STAFF REPORT

GEORGIA PACIFIC IN-WATER OVER-WATER REMOVAL PROJECT Shoreline Substantial Development Permit and Shoreline Conditional Use (SHOR23-01)

CONSOLIDATED FILES: CRITICAL AREAS REVIEW (CA23-04); ARCHAEOLOGICAL REVIEW (ARCH23-03); STATE ENVIRONMENTAL POLICY ACT (SEPA23-04)

Staff Report Date: October 20, 2023

TO	Hearings Examiner	**HEARING DATE**	October 25, 2023
PROPOSAL	Removal of in-water and over-water structures associated with the previous operations of the Georgia Pacific paper mill along the Columbia River and Camas Slough within the Aquatic, Medium Intensity and High Intensity shoreline areas.		
LOCATION	The project is located in Camas, Washington, within Township 1 North, Range 3 East, Sections 8, 9, 10, 11, 15 and 16 of the Willamette Meridian; and described as tax parcels 08370-0000, 09104-4013, 09104-4015, 09104-4027, 50090-1000, 50090-2000, 50090-3000, 50090-4000, 50081-4000, 50081-4001, 50081-7000 & 50081-8000.		
APPLICANT/ CONTACT	Georgia Pacific Camas Mill Sam McDowell 401 NE Adams Street Camas, WA 98607 (360) 834-8439		
APPLICATION SUBMITTED	March 30, 2023; Resubmitted June 1 and July 20, 2023	**APPLICATION COMPLETE**	July 27, 2023
SEPA	The City issued a SEPA Determination of Non-significance (DNS) August 3, 2023, with a comment period that ends on August 17, 2023. The SEPA DNS was mailed to property owners August 2, 2023, and published in the Post Record on August 3, 2023. Legal publication #825040.		
PUBLIC NOTICES	Notice of Application was mailed to property owners within 300 feet of the site on August 2, 2023, and published in the Post Record on August 3, 2023. Legal publication #825030. Notice of Public Hearing was mailed to property owners within 300 feet of the site on October 4, 2023, and published in the Post Record October 5, 2023. Legal publication #840210.		

APPLICABLE LAW: The application was submitted on March 30, 2023, and the applicable codes are those codes that were in effect at the date of application submittal. Camas Municipal Code (CMC) Title 16 Environment and the Camas Shoreline Master Program (Ord. 15-007) and the Shoreline Management Act (RCW 90-58) (WAC 173-27).

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SUMMARY

The project proposal includes the abatement, removal and demolition of structures associated with prior operations at the Camas Paper Mill along the riverbank. Structures proposed for removal include a warehouse, five docks/piers, conveyor housings, an aboveground oil storage tank, the crane foundation and approximately 3,000 pilings that have been abandoned or serve as mooring dolphins for the structures proposed for removal. Associated project activities for the removal of these structures include sediment dredging and excavation/filling.

The project site lies within the regulated shoreline of the Columbia River and the Camas Slough where the project activities are located both above and below the ordinary high-water mark (OHWM). The Camas Shoreline Master Program (SMP) classifies the shorelines of the project area as “Aquatic”, “Medium Intensity” and “High Intensity” shoreline environments.

Under the Shoreline Master Program, “Development” does not include dismantling or removing structures if there is no other associated development or redevelopment per WAC 173-27-030(6). Although the removal of the structures themselves is not subject to the Shoreline Master Program, sediment dredging, and dredge material disposal activities are. ‘Non-maintenance Dredging’ in the “Aquatic” shoreline environment and ‘Dredge Material Disposal’ in the “Aquatic”, “Medium Intensity” and “High Intensity” shoreline environments are permitted subject to a Shoreline Conditional Use.

The development is subject to review and approval of the following permits: Shoreline Substantial Development Permit and Shoreline Conditional Use Permit; Critical Areas Review; SEPA Review and Archaeological Review. This report includes the criteria for review for these permit types including a recommendation of approval for the project proposal.

Please note: References to reports and documents included as exhibits are *italicized* throughout this report.

PROJECT DESCRIPTION

Per the *Project Narrative*, the in-water structures proposed for removal include dolphins and pilings, the dock warehouse piers, and the Berger crane foundation. Riverbed dredging is required for demolition barge access to the dock warehouse piers. Fill would be used to cover the retained lower columns of the Berger crane foundation, creating bottom contours that match the adjacent natural riverbed.

The over-water structures proposed for removal include the Truck Dock, Dock Warehouse and PECO Dock that require excavation/dredging and filling for demolition. The riverbank in this area will be graded to create shallower slopes that match existing grades.

The other shoreline activities include the demolition of the above ground oil storage tank down to its foundation, remove elevated conveyor housings and backfilling the South Wood Chip Areas to design grades.

Vegetation in the vicinity of the project site is sparse and the present vegetation is predominantly weedy and invasive species. Riparian vegetation adjacent to the action area is generally characterized as disturbed habitat. Riverbanks along the main Mill area consist of fill, are generally steep and armored with boulder sized riprap and support a variety of docks per the *Biological Assessment*.

FINDINGS
SHORELINE MASTER PROGRAM (SHOR23-01)

SMP Standards for Evaluation

- **Shoreline Substantial Development Permits** must be consistent with the approved Shoreline Master Program (SMP) element goals, objectives, and general policies of the designated environment; policy statements for shoreline use activities; and with use activity regulations.
- **Shoreline Conditional Use Permits.** These provisions shall apply only when it can be shown that the proposed use is compatible with existing surrounding uses and that the public interest and use of the shoreline is not negatively impacted. SMP Conditional Use Permits require final approval or disapproval from the Department of Ecology after final local action has been taken.

Master Program Goals and Policies SMP Chapter 3

At page 19 of the SMP, the general goals of the program are to use the full potential of the shorelines in accordance with the surrounding areas, the natural resource values, and the unique aesthetic qualities; and develop an ordered and diversified physical environment that integrates water and shoreline uses while achieving a net gain of ecological function. Primarily, the dredging and dredging material disposal supports the following shoreline goals:

SMP, Section 3.2 Shorelines of Statewide Significance, “Development should be focused in already pre-developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shorelines.”

SMP, Section 3.9 Shoreline Modification and Stabilization, “The goal for shoreline modification and stabilization is to avoid or minimize the need for shoreline armoring along shorelines of the state, and when it is necessary, achieve it in a way that best protects ecosystem processes, shoreline functions, and downstream properties.”

SMP, Section 3.12 Views and Aesthetics, “The goal for views and aesthetics is to assure that the public’s opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, is protected to the greatest extent feasible.”

SMP, Section 3.13 Water Quality and Quantity, “The goal for water quality and quantity is to protect and enhance the quality and quantity of the region’s water resources to ensure there is safe, clean water for the public’s needs and enjoyment; and protect wildlife habitat.”

FINDING: Staff finds that the project is consistent with the general policies of Chapter 3, given that the proposed location of project activity is within areas that are already developed and mitigated for in those areas that are impacted; modification to the shoreline does not necessitate shoreline armoring; promotes public views and aesthetic qualities of the shorelines and waters of the state; and implements best management practices to protect water quality and ensure no net loss of shoreline ecological functions.

Aquatic Shoreline Designation SMP Chapter 4

The management policies of the Aquatic Shoreline Designation at SMP Section 4.3.1.4 are as follows:

1. **New water-over structures should be allowed only for water-dependent uses or ecological restoration.**

   FINDING: New over-water structures are not proposed and therefore this criterion is not applicable.

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

   FINDING: The applicant has prepared detailed specifications regarding the in-water work and their efforts to protect the environment.

3. **In-water uses should be allowed where impacts can be mitigated to ensure no net loss of ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline functions. Unavoidable impacts must be minimized and mitigated.**

   FINDING: Impacts cannot be avoided by demolishing and/or removing in-water structures. However, best management practices will be implemented to minimize project impacts per the *Project Narrative*. The in-water work includes reducing riverbed obstructions and over water shading, reshaping the riverbank to create near shore habitat, and removing piles containing creosote, which is expected to result in an increase of ecological functions.

4. **On navigable water or their beds, all uses, and development should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for safe, unobstructed passage of fish and wildlife, particularly species depended on migration.**

   FINDING: Removal of structures will be self-mitigating as the removal of these structures will restore the project area to its natural conditions and thereby eliminating these impediments for potential species migration, any surface navigation, and public viewing of the water. Dredging will not interfere with navigation, including fish migration, and will not impact public views.

5. **Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.**

   FINDING: Over-water and water access facilities are not proposed and therefore this criterion is not applicable.

6. **Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.**

FINDING: New over-water structures are not proposed. The project activities such as the excavation, grading, fill within the shoreline are similar in size, form, design, and intensity to existing activities permitted in the adjacent High Industrial zoned upland area.

7. **Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.**

   FINDING: Removal of the structures along the riverbank will help in the restoration of natural light to support nearshore habitat.

8. **Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it should adversely affect the strength of viability of native stocks or unreasonably interfere with navigation.**

   FINDING: Aquaculture practices are not proposed and therefore this criterion is not applicable.

9. **Given that the aquatic designation is waterward of the OHWM, then when the proposed use, development, activity, or modification requires use of adjacent upland property, then it must be allowed within the upland shoreline designation.**

   FINDING: Dredging disposal of suitable materials to be disposed upland of the OHWM will occur at the existing approved disposal site on Lady Island.

Medium Intensity Shoreline Designation — SMP Chapter 4

The management policies of the Medium Intensity Shoreline Designation at SMP Section 4.3.4.4 are as follows:

1. **The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.**

   FINDING: The proposed project will improve ecological functions and processes by restoring the area to a more natural state and will be compatible with the existing residential character of the area.

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

   FINDING: Public access of recreational facilities is not proposed but removal of the proposed structures will increase safety for public accessing the waterway. The main Mill parcel is currently restricted to public access.

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

   FINDING: The development of new access, utilities, and public services are not proposed and therefore this criterion is not applicable.

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

   FINDING: The proposal is not a subdivision and therefore this criterion is not applicable.

5. **Commercial development should be limited to water-oriented uses. Non-water oriented commercial uses should only be allowed as part of mixed-use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines.**

   FINDING: Commercial development is not proposed and therefore this criterion is not applicable.

High Intensity Shoreline Designation — SMP Chapter 4

The management policies of the High Intensity Shoreline Designation at SMP Section 4.3.5.4 are as follows:

1. **Promote infill and redevelopment in developed shoreline areas with the goal of achieving full utilization of the shoreline, while encouraging environmental remediation and restoration of the shoreline, where applicable.**

   FINDING: The proposal does not include infill or redevelopment in the developed shoreline but rather include the removal of structures and dredging that implements best management practices, which will promote the environmental remediation and restoration of the shoreline.

2. **Encourage the transition of uses from non-water-oriented to water-oriented uses.**

   FINDING: Removing the structures along the riverbank will create a water-enjoyment use (i.e. water-oriented use) by furthering the public's ability to enjoy the aesthetic qualities of the shoreline.

3. **Water-oriented uses are encouraged, however new non-water-oriented uses may be allowed.**

   FINDING: Removing the structures along the riverbank will create a water-enjoyment use (i.e. water-oriented use) by furthering the public's ability to enjoy the aesthetic qualities of the shoreline.

4. **Visual or physical public access should be a priority. Where possible, industrial and commercial facilities should be designed to permit pedestrian waterfront activities.**

   FINDING: Visual public access is provided via the removal of structures that are no longer utilized with paper mill's operations.

General Shoreline Use and Development Regulations — SMP Chapter 5

The following general shoreline use and development regulations of Chapter 5 Section 5.1 are as follows:

1. **Shoreline uses and developments that are water-dependent shall be given priority.**

   FINDING: The removal of structures and the dredging/grading activities are not water-dependent.

2. **Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.**

   FINDING: The proposed work will not affect shoreline functions on other properties or require remedial action as Best Management Practices (i.e. erosion control, etc.) outlined in the *Project Narrative* will be implemented throughout project construction and conditioned as such.

3. **Shoreline uses, and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.**

   FINDING: The proposed shoreline activity will not require shoreline stabilization at the time of the development or in the future.

4. **Land shall not be cleared, graded, filled, excavated, or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized, and mitigated to result in no net loss of ecological functions.**

   FINDING: The applicant has applied for proper permits and has not requested to begin work prior to receiving approvals.

5. **Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed, and used in accordance with applicable policies and regulations of this Program.**

   FINDING: Single-family residential development is not proposed and therefore this criterion is not applicable.

6. **Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.**

   FINDING: The proposed development requires compliance with any applicable regulations from CMC Title 17 Land Development and CMC Title 18 Zoning.

7. **On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.**

   FINDING: Removal of structures will be self-mitigating by restoring the project area to its natural condition. Eliminating these impediments allows for potential species migration, any surface navigation, and public viewing of the water. Dredging will not interfere with navigation, including fish migration, and will not impact public views.

8. **Hazardous materials shall be disposed of, and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.**

   FINDING: Any hazardous materials determined to be present will be abated prior to structure demolition activity. The shoreline will also be protected by employing Best Management Practices to prevent sediments and other contaminants from discharging into the Camas Slough or Columbia River.

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

FINDING: The in-water work schedule will occur during the approved federal and state regulatory in-water work windows as outlined in the *Project Narrative*. Implementation of Best Management Practices and mitigation measures will minimize impacts to aquatic species, habitats, and water quality.

10. **The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline function is achieved. Applicants must comply with the provisions of Appendix C with a particular focus on mitigation sequencing per Appendix C, Section 16.51.160 Mitigation Sequencing. Mitigation Plans must comply with the requirements of Appendix C, Section 16.51.170 Mitigation Plan Requirements, to achieve no net loss of ecological functions.**

    FINDING: The application includes a *Critical Area Report* for the presence of wetlands, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas within shoreline jurisdiction. Further discussion is provided in Section 5.3 below.

11. **The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.**

    FINDING: The proposal does not include new in-stream structures and therefore this criterion is not applicable.

12. **Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580 and requested with a shoreline permit application.**

    FINDING: The activity is within city limits and therefore this criterion is not applicable.

Archaeological, Cultural and Historic Resources (ARCH23-03) SMP Section 5.2

The application included an *Archaeological Resources Survey* report with recommendations sent to the Department of Archaeology and Historic Preservation (DAHP) and Tribal Representatives for review and comment. In accordance with the recommendation of the report, an *Inadvertent Discovery Plan* was prepared for the project in case archaeological artifacts are discovered during construction. The reports and findings are not subject to the open public records act and as such, the city cannot disclose the results.

FINDING: Staff recommends a condition of approval that if an item of possible archaeological interest is discovered on site, work should immediately cease, and notification of the find should be sent to the appropriate parties.

Critical Areas Protection (CA23-04) SMP Section 5.3

The project site includes the following critical areas and associated buffers located within the shoreline designation as regulated by the SMP: Wetlands, Frequently Flooded Areas, Geologically Hazardous Areas, and Fish and Wildlife Habitat Conservations Areas. Critical area regulations are located within the SMP, Appendix C.

Wetlands- SMP Appendix C, Chapter 16.53

Clark County GIS mapping identifies Wetlands adjacent to or within (300-feet) of the project site, which are identified as critical areas per SMP Appendix C Section 16.51.070. As such, the applicant submitted a *Critical Areas Report* dated August 2022, prepared by Kennedy Jenks, a *Biological Assessment* dated January 2023, and *Shoreline Report* dated February 2023, both prepared by Tetra Tech.

Seven (7) category II narrow fringe wetlands with 180-foot buffers were identified within the project vicinity along the riverbank of the Camas Slough and thus within the 200-ft shoreline area. The *Shoreline Report* indicated that the proposed project activities would avoid impacting these wetlands and their associated buffers.

However, Wetlands 4 and 5 as identified in the *Shoreline Report*, are located immediately upriver of the Truck Dock demolition area whose buffers encroach into the project area as shown on figure 5 of the *Shoreline Report*. Both wetland boundaries are described to consist of very steep, riprap riverbanks with limited vegetation. Following structural removal, a portion of the wetland buffers will be re-graded to match existing contours for the creation of new shallow nearshore habitat. Staff finds mitigation for temporary impacts should be focused on restoring vegetation to pre-project conditions along with implementing BMP's during construction and conditioned as such.

Frequently Flooded Areas- SMP Appendix C, Chapter 16.57
Clark County GIS mapping identifies Frequently Flooded Areas (i.e. Floodway, Floodway Fringe and 500-Year Area) within the project demolition activity area. Project activities include structural removal and associated riverbank regrading resulting in cut and fill within the Camas Slough. Structural flood hazard reduction measures are not proposed. As a result, a *No-rise Report for Removal of Structures along Camas Slough* dated February 2023 prepared by WSP concluded there was no increase in the 100-year regulatory flood elevations on the Camas Slough or the Columbia River, including the Washougal River due to the demolition activities.

Geologically Hazardous Areas- SMP Appendix C, Chapter 16.59
Clark County GIS mapping identifies Geologically Hazardous Areas (i.e. steep slopes and severe erosion hazard areas) within the project demolition activity area. The *Critical Areas Report* prepared by dated August 2022, prepared by Kennedy Jenks indicated that the severe erosion hazard area mapped within the project site (i.e. Woodyard areas) does not contain slopes to meet the definition of a severe erosion hazard area per SMP 16.59.020 and slope instability or landslide areas are not within the project site. However, best management practices such as erosion and sediment control, slope protection and soil stabilization will be utilized for project activities within sloped areas per the *Preliminary Stormwater Management Plan* prepared by Tetra Tech.

Fish and Wildlife Conservation Areas- SMP Appendix C, Chapter 16.61
Clark County GIS mapping identifies Fish and Wildlife Habitat Conservation Areas (i.e. Columbia River, Camas Slough, Riparian Habitats and ESA-listed fish species, etc.) adjacent to or within (300-feet) of the project site. As such, the applicant submitted a *Critical Areas Report* dated August 2022, prepared by Kennedy Jenks, a *Biological Assessment* dated January 2023 and *Shoreline Report* dated February 2023, both prepared by Tetra Tech. The *Critical Areas Report* identifies in more detail the presence of Fish and Wildlife Conservation Areas within the project vicinity. Collectively, the reports addressed the applicable regulations of SMP Appendix C Section 16.61.020(C).

Proposed activities within the Fish and Wildlife Conservation Areas include the removal of dolphins and piles, dredging for barge access to remove dock warehouse piers, excavation/fill for riverbank reshaping followed by riparian restoration to provide shallow nearshore habitat, and placement of fill to create bottom contours that match the natural riverbed. Shoreline buffer activities include demolition and excavation of the dock warehouse, truck and PECO docks including backfilling the wood chip storage areas. Given the in-water/over-water demolition project is within a habitat area, complete avoidance is not possible but minimized to the extent possible. Impacts due to these activities are temporary or permanent and discussed in further detail in the *Shoreline Report*.

The *Shoreline Report* and *Project Narrative* outlines detailed best management practices, minimization measures, and stormwater management actions that are designed to either avoid, minimize, or mitigate project impacts. In addition, the *Biological Assessment* specifically evaluated the threatened and endangered species and included recommendation measures to minimize potential adverse effects to fish habitat in general.

Overall, the project activities would reduce the number of riverbed obstructions, create shallower riverbank slopes, remove shade producing structures and piles containing creosote that will result in a net increase in available potential fish and wildlife habitat.

> **FINDING:** Impacts to critical areas will be mitigated with Best Management Practices for erosion control construction, stormwater management actions, and native re-vegetation measures to ensure no net loss of ecological functions to the shoreline area and maintain habitat connectivity to the shoreline. Staff finds the applicant will comply with the provisions of the Critical Areas regulations as conditioned.

Site Planning and Development — SMP Section 5.7

SMP Section 5.7.2 Clearing, Grading, Fill and Excavation:

1. **Clearing and grading shall be scheduled to minimize adverse impacts, including not limited to, damage to water quality and aquatic life.**

   FINDING: Implementation of best management practices and minimization measures to minimize impacts to aquatic species, habitats, and water quality would enable project related clearing and grading to occur within the approved construction in-work windows.

2. **Clearing and grading shall not result in substantial changes to surface water drainage pattern off the project site and onto adjacent properties.**

   FINDING: Grading and fill activities are designed to fit the existing topography and return the areas along the riverbank to a natural drainage pattern, which will not substantially change the surface water drainage pattern onto adjacent properties as discussed in the *Shoreline Report*. Further, stormwater discharges from the demolition area will be contained per the *Temporary Erosion and Sediment Control Plans* to protect properties and waterways downstream during construction.

3. **Developments shall include provisions to control erosion during construction and to ensure preservation of native vegetation for bank stability.**

   FINDING: A *Temporary Erosion and Sediment Control Plan* is included as Attachment A of the *Stormwater Management Plan* that includes provisions for construction erosion control measures. Existing riverbank vegetation is sparse. Temporary disturbance to the riverbank vegetation is limited to the minimum amount needed to access and remove structure. Native vegetation will be installed following riverbank grading activities.

4. **Grading and grubbed areas shall be planted with a cover crop of native grasses until construction activities are completed.**

   FINDING: Temporary straw or plastic covering will be used to stabilize exposed soil and protect against erosion. Final grade conditions will be planted with an approved seed mix per the approved *Stormwater Management Plan*.

5. **Clearing, filling, or excavation shall not be conducted where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.**

   FINDING: The proposed filling and excavation activities will not result in shoreline stabilization. Disturbed areas will be immediately stabilized with best management practices per the *Stormwater Management Plan*, and graded slopes revegetated with native vegetation for erosion protection.

6. **Fills shall be permitted only in conjunction with a permitted use and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.**

   FINDING: Fill is needed following the removal of riverbank structures at the minimum necessary to restore riverbed contours and reshape the riverbank to new shallower slopes. Also, the South Wood Chip Storage Area will be backfilled to design grades. Estimated fill quantities are provided in Tables 14 and 15 of the *Shoreline Report*. Clean fill material is proposed.

7. **Soil, gravel or another substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of polluted dredge material or materials normally disposed of at a solid waste facility is prohibited.**

   FINDING: Fill material is anticipated to be from on-site and if material is from off-site it will be screened and documented that it is uncontaminated. If onsite fill material is not suitable for disposal, then the fill material will be disposed of at the Lady Island dredged materials area. Polluted dredge material or material disposed at a solid waste facility will not be used.

8. **Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.**

   FINDING: Proposed upland fill material will be verified for consistency with existing soil conditions and surface water permeability. The wood chip areas will be backfilled with clean materials to design grade consistent with existing conditions for permeability.

9. **Fills must protect shoreline ecological functions, including channel migration processes.**

   FINDING: The design and placement of fill would create shallow nearshore riverbed contours that allows for a more natural hydraulic flow and new riverbank vegetation and habitat, resulting in a no net loss of shoreline ecological functions and protection of channel migration processes.

10. **Fill waterward of the OHWM shall only be allowed as a conditional use (except for beach nourishment or enhancement projects) and then only when necessary for the following activities: to support a water-dependent or public access use; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; expansion or alteration of transportation facilities of statewide significance under specific circumstances; mitigation action; and environmental restoration.**

    FINDING: Fill is proposed waterward of the OHWM for environmental restoration due to the removal of over-water structures. A conditional use is proposed and discussed in further detail below under the Shoreline Conditional Use section of this staff report.

11. **Fills for beach nourishment or enhancement projects are subject to a substantial development permit. In the Columbia River, fill shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created as mitigation.**

FINDING: The project is not a beach nourishment or enhancement project. Fill is proposed up to minus thirteen (-13) feet CRD per the grading plans in the *Shoreline Report*. The design and placement of fill creates new areas of shallow nearshore habitat as mitigation for the removal of over-water structures.

12. **Excavation below the OHWM is considered dredging and subject to provisions under that section of Chapter 6.**

    FINDING: Dredging is proposed and discussed below under the Chapter 6 section of this staff report.

13. **Upon completion of construction, remaining cleared areas shall be replanted with native species as approved by the city. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.**

    FINDING: Native vegetation will be installed following riverbank grading activities. Staff finds a condition of approval is required that replanted areas should be maintained such that within three (3) years the vegetation is fully re-established.

14. **For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or development shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, and shall be limited to the minimum necessary to accommodate an approved use.**

    FINDING: The project does not include the conversion of land to non-forestry uses and/or developments and therefore this criterion is not applicable.

Specific Shoreline Use Regulations — SMP Chapter 6

SMP Section 6.4.1 General Requirements:

1. **Structural shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect allowed legally existing shoreline use or primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline of bed lands for an allowed water-dependent use of for shoreline mitigation or enhancement purposes.**

   FINDING: New structural shoreline modifications are not proposed; therefore, this criterion is not applicable.

2. **Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.**

   FINDING: Due to the location of some of the structures to be removed, complete avoidance of impacts is not practicable. However, minimization efforts include the implementation of best management practices outlined in the *Project Narrative*. The demolition and removal of the proposed structures and encumbrances followed by shoreline riverbank grading would create a more natural shoreline and result in a no net loss of shoreline ecological functions.

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

FINDING: In-water work will comply with the required regulatory in-water work window schedule, which will minimize impacts to biological productivity. In-water work is not occurring in an area used for commercial fishing.

SMP Section 6.4.2 Dredge and Dredge Material Disposal:

6.4.2.1 Dredging

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

   FINDING: Proposed dredging is beneath the dock warehouse piers to enable barge access for removal of the over-water structures and support pilings, which is expected to result in long term benefits to the shoreline habitats through the removal of shoreline impediments and shading as well as water quality through reduced sedimentation and turbidity. Removal of structures and creation of near shore habitat would result in a new increase in available potential fish and wildlife habitat per the *Shoreline Report*. Best Management Practices will be implemented to ensure no net loss of ecological functions.

2. **Maintenance dredging of established navigation channels and basins shall be restricted to management of previously dredged or existing authorized location, depth and width.**

   FINDING: Dredging is not proposed within established navigation channels or basins per the *Shoreline Report*.

3. **Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places, the Washington Heritage Register, or the Clark County Historic Register until such time that they have been reviewed and approved by the city and the Department of Archaeological and Historic Preservation (DAHP).**

   FINDING: Dredging and dredge disposal will not occur on or in archaeological sites listed on the National Register or Historic Places, the Washington Heritage Register, or the Clark County Historic Register. However, an *Inadvertent Discovery Plan* was prepared in case of any unanticipated discoveries during construction.

4. **Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created to mitigate for the dredging project.**

   FINDING: Dredging is proposed up to minus thirteen (-10) feet CRD of an 1,800 square foot area surrounding the Dock Warehouse piers to enable access for demolition barges per the *Shoreline Report*. Reshaping the riverbank following the removal of structures will create new areas of shallow nearshore habitat.

5. **New dredging activity is prohibited in the following locations:**
   a. **Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;**
   b. **In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging;**

c. **In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.**

FINDING: Dredging is not proposed in active geohydraulic-hydraulic areas where significant sloughing due to currents or tidal activity will occur, or in a habitat critical to the life cycle of fish, shellfish or wildlife.

6. **Dredging and dredge disposal shall be scheduled to protect biological productivity (including but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (including but not limited to, drift netting and crabbing) during a fishing season unless specifically addressed and mitigated for in the permit.**

FINDING: Dredging will occur within the required regulatory in-water work window schedule, which will minimize impacts to biological productivity. Dredging is not occurring in an area used for commercial fishing.

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

FINDING: Best Management Practices for dredging will be implemented to minimize sediment loss and turbidity per the *Project Narrative*. Dredging is limited to the amount required to provide access for demolition removal. The dredging technique will be using a clamshell to minimize the broadcast of bottom materials.

8. **Dredging waterward of the OHWM shall be permitted only:**
   a. **For navigation or navigational access;**
   b. **In conjunction with a water-dependent use of water bodies or adjacent shorelands;**
   c. **As part of an approved habitat improvement project;**
   d. **To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;**
   e. **In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.**

FINDING: Per the *Project Narrative*, the purpose of the project includes the removal of structures from state aquatic lands and termination/reduction of State Aquatic Lands Lease and easements.

6.4.2.2 Dredge Material Disposal

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

FINDING: Dredge material disposal will follow a Dredged Materials Management Program to ensure materials are properly disposed of and result in a no net loss of ecological functions through the implementation of best management practices.

2. **Near shore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:**
   a. **Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);**
   b. **Prime agricultural land except as enhancement;**
   c. **Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and water except for enhancement purposes;**
   d. **Designated or officially recognized wildlife habitat and conservation areas;**
   e. **Water quality, quantity, and drainage characteristics; and**
   f. **Public access to shorelines and water bodies.**

   FINDING: Per the *Project Narrative*, dredged materials not suitable for in-water reuse, but suitable for land disposal, will be disposed at the Lady Island Dredged Materials Area (LI DMA) located on Lady Island where clean dredged materials have been stored for many years under agreement with the Washington Department of Natural Resources (DNR).

3. **Dredged material shall be disposed of on land only at sites reviewed and approved by the USACOE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this Program. Disposal shall be undertaken such that:**
   a. **The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;**
   b. **Shoreline ecological functions and processes will be preserved, including protection of surface and ground water;**
   c. **Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and**
   d. **Sites will be adequately screened from view of local residents or passerby on public rights-of-way to the maximum extent practicable (e.g. combination of fencing and vegetation).**

   FINDING: The approved existing Lady Island Dredged Materials Area (LI DMA) would serve as the upland disposal of suitable dredged materials that are not reused. Per the *Revised Tier 1 Evaluation for Dredged Materials Management*, proposed dredging activity and dredged materials are covered under the license agreement with DNR. Best management practices will be implemented during transportation and placement of dredged materials to ensure no net loss of shoreline ecological functions.

4. **The following conditions shall apply to land disposal sites:**
   a. **Underground springs and aquifers shall be identified and protected.**
   b. **Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage property setting.**
   c. **Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways.**
   d. **There shall be a single point of ingress and egress for removal of the de-watered material.**
   e. **Runoff shall be directed through grassy swales or other treatment features that assures protection of water quality and a location that maximizes circulation and fishing.**

f. **Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions;**
g. **Vegetation shall be maintained to ensure continued existence by the property owner; and**
h. **Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within the jurisdiction of this Program, shall comply with the fill regulations.**

FINDING: Best Management Practices will be implemented during transportation and placement, so the material does not wash from barges during transfer to the site or from Lady Island after placement. Dredged materials are tested by Georgia Pacific for sediment quality for suitability for reuse or disposal at Lady Island per the *Sampling and Analysis Plan*. The fill regulations of the shoreline master program are addressed above in this staff report.

5. **Dredged material shall be disposed of in water only at sites approved by the USACOE and the Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:**
    a. **Land disposal is infeasible, less consistent with this Program, or prohibited by law;**
    b. **Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;**
    c. **Offshore habitat will be protected, restored or enhanced;**
    d. **Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;**
    e. **Shifting dispersal of soil will be minimal; and**
    f. **Water quality will not be adversely affected.**

    FINDING: Per the *Project Narrative*, the Dredged Materials Management Program will evaluate sediment quality and determine suitability for in-water disposal. Best management practices will be implemented that will minimize dispersal and impacts to water quality. Prior to in-water work disposal, approval will be required from the City and applicable agencies include USACOE.

6. **The deposition of dredged materials in water or wetlands shall be permitted only:**
    a. **To improve wildlife habitat;**
    b. **To correct material distribution problems adversely affecting fish habitat;**
    c. **To create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit;**
    d. **When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition; or**
    e. **In approved, open-water disposal sites.**

    FINDING: Any approved dredged material disposal within wetland buffer areas would result in restored shallow, nearshore river habitat. In-water disposal will be in accordance with the Dredged Materials Management Plan.

Shoreline Conditional Use — SMP Appendix B Section IX

As discussed throughout this report, the project activities include the removal of riverbank structures, sediment dredging and excavation/filling in the “Aquatic”, “Medium Intensity”, and “High Intensity” shoreline environments.

Non-maintenance dredging is allowed as a conditional use in the "Aquatic" shoreline environment per Table 6-1 *Shoreline Use, Modification and Development Standards* of the SMP. The proposed riverbed dredging is needed to enable demolition barge access to the Dock Warehouse piers as the riverbed at the piers have filled in with river sediment, which is not a maintenance dredging activity.

Dredge material disposal is allowed as a conditional use in the "Aquatic", "Medium Intensity", and "High Intensity" shoreline environments per Table 6-1 *Shoreline Use, Modification and Development Standards* of the SMP. The proposed dredge material will be used as fill in areas of removed underwater structures and/or upland area fills if found suitable.

Pursuant to SMP, Appendix B, "*Conditional use approval may be granted only if the applicant can demonstrate all of the following":*

1. **The proposed use is consistent with the Program, and the policies of the Act (RCW 90.58.020);**

   FINDING: The project supports the policies of the State and is consistent with the Camas Shoreline Master Program as the removal of structures supports the natural character and ecological functions of the shoreline including the continued public access use of the shoreline. The required dredging, fill and grading activities associated with the removal of the shoreline impediments are designed to minimize ecological impact through the implementation of best management practices.

2. **The proposed use will not interfere with normal public use of public shorelines;**

   FINDING: There currently are no public access points to the Camas Slough from the main Mill parcel or Lady Island. However, no interference with the normal public use of the shoreline will occur as the project activities include the removal of structures and associated temporary dredging/grading.

3. **The proposed use of the site and design of the development will be compatible with the surrounding authorized uses, the Program, and the comprehensive plan;**

   FINDING: The proposed project is located within a major industrial area due to the operation of the mill. The existing mill structures along the riverbank are no longer in operation and no new structures are proposed. Therefore, the removal of the structures and associated dredging/grading will be compatible with the existing surrounding authorized uses. The dredging associated with the removal of structures and grading/fill for the creation of new nearshore habitat supports the ecological functions of the shoreline per the shoreline master program, including the natural environment goals of the comprehensive plan.

4. **The proposed use will cause no significant adverse effects on the shoreline environment or other uses; and**

   FINDING: The proposed project will cause no adverse effect on the shoreline environment or other uses but rather provide a benefit as in-water and over-water structural obstructions will be removed, resulting in the reduction of over-water shading, improved water quality with the removal of creosote pilings, and creation of new shallow nearshore habitat. Although sediment disturbance will occur because of structural removal and reestablishing grading contours, the impact will be temporary and mitigated with best management practices. Also, suitable dredged materials to be disposed upland will be at the approved Lady Island Dredged Materials Area. The long-term benefit will return the shoreline to its natural condition.

5. **That the public interest would suffer no substantial detrimental effect;**

FINDING: The public interest would suffer no substantial detrimental effect as the removal of the unused in-water and over-water structures will increase the public's enjoyment of a healthier shoreline.

TITLE 16 ENVIRONMENT

State Environmental Policy Act (SEPA23-04) CMC Chapter 16.07

A SEPA checklist was submitted, and a Determination of Non-Significance (DNS) was issued August 3, 2023, as the proposed development contains critical areas per CMC 16.07.020.C. The comment period ended August 17, 2023. SEPA comments were received from the Department of Ecology concerning the demolition of hazardous materials and cleanup work.

FINDING: Staff finds the Department of Ecology SEPA comments should be complied with and conditioned as such.

PUBLIC COMMENTS

As of the writing of this staff report, city staff has not received any public comments.

CONCLUSIONS

1. Based upon the submitted plans and reports, staff finds that the project is consistent with the general goals and policies of the Camas Shoreline Master Program (SMP) pursuant to Chapter 3 Goals and Policies, SMP Chapter 4 Shoreline Designation management policies, and Chapter 5 General Use & Development Regulations.
2. As proposed, the project is consistent with the SMP Chapter 6 Specific Shoreline Use Regulations, at SMP Section 6.4.2.1 Dredging and Section 6.4.2.2 Dredge Material Disposal.
3. As conditioned, the proposed project can comply with the Conditional Use regulations of SMP Appendix B and the Critical Area regulations of SMP Appendix C.

RECOMMENDATION

Staff recommends **APPROVAL** of Georgia Pacific In-Water Over-Water Removal Project (File# SHOR23-01) as conditioned below:

Proposed Conditions of Approval:

1. The shoreline decision is valid for a period of two (2) years per SMP Appendix B Section XII.D.
2. The applicant shall comply with the Department of Ecology SEPA comments.
3. In the event any item of archaeological interest is uncovered during the course of a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease, and the applicant shall notify the appropriate parties.
4. Best Management Practices (i.e., erosion control measures, etc.) shall be implemented throughout project construction.
5. Upon construction completion, areas of temporary disturbance shall be revegetated with native vegetation to pre-disturbance conditions.
6. Replanted areas shall be maintained such that within three (3) years the vegetation is fully re-established.