to the shoreline and the surrounding area.
- d. Applications for hydroelectric facilities should clearly document the suitability of the proposed site for the specific type of development, including alternative locations. Such site suitability analysis should thoroughly consider the environmental effects of the proposed facility at the primary site and the alternative sites.
- e. Dams and hydroelectric facilities should not be located on river and stream stretches that contain documentable high value fish and wildlife spawning, nesting, rearing habitat areas and migratory routes.

- f. The expansion of existing hydroelectric facilities or the integration of hydroelectric facilities within existing flood control, irrigation, or water supply facilities is preferred over the development of new facilities. When new sites are considered, sufficient evidence should be presented to demonstrate that existing facilities are fully utilized or are not practicably available.
- g. Dams and hydroelectric facilities should be located so as not to adversely impact sites having historic, cultural, scientific or educational value as identified by the appropriate authorities.
- h. All diversion structures should be designed to permit natural transport of bed load materials.
- i. Mitigation should be required for loss of fisheries and wildlife resources, natural systems and sensitive areas. No net loss in function or value should occur as a result of dam and hydroelectric development. When required, mitigation measures should be properly planned and monitored to ensure their effectiveness.
- j. All non-water dependent facilities such as staging and storage areas, switching yards, utility transmission lines and in many cases power houses, should be located outside of the floodway and floodplain, if possible and reasonable.
- k. In determining the appropriateness of a stream or river for hydroelectric development, the recommendations and conclusions of the Northwest Power Planning Council (1988) or equivalent state-adopted site ranking study should be considered.

2. Public Access and Recreational Considerations

- a. Hydroelectric facilities should be designed and constructed to insure public access to and along the shoreline, provided that public access-related improvements do not create additional adverse environmental impacts.
- b. Hydroelectric facilities should be provided with trails and other access links as well as appropriate ancillary facilities, such as parking and sanitary facilities, etc., if recreational opportunity is created.
- c. The nature, time, number of people and area open to public access should be regulated for the purposes of habitat protection and/or public safety.

- d. Public access and recreational requirements for hydroelectric facilities should apply to those facilities which are located on publicly owned land or which are capable of generating one megawatt or more of power, annually to a utility grid or system.
- e. Existing public access and recreational opportunities should be retained, enhanced, or replaced.

3. Shoreline Support Structures

a. Powerhouses

- 1. Powerhouses and related structures should be designed, located and constructed so as to avoid extensive alteration of the topography and to preserve the natural features of the shoreline.
- 2. These structures should be designed and located to minimize removal of riparian vegetation.

b. Support Structures

- 1. Non-water dependent structures should be constructed away from ordinary high water in order to minimize removal of native (riparian) vegetation, to minimize the necessity of massive shore defense structures such as revetments, and to insure unrestricted flood channel capacity.
- 2. Seeding, mulching, matting and replanting should be accomplished in a timely fashion, where necessary, to provide stability on the disturbed area. Replanted vegetation should be of a type and density similar to existing vegetation in the general vicinity. The goal of the landscaping plans should be erosion control and mitigation of aesthetic impacts through the use of native species where practicable.

c. Distribution Systems

- 1. Electric distribution systems should be designed to harmonize with the environment and to minimize the clearing and grading of right-of-way.
- 2. Utilities to transmission lines should be located so as to minimize obstruction or degradation of a scenic view.
- 3. Service roads should be of a size which are minimally necessary to safely accomplish maintenance and repair of the facility.

4. Clearing and Excavation Management

- a. All debris, overburden and other waste materials from construction should be disposed of in such a manner so as to prevent their entry into a water body by erosion from drainage, high water or other vectoring mechanisms.
- b. Dam and hydroelectric facilities should be constructed in such a manner that minimizes erosion and sedimentation during construction.

C. REGULATIONS

1. General

- a. Permit Application - All permit applications shall contain, at a minimum, the following:
 1. A site suitability analysis which provides sufficient justification for the proposed site. The analysis must completely address alternative sites, if available.
 2. Proposed location and design of powerhouse, pen stock accessory structures and access/service roads. Said locations shall be marked on the ground, and an on-site open public meeting may be required by the Shoreline Advisory Committee.
 3. Provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable.
 4. A plan which describes the extent and location of vegetation which is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required under this section.
 5. A hydraulic analysis prepared by a licensed professional engineer which sufficiently describes the project's effects on stream-way hydraulics, including potential increases in base-flood elevation, changes in stream velocity and the potential for re-direction of the normal flow of the affected stream.
 6. Biological resource inventory and analysis which sufficiently describe the project's effects on fisheries and wildlife resources, prepared by a professional biologist.
 7. Provision for erosion control, protection of water quality and fishery and wildlife resources during construction.
 8. Long-term management plans which describe, in sufficient detail, provision for protection of in-stream resources during construction and operation. The plan shall include means for monitoring its success.

b. Public Access Requirements -

1. Hydroelectric developments which provide or generate more than one megawatt of electrical power annually or are located on public land may be required to provide public access, provided public access improvements do not create additional adverse environmental impacts to and along the affected shoreline, nor create a safety hazard to the public. Public access provisions shall include, but not be limited to any combination of trails, vistas, parking, and any necessary sanitation facilities. The purpose is to allow maximum utilization of potential recreational opportunities, with consideration of handicapped persons where such consideration is feasible.

c. Site Development

1. Erosion and Drainage Control

- a. Temporary and emergency erosion control drainage measure, such as, but not limited to, silt curtains, berms, and storm-water catch basins shall be utilized during the construction phase to prevent shoreline erosion and siltation of the water body.
- b. Temporary erosion and drainage control devices may be removed following construction completion, provided that an approved erosion control and maintenance plan has been implemented by the contractor(s).

2. Clearing/Excavation Management

- a. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body by erosion from drainage, high water, or other vectoring mechanisms.
- b. All debris disposal sites shall be identified by the developer or contractor prior to construction.
- c. All disposal sites are subject to the approval of the responsible agency for Clallam County.

3. Staging and Storage Areas

- a. All heavy construction equipment, including fuel storage and repair areas, shall be stored greater than 200' from ordinary high water.

- b. Construction material staging areas shall be located greater than 200' from ordinary high water, except this shall not apply during construction and assembly periods.
- c. Service roads shall be of a size which are minimally necessary to safely accomplish maintenance and repair of the facility.
- d. Hazardous and/or toxic materials shall be stored in such a manner so as to prevent spillage or accidental entry into the streamway.

d. Structural Development

1. Powerhouses/penstocks

- a. These shall be designed, located and constructed in such a manner as to avoid extensive topographical alteration and to minimize or avoid, as much as possible, impacts to the natural features of the shoreline.
- b. These structures shall be designed and located to minimize removal of riparian vegetation.
- c. Penstocks shall be designed, located and constructed so as to present as low a profile as possible.
- d. Power houses shall be located a minimum of 25 feet from ordinary high water, provided that this setback does not apply to raceways.
- e. Facilities shall be located so as not to adversely impact sites having historic, cultural, scientific or educational value, as identified by the appropriate authorities.
- f. All diversion structures shall be designed to permit the natural transport of bedload materials.

2. Improvements

- a. On run-of-the-river developments, impoundments shall be located in such a manner as to minimize impacts on natural scenic values.
- b. Subject to the approval of the appropriate authority of the State, hydropower development shall provide adequate upstream or downstream migration of anadromous fish.

3. Utility Transmission Lines

- a. Where practicable, transmission lines shall be located underground within the shoreline management jurisdiction.
- b. Utilities to transmission lines shall be located so as to minimize obstruction or degradation of a scenic view.

2. Environments

a. Natural

New or expanded hydroelectric development or dams is prohibited. Maintenance of existing developments is allowed.

b. Conservancy

Hydroelectric development and dams are allowed as conditional uses, subject to the policies and regulations of this section.

c. Rural, Suburban and Urban

Hydroelectric development and dams are permitted, subject to the policies and regulations of this section.

3. Mitigation

- a. Mitigation shall be required of the proponent for the loss of fish and wildlife resources, natural systems and sensitive areas. The mitigation required shall be commensurate to the value and type of resource or system lost. No net loss in function or value shall occur from dam or hydroelectric development.
- b. Where mitigation for loss of natural systems and resources is required, a mitigation plan shall be prepared by the proponent, and subject to the approval of the appropriate state authorities, that details the objectives of the mitigation activities.
- c. Mitigation activities shall be monitored to determine the effectiveness of the mitigation plan. Monitoring shall be accomplished by a third party, subject to the approval of the County, and shall have the concurrence of the appropriate authority of the State. Results of monitoring shall be publicly available.
- d. If mitigation is found to be ineffective, corrective action will be required of the proponent which satisfies the mitigation objectives.

- e. If the mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, then the application will be denied.

smp a:hydrorev..doc 1-5-89

SEPA Rules

RCW 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

Amendment to Clallam County Shoreline Master Program - New Section (Chapter 5.22) on Policies and Standards for the construction and operation of hydroelectric development facilities. Would provide detail policy and regulations on the siting of hydroelectric development facilities in Clallam County.

Proponent:

Clallam County Department of Community Development
223 E. Fourth Street
Port Angeles, WA 98362

Location of proposal, including street address, if any:

Lead agency: Clallam County

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

[] There is no comment period for this DNS.

[XX] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by:

NOVEMBER 15, 1988
(Date)

You may appeal this determination to the Board of Clallam County Commissioners, at 223 East Fourth Street, Port Angeles, WA, no later than NOVEMBER 15, 1988 by filing such written appeal with the Clerk of the Board.

You should be prepared to make specific factual objections. Contact Department of Community Development, Ext. 322,, to read or ask about the procedures for SEPA appeals.

Responsible official: Ray Gilmore, Planning Division Manager, Department of Community Development, 223 East Fourth Street, Port Angeles, WA 98362, 452-7831, Ext. 325

Date October 31, 1988 Signature Ray Gilmore

Please publish: ~~(once)~~ 11/3/88
Please bill: County Dept. of Community Development
pubnot:hydroelec.doc

A. BACKGROUND

1. Name of proposed project, if applicable:

Amendment to Clallam County Shoreline Master Program - New Section (Chapter 5.22) on Policies and Standards for the construction and operation of hydroelectric development facilities. Would provide detail policy and regulations on the siting of hydroelectric development facilities in Clallam County.

2. Name of applicant:

Clallam County Department of Community Development

3. Address and phone number of applicant and contact person:

223 East 4th Street
Port Angeles, WA 98362

4. Date checklist prepared:

October 31, 1988

5. Agency requesting checklist:

Clallam County

6. Proposed timing or schedule (including phasing, if applicable):

Shoreline Advisory Committee Hearing - Scheduled for November 29, 1988.

Board of Clallam County commissioners consideration - Tentatively scheduled for mid-December of 1988.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not for this proposed new section. Future refinements are always a possibility.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No

10. List any government approvals or permits that will be needed for your proposal, if known.

Adoption by Washington Department of Ecology, pursuant to W.A.C. 173-19.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Incorporate a new use-activity section which clearly and uniformly expresses policy for the development of hydroelectric generation facilities being located within shorelines of the state in Clallam County. New section contains specific performance requirements for construction and operation of hydroelectric generation facilities.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Non-project would apply to all facilities which are constructed within shorelines of the state in Clallam County, as defined by R.C.W. 90.58.030 and the Clallam County Shoreline Master Program.

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____.

Not applicable.

b. What is the steepest slope on the site (approximate percent slope)?

Not applicable.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Not applicable.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Not applicable.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The proposed amendment to the Shoreline Master Program contains more specific policies and regulations which address performance requirements for the control of erosion and mitigation for hydroelectric developments in potentially unstable areas.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Air quality impacts would most likely occur during the construction phase of these facilities. Mitigation measures can be required under SEPA to address air quality for a specific project.

3. Water

a. Surface:

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable.

2. Will the project require any work-over, in or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Hydroelectric facilities typically require surface water withdrawals, particularly run-of-the-river facilities. The quantity cannot be determined at this point, but would be known when a specific project is proposed.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not known. This information will be known at the time a specific project is proposed and the precise location is determined.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Non-project does not involve any waste discharges.

b. Ground:

1. Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Not applicable.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water Runoff (including storm water):

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

2. Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The proposed non-project would not produce any impacts to surface or ground water. Specific projects may produce these impacts. However, mitigation measures can be employed which minimize or eliminate undesirable impacts to surface and ground water.

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

Not applicable.

b. What kind and amount of vegetation will be removed or altered?

Not applicable.

c. List threatened or endangered species known to be on or near the site.

Not applicable.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The proposed non-project will not produce any impacts to plants. Specific projects may produce impacts which, if deemed undesirable, can be mitigated to minimize or eliminate these undesirable impacts. Some large scale impoundments can produce impacts which result in an irretrievable loss of vegetative habitat.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other: _____
- Mammals: deer, bear, elk, beaver, other: _____
- Fish: bass, salmon, trout, herring, shellfish, other: _____

Not applicable.

b. List any threatened or endangered species known to be on or near the site.

Not applicable.

- c. Is the site part of a migration route? If so, explain.

Not applicable.

- d. Proposed measures to preserve or enhance wildlife, if any:

The proposed non-project will not produce any impacts to animals. Specific projects may produce impacts which, if deemed undesirable, can be mitigated to minimize or eliminate these undesirable impacts. Some large scale impoundments can produce impacts which result in the irretrievable loss of animal habitat.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The proposed non-project addresses standards for the construction and operation of hydroelectric generation facilities. Specific mitigation to reduce or control energy impacts are not proposed.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not applicable.

1. Describe special emergency services that might be required.

Not applicable.

2. Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable.

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable.

3. Proposed measures to reduce or control noise impacts, if any:

The proposed non-project will not produce noise. Specific projects would produce certain types of noise during construction and operation. Construction noises could be controlled by limiting hours of operation. Operational noise, notably from powerhouses, can be minimized through proper design and location.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Not applicable.

b. Has the site been used for agriculture? If so, describe.

Not applicable.

c. Describe any structures on the site.

Not applicable.

d. Will any structures be demolished? if so, what?

Not applicable.

e. What is the current zoning classification of the site?

Not applicable.

f. What is the current comprehensive plan designation of the site?

Not applicable.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Not applicable.

i. Approximately how many people would reside or work in the completed project?

Not applicable.

j. Approximately how many people would the completed project displace?

Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any:

The proposed non-project would be incorporated into the Clallam County Shoreline Master Program. Specific projects would be evaluated on a case-by-case basis to determine consistency with other land use plans and applicable land-use codes.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable.

c. Proposed measures to reduce or control housing impacts, if any:

Proposal would not affect housing. Specific projects could increase demand for temporary housing during construction phase. Specific impacts would be evaluated on a case-by-case basis during SEPA review.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The proposed Shoreline Master Program amendment contains policies and regulations designed to reduce or control aesthetic impacts through appropriate landscaping requirements.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Proposed non-project will not produce light or glare impacts. Specific projects would be evaluated on a case-by-case basis to determine light and glare impacts. Where appropriate, mitigating measures could be employed to minimize or eliminate light and glare impacts.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Proposed non-project could not affect recreation. Specific types of projects would be required to provide recreational facilities as a result of the proposed policies and regulations.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not applicable.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Not applicable.

c. Proposed measures to reduce or control impacts, if any:

Non-project would have no effect. Specific projects would be required to conform to applicable state laws, if an area of cultural or archeological significance is discovered.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not applicable.

c. How many parking spaces would the completed project have? How many would the project eliminate?

Not applicable.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not applicable.

- g. Proposed measures to reduce or control transportation impacts, if any:

Non-project would not affect transportation. Specific projects could result in significant traffic impacts during construction phase, particularly during "haul" periods. Operational impacts from traffic flow would not be as significant.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Not applicable.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Non-project would not affect public services. Specific projects could result in an increase for public services during construction phase and, depending upon the scale of the project, during operational phase.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Proposed non-project would not produce nor require utilities. Specific projects developed under the proposed policies and regulations would produce electrical power.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature

Date Submitted

Ray Gilmore
October 31, 1988

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Hydro facilities typically do not discharge hazardous wastes from operation. Discharges usually consist of water (from the generator outlet around spillway) which could be super saturated with nitrogen gas. This could be deleterious to fish population within the streamway.

Proposed measure to avoid or reduce such increases are:

All facilities must operate in compliance with federal and state codes which address discharge rates and volumes.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Hydro facilities could significantly affect all of these resources. Mitigation techniques are available to minimize impacts to fisheries resources. Large scale impoundments could result in the irretrievable loss of animal habitat.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Fisheries resources could be enhanced through restock programs or, in the case of anadromous stocks, mechanical conveyance to spawning areas. Alternative designs which do not interfere with migration routes can be required. There are not any mitigation methods which could offset the loss of animal habitat from large scale impoundment reservoirs.

3. How would the proposal be likely to deplete energy or natural resources?

Proposals would increase energy resources, but they have the potential to diminish some natural resources, such as timber production (as a result of impoundments), fisheries and mining.

Proposed measures to protect or conserve energy and natural resources are:

Careful site location and design of hydroelectric generation facilities could minimize impacts to natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Non-project would not affect these areas. Projects proposed could significantly alter environmentally sensitive areas. Where appropriate, mitigating measures could be employed to minimize adverse affects to environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Specific projects constructed under the proposed policies and regulations could avoid or reduce impacts through careful site design and location of those facilities.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendment to the Shoreline Master Program provides more specific policy in terms of the siting and operation of these types of facilities. In respect to the County's Zoning Code (C.C.C. 33), hydro facilities could be permitted in all areas of the County, dependent upon the capacity of the facility.

Proposed measures to avoid or reduce shorelines and land use impacts are:

Proposed standards would avoid or reduce shoreline and land use impacts to the maximum extent possible.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Specific hydroelectric facility projects could supply more electrical power, thus providing a greater supply of electrical power to meet future demands.

Proposed measures to reduce or respond to such demand(s) are:

None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Specific projects could conflict with other state and federal codes. However, as state and federal authorities have prescribed authority on these types of facilities, they may exercise their respective power to approve or deny hydroelectric facilities.

checklist-a:hydroele.doc

EXHIBIT C

Exhibit C

In the Superior Court of the State of Washington for Clallam County

Affidavit of Publication

STATE OF WASHINGTON } COUNTY OF CLALLAM } ss.

The undersigned being first duly sworn on oath, deposes and says:

That she is authorized to and does make this affidavit for and on behalf of Peninsula Daily News, a corporation, and that the following statements of fact are within her personal and actual knowledge.

That said corporation is the owner and publisher of the Peninsula Daily News published in Clallam County, and has been approved as a legal newspaper by order of the Superior Court of said Clallam County of the State of Washington.

That the annexed is a true copy of a

DETERMINATION OF NONSIGNIFICANCE Amendment to Clallam Co. Shoreline Master Program, etc., Invoice #36135

as it was published in regular issues (and not in supplement form) of said newspaper on

November 3, 1988

and that said newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged

for the foregoing publication is \$ 36.64 at the rate

of \$4.58 per line inch XX 100 words for the first insertion

and per line inch 100 words for each subsequent insertion.

Handwritten signature of N. Zussel

Subscribed and sworn to before me this

8th day of November, 1988

Handwritten signature of Notary Public

Notary Public in and for the State of Washington residing at Port Angeles.

SEPA Rules RCW 197-11-970 Determination of nonsignificance (DNS). DETERMINATION OF NONSIGNIFICANCE Description of proposal: Amendment to Clallam County Shoreline Master Program - New Section Chapter 322 - Policies and Standards for the construction and operation of hydroelectric development facilities. Would provide detail policy and regulations on the siting of hydroelectric development facilities in Clallam County. Proponent: Clallam County Department of Community Development, 223 E. Fourth Street Port Angeles, WA 98362 Location of proposal, including street address, if any: Lead agency: Clallam County. The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by: November 15, 1988. You may appeal this determination to the Board of Clallam County Commissioners, at 223 East Fourth Street, Port Angeles, WA, no later than November 15, 1988 by filing such written appeal with the Clerk of the Board. You should be prepared to make specific factual objections. Contact Department of Community Development, Ext. 322, to read or ask about the procedures for SEPA appeals. Responsible official: Ray Gilmore, Planning Division Manager, Department of Community Development, 223 East Fourth Street, Port Angeles, WA 98362, 452-7831, Ext. 325. Date: October 31, 1988. R.D. Gilmore Pub.: Nov. 3, 1988.

In the Superior Court of the
State of Washington for
Clallam County

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss.

The undersigned being first duly sworn on
oath, deposes and says:

That she is authorized to and does make
this affidavit for and on behalf of Peninsula
Daily News, a corporation, and that the
following statements of fact are within her
personal and actual knowledge.

That said corporation is the owner and pub-
lisher of the Peninsula Daily News published in
Clallam County, and has been approved as a
legal newspaper by order of the Superior
Court of said Clallam County of the State of
Washington.

That the annexed is a true copy of a

NOTICE OF PUBLIC HEARING, Clallam
County Shoreline Advisory Committee
Invoice #36039

as it was published in regular issues (and not
in supplement form) of said newspaper on

November 4, 11, 18, 1988

and that said newspaper was regularly dis-
tributed to its subscribers during all of said
period. That the full amount of the fee charged

for the foregoing publication is \$ 109.92
at the rate

of \$4.58 per { line
inch XX
100 words

for the first insertion

and \$4.58 per { line
inch XX
100 words

for each subsequent insertion.

N. Zussel

Subscribed and sworn to before me this

22nd day of November, 1988.

James S. Butler

Notary Public in and for the State of
Washington residing at Port Angeles.

NOTICE OF
PUBLIC HEARING
Clallam County Shoreline
Advisory Committee
NOTICE IS HEREBY GIVEN
that the Clallam County
Shoreline Advisory Commit-
tee will conduct a public
hearing on Tuesday, Novem-
ber 29, 1988, at 7:30 p.m. or
thereafter in the Commis-
sioners' Meeting Room of
the County Courthouse to ac-
cept testimony on the
proposed amendment to the
Clallam County Shoreline
Master Program.
The proposed amendment
consists of a new chapter
(Chapter 5.22) which
establishes a new definition,
new policies and new regu-
lations for the siting, con-
struction and operation of
hydroelectric generating
facilities in Clallam County.
The amendment applies only
to facilities which are capa-
ble of generating electric
power to more than one
single-family residence and
which would be located on
shorelines of the State, as
defined in Chapter
90.58, R.C.W. (Shoreline Man-
agement Act).
The amendment establishes
new policies and regulations
which establish location and
design features, public ac-
cess and recreational consid-
eration, shoreline support
structure, site development
and a special regulation sec-
tion regarding the applicabil-
ity of the Shoreline Master
Program to hydroelectric de-
velopment in National Forest
areas and natural system
mitigation for hydroelectric
developments which would
result in the loss of
environmentally sensitive
areas.
Persons interested in the
proposed amendment are
invited to attend the hearing
and make their views
known. Prior to the hearing,
the proposed amendment
and the environmental eval-
uation may be examined at
the office of the Clallam
County Planning Division,
223 East 4th Street, Port An-
geles, WA. Copies of the
proposed amendments are
available to interested citi-
zens at the Planning Division
Office and at the Forks, Port
Angeles, and Sequim
branches of the North Olym-
pic Library System.
Pub.: Nov. 4, 11, 18, 1988.

In the Superior Court of the
State of Washington for
Clallam County

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss.

The undersigned being first duly sworn on
oath, deposes and says:

That she is authorized to and does make
this affidavit for and on behalf of Peninsula
Daily News, a corporation, and that the
following statements of fact are within her
personal and actual knowledge.

That said corporation is the owner and pub-
lisher of the Peninsula Daily News published in
Clallam County, and has been approved as a
legal newspaper by order of the Superior
Court of said Clallam County of the State of
Washington.

That the annexed is a true copy of a

Notice of Public Hearing
Shoreline Advisory Committee
Invoice #57584

as it was published in regular issues (and not
in supplement form) of said newspaper on

March 16, 1989

and that said newspaper was regularly dis-
tributed to its subscribers during all of said
period. That the full amount of the fee charged

for the foregoing publication is \$ 36.98
at the rate

of \$4.93 per { line
inch XX
100 words

for the first insertion

and per { line
inch
100 words

for each subsequent insertion.

D. Zussel

Subscribed and sworn to before me this

21st day of March, 1989

Janis L. Sette

Notary Public in and for the State of
Washington residing at Port Angeles.

NOTICE OF
PUBLIC HEARING
Clallam County
SHORELINE
ADVISORY COMMITTEE
NOTICE IS HEREBY GIVEN
that the Clallam County
Shoreline Advisory Commit-
tee will conduct a public
hearing at its regular meet-
ing on March 28, 1989, at
7:30 p.m. or thereafter in
the Commissioners' Meeting
Room of the County Court-
house to accept testimony
on a proposed amendment
to the Clallam County
Shoreline Master Program.
The proposed amendment
consists of a new chapter
(Chapter 5.22) which est-
ablishes a new definition,
new policies and new regu-
lations for the siting, con-
struction and operation of
hydroelectric generating
facilities in Clallam County.
The amendment applies only
to facilities which are capa-
ble of generating electric
power to more than one
single-family residence and
which would be located on
shorelines of the State as
defined in Chapter 90.58
R.C.W. (Shoreline Manage-
ment Act).
The amendment establishes
new policies and regulations
which establish location and
design features, public ac-
cess and recreational consid-
eration, shoreline support
structure, site development
and a special regulation sec-
tion regarding the applicabil-
ity of the Shoreline Master
Program to hydroelectric de-
velopment in National Forest
areas and the natural sys-
tem mitigation for hydro-
electric developments which
would result in the loss of
environmentally sensitive
areas.
Persons interested in the
proposed amendment are in-
vited to attend the hearing
and make their views
known. Prior to the hearing,
the proposed amendment
and the environmental eval-
uation may be examined at
the office of the Clallam
County Planning Division,
223 East 4th Street, Port An-
geles, WA. Copies of the
proposed amendment are
available to interested citi-
zens at the Planning Division
Office.
Pub.: March 16, 1989.

In the Superior Court of the
State of Washington for
Clallam County

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss.

The undersigned being first duly sworn on
oath, deposes and says:

That she is authorized to and does make
this affidavit for and on behalf of Peninsula
Daily News, a corporation, and that the
following statements of fact are within her
personal and actual knowledge.

That said corporation is the owner and pub-
lisher of the Peninsula Daily News published in
Clallam County, and has been approved as a
legal newspaper by order of the Superior
Court of said Clallam County of the State of
Washington.

That the annexed is a true copy of a

Resolution No. 95, 1989

Invoice #72018

as it was published in regular issues (and not
in supplement form) of said newspaper on

June 16, 23, 30, 1989

and that said newspaper was regularly dis-
tributed to its subscribers during all of said
period. That the full amount of the fee charged

for the foregoing publication is \$ 229.25
at the rate

of \$4.93 per { line
inch XX
100 words

for the first insertion

and \$4.93 per { line
inch XX
100 words

for each subsequent insertion.

D. Quisenberry

Subscribed and sworn to before me this

5th day of July, 1989

Janice S. Sutter

Notary Public in and for the State of
Washington residing at Port Angeles.

RESOLUTION NO. 95, 1989
BEFORE THE BOARD OF
CLALLAM COUNTY COMMISSIONERS
STATE OF WASHINGTON

In the Matter of
A Call for Public Hearing on the Proposed Amendments to
the Shoreline Master Program
THE BOARD OF CLALLAM COUNTY COMMISSIONERS FINDS
AS FOLLOWS:

1. The proposed amendment to chapter 5.22 of the Clallam
County Shoreline Master Program, a summary of which is
attached to this resolution, marked as "Exhibit A" and
incorporated herein by this reference, should be consid-
ered by the Board for adoption. A true and correct copy of
the amendment is on file in the office of the Board of
Clallam County Commissioners and is available for public
inspection during regular business hours.

2. The Shoreline Management Act, Section 90.58.120 RCW,
requires that a public hearing be held prior to the adoption
of amendments to a Shoreline Master Program by the local
jurisdiction.

3. The Shoreline Management Act also requires that notice
of public be advertised in a newspaper of general circula-
tion at least once a week for three weeks preceding the
hearing.

IN CONSIDERATION OF THE ABOVE FINDINGS, IT IS HERE-
BY RESOLVED BY THE Board of Clallam County
Commissioners:

I. That a public hearing be held in the Commissioners'
Meeting Room, Room 160, Clallam County Courthouse, on
the 5th day of July, 1989, at 10:00 a.m., at which hearing
the board will consider the adoption of the proposed
amendment, a summary of which is attached to this reso-
lution as "Exhibit A". A true and correct copy of the
amendment is on file in the office of the Board of Clallam
County Commissioners and is available for public inspec-
tion during regular business hours.

II. That the full text of this resolution and attached amend-
ment be published one time each week for the three
weeks preceding the hearing.

III. That the original resolution, summary, and amendment
are on file in the County Commissioners' Office, Clallam
County Courthouse, 8:00 a.m. to 5:00 p.m., Monday
through Friday, for public inspection.

PASSED and adopted this 13th day of June, 1989.

BOARD OF CLALLAM
COUNTY COMMISSIONERS
Dorothy Duncan, Chair
Dave Cameron
Lawrence Gaydeski

ATTEST: Karen Flores
Clerk of the Board

"EXHIBIT A"

The proposed amendment consists of a new chapter of the
Clallam County Shoreline Master Program (Chapter 5.22)
which establishes a new definition, new policies and new
regulations for the siting, construction and operation of
hydroelectric generating facilities in Clallam County. The
amendment applies to facilities siting on Shorelines of the
State, as defined by the Shoreline Management Act, Chap-
ter 90.58, RCW.

The amendment establishes new policies and regulations
which establish location and design criteria, public access
requirements, recreational consideration, site development
and mitigation requirements for developments which
would result in a loss of wildlife habitat or valuable
ecosystems.

The amendment also removes hydroelectric developments
from the chapter of the Master Program dealing with
utilities (Chapter 5.09).

The full text of the proposed amendment may be viewed
in the office of the Board of Clallam County Commissioners
at 223 East Fourth Street, Port Angeles, WA 98362, during
normal business hours. The amendment may also be view-
ed at the Department of Community Development.
Pub.: June 16, 23, 30, 1989.

EXHIBIT D

CHAPTER 6 MASTER PROGRAM REVIEW AND AMENDMENT PROCESS

6.01 GENERAL

It is recognized that changing public opinion, community needs and standards, new technology and information or other unforeseen changing conditions may justify and compel review and amendment to this master program. However, to insure that suggested changes are not arbitrary or oriented to individual advantage, any proposed amendments or additions to the master program shall follow a process similar to that utilized for amending the County's Comprehensive Plan. Compliance with this process will assure formal public notice and public hearing(s) the opportunity for ample public involvement, assessment and recommendation by the County Planning Department's professional staff and the County Shoreline Advisory Committee with final formal approval given the Board of County Commissioners, prior to submission to the Department of Ecology for official certification. For shoreline environment redesignations, the County's shoreline inventory shall be updated for those areas affected within the six months preceding the public hearing on the proposed redesignation. The inventory update shall include mapping of shoreline use and ownership, natural features and resources as well as evaluation of federal, state and local plans and legislation and any other relevant factors.

6.02 PUBLIC HEARING REQUIRED

Before approving all or any part of the shoreline master program or any amendment, extension or addition thereto, the advisory committee shall hold at least one public hearing. For any major changes, hearings shall be held in Forks and Sequim as well as in Port Angeles.

6.03 NOTICE OF HEARING

Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the County and in the official gazette, if any, of the County, at least ten days before the hearing.

6.04 APPROVAL-REQUIRED VOTE-RECORD

The approval of the Shoreline Master Program, or of any amendment, extension or addition thereto shall be by the affirmative vote of not less than a majority of the total members of the advisory committee. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the committee and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the committee to constitute the plan or amendment, addition or extension

thereto. The indication of approval by the committee shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the committee and of such others as the committee in its rules may designate.

6.05 REFERRAL TO BOARD

A copy of the Shoreline Master Program or any part, amendment, extension of or addition thereto, together with the motion of the planning agency approving the same, shall be transmitted to the Board for the purpose of being approved by motion and certified.

6.06 BOARD MAY INITIATE OR CHANGE -- NOTICE

When it deems it to be for the public interest, or when it considers a change in the recommendations of the advisory committee to be necessary, the Board may initiate consideration of any change in or addition to the master program. The Board shall first refer the proposed plan, change or addition to the advisory committee for a report and recommendation. Before making a report and recommendation, the committee shall hold at least one public hearing on the proposed change or addition. Notice of the time and place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the County and in the official gazette, if any, of the County, at least 10 days before the hearing.

6.07 BOARD MAY APPROVE OR CHANGE -- NOTICE

After receipt of the report and recommendations of the Shoreline Advisory Committee on the matters referred to in 6.06, or after the lapse of the prescribed time for the rendering of such report and recommendation by the committee, the Board may approve by motion and certify such change or addition without further reference to the committee: Provided, that the change or addition conforms either to the proposal as initiated by the County or the recommendation thereon by the Committee. Provided further, that if the Shoreline Advisory Committee has failed to report within a 90 day period, the Board shall hold at least one public hearing on the proposed change or addition. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the County and in the official gazette, if any, of the County, at least 10 days before the hearing. Thereafter, the Board may proceed to approve by motion and certify the proposed master program or any part, amendment or addition thereto.

Exhibit E

CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT



DIRECTOR, BILL WHITE, R.S.
BUILDING DIVISION
ENVIRONMENTAL HEALTH DIVISION
PLANNING DIVISION
FIRE MARSHAL'S OFFICE

CLALLAM COUNTY COURTHOUSE
223 EAST FOURTH STREET
PORT ANGELES, WASHINGTON 98362-3098
(206) 452-7831, SCAN 575-1321

AGENDA

CLALLAM COUNTY SHORELINE ADVISORY COMMITTEE
Regular Meeting, May 30, 1989
Clallam County Courthouse
Commissioners' Meeting Room
Port Angeles, WA 98362
7:30 p.m.

- A. CALL TO ORDER:
- B. ROLL CALL:
- C. MINUTES: February 28, 1989, March 8, 1989, March 28, 1989
- D. UNFINISHED BUSINESS:
- E. PUBLIC HEARING/GREEN CROW TIMBER SHORELINE PERMIT SHR89-0006:
 - 1. Open public hearing
 - 2. Staff presentation
 - 3. Public comment
 - 4. Close public hearing
 - 5. Committee discussion
 - 6. Appropriate action
 - 7. Findings of fact
- F. PUBLIC HEARING/WARREN TYTLER SHORELINE VARIANCE SHR89-0005:
 - 1. Open public hearing
 - 2. Staff presentation
 - 3. Public comment
 - 4. Close public hearing
 - 5. Committee discussion
 - 6. Appropriate action
 - 7. Findings of fact

G. PUBLIC HEARING/JAMES RIVER II SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT SHR89-0007:

1. Open public hearing
2. Staff presentation
3. Public comment
4. Close public hearing
5. Committee discussion
6. Appropriate action
7. Findings of fact

H. PUBLIC HEARING/DEPARTMENT OF PUBLIC WORKS SHORELINE PERMIT SHR89-0004:

1. Open public hearing
2. Staff presentation
3. Public comment
4. Close public hearing
5. Committee discussion
6. Appropriate action
7. Findings of fact

I. PUBLIC HEARING/AMENDMENTS OF SHORELINE MASTER PROGRAM REGARDING HYDROELECTRIC FACILITIES:

1. Open public hearing
2. Staff presentation
3. Public comment
4. Close public hearing
5. Committee discussion
6. Appropriate action
7. Findings of fact

J. REPORT FROM STAFF:

1. Action of Board of County Commissioners on Shoreline Permits.
2. Exemptions granted.
3. Miscellaneous

G. OTHER BUSINESS:

H. DATE OF NEXT MEETING:

I. ADJOURNMENT:

minuts:sac5-30.doc

CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT



DIRECTOR, BILL WHITE, R.S.
BUILDING DIVISION
ENVIRONMENTAL HEALTH DIVISION
PLANNING DIVISION
FIRE MARSHAL'S OFFICE

CLALLAM COUNTY COURTHOUSE
223 EAST FOURTH STREET
PORT ANGELES, WASHINGTON 98362-3098
(206) 452-7831, SCAN 575-1321

MINUTES

CLALLAM COUNTY SHORELINE ADVISORY COMMITTEE

Regular Meeting, May 30, 1989

Clallam County Courthouse

Commissioners' Meeting Room

Port Angeles, WA 98362

7:30 p.m.

- A. CALL TO ORDER: The meeting was called to order at 7:30 p.m. by Chair George Flanigan.
- B. ROLL CALL: George Flanigan, Ralph Elston, Glenn Gallison, Char Apgood, Ray Gilkeson.

Planning staff was represented by David Stalheim, Planning Division Manager; Grant Beck, Associate Planner; and Virginia Edwards, Staff Assistant.

- C. MINUTES: The minutes of the February 28, 1989, minutes were approved on motion of Char Apgood, second by Ray Gilkeson. Motion carried.

The minutes of the March 8, 1989, special meeting were approved on motion of Glenn Gallison, second by Char Apgood. Motion carried.

The minutes of the March 28, 1989, meeting were approved on motion of Ray Gilkeson, second by Glenn Gallison. Motion carried.

- D. PUBLIC HEARING/GREEN CROW TIMBER SHORELINE PERMIT SHR89-0006:

The public hearing began with staff report by Grant Beck who recommended approval with no conditions.

The meeting was opened to public testimony:

1. Roy Jones, 805 E. 8th Street, representing Green Crow and speaking on behalf of Jack Sands, urged approval.

2. Glenn Orr, Hoko Road

Asked about damage to salmon spawning area by placement of a railroad flat car bridge on the river.

3. Sue Higgins, Rt. 1, Box 63, Clallam Bay.

Interested in which agencies have reviewed the project and what is the posting policy.

The meeting was closed to public comment and discussion followed.

Mr. Jones indicated that an hydraulics permit has been received from the Department of Fisheries.

MOTION: It was moved by Glenn Gallison, second Ray Gilkeson, that the proposal be recommended for approval with no conditions. The motion received a unanimous vote.

MOTION: It was moved by Ralph Elston, second by Char Apgood, that the following findings be adopted:

- A. The proposal is in conformance with applicable land use policies and regulations of Clallam County.
- B. No agency review of the environmental checklist identified any potential significant environmental impact that could not be mitigated through normal permitting procedures.

Motion carried by unanimous vote.

E. PUBLIC HEARING/WARREN TYTLER SHORELINE VARIANCE SHR89-0005:

The public hearing began with staff report by Grant Beck, who recommended approval with no conditions.

There was discussion regarding the exemption from the requirements of the Shoreline Management Act and the requirement for a variance.

The meeting was opened to public comment.

1. Warren Tytler, Quenton Avenue, Poulsbo

Mr. Tytler indicated that his neighbor on lot 74 has a septic system which has been approved by the County and will be applying for a variance to building 26 feet from the bulkhead. Mr. Tytler would like to change his application to request a variance of 26-28 feet from the bulkhead.

Staff indicated that a new application would be required because of the substantial change and that the request to build 26' from the bulkhead is predicated on an application which has not been received.

2. Russell Niblock, Lot 74.

Mr. Niblock stated he endorses Mr. Tytler's request to change his application in that the houses to the east on lots 78, 80 and 81 are in a row from 26 to 28 feet from the bulkhead. The suggested change would bring Mr. Tytler's building into line with the others. Mr. Niblock's septic is approved by the county and because of the shape and size of his lot, he will be restricted in the size of house he will build.

The meeting was closed to public comment. There was discussion of the size of tank to be used in Mr. Tytler's system. Mr. Tytler indicated to the Commission that he wished his application to acted on at the meeting, rather than being postponed awaiting his reapplication for a variance of 26 feet from the bulkhead.

MOTION: It was moved by Ray Gilkeson, second by Glenn Gallison, that the application be recommended for approval. The motion carried by unanimous consent.

MOTION: It was moved by Ray Gilkeson, second by Char Apgood, that findings be adopted as follows:

- A. The proposal is consistent with the land use policies and regulations of Clallam County, including the Clallam County Shoreline Master Program.
- B. The proposal meets the criteria for the granting of a variance found in WAC 173-14-150 of the State Environmental Policy Act.

The motion carried by unanimous vote.

F. PUBLIC HEARING/JAMES RIVER II SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT SHR89-0007:

The public hearing began with staff report by Grant Beck, who recommended approval without conditions.

The meeting was opened to public comments.

- 1. Orville Campbell, 820 Milwaukee Drive, P.A. James River II.

Mr. Campbell stated that the intent of the project is for restoration of anadromous fish on the upper parts of the river. The Eicher screen is an experimental device and it is undetermined whether it will function without injury to fish. Installation will take place in September with testing to occur jointly with Dept. of Fisheries in the spring of 1990. The north spillway improvement and this project are both part of a larger improvement of the middle and upper rivers.

The meeting was closed to further public comment.

MOTION: It was moved by Char Apgood, second by Ray Gilkeson, that the application be recommended for approval without conditions. The motion carried by unanimous vote.

MOTION: It was moved by Glenn Gallison, second by Char Apgood, that findings be adopted as follows:

- A. After an evaluation of the environmental checklist and other information, the Responsible Official has determined that the proposal will have no significant adverse environmental impacts that can not be mitigated through existing County land use, environmental health, and building regulations. Notice of this determination was made on May 22, 1989. Comments must be made no later than June 9, 1989.

- B. The proposal has been shown to be consistent with County land use policies, including: the Comprehensive Plan, the Zoning Code, the Floodplain Management Ordinance, the Uniform Building Code, and the Shoreline Master Program.

The motion carried by unanimous vote.

G. PUBLIC HEARING/DEPARTMENT OF PUBLIC WORKS SHORELINE PERMIT SHR89-0004

Consideration of the application was tabled until the regular meeting of June 27, 1989.

H. PUBLIC HEARING/AMENDMENTS OF SHORELINE MASTER PROGRAM REGARDING HYDROELECTRIC FACILITIES:

The public hearing began with comments by staff and public testimony followed.

1. Eloise Kailin, PPF

Dr. Kailin distributed to the Commission a letter in which she suggested a number of changes to the proposed amendments.

There was a discussion regarding the use of the words "designated" and "shall/may".

The meeting was closed to further public testimony and discussion continued.

MOTION: It was moved by Ray Gilkeson, second by Char Apgood, that in Section A. Definitions, the words "capable of providing or generating electric power to more than one single family residence" be stricken. Ray, delete ..."capable of providing... single family residence."

The motion carried by a vote of 3-2.

There was discussion and a concensus reached on each of the following suggested changes:

Section B.1.e - Change the word "documented" to "documentable."

Section B.1.g - Delete "designated". Concensus.

Section C.1.a.1 - Consideration of whether alternatives to additional generation should be addressed with the permit. The concensus was that the wording should remain as written.

Section C.1.a.2 - Change wording to "marked on the ground and an open public meeting may be required by the SAC on site."

Section C.1.a.8 - Long-term management plans which describe, in sufficient detail, provision for protection of instream resources during construction and operation. The plan shall include means for monitoring its success.

Section C.1.b.1. - MOTION: It was moved by Glenn Gallison, second by Ray Gilkeson that the word "may" be retained. The motion carried by a vote of 4-1 with Char Apgood opposing the motion.

Section C.1.d.1.e.- Delete "designated".

Section C. 3.c. Mitigation. MOTION: It was moved by Glenn Gallison, second by Ralph Elston, that the words "Results of monitoring shall be publicly available. The motion passed by a vote of 4-1 with George Flanigan opposing the motion.

Section C.3.e - Delete the wording "by the Shoreline Advisory Committee" and "recommended for denial to the County Commissioners" be deleted.

MOTION: It was moved by Ray Gilkeson, second by Glenn Gallison, that the amendment to the Shoreline Master Program, Section 5.22 be adopted as amended above. The motion passed by unanimous vote.

MOTION: It was moved by Ray Gilkeson, second by Glenn Gallison, that the following finding be adopted.

1. The amendment as proposed is consistent with the goals and policies of Shoreline Master Program and the Shoreline Management Act.

The motion carried by unanimous vote.

I. REPORT FROM STAFF:

1. Action of Board of County Commissioners on Shoreline Permits.
2. Exemptions granted.
3. Miscellaneous

J. OTHER BUSINESS: David Stalheim stated that a short course on planning has been tentatively scheduled for the evening of June 26. Special meetings of the Commission were scheduled for the evenings of July 18 and August 8 in order to handle the heavy project load.

K. DATE OF NEXT MEETING: June 27, 1989

L. ADJOURNMENT: Meeting adjourned at 9:40.

Submitted by:

Virginia Edwards
Staff Assistant

minuts:sac5-30.doc

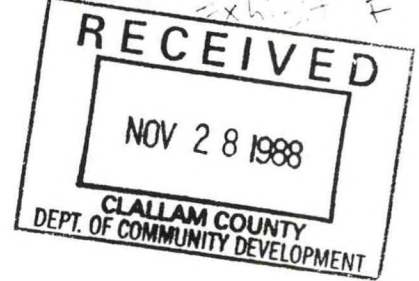
CHRISTINE O. GREGOIRE
~~JOHN R. BEATTY, BAKER~~
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

November 22, 1988



Ray Gilmore, Associate Planner
Clallam County Dept. of Community Development
Clallam County Courthouse
223 East Fourth Street
Port Angeles, Washington 98362-3098

Re: Hydropower Amendments to Clallam County Shoreline Master Program

Dear Mr. Gilmore:

The Washington State Department of Ecology (WDOE) appreciates the opportunity to comment on your submittal of the draft Clallam County Shoreline Master Program (SMP) amendments relating to hydroelectric development. The County should be commended for its extensive effort in preparing these revisions. The amendments represent a needed addition to your master program.

The following comments do not represent the formal opinion of this agency, as such an opinion can only come out of the process of reviewing a formally submitted program amendment proposal. Prior to beginning WDOE's formal review and adoption process however, we would like to have you address our concerns before passing on to us your formal package of proposed amendments.

1. In general, the amendments should be revised to address not only hydroelectric development, but also other non-hydroelectric dam and in-stream impoundment structures. Impacts to the shoreline and related resources are similar for both types of facilities and therefore should be similarly managed and regulated. Flood control, irrigation, and water supply structures (both domestic and industrial), as well as recreational and fisheries enhancement impoundment structures should be included in your proposal. Coverage should also be extended to address expansion of existing in-stream structures and facilities.

With some relatively simple changes to the introductory definition and other provisions (as needed), this gap in coverage can be filled quite easily.

2. The present proposal appears to permit the subject development in all environment designations by conditional use permit. Such facilities should be prohibited in the natural environment in order to be consistent with the Shoreline Management Act and your master program. The Clallam County SMP (section 3.02A) defines such shorelines as those that are "intolerant of intensive human

use" and by virtue of their "natural, unaltered original condition" should be preserved. Further, when permitted in the conservancy environment (by CUP), more restrictive setbacks and other provisions should be considered to protect the integrity of the shoreline in a manner that will ensure "sustained resource utilization" (section 3.03A), consistent with the purpose of the conservancy environment designation.

3. All regulations should be directly supported by specific policy statements. Section B. Policies should be revised to include specific policy statements regarding river stretches that have documented high value fish and wildlife resources, facilities expansion, preservation of historic and cultural features, maintaining existing public access, erosion and sedimentation control, mitigation, non-water dependent facilities, and the Power Council's protected areas designations, as follows:

a. Dam and hydroelectric facilities should not be located on river and stream stretches that contain documented high value fish and wildlife spawning, nesting, rearing, and habitat areas, and migratory routes.

b. The expansion of existing hydroelectric facilities, or integration of hydroelectric facilities within existing flood control, irrigation, or water supply facilities, is preferred over development of new facilities. When new sites are considered sufficient evidence should be presented to show that existing facilities are fully utilized.

c. Dam and hydroelectric facilities should be located so as not to adversely impact designated sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.

d. Existing public access and recreational opportunities should be retained, enhanced, or replaced.

e. All diversion structures should be designed to permit natural transport of bed load materials.

f. Dam and hydroelectric facilities should be constructed in a manner that minimizes erosion and sedimentation during project construction.

g. Mitigation should be required for loss of fisheries and wildlife resources, natural systems and sensitive areas. No net loss in function, value, or acreage should occur as a result of dam and hydroelectric development. When required, mitigation activities should be properly planned and monitored to ensure their effectiveness.

h. All non-water dependent facilities such as staging and storage areas, switching yards, utility transmission lines, and in many cases power houses, should be located out of the floodway and floodplain.

i. In August of this year, the Northwest Power Planning Council adopted protected areas amendments to the region's Fish and Wildlife Program and Northwest Conservation and Electric Power

Plan, which include prohibitions for hydro development on certain river stretches. These protected areas are to be recognized and honored by FERC and most of the other federal agencies involved in hydropower licensing decisions. The County's master program should include a policy and regulation indicating the County will use the NW Power Planning Council's "Protected Areas Designations" or equivalent state-adopted site ranking study to determine the appropriateness of particular sites for hydroelectric development.

4. Section C. Regulations, should be revised where appropriate to reflect and specifically implement the policies addressed above. In addition, subsection 1 under Site Development should include provisions for emergency erosion control. Materials adequate to immediately correct erosion problems should be maintained on-site by the project proponent. Subsection 3 should include language prohibiting any hazardous materials in staging and storage areas from entering a waterway (through containment and appropriate disposal out of the shoreline area) and also ensure that necessary service roads be designed to minimize erosion and sedimentation impacts.

5. Subsection 2b. under Structural Development should give resource agencies such as the Department of Fisheries and/or Wildlife the authority to determine what is "adequate" in providing anadromous fish passage facilities.

6. Mitigation requirements are important enough to warrant their own section. Section 3 Special Regulations, should be retitled with the heading "mitigation" and revised and strengthened. We are concerned that the current proposal could allow a multi-million dollar hydropower facility to provide only a small picnic area as mitigation for significant resource losses. This is unacceptable. The following should replace subsection 3b:

a. Mitigation shall be required of the proponent for loss of fish and wildlife resources, natural systems, and sensitive areas. The mitigation required should be commensurate to the value and type of resource or system lost. No net loss in function, value, or acreage should occur from dam or hydroelectric development.

b. Where mitigation for loss of natural systems and resources is required, a mitigation plan shall be prepared that details the objectives of the mitigation activities. Mitigation activities shall be monitored to determine their effectiveness. If found to be ineffective, corrective action will be required of the proponent in a manner that satisfies mitigation objectives.

With regard to proposed subsection 3a. relating to National Forest Areas, this is really a citation relating to applicability of the regulations and jurisdiction. As such, this statement would seem to fit best somewhere in your introductory definition.

Mr. Ray Gilmore
November 22, 1988
Page 4

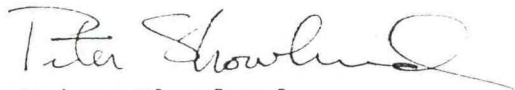
With regard to proposed subsection 3c. relating to minimum in-stream flows, it appears this provision could easily be relocated into either the site development or structural development section regulations.

7. The proposed public access policies (section 2, pages 1 and 2), and regulations (section 1b pages 3 and 4) indicate such requirements should apply for facilities which are located on publicly owned land or which sell (or generate) one megawatt or more of power. Over what time period is the one megawatt to be measured? Shouldn't the size criteria be based upon designed generation capacity? We also question whether for example, larger scaled single purpose privately owned structures (i.e. industrial water supply facilities) may be excluded from providing necessary public access. Provision of public access should be addressed in your proposal for all sizeable dams and hydroelectric projects whether private or publicly owned.

I hope you find these comments useful. As you know, in order for the county to amend its SMP, it must follow those provisions contained in WAC 173-19-061. After the county has held at least one public hearing, its next step is to pass a resolution of "intent to adopt" a shoreline master program amendment. The county is strongly encouraged to resolve all issues raised by WDOE and others before the proposal is locally approved and formally submitted to WDOE. Your formal submittal should include the "intent to adopt" resolution as well as the balance of materials required by WAC 173-19-062. Once submitted, WDOE holds its own public hearing and solicits comments on the proposal approved by the county before it considers adopting the amendment as part of the State Master Program.

If you have questions regarding our comments or the amendment process, please feel free to give me a call at (206) 438-7430.

Sincerely,



Peter Skowlund
Shoreline Management Section
Shorelands and Coastal Zone
Management Program

Christine Gregoire

XXXXXXXXXXXXXXXXXXXX

Director

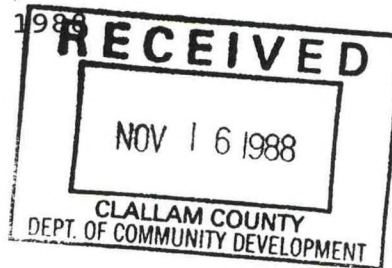


STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

November 15, 1988



Mr. Ray Gilmore
Clallam County Planning
223 East Fourth Street
Port Angeles, WA 98362

Dear Mr. Gilmore:

Thank you for the opportunity to comment on the determination of nonsignificance for the amendment of the county shoreline master program. We reviewed the environmental checklist and have the following comments.

1. As noted in the checklist, the proposed amendment will require Ecology approval, conducted in accordance with the provisions of Chapter 173-19 WAC. Local approval and submittal to Ecology must follow WAC 173-19-061 and WAC 173-19-062.
2. The entire package of amendments (including the definition) should be revised to not only apply to hydroelectric generating facilities, but also to non-hydro facilities including:
 - a. Flood control structures;
 - b. Water supply (domestic or industrial) structures;
 - c. Recreational impoundment structures; and
 - d. Smaller in-stream structures, such as sediment ponds, fisheries enhancement, and other projects.

Application of these amendments should also be expanded to cover expansion of existing in-stream structures and facilities (not just new facilities).

3. The present proposal permits hydroelectric facilities in all environmental designations (by conditional use permit), including the natural environment. Such facilities should be prohibited in the natural environment to be consistent with the Shoreline Management Act (Act) and the purpose and intent of the natural environment designation. When permitted by a conditional use permit in the conservancy environment, more restrictive setbacks and other provisions should be considered to protect the integrity of these shoreline areas in a manner consistent with the Act.

Letter to Mr. Gilmore
November 15, 1988
Page 2

4. All non-water dependent facilities, including power-houses, staging and storage areas, and utility transmission lines, should be kept out of the floodway and upland of the floodplain.

5. Emergency erosion control (during construction) should be addressed. Materials adequate to immediately address erosion problems should be maintained on the site by the project proponent.

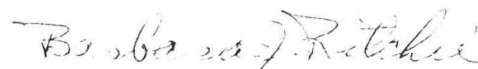
6. Where mitigation for loss of natural systems and resources is required, a mitigation plan that details the objectives of the mitigation activities should be prepared. In addition, mitigation activities should be monitored to determine their effectiveness. If found to be ineffective, then corrective action should be required in a manner which satisfies the agreed upon mitigation objectives. The proposed amendments should incorporate this revision.

7. Mitigation provisions should clearly indicate that the mitigation required shall be commensurate to the function, value, and acreage of natural resources and systems lost. The objective is no net loss in function, value or acreage.

8. Regulations for staging and storage areas should prohibit any hazardous materials from entering a waterway. Containment facilities and proper disposal should be required.

After the draft master program amendment is submitted to Ecology, our Shorelands Program will have more detailed comments to offer. If you have any questions, please call Mr. Peter Skowlund of the Shorelands Program at (206) 438-7430.

Sincerely,



Barbara J. Ritchie
Environmental Review Section

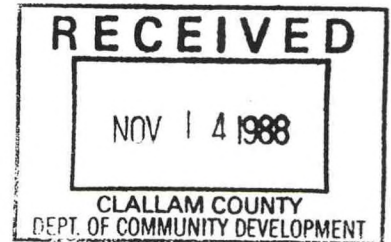
BJR:

cc: Linda Rankin, Shorelands
Rod Sakrison, Water Resources

JOSEPH R. BLUM
Director



STATE OF WASHINGTON
DEPARTMENT OF FISHERIES



115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

November 10, 1988

Clallam County Department of Community Development
ATTENTION: Ray Gilmore
Planning Division Manager
223 E. Fourth Street
Port Angeles, Washington 98362

SUBJECT: Comments on the Proposed New Section (Chapter 5.22 -
Hydroelectric Development) to the Clallam County Shoreline
Master Program

Dear Mr. Gilmore:

The new section is a warranted addition to the Shoreline Master Program for Clallam County. Washington Department of Fisheries (WDF) supports the conclusion that the proposed amendment will not have a significant impact on the environment and an environmental impact statement is not needed.

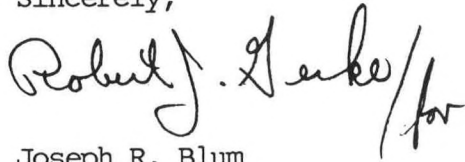
As expressed during a July 6, 1988 phone conversation with Mr. Ken Bruya of my staff regarding the draft proposal, WDF believes the mitigation described in the proposed new section is inadequate for hydroelectric development caused losses to the fisheries resources. Some of the proposed mitigative measures in 3b, page 6, of Chapter 5.22 may cause additional losses to the fisheries resource if the site specific design, construction methods, and timing are not fully evaluated with respect to their effect on the resources we manage.

Because of the problems that may arise due to the mitigation alternatives described in Chapter 5.22, hydroelectric developers need to be notified that proposals for fish habitat/stream habitat mitigation will require a Hydraulics Project Approval permit before authorization or construction. If the hydroelectric project is under the Federal Energy Regulatory Commission jurisdiction, additional federal approval of mitigation proposals are required.

Ray Gilmore
November 10, 1988
Page 2

Please contact Mr. Bruya at (206) 753-0250 if you would like to further discuss these comments.

Sincerely,

Handwritten signature of Robert J. Gerke for

Joseph R. Blum
Director

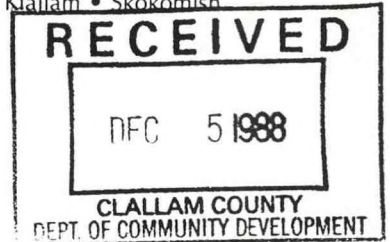
JRB:KB:bb

cc: Wenger, DOE (Barry Wenger, Master Program Coordinator, DOE)
Johnson, WDF
Rymer, WDW



Point No Point Treaty Council

Port Gamble Klallam • Lower Elwha Klallam • Jamestown Klallam • Skokomish



November 28, 1988

Mr. Ray Gilmore, Planning Division Manager
Clallam County Department of Community Development
223 East Fourth Street
Port Angeles, WA 98362

Re: Proposed amendment to Clallam County Shoreline Master
Program - Hydropower Development

Dear Mr. *Ray* Gilmore,

Thank you for providing us with the opportunity to comment on the proposed amendment noted above which attempts to address substantive issues of environmental policy and regulations associated with hydropower development in Clallam County. Although we have seen a diminishment in the number of proposed facilities since the mid 1980's, there will no doubt be a resurgence of interest in development of hydropower as power demand and price incentives rebound. With passage of the Electric Consumers Protection Act of 1987, comprehensive local government plans regarding basin resources have greater standing in a Federal Energy Regulatory Commission proceeding. This planning and policy amendment should provide Clallam County with a tool to ensure that such development is consistent with environmental policy and law. We have a few comments on the proposed language as follows:

1.) Regarding page 13, #2 - we suggest changing ... minimize impacts to fisheries... to read ... reduce impacts to fisheries. Mitigation for impacts to and loss of fish and their habitats is not always possible, appropriate nor acceptable. The use of the word "minimize" may suggest a value judgement that an increment of loss is acceptable and to merely limit the degree of impact is the extent of the applicants responsibility.

Impoundments associated with certain hydropower development result in the loss of significant riparian wildlife habitat and instream fish spawning and rearing habitat. Even small hydropower projects without reservoir impoundments (run of the river) may impact fish in a variety of ways, not the least of which is flow reduction in the bypass reach and possible entrainment of juvenile fish onto the intake structure used to convey water from behind the diversion through the pipeline. We suggest changing the second sentence to read ..." which do not

interfere with either the upstream or downstream migration of anadromous fishes."

It should be noted that we know of no case where construction and operation of a hydropower facility has resulted in demonstrable or perceived "enhancement" of natural production of anadromous fish. Attempts to use artificial propagation to replace naturally produced fish are often not successful, for a variety of reasons. Such efforts would need to be coordinated with the PNPTC tribes and the state/federal management agencies.

2.) Regarding page 14, #5 & #6 - Understates the real potential for additional clearing and maintenance for transmission corridors to convey power generated at the new facilities. These rights-of-ways may change the character of wildlife habitat, visual corridors, water quality at stream crossings and similar associated effects. We would like to see restrictions on aerial herbicide applications along ROW's be included.

3.) Regarding page 1, section B.1.a. of the policy - This section would be more comprehensive if the following were included... "Projects built within the portion of a stream that is accessible to anadromous fish must provide for the unrestricted upstream and downstream passage of adult and juvenile fish. Passage facilities should be designed and operated with a performance standard of zero mortality of migrating adults and juveniles.

- Page 3 of the same policy should include some reference to instream flows such as ...instream flow regimes established by the resource agencies/tribes will be required for project operation. Ramping rates to address fluctuations in flow associated with project operation and maintenance will be worked out with the resource agencies.

- Page 6, section C.3.b of the policy should affirm that highest priority for natural systems mitigation should be restoration or construction of natural habitat for fish and wildlife.

4.) Under C. Regulations, 1.c.2. Clearing/Excavation Management section - should require a detailed site analysis for identification of any areas of unstable soils and slopes within all subunits of the proposed facility. A detailed erosion control plan, designed in consultation with the County and resource agencies/tribes, should be strictly adhered to.

Thank you for the opportunity to provide these comments.

Sincerely,



Stephen C. Ralph
Habitat Management Biologist



PROTECT THE PENINSULA'S FUTURE
P.O. Box 1677, Sequim, Washington, 98382

A non-profit corporation dedicated to the wise land use of the North Olympic Peninsula

November 29, 1988

To: Shoreline Advisory Committee
Re: Hearing on Amendment to SMP relating to hydroelectric facility siting
From: Eloise Kailin, for Protect the Peninsula's Future

The record should show that no copies of the proposal were available as of yesterday at the Sequim library.

The proposed language is exemplary in its statement of definitions and policies. The regulations appear to be well thought out and reasonable.

The problem area is one of language which will facilitate a decision to permit or not to permit if there will be substantial environmental damage. I see nothing in this document which would allow a negative decision. There is a need for a directive that states that if environmental damage will be judged severe and cannot provide for the protection and preservation of natural and cultural resources including but not limited to fish, wildlife, and water resources, . sensitive areas such as marshes, bogs and swamps, sensitive geologic and geohydraulic areas and waterfalls, erosion and accretion areas and natural scenic vistas that that permit shall be denied.

Good Point

This document not only fails to achieve that policy stated in 5.22 B 1,a, it negates this intent under the final section, Special Regulations where environmental damages are to be "mitigated" by such possible alternatives as providing a recreation space with 20 parking places and picnic facilities, or maybe a boat launch someplace in the County . Dear Committee, this hardly replaces lost habitat or environmental resources. Our goal should be to allow facilities which will do minimal damage, and only such as will do minimal damages. Parking lots are no substitute for natural resources.

*Existing SMP language would have to be modified
Supplements would have to be prepared.*

A SEPA

There should also be language attached to each permit that if in the course of monitoring, environmental damage is discovered which exceeds that anticipated and compensated for, that the permit may be modified to require operation in a less harmful manner or alternatively that environmental restitution shall be negotiated in a manner acceptable to the Shoreline Advisory Committee. That would, I assume entail a re-hearing of the permit before this Committee.

I concur with the Department of Ecology that the new section should treat siting in each of the environmental designated systems individually: natural areas should be accorded stricter criteria, Conservancy areas somewhat less strict and Rural and Urban areas should be still more permissive; this would be to conserve the more fragile resources and encourage hydroelectric development, which typically is commercial/industrial in nature, to use any available more intensely developed areas first.



PROTECT THE PENINSULA'S FUTURE P.O. Box 1677, Sequim, Washington, 98382

A non-profit corporation dedicated to the wise land use of the North Olympic Peninsula

March 28, 1989

To: Shoreline Advisory Committee
From: Eloise Kailin for PPF

RE: Adoption of amendments to Shoreline Master Program,
5.22 Hydroelectric Development and Impoundment Structures.

General: A much improved document with just a little fine tuning needed.

Page 1. Question: why are facilities for single family residences excepted from meeting criteria for protection of state resources? Would prefer to see them included.

Policies, 1. e. Please change "documented" high value fish and wildlife... to DOCUMENTABLE HIGH VALUE FISH AND WILDLIFE..." Reason: Documented connotes already-in-records regardless of values which may be there and documentable but which do not have the formal recognition. Too much can slip through the cracks as it stands. Remember the mess over improperly designated floodplains?

Page 2. Policies, 1. G. Drop term "designated sites having historic,.." because the matter is better covered by the final wording: Sites having historic, cultural, scientific or educational value as identified by the appropriate authorities! Requiring that these sites also be "designated" raises the same constraints as noted for 1.e. above.

Page 4, Regulations.

1. Consider whether alternatives to additional generation should be addressed with the permit. Should state public resources be used up if more efficient use of energy (conservation measures) will be less costly to consumers than the proposal?

2. Locations for accessory structures should be marked on the ground and the site should be available for inspection by the public prior to the SAC hearing on the proposal.

8. Add: and a mechanism for a publically accountable appropriate response to any adverse impacts which may develop during operation of the project.

Page 5., first line (projects over one MW or those on public lands) change To "SHALL be required to provide public access, provided public access improvements do not create additional adverse environmental impacts to and along the affected shoreline, nor create a safety hazard to the public." These are all the criteria needed and if they are met the public should be assured of access, thus "Shall" not MAY is appropriate.

PPF to SAC 3/29/89 page 2 Re: Hydroelectric siting

Page 6, i.e. Delete "designated" for reason detailed above. Identification by appropriate authorities should be sufficient.

Page 7. 2. Environments. A. simple typo. Development and dams ARE (not "is")

3. Mitigation. Add final sentence "Results of monitoring shall be publically available."

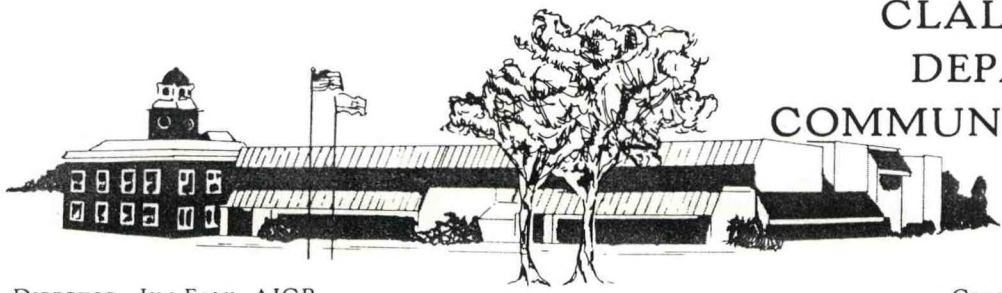
Page 8. Last sentence should reflect that this is a part of the county legal structure which governs County Commissioners as well as SAC. Thus it should read simply:

If the mitigation is found to be inadequate or if adequate mitigation is determined by ~~the Shoreline Advisory Committee~~ to be impossible, then the application will be denied.

A job well done. Thank you.

EXHIBIT G

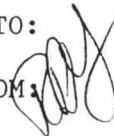
CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT



DIRECTOR, JIM FALK, AICP

CLALLAM COUNTY COURTHOUSE
223 EAST FOURTH STREET
PORT ANGELES, WASHINGTON 98362-3098
(206) 452-7831, SCAN 575-1321

BUILDING DIVISION
ENVIRONMENTAL HEALTH DIVISION
PLANNING DIVISION
FIRE MARSHAL'S OFFICE

TO: Shoreline Advisory Committee
FROM:  Ray Gilmore, Associate Planner
DATE: March 23, 1987
SUBJ: General Overview of Existing Policies and Regulations on Hydroelectric Facilities

At its last regular meeting in February, staff presented a draft work program for the review of existing policy on hydroelectric facilities and, where appropriate, the development of refined policies and regulations for these facilities.

For the March agenda, a general overview of existing policies and regulations of the master program is scheduled. Staff has prepared, for the Committee's consideration, its analysis of the various chapters in the Shoreline Master Program which identify and address policies and/or regulations for hydroelectric facilities. Five elements are identified for the general overview of the Master Program. The respective elements and staff comment and analysis is as follows:

I. Does the Master Program adequately address hydroelectric facilities?

The Shoreline Master Program identifies hydroelectric facilities in two chapters. These chapters are Chapter 4.10 (Rivers, Streams, Creeks) and Chapter 5.09 (Utilities). Under Chapter 4.10, hydroelectric facilities are identified as dams under Section A (Natural Environment), paragraph 4 and Section C (Rural Environment), paragraph 4. In the natural environment the Master Program requires that dams for the production of electric power, water supply and flood control shall be constructed in a manner having minimal affect on the natural environment. Further, all such structures must provide easy means for the upstream migration of anadromous fish and for their return to the sea. Under subsection C.4, Rural Environment, the "construction of dams for the production of electrical power, waters apply or flood control must provide the accustomed upstream migration of anadromous fish and for their return to the sea." Dams are not addressed in the other environment designations under this chapter.

It would appear, from the first reading, that the Master Program would allow dams in the natural environment. However, the language is so broad in its scope as to be rendered meaningless. In fact, this section of the Master Program poses conflicts with other paragraphs of this section, particularly Section A.6. There is very little to suggest what a minimal affect on the natural environment would consist of and it is also up to anyone's speculation as to how the hydroelectric development would maintain the scenic qualities and unique landscape contrasts of the natural environment. Such conflicts are not apparent in the rural environment under Chapter 4.10.

The only remaining section of the Master Program which addresses hydroelectric facilities under another title or definition is Chapter 5.09, Utilities. Chapter 5.09 provides a definition which would indicate that, "Services which produce or transmit electrical energy" would include, by inference, hydroelectric facilities.

II. Is the Master Program deficient or does it lack policies?

As mentioned in Element I, the natural systems section addresses hydroelectric facilities only under Chapter 4.10. Chapter 4.10 does not establish any policy guidance in respect to hydroelectric facilities other than the broad regulation established under Chapter 4.10, Sections A and C.

Under Chapter 5.09, the policies are very general and could apply to any type of utility transmission system, including water systems, sewer systems, natural gas and electrical energy. Policies primarily relate to the location of utility transmission lines, the provision of public access on publicly-owned shorelines, aesthetic considerations, and a general preference that hazardous and detrimental utilities, such as onshore petroleum facilities and refineries, should not be permitted. The policies do not address nor consider any elements of hydroelectric facilities.

III. Is there a deficiency or lack of regulations?

Regulations for the siting or construction of hydroelectric facilities are found in Chapter 4.10, Section A and C, and Chapter 5.09 under General Regulations. Regulations under Chapter 4.10 are discussed above. Under General Regulations for Chapter 5.09, the only reference to dams is found under General Regulation C.1.a which requires passage for anadromous fish. The remainder of the General Regulations under Chapter 5.09 address the location of utility lines, restoration of shorelines following completion of a project, incorporating, where feasible, public access provisions to and along water bodies, and the general preference for not allowing facilities defined under Chapter 80.50.020 R.C.W. These facilities will not adversely affect local economic, social and environmental resources. Utilities are permitted in all environments, subject to the policies and general regulations.

IV. If considered deficient, should new policies be developed or should existing policies be refined?

In reviewing the Master Program for the policies which address hydroelectric facilities, it is evident that there is a general lack of sound policy in the siting, construction and operation of these facilities. Consequently, it would not be feasible to refine existing policies and would be considered more appropriate to develop new policies based upon the recommendation in the Department of Ecology's guidance paper.

V. Is there a deficiency or a lack of regulations?

The Master Program currently regulates a variety of utility systems with very general regulations. The regulations do provide some guidance in the siting and location of various utility components. However, by themselves, the regulations do not provide sufficient detail or guidance as to the siting, construction and operation of hydroelectric facilities. While it may be feasible just to refine the existing regulations, it is quite conceivable that the utility section under Chapter 5.09 would become very complex and cumbersome if we attempted to include detailed policy and regulation for hydroelectric facilities under this chapter.

VI. Staff Recommendation:

Based upon the preceding analysis, staff recommends that the Shoreline Advisory Committee consider developing a new chapter for the development of policies and regulations on hydroelectric facilities. This chapter would take precedent over the other sections in the Master Program which currently attempt to regulate the location, construction and operation of dams. It would be far more efficient to site all of the policies and regulations for these types of facilities in one chapter.

RG:ve

shrlin:hydrorpt.doc