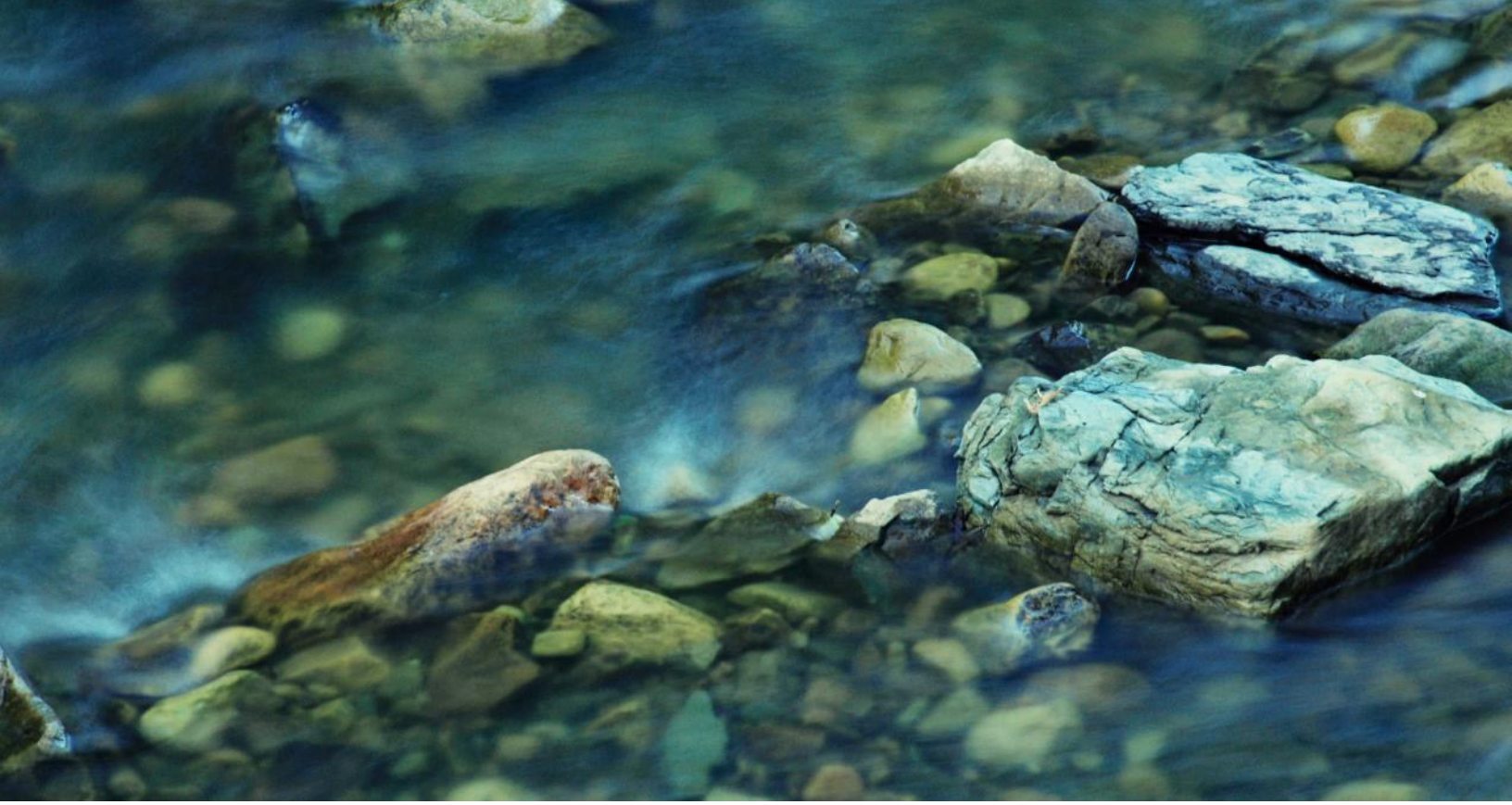
Attachment G
Land Use, Recreation, and Visual Resources Technical Study



July 2023
Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project

ANCHOR QEA

Land Use, Recreation, and Visual Resources Technical Study

Prepared for Port of Grays Harbor and Ag Processing, Inc.

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Port of Grays Harbor
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Prepared by
Anchor QEA, LLC

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ABBREVIATIONS

AGP	Ag Processing, Inc.
AMC	Aberdeen Municipal Code
BNSF	Burlington Northern Santa Fe
CAO	Critical Area Ordinances
FEMA	Federal Emergency Management Agency
FNC	federal navigation channel
HMC	Hoquiam Municipal Code
Port	Port of Grays Harbor
PSAP	Puget Sound and Pacific Railroad
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SMP	Shoreline Master Program
USC	United States Code
WAC	Washington Administrative Code

1 Introduction

The Port of Grays Harbor (Port) is proposing the Terminal 4 Expansion and Redevelopment Project (Port Project) to increase rail and shipping capacity at Terminal 4 at the Port of Grays Harbor located in the cities of Hoquiam and Aberdeen, Washington, to accommodate growth of dry bulk, breakbulk, and roll-on/roll-off cargos. Ag Processing, Inc. (AGP), is proposing to upgrade its operations at Terminal 4 (AGP Project). Together, the Port and AGP projects are referred to as the Proposed Project.

The purpose of this technical study is to describe the affected environment and potential impacts of the Proposed Project and its alternatives on land use, recreation, and visual resources. The land use analysis considers potential conflicts with zoning, shoreline master programs (SMPs), and critical areas ordinances. The recreation analysis considers publicly accessible recreational areas. Visual resources include views of the Port, nearby recreational areas, scenic byways, and sources of light and glare.

This technical study will be used to support environmental review of the Proposed Project by the state and federal agencies with a funding, jurisdictional, or permitting authority over the Proposed Project. This includes compliance with the Washington State Environmental Policy Act and the National Environmental Policy Act. This technical study will be used as supporting documentation for permitting efforts.

1.1 Location and Regional Setting

Figure 1 shows the location and regional setting of the Port. The Port was founded in 1911 and is located on the Pacific coast of Washington state in the cities of Hoquiam and Aberdeen in Grays Harbor County. The Port is located near where the Chehalis River enters Grays Harbor, approximately 15 miles east from the Pacific Ocean at the mouth of Grays Harbor. The Port is the westernmost port in Washington. The Pacific Ocean is accessed from the Port via the Grays Harbor deep-draft federal navigation channel within Grays Harbor. The Proposed Project does not include expansion or deepening of the Grays Harbor federal navigation channel. Rennie Island is just south of the Port and is within Grays Harbor. Bowerman Airport is approximately 4 miles west-northwest of the Port.

1.2 Project Area

The Project Area consists of the area where the proposed facilities would be located, called the On-Site Project Area, and the existing off-site transportation corridors, called the Off-Site Project Area. The On-Site Project Area includes the area that will be directly affected by construction and operation of the Proposed Project (Figure 1). The Proposed Project will likely include rail construction on property owned by others (Puget Sound and Pacific Railroad [PSAP] or other private owners) along the PSAP rail corridor east of West Heron Street. It has not been established whether that rail would be built and owned by the PSAP to serve the site, built and owned by the Port, or some other combination of ownership and leasing.

The Off-Site Project Area includes off-site transportation corridors used for rail and vessel transportation (Figure 2). This includes the PSAP line from the Port property to the connection with the Burlington Northern Santa Fe (BNSF) Railway and Union Pacific Railroad mainline in Centralia, Washington, and the Grays Harbor federal navigation channel (FNC) from the Port property, through Grays Harbor, to the Pacific Ocean and up to 3 nautical miles offshore from the southern mouth of Grays Harbor. Specific study areas for the analysis of potential impacts of the Proposed Project is defined in Section 5.1 based on the potential for effects to land use and visual resources.

Figure 1
On-Site Project Area

Figure 2
Off-Site Project Area

2 Proposed Project and Alternatives

Two alternatives are evaluated in this study: the Proposed Project and a No Action Alternative. Additional details about these alternatives are documented in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a). The alternatives include the following:

- **Alternative 1 (Proposed Project).** As noted in Section 1 and as further described in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report*, the Proposed Project consists of the Port Project and the AGP Project. The Port Project includes the following: 1) rail upgrades and site improvements; 2) Terminal 4 dock, fender, and stormwater upgrades; and 3) cargo yard relocation and expansion. In addition to these proposed upgrades at Terminal 4, AGP, an existing tenant of the Port, intends to upgrade Terminal 4B to include improved rail receiving facilities, a new shiploader, and a soybean meal storage structure (referred to as a surge silo). The primary elements of the Proposed Project could be constructed in phases.
- **No Action Alternative.** The No Action Alternative represents the conditions anticipated without construction and operation of the Proposed Project over the course of the construction analysis period of 2024 to 2025 and the operations analysis period of 2025 to 2045. Although the Port would not complete the proposed infrastructure enhancements or redevelop the Terminal 4 cargo yard under the No Action Alternative, it is anticipated that the Port would pursue growth opportunities within the existing Port footprint. It is also assumed that AGP would not complete the proposed infrastructure enhancements at Terminal 4B, but AGP would maximize its operations at the existing Terminal 2 facility. However, under the No Action Alternative, the Port would continue to operate and maintain T4 as it exists under existing conditions and would continue to seek out new business. Because activity under the No Action Alternative would be limited to current port infrastructure and terminal capacity limits, the No Action Alternative is anticipated to result in operations similar to existing conditions.

3 Regulatory Context

3.1 Regulations

Table 1 presents the regulations, statutes, and guidelines that apply to land use, recreation, and visual quality.

Table 1
Regulations, Statutes, and Guidelines

Laws and Regulations	Description
Federal	
Coastal Zone Management Act (16 USC 1451)	Provides for the management of the nation's coastal resources with the goal to "preserve, protect, develop, and where possible, to restore or enhance the resources of the national coastal zone." Washington state has an approved Coastal Zone Management Program and a role in the federal decision-making process.
State	
Washington State Growth Management Act (RCW 36.70A)	Establishes a framework for the creation of city and county comprehensive plans to be consistent with Growth Management Act goals (e.g., environmental protection and urban growth). Defines a variety of critical areas, which are designated and regulated at the local level under city and county critical areas ordinances. These critical areas may include shorelines or portions of fish habitat. These critical areas also include wildlife habitat conservation areas and frequently flooded areas.
Washington State Shoreline Management Act of 1971 (RCW 90.58)	Establishes regulations for managing the use, environmental protection, and public access of the state's shorelines.
Washington State Coastal Zone Program	Implements the Coastal Zone Management Act in Washington State. The enforceable policies are found in the following laws, regulations, and plans: Shoreline Management Act, RCW 90.58, WACs 173-15 through 26; Water Pollution Control Act, RCW 90.48, WAC 173-40 through 270, WAC 372-52 through 68; Washington Clean Air Act, RCW 70.94, WACs 173-400 – 495; Ocean Resources Management Act, RCW 43.143, WAC 173-26-360; The Marine Spatial Plan for Washington's Pacific Coast Important, Sensitive, & Unique Areas (ISUs) Standards and Fisheries Protections Standards.
Washington State Aquatic Lands Code (RCW 79.105)	Articulates the management of state-owned aquatic lands in conformance with constitutional and statutory requirements.

Laws and Regulations	Description
Scenic and Recreational Highway Act of 1967 (RCW 47.39.020)	The Scenic and Recreational Highway Act of 1967 created a scenic highway system. Corridors within the scenic and recreational highway system that showcase the state's historic agricultural areas and promote the maintenance and enhancement of agricultural areas may be designated as agricultural scenic corridors.
Washington State Environmental Policy Act (SEPA) (RCW 43.21C)	The SEPA process identifies and analyzes environmental impacts associated with governmental decisions. The Port of Grays Harbor is the SEPA Lead Agency for all Port projects.
Local	
City of Hoquiam and Aberdeen Critical Areas Ordinance (HMC 11.06 and AMC 14.100)	Sets forth the definitions and process for designating and protecting critical areas within the city limits of the cities of Hoquiam and Aberdeen.
City of Hoquiam and Aberdeen Zoning Ordinances (HMC 10.03 and AMC 17.00)	Provides descriptions of the allowed uses within the cities of Hoquiam and Aberdeen.
City of Hoquiam and Aberdeen Shoreline Master Programs (HMC 11.05 and AMC 14.50)	Manages and protects shoreline resources per the state's Shoreline Management Act of 1971.
City of Hoquiam and Aberdeen Flood Hazard Protection (AMC 15.55 and HMC 11.16.140)	Describes standards and restrictions for construction and development in designated flood hazard areas in the city. Areas affected by the regulations are located within the designated floodplain.

3.2 Required Permits and Approvals

Required permits and approvals that apply to land use, recreation, and visual quality are provided in Table 2.

Table 2
Required Permits and Approvals

Permits	Description
Federal	
Coastal Zone Management Act Consistency Determination	Provides determination that the project is consistent with the Coastal Zone Management Act, including Washington State's enforceable policies.
State	
Aquatic Use Authorization for State-Owned Aquatic Land from the Washington Department of Natural Resources	The Port has an existing Port Management Agreement. It is anticipated that there will be coordination with Department of Natural Resources, but no permit or lease is anticipated.

Permits	Description
Shoreline Conditional Use Permits	Shoreline Conditional Use Permits issued by the Cities of Hoquiam and Aberdeen require approval by the Washington State Department of Ecology.
Local	
City of Hoquiam Shoreline and Land Use Approvals	Includes Land Use Permit, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Critical Areas Review, and Floodplain Development Permit.
City of Aberdeen Shoreline and Land Use Approvals	Includes Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Floodplain Development Permit, and Critical Areas Review.
City of Hoquiam Development Permits	Includes building permit, grade and fill permit, fire department approval, and demolition permit.
City of Aberdeen Development Permits	Includes building permit, grade and fill permit, fire department approval, and demolition permit.

4 Information Sources

The following information sources were used to describe existing conditions and expected future conditions within the Project Area to support the impact analysis:

- Review of the following local planning documents:
  - *City of Aberdeen Shoreline Master Program* (AHBL and Herrera 2017)
  - City of Aberdeen Municipal Code
  - *Aberdeen Comprehensive Plan Draft – January 2022* (City of Aberdeen 2022)
  - *Comprehensive Land Use Plan* (City of Hoquiam 2009)
  - City of Hoquiam Municipal Code
  - *Hoquiam Shoreline Master Program User Guide* (City of Hoquiam 2017)
- Site photographs taken on October 14, 2022
- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Water Resources Technical Study* (Anchor QEA 2023b)
- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Biological Resources Technical Study* (Anchor QEA 2023c)
- *Port of Grays Harbor Terminal 4 Development Geologic Hazards Report* (GeoEngineers 2023)
- *Draft Wetland and Stream Delineation Report* (HDR 2022)

5 Affected Environment

This section describes the affected environment for land use, recreation, and visual resources. This includes a description of the study area boundary and information about the study area, including background about the general character, land use and local zoning, and a description of recreational and visual resources present. Additional details about applicable land use regulations within the cities of Hoquiam and Aberdeen are presented in Attachment A.

5.1 Study Area

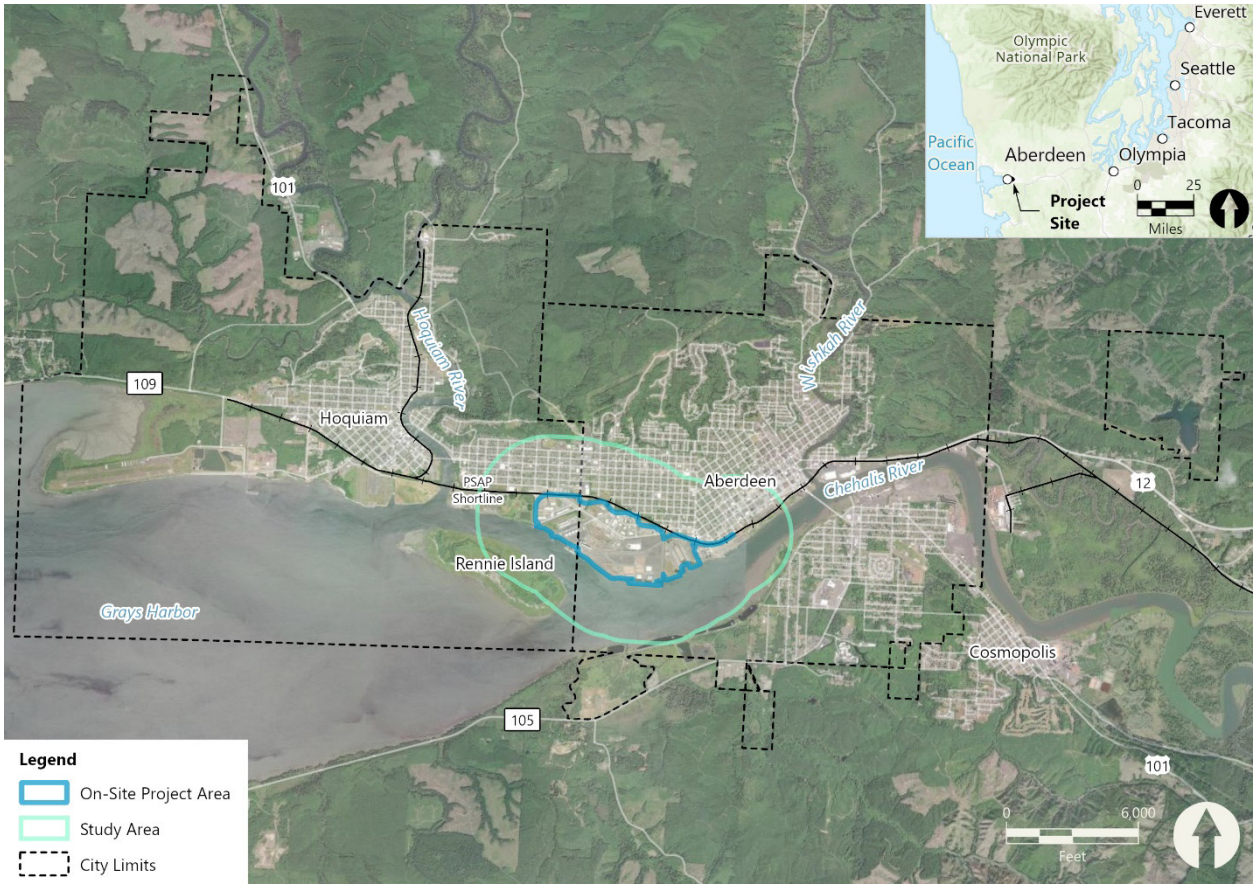
The study area for land use, recreation, and visual resources consists of the On-Site Project Area as described in Section 1 and adjacent areas within a 0.5-mile radius that could be affected by construction and routine operation of the Proposed Project (Figure 1). There are no construction activities from the Proposed Project in the Off-Site Project Area. The transportation corridors included in the Off-Site Project Area are existing and their continued use would not result in land use changes. Increases in vessel, rail, and vehicle transportation would occur within existing corridors where viewers are accustomed to seeing vessels, railcars, and vehicles. Therefore, the study area for the land use and visual analysis is limited to the On-Site Project Area.

For the analysis of potential impacts on recreation, the study area also considered the potential impact on recreational boaters within Grays Harbor. The study area for recreation includes both the areas identified above plus the off-site vessel action as depicted in Figure 2, where recreational boaters could be impacted by vessel traffic generated by project construction and Port operations.

5.2 Background

The majority of the study area is located within the Port in both the City of Hoquiam and the City of Aberdeen (Figure 3). The eastern portion is located in Aberdeen and the western portion in Hoquiam. The Port is an industrial area that serves the community and is connected to rail lines, including the PSAP and FNC. The areas immediately surrounding the Port are mainly residential with views of the harbor obscured by industrial facilities.

Figure 3
Study Area for Land Use, Recreation, and Visual Resources



5.3 Land Use

Land uses in the study area are primarily related to Port import and export activities. To the north of the Port, there are various commercial, industrial, and retail uses. Farther north, beyond these uses, are residential tracts. To the east, following the geography of the Chehalis River, there are residential, commercial, and retail uses. To the west, following the geography of the Chehalis River, there are various commercial and industrial uses.

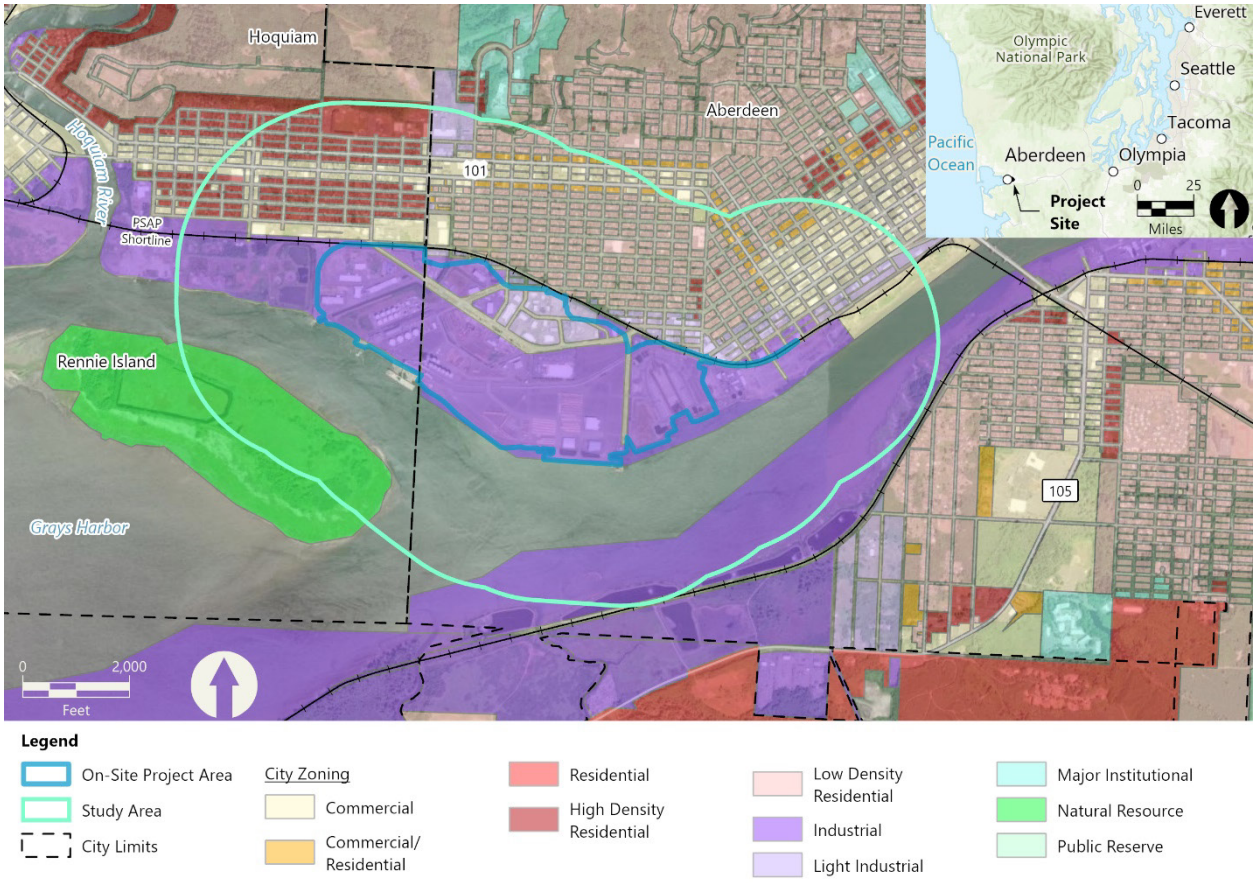
5.3.1 Zoning

The western portion of the study area is within the jurisdiction of the City of Hoquiam. This area is zoned by the City of Hoquiam as Industrial District (City of Hoquiam 2010; Figure 4). According to City of HMC 10.03.112, the intent of the Industrial District is "to provide a variety of manufacturing and marine-related uses in limited areas," and uses within the district can include "small-scale

manufacturing, processing, fabrication and assembly of products and materials, warehousing, storage, and transport facilities."

The eastern portion of the study area in the City of Aberdeen is zoned as Industrial (I) (City of Aberdeen 2015; Figure 4). According to AMC 17.48.010, the purpose of the I district is to "provide the opportunity for intensive industrial uses in appropriate locations." According to AMC 17.48.020, permitted uses that are applicable to the Proposed Project include "shipping terminals, truck terminals, materials' movement facilities, and docks, wharfs, marine terminals, and contractors' yards."

Figure 4
City of Aberdeen and City of Hoquiam Zoning Designations



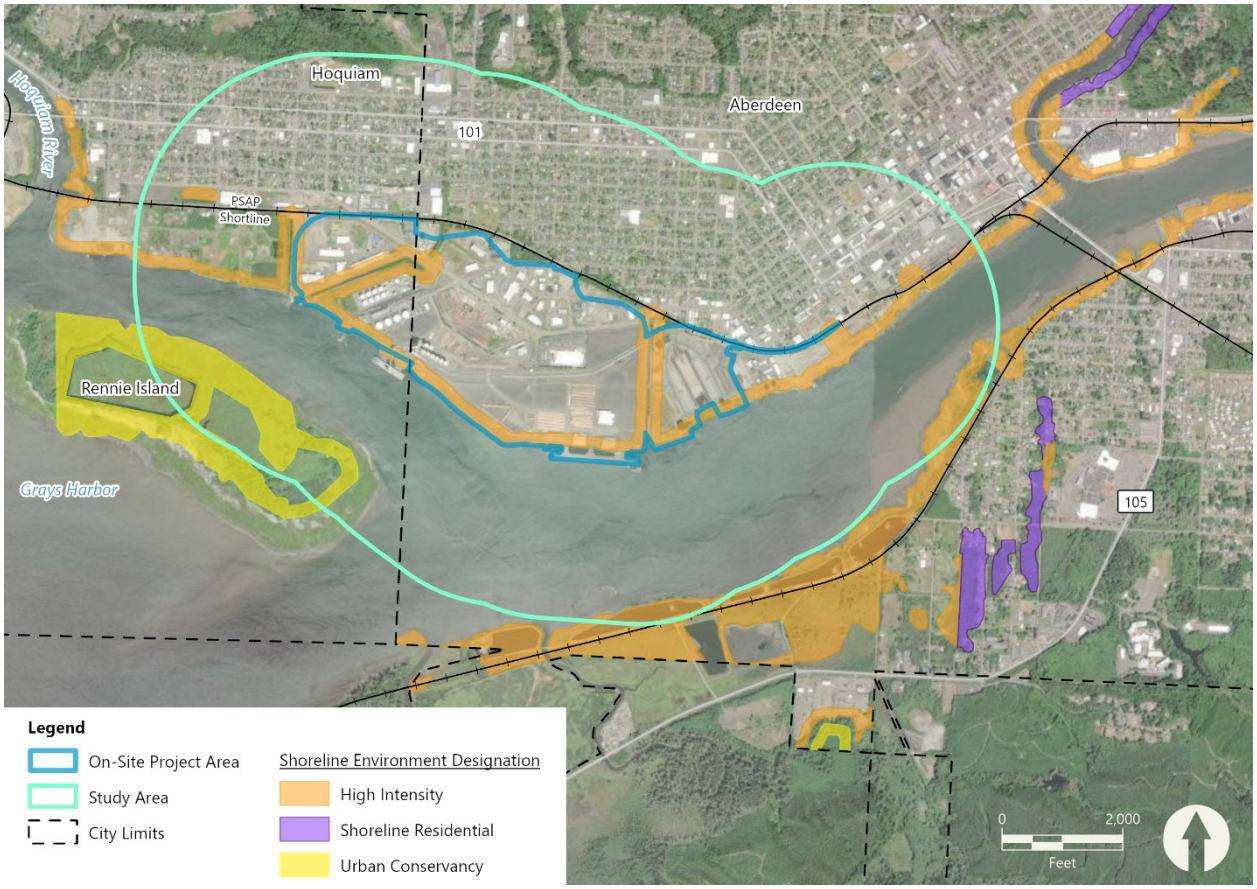
5.3.2 Shoreline Master Programs

Both cities maintain SMPs, which include additional environmental designations for areas within the shoreline jurisdiction. The portions of the study area located within 200 feet of the ordinary high water marks of the Grays Harbor Estuary, the Chehalis River, and Fry Creek are within the shoreline jurisdiction (City of Hoquiam 2017; AHBL and Herrera 2017; Figure 5) and are thus subject to the

Washington State Shoreline Management Act of 1971 and the SMPs of the City of Hoquiam and the City of Aberdeen. The SMPs for both cities further designate the Grays Harbor Estuary and the Chehalis River and their associated shorelands as Shorelines of Statewide Significances.

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

Figure 5
City of Aberdeen and City of Hoquiam Shoreline Jurisdictions



5.3.3 Critical Areas Ordinances

Both cities regulate development within ecologically sensitive and hazardous areas, referred to as critical areas, which are regulated through Critical Area Ordinances (CAOs; HMC 11.06 and AMC 14.100). CAOs

are meant to protect the function and value of critical areas by regulating which types of activities and uses are allowed within them. The following are considered to be critical areas by both cities:

- Critical aquifer recharge areas (HMC 11.06.280 and AMC 14.100.100)
- Wetlands (HMC 11.06.130 and AMC 14.100.200)
- Frequently flooded areas (HMC 11.06.270 and AMC 14.100.310)
- Geologically hazardous areas (HMC 11.06.200 and AMC 14.100.400)
- Fish and wildlife habitat conservation areas (HMC 11.06.230 and AMC 14.100.500)

Critical areas, including wetlands, frequently flooded areas and fish and wildlife habitat conservation areas were found to be present in the study area (Figures 6 through 8). For a description of these areas, please refer to the following studies and reports:

- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Water Resources Technical Study* (Anchor QEA 2023b)
- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Biological Resources Technical Study* (Anchor QEA 2023c)
- *Port of Grays Harbor Terminal 4 Development Geologic Hazards Report* (GeoEngineers 2023)
- *Draft Wetland and Stream Delineation Report* (HDR 2022)

Figure 6
FEMA 100-Year Floodplain Map

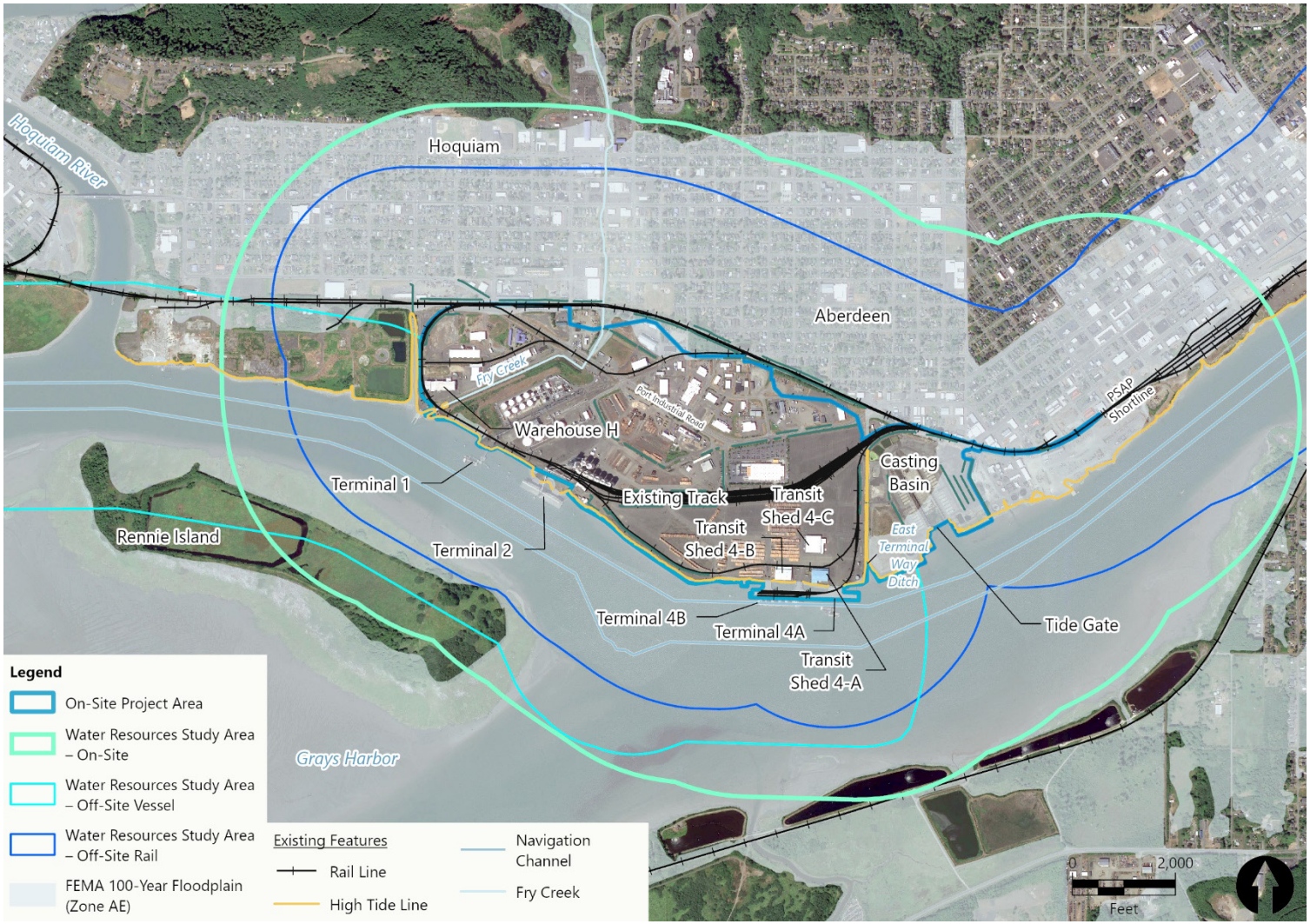


Figure 7a
Existing Surface Water Resources

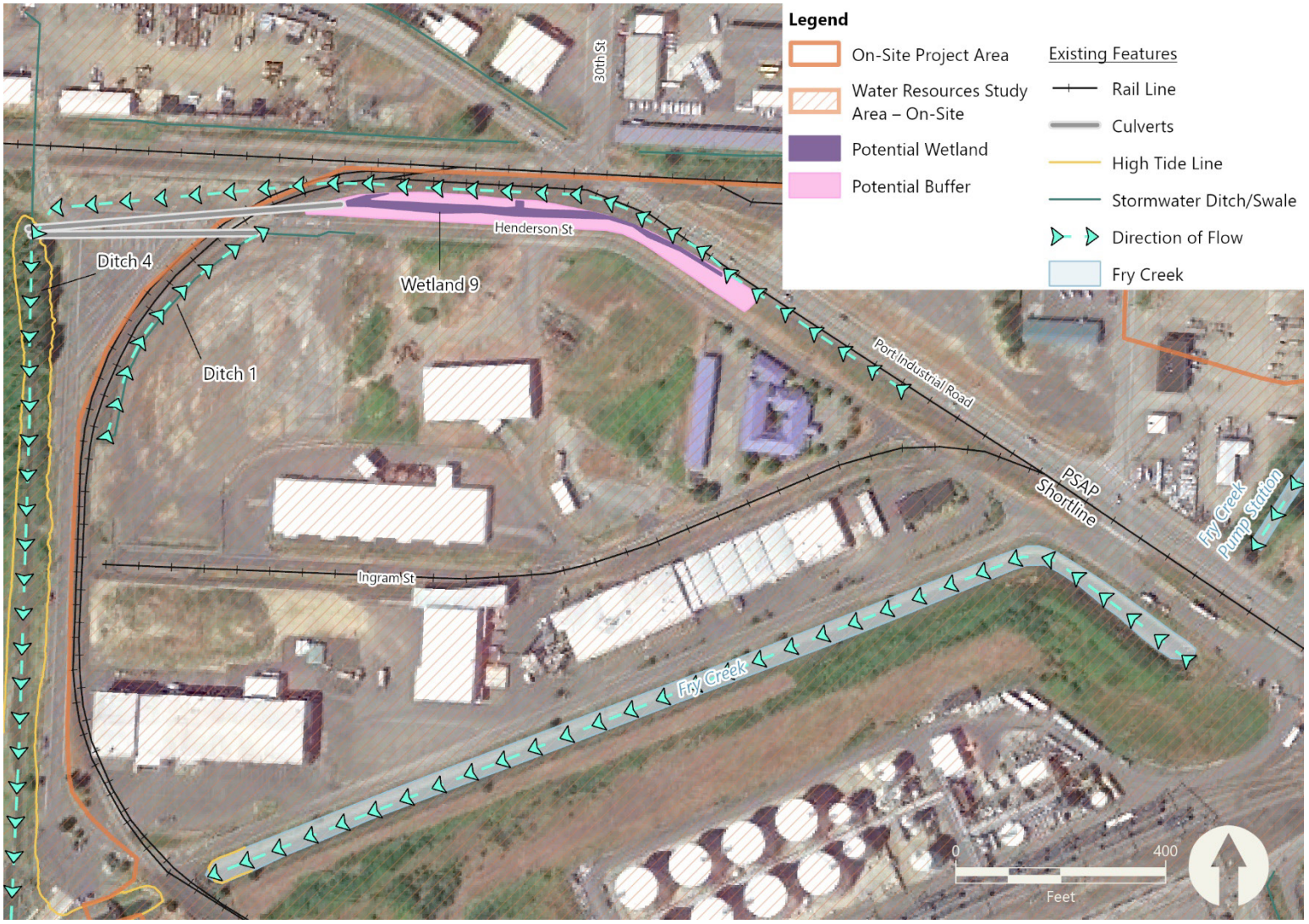


Figure 7b
Existing Surface Water Resources

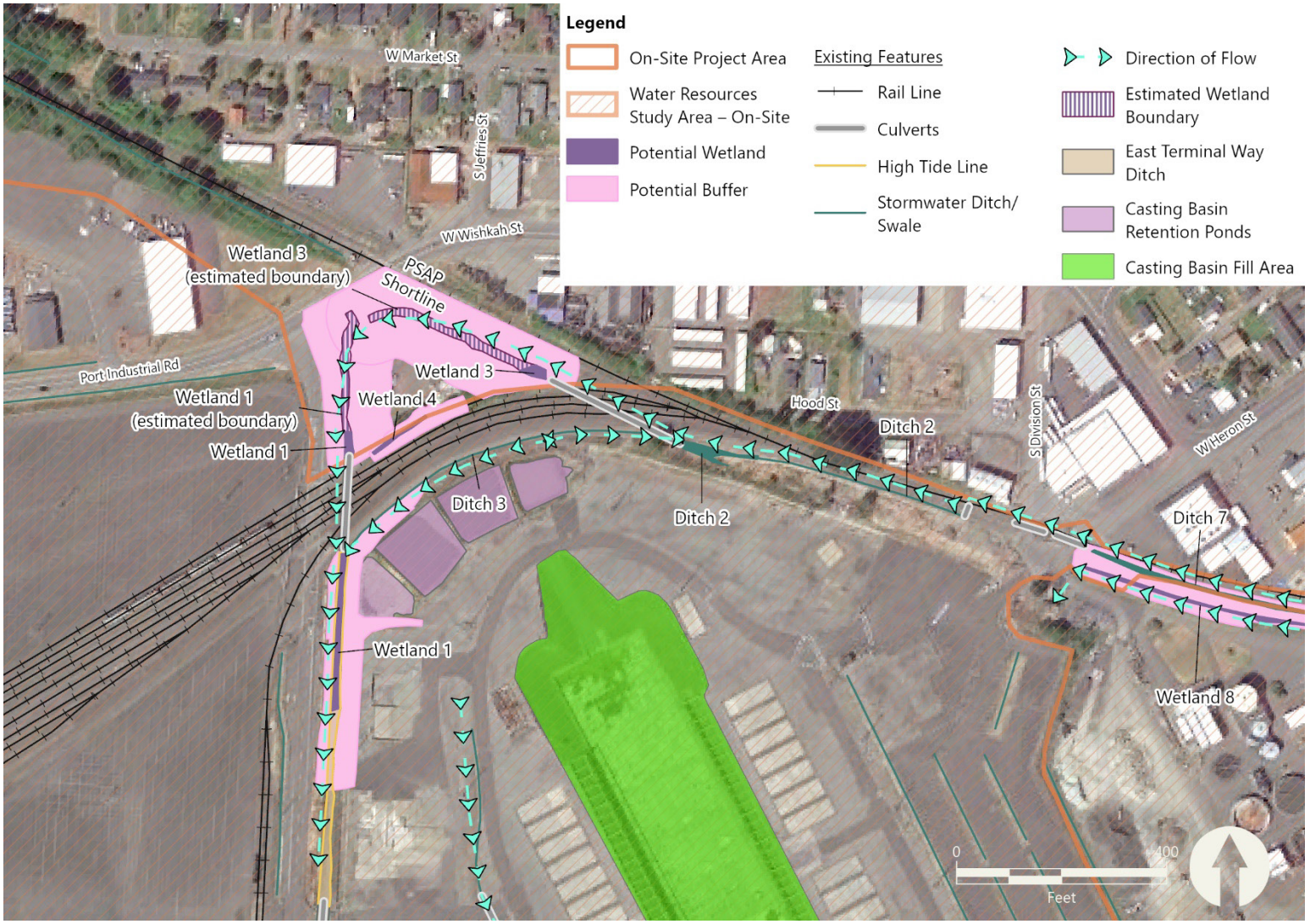


Figure 7c
Existing Surface Water Resources

Figure 7d
Existing Surface Water Resources

Figure 8
Overview of Mapped Washington Department of Fish and Wildlife Priority Habitats

5.4 Recreational Resources

The Chehalis River and Grays Harbor is used by recreational fishers and boaters. The Port maintains public access for aquatic recreationalists within Grays Harbor at the 28th Street Boat Launch and observation tower located 0.25 mile northwest of the Terminal 1 dock. Access to these facilities is provided by 28th Street and John Stevens Way. The boat launch includes a fishing pier and provides boaters and anglers free public access to Grays Harbor and the Chehalis River.

The portion of the FNC adjacent to the project site and continuing east is a popular area for recreational fishing. Recreational fishing and boating activity fluctuates depending on the season. Peak boat activity in Grays Harbor is usually concentrated on weekend days during the peak months of the fishing season from August to October (WDFW 2022). There are also a number of other publicly accessible boat launches nearby (Port of Grays Harbor 2023). These include the Sterling Landing and Friends Landing Boat Launch to the east of the Port and the Westport Marina located at the west end of Grays Harbor.

Adjacent to the boat launch is an observation tower affording visitors views of Grays Harbor, Port operations, and Rennie Island. Picnic areas are also available there.

There are also parks and trails within the study area and vicinity. Less than 0.25 mile north of the project site is a 3.5-acre neighborhood park called West End Park that includes an open playfield with basketball courts and a softball diamond. Olympic Stadium, a historic sports venue, is the closest recreational facility located approximately 0.40 mile north. The Chehalis Riverfront Walkway is a 3-mile trail located to the south of the study area on the opposite side of the Chehalis River.

5.5 Visual Resources

Aesthetic value is based on the visual character and quality of a site and the level of exposure and sensitivity of viewers to changes (U.S. Forest Service 1995; Federal Highway Administration 1988; Litton 1968; U.S. Soil Conservation Service 1978). The aesthetic value depends on natural and humanmade features of the site and viewers' perceptions of these features, which can vary according to how sensitive the viewer is and how much they are exposed to certain views. In a developed area, light and glare can also affect the visual landscape by detracting from the aesthetic quality and by interfering with adjacent land uses. For example, increased nighttime lighting can bother adjacent residents if the lighting is bright enough.

5.5.1 Views of the Port

Views within the study are dominated by industrial operations and infrastructure at the Port. The infrastructure, including aboveground storage tanks, silos, and buildings, are visible from nearby residences, businesses, and motorists. Views of the waterfront from areas north of the Port are obscured by this infrastructure and by other commercial and residential developments north of the

site, wooden utility poles, and existing trees and vegetations. Specific views within the Port are discussed and shown in the Figures 9 through 13.

Predominant visual features within the Port consist of four white aboveground storage tanks located at Terminal 1 and twelve gray concrete storage silos located at the AGP facility at Terminal 2. The aboveground storage tanks are 120 feet wide and 40 feet tall. AGP's storage silos consist of eight silos, approximately 75 feet wide and 135 feet tall, and four clustered silos approximately 40 feet wide and 127 feet tall. The top of the tan-painted steel structure that is on top of the four clustered silos is 280 feet tall. The silos are often visible above the tree line. Views of the silos and other infrastructure at Terminals 1 and 2 are shown in Figures 9 and 10. The Port has two rail loops that run through the existing marine terminals complex and a four-lane highway that connects the Port to Interstate 5.

Figure 9
Concrete Storage Silos at Terminal 2, Rail Lines, and Grays Harbor Shoreline

Photograph taken facing northeast from boat launch viewing pavilion on October 14, 2022

Figure 10
Shoreline of Grays Harbor and Existing Rail Lines

Photograph taken facing east approximately 150 feet east of Fry Creek outlet on October 14, 2022. Terminal 2 and shiploader are visible in the background.

The ground is mostly flat, impervious, and paved with gray asphalt. Pockets of vegetation exist within the Port, but they do not provide any aesthetic benefit in this highly industrialized setting. A representative view showing the paved asphalt, industrial infrastructure, and rail lines is shown in Figure 11. Natural features on site include Fry Creek, which is a narrow channel located at the western end of the Project Area as depicted in Figure 12. Fry Creek passes through culverts and under roadway crossings, and it empties into Grays Harbor. Other streams, ditches, and wetlands are described in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Water Resources Technical Study*. There are no wild and scenic rivers in the study area.

Figure 11
Existing Port Rail Lines East of Fry Creek Crossing

Photograph taken facing east on October 14, 2022. Terminal 2 and shiploader are visible in the background.

Figure 12
Warehouses, John Stevens Way, Fry Creek, and Concrete Storage Silos

Photograph taken facing northeast approximately 700 feet northeast from Fry Creek outlet on October 14, 2022

From some viewpoints the industrial uses are juxtaposed against the forested hillsides and waterfront. Figure 13 depicts a view facing north from the Port, and the forested hills are visible in the background. The foreground views exhibit low to moderate visual quality. Residents, recreationalists, and roadway users viewing the Project Area would all have low to moderate visual sensitivity to changes to the Project Area because all users are familiar with the industrialized visual conditions and operations associated with the Port.

Figure 13
Cargo Laydown Area

Photograph taken facing north approximately 150 feet north from the west roadway to the Terminal 4 dock on October 14, 2022

Views of the harbor and vegetated hillsides serve as a scenic backdrop for viewers to the south of the study area; however, views are impacted by disjointed land uses, humanmade structures, and vegetation. Therefore, depending on the specific location, visual quality can range from moderately low in highly industrialized portions of the vicinity to moderately high in areas with fewer encroaching features (industrial facilities) where views of homes and natural landscapes (hillsides and harbor) are more prominent.

5.5.2 Views from Recreation Areas

Nearby recreational areas to the north, including the West End Park and the Olympic Stadium, have limited views of the Port. Viewer sensitivity to the Proposed Project changes from these areas would

be relatively low because this area is already developed for industrial use. Views from water-based recreationalists are limited by elevation moving farther from the shoreline.

Views of the Port from the Bowerman Basin Sandpiper Trail at the Grays Harbor National Wildlife Refuge and from the Totem Pole Park Trail, located across the harbor, are more limited. It is possible to see the AGP silos in the background. The storage tanks can be seen from the Chehalis River Walkway, along the south bank of the Chehalis River approximately 0.75 mile southeast of the study area. However, views are often screened by fencing, an aboveground pipeline, and vegetation along the trail and harbor shoreline.

5.5.3 Scenic Byway Views

There is one designated scenic byway, U.S. Route 101, in the study area (USDOT 2022). U.S. Route 101, designated as the Pacific Coast Scenic Byway, passes close to the Project Area approximately 0.25 mile to the north of the Port. The northern end of State Route 105, designated as the Cranberry Coast Scenic Byway, ends in the City of Aberdeen approximately 0.9 mile to the east of the Port, outside of the study area. Both of these scenic byways are depicted in Figure 2.

5.5.4 Light and Glare

The On-Site Project Area and the Port are well-lit at night. Existing sources of light include interior office lighting, exterior safety lighting on buildings, overhead lighting to illuminate outdoor work areas, lighting at the dock and rail offloading areas, weigh station lighting, and lighting at the tops of staircases that lead to the tops of the storage tanks and silos at Terminals 1 and 2.

Sources of light seen from the area surrounding the On-Site Project Area include interior and exterior lighting associated with residential, commercial, and industrial development; overhead streetlights; vehicle headlights; train headlights; lighting on vessels; and nighttime stadium lighting associated with local sports fields. The concentration of nighttime lighting from Hoquiam, Aberdeen, and Cosmopolis produces ambient light glow that radiates into the night sky.

Existing sources of glare include reflective surfaces such as the existing white storage tanks, light-colored building exteriors, building windows, vehicle windows, and lighter paved surfaces lacking vegetative cover. A major source of glare in the study area is the water surface of Grays Harbor and Chehalis River, which are large, reflective bodies of water that can reflect sunlight, moonlight, and artificial nighttime lighting.

6 Environmental Consequences

This section describes the environmental consequences of the No Action Alternative and the Proposed Project.

6.1 Assumptions

This analysis is based on the assumptions in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a). There are no additional assumptions for land use or visual resources.

6.2 Approach and Methods

This section describes the approach to the impact analysis, including the types of impacts considered. The analysis is based on the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a). Additional assumptions relevant to this analysis are listed as follows:

- Construction would normally take place during daylight hours; however, construction activities may extend beyond daylight hours on occasion.

6.2.1 Approach to Analysis

This study evaluated the potential direct, indirect, and cumulative impacts of the alternatives that would be different from existing conditions. Existing conditions include those present at the time the analysis was completed in 2023. The methods used in this analysis are discussed in Section 6.2.3.

Cumulative impacts are caused by the incremental impact of the alternatives when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor, but collectively significant actions, which take place over time (40 *Code of Federal Regulations* 1508.7). The list of cumulative projects is presented in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a). The following approach was developed based on guidance from the Council of Environmental Quality (CEQ 1997):

- Determine the cumulative impacts study area for each environmental resource. The study area used to evaluate cumulative impacts is the same as described in Section 5.1.
- Assess the existing condition of each resource as it has been affected by past actions. This is based on information provided in the corresponding Affected Environment section of this study, which includes the effects of past actions.
- Evaluate the cumulative impacts of all past, present, and reasonably foreseeable future actions on each resource in the study area, which is described in Section 6.5.

- Assess how Alternative 1 would contribute to cumulative impacts, which is also described in Section 6.5.

6.2.2 Impact Terminology

Direct impacts are those that would occur as the result of and at the same time and place as the activities proposed by the Port and AGP. Direct impacts would only occur in the On-Site Project Area. Indirect impacts would occur later in time or farther in distance from the immediate project location but would be attributable to the Proposed Project. Indirect impacts also include those that would occur as the result of operating the project, such as vessel traffic to and from the Project Area. These impacts could be temporary or permanent.

Project impacts can be characterized by duration. Permanent impacts would affect the resource to such a degree that they would not return to their preconstruction state during the analysis period. Temporary impacts may be short-term or long-term. Short-term impacts were assumed to last for less than 2 years. Long-term temporary impacts would affect functions that will eventually be restored or recover over time, but not within 1 year or more after the impact ceases.

The magnitude of impacts is also described in terms of low, medium, and high impacts. Table 3 provides guidance for how the impact levels were assessed. The level of impacts was assessed assuming that applicable regulations and permits and approvals listed in Section 3 would be adhered to and obtained. If needed, the impact analysis also identifies where mitigation would be required to reduce the impact to acceptable levels. Mitigation is described in Section 7.

Table 3
Impact Thresholds for Land Use, Recreation, and Visual Quality

Impact Indicator	Determining Degree of Impact
Conflict with surrounding land uses or applicable regulations	**No/Negligible Impact:** An Alternative would cause no noticeable loss, conversion, or interruption of land uses or conflicts with existing land use plans or designations. **Low:** An Alternative would temporarily disturb land uses but would not prevent existing land uses from continuing, or would cause only temporary conflicts that do not require changes to existing land use plans, policies, or designations. **Medium:** An Alternative would temporarily disrupt current land uses in a way that prevents the existing land use from continuing or requires changes to existing land use plans, policies, or designations. **High:** An Alternative would cause permanent loss or changes to existing land uses or permanent conflicts with existing land use plans, policies, or designations.
Conflict with recreational uses	**No/Negligible Impact:** An Alternative would cause no noticeable loss, conversion, or interruption of recreational land uses or restrict access for recreational users. **Low:** An Alternative would temporarily disturb recreational land uses or restrict access for recreational users but would not prevent existing recreational uses from continuing.

Impact Indicator	Determining Degree of Impact
	Medium: An Alternative would temporarily disrupt current recreational land uses in a way that prevents the existing recreational land use from continuing or restricts access for recreational users. **High:** An Alternative would cause permanent loss or changes to existing recreational land uses or would permanently restrict access for recreational users.
Degrade the Existing Visual Character of the Study Area or Adversely Affect a Scenic Vista	**No/Negligible Impact:** An Alternative would not noticeably degrade the existing visual character of the study area or adversely affect scenic vistas in the study area. **Low:** An Alternative would temporarily degrade the visual character of the study area or temporarily block a scenic vista that would be visible to a limited number of people. **Medium:** An Alternative would permanently alter the visual character of the study area or have permanent adverse effects on a scenic vista that would not be visible to many people. **High:** An Alternative would permanently degrade the visual character of the study area or have permanent adverse effects on a scenic vista that would be visible to a substantial number of people.
Create New Source of Light or Glare that Would Adversely Affect Daytime or Nighttime Views in the Study Area	**No/Negligible Impact:** An Alternative would not create a new noticeable source of light or glare. **Low:** An Alternative would temporarily create a new source of light or glare that may adversely affect day or nighttime views in the study area but would be visible to a limited number of people. **Medium:** An Alternative would permanently create a new source of light or glare that would adversely affect views in the study area during certain times of the day or night (e.g., at sunrise and sunset) but would not be visible by many people. **High:** An Alternative would permanently create a new source of light or glare that would adversely affect views in the study area continuously or for most day or night hours and be visible to a substantial number of people.

6.2.3 Methods

6.2.3.1 Land Use

The impact analysis considered the extent to which construction and operation of the alternatives would alter land uses or conflict with applicable land use plans, policies, or allowed uses. The analysis considers the effects of constructing the complete project; however, the Port and AGP may construct project elements in phases. Any major differences in the Proposed Project would be re-evaluated as appropriate. This involved qualitatively assessing whether the proposed activities would be incompatible with ongoing and future land uses or applicable plans, policies, and regulations. It is assumed that the appropriate land use compliance process would have to be followed for the project to be constructed. A comprehensive list of federal, state, and local regulations, statutes, and guidelines that were consulted in the analysis is provided in Section 3. A more detailed discussion of compliance with local regulations, statutes, and guidelines is provided in Attachment A.

6.2.3.2 Recreational Resources

Impacts to recreational facilities resulting from construction and operation of the alternatives were evaluated qualitatively. This analysis looked at the potential impacts to recreational users during construction. This included the potential to block access to recreational areas or to disrupt recreational activities through visual or noise disturbance.

6.2.3.3 Visual Resources

Visual impacts were qualitatively assessed by looking at the places where people would be able to see the Proposed Project features. The analysis then considered how views from these places would change because of the alternatives. Visual impacts would be higher when the views noticeably change for a larger number of people. Additional information about the protection of visual resources in the shoreline is provided in Attachment A.

6.3 No Action Alternative

Under the No Action Alternative, impacts on land use, recreation, and visual resources related to construction of the Proposed Project would not occur. Operations at the Port are assumed to continue as they do under existing conditions. For the purposes of this analysis, it is assumed that no future development would occur at the Project Area. Potential impacts to land use and visual resources would remain similar to existing conditions. Land use and visual resources within the study area would continue to be dominated by the industrial operations and infrastructure of the Port.

6.4 Proposed Project

This section describes the direct and indirect impacts that would occur as the result of construction and operations of the Proposed Project.

6.4.1 Construction

6.4.1.1 Land Use

Construction would primarily occur on land owned by the Port. However, the rail improvements along the PSAP corridor east of West Heron Street may occur on property owned by others (PSAP or other private owners). Land ownership details will be finalized as the design process progresses.

Construction has the potential to result in direct and indirect land use impacts. Direct construction impacts related to land use development and consistency with applicable land use plans, policies, and regulations are addressed below. This includes consistency with federal, state, and local plans and policies.

Indirect impacts could occur as the result of increased noise and construction activity affecting surrounding residential and commercial land uses. Construction would occur over the course of

approximately 1 year, though the Terminal 4 cargo yard improvements could take place in a following year. Indirect impacts would be minor because noise levels would generally be similar to existing conditions and would therefore not conflict with land uses. Construction would also normally occur during daytime hours consistent with applicable local noise ordinances. As such, construction of the Proposed Project would result in low impacts on land use. Noise effects on the surrounding area are discussed in greater detail the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Noise and Vibration Technical Study* (Wilson Ihrig 2023).

6.4.1.1.1 Coastal Zone Management Act

The Proposed Project would take place in the coastal zone. The Port and AGP are also seeking permit authorizations from the U.S. Army Corps of Engineers, which will require a Federal Consistency Certification to ensure the Proposed Project is consistent with the Coastal Zone Management Act. By obtaining this certification, the Proposed Project will demonstrate compliance with the Coastal Zone Management Act through compliance with the Washington State Coastal Zone Management Program's enforceable policies. The Proposed Project would not conflict with the Coastal Zone Management Act. Therefore, there would be no impact.

6.4.1.1.2 City of Hoquiam Land Use Plans, Policies, and Regulations

6.4.1.1.2.1 Comprehensive Plan

The City of Hoquiam's *Comprehensive Land Use Plan* (City of Hoquiam 2009) identifies policies to guide land use development consistent with the Washington State Growth Management Act. As addressed in greater detail in Attachment A, the project is consistent with the land use policies applicable to the underlying zoning, shoreline jurisdiction, and critical areas. The Proposed Project would not conflict with the City of Hoquiam's *Comprehensive Land Use Plan* policies. Therefore, there would be no impact.

6.4.1.1.2.2 Zoning

The Land Use Element of the City of Hoquiam's Comprehensive Plan establishes a land use map, which is policy-oriented but is implemented in large part through the official zoning map. As noted in Section 5, the Proposed Project is the Industrial District. Project elements in this area include construction of the rail track, Fry Creek Bridge, and the pedestrian bridge and pipe bridge replacement. The proposed land use changes are analyzed in greater detail in Attachment A and would be compatible with the Industrial District as required by the City of Hoquiam's *Comprehensive Land Use Plan* (City of Hoquiam 2009).

Construction activities would not conflict with other land uses in the study area, which include the area immediately adjacent to the north of the port zoned as a Commercial District by the City of Hoquiam. The Port and AGP would obtain all appropriate permits and/or approvals listed in

Section 3.2. Therefore, there would be no impact from conflicts with the City of Hoquiam's *Comprehensive Land Use Plan*.

6.4.1.1.2.3 Shoreline Master Program

Construction would also occur within the shoreline jurisdiction of the City of Hoquiam. This includes portions of the rail track, Fry Creek Bridge, and the pedestrian bridge and pipe bridge replacement. The environmental designation for this area is High Intensity. The Proposed Project elements would be consistent with the uses allowed in the City of Hoquiam's SMP subject to approval of a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit as discussed in greater detail in Attachment A. They are related to Industrial and Port Development and meet the required development standards (HMC 11.05.430 and 11.05.440).

The Port and AGP would apply for a shoreline substantial development permit from the City of Hoquiam. It is anticipated that a shoreline conditional use permit would be required for an expansion of a marine terminal per HMC 11.05.430. The Port and AGP would comply with the applicable requirements enforced through the local land use permitting process. The Proposed Project would not conflict with the City of Hoquiam's SMP. Therefore, there would be no impact.

6.4.1.1.2.4 Critical Areas Ordinance

Construction would occur within wetlands, floodplains, fish and wildlife habitat conservation areas, and geologically hazardous areas that are regulated by the City of Hoquiam's Critical Areas Ordinance (HMC 11.06). The following sections summarize consistency with each critical area. Attachment A provides additional detail on compliance with Hoquiam's CAO. For the reasons described in the following sections, there would be no impact as the Proposed Project would not conflict with the City of Hoquiam's Critical Areas Ordinance. HMC 11.06 applies to critical areas outside of the City of Hoquiam's shoreline jurisdiction. Critical areas within the shoreline jurisdiction are regulated under HMC 11.05. As discussed further in Attachment A, impacts to critical areas within the shoreline jurisdiction would be the same as those discussed below.

6.4.1.1.2.4.1 Wetlands

One wetland was identified within the City of Hoquiam (HDR 2022) as depicted in Figures 7a through 7c. HMC 11.06.140 defines level of impacts on wetlands and wetland buffer zones that are required for all regulated activities adjacent to regulated wetlands. Wetland impacts would be avoided and minimized to the extent practicable. However, not all wetland impacts may be avoided. HMC 11.06.170 specifies the requirements for wetland mitigation. As discussed in greater detail in Attachment A, the Port will implement mitigation as part of the Proposed Project to ensure there would be no net loss of wetlands.

6.4.1.1.2.4.2 Floodplains

Proposed construction work that would include floodplain modifications within the City of Hoquiam are depicted in Figure 6. The Port and AGP will apply for a floodplain development permit in compliance with HMC 11.16.240 and all applicable federal, state, and local regulations. The standards for development in a regulated floodplain are defined in HMC 11.16.250. The Proposed Project would be consistent with the City of Hoquiam's Critical Areas Ordinance.

6.4.1.1.2.4.3 Fish and Wildlife Habitat Conservation Areas

Fish and wildlife habitat conservation areas that were identified within the study area are depicted in Figure 8 and described in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Biological Resources Technical Study* (Anchor QEA 2023c). Fish and wildlife habitat conservation areas identified within the study area that are located within the shoreline jurisdiction, would be regulated under HMC 11.05.850. Additional information about potential impacts to fish and wildlife species is also addressed through compliance with Section 7 of the Endangered Species Act.

Where special-status species and habitats could be impacted, appropriate mitigation that complies with applicable federal, state, and local regulations will be implemented. With the implementation of mitigation measures, impacts to fish and wildlife habitat conservation areas would be consistent with the City of Hoquiam's Critical Areas Ordinance and the Shoreline Master Program.

6.4.1.1.2.4.4 Geologically Hazardous Areas

HMC 11.06.200 defines geological hazardous areas as areas that are susceptible to erosion, sliding, earthquake, or other geological events. HMC 11.05.840 pertains to the regulation of geologically hazardous areas within the City of Hoquiam's shoreline jurisdiction. The *Port of Grays Harbor Terminal 4 Development Geologic Hazards Report* (GeoEngineers 2023) was prepared in accordance with HMC 11.06.210 and HMC 11.05.840 and concluded that the Proposed Project would not increase the threat of geological hazards within the study area.

6.4.1.1.3 City of Aberdeen Land Use Plans, Policies, and Regulations

6.4.1.1.3.1 Comprehensive Plan

The City of Aberdeen's *Aberdeen Comprehensive Plan Draft – January 2022* (City of Aberdeen 2022) identifies policies to guide land use development. As addressed in greater detail in Attachment A, the project is consistent with land use policies applicable to industrial zoning, the shoreline, and critical areas. Therefore, there would be no impact from conflicts with the City of Aberdeen's Comprehensive Plan.

6.4.1.1.3.2 Zoning

Construction of portions of the rail improvements, the Terminal 4 cargo yard relocation and expansion, dock fender and stormwater upgrades, and AGP Project components would occur within

the City of Aberdeen's Industrial District. The proposed land use changes are analyzed in greater detail in Attachment A and would be compatible with the Industrial District as required by the City of Aberdeen's *Comprehensive Land Use Plan* (City of Aberdeen 2022).

Construction activities would not conflict with other land uses in the study area, which include the area immediately adjacent to the north of the port zoned as High Density Residential by the City of Aberdeen. The Port and AGP would obtain all appropriate permits and/or approvals listed in Section 3.2. Therefore, there would be no impact from conflicts with the City of Aberdeen's *Comprehensive Land Use Plan*.

6.4.1.1.3.3 Shoreline Master Program

Construction of the Terminal 4 cargo yard relocation and expansion, dock fender and stormwater upgrades, portions of the rail and site improvements project, and the AGP Project would occur within the shoreline jurisdiction of the City of Aberdeen. The environmental designation for this area is High Intensity. As discussed in greater detail in Attachment A, the Port's project elements located in the City of Aberdeen's shoreline jurisdiction would be consistent with the uses allowed in Section 5 of the City of Aberdeen's SMP (AHBL and Herrera 2017). The project components are permitted uses in Industrial and Port Development. The Port would apply for a shoreline substantial development permit from the City of Aberdeen. In addition to a shoreline substantial development permit, it is anticipated that the AGP Project would require a shoreline conditional use permit as required by AMC 14.50.520.

The proposed shiploader as part of the AGP Project located at the Terminal 4B dock would be up to 140 feet tall, exceeding the shoreline height standards defined in Section 5.04.02 of the SMP. Per AMC 14.50.530.02(D), it is anticipated that the Proposed Project will qualify for an increase in the maximum shoreline height without a shoreline variance. The Port would comply with the applicable requirements enforced through the local land use permitting process. Therefore, there would be no impact from conflicts with the City of Aberdeen's SMP. Attachment A includes additional information about the project's consistency with these requirements.

6.4.1.1.3.4 Critical Areas Ordinance

Construction would occur within wetlands, floodplains, fish and wildlife habitat conservation areas, and geologically hazardous areas that are regulated by the City of Aberdeen's Critical Areas Ordinance (AMC 14.100) and by Section AMC 14.50.430 of the SMP. Attachment A provides additional detail on compliance with Aberdeen's CAO and SMP. The following sections summarize the impacts on each critical area. For the reasons described below, The Proposed Project would not conflict with the City of Aberdeen's CAO and SMP, and there would be no impact.

6.4.1.1.3.4.1 Wetlands

Within the On-Site Project Area, four wetlands were identified within the City of Aberdeen (HDR 2022) as depicted in Figures 7a through 7c. Wetland designations and protections are defined in AMC 14.50.915 for wetlands located within shoreline jurisdiction, and in AMC 14.100.200 for wetlands located outside of shoreline jurisdiction. Wetlands impacts would be avoided and minimized to the extent practicable. However, not all wetland impacts may be avoided. The above referenced codes specify the requirements for wetland mitigation. As discussed in greater detail in Attachment A, the Port will implement mitigation as part of the Proposed Project to ensure there would be no net loss of wetlands.

6.4.1.1.3.4.2 Floodplains

Proposed construction work that would include floodplain modifications within the City of Aberdeen are depicted in Figure 6. Per AMC 15.55.100, the Proposed Project would meet the definition of development within a regulated floodplain and would require a floodplain development permit. The Port and AGP would obtain a floodplain development permit; Therefore, the Proposed Project would be consistent with the City of Aberdeen's Critical Areas Ordinance. Flood hazard management within the shoreline jurisdiction is regulated under AMC 14.50.440. By complying with AMC 15.55.100, the Proposed Project will also be consistent with AMC 14.50.440.

6.4.1.1.3.4.3 Fish and Wildlife Habitat Conservation Areas

Fish and wildlife habitat conservation areas that were identified in the study area are depicted in Figure 8 and described in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Biological Resources Technical Study* (Anchor QEA 2023c). General requirements for impacts to fish and wildlife habitat conservation areas are defined in AMC 14.100.540. Additional information about potential impacts to fish and wildlife species is also addressed through compliance with Section 7 of the Endangered Species Act.

Where special-status species and habitats could be impacted, appropriate mitigation that complies with applicable federal, state, and local regulations will be implemented. With the implementation of mitigation measures, impacts to fish and wildlife habitat conservation areas would be consistent with the City of Aberdeen's CAO.

6.4.1.1.3.4.4 Geologically Hazardous Areas

AMC 14.100.400 defines geologically hazardous areas as areas susceptible to erosion, sliding, earthquake, or other geological events, including tsunamis, mass wasting, debris flows, rock falls, and differential settlement.

Geologic hazards are described in the *Port of Grays Harbor Terminal 4 Development Geologic Hazards Report* (GeoEngineers 2023). This report concluded that the Proposed Project is not anticipated to increase the threat of geological hazards within the study area.

6.4.1.2 Recreation

Construction activities to build the rail improvements and construct the Fry Creek Bridge would occur within close to proximity to the 28th Street Boat Launch. As described in the Section 5.2.1.2 of the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report*, the boat launch would be accessible at all times. Recreational users at the boat launch could be indirectly impacted by construction traffic and noise while launching their boats or using the observation tower, but the impact would be temporary and would not affect boater access. Boaters who are deterred by construction activities would have access to other public boat launches nearby described in Section 5.4 of this report.

In-water work as part of the proposed Terminal 4 Dock Upgrades and AGP Project would include steel pile installation and removal using impact or vibratory hammers. Steel pile installation could cause short-term localized noise impacts that are described in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Noise and Vibration Technical Study* (Wilson Ihrig 2023). In-water construction would also require that materials are shipped to the site via barge. During construction, this would include two material barges, one floating derrick barge, and one tug. These vessels could temporarily disrupt recreational boating in the vicinity of the Port. Recreational users who are deterred by construction noise and vessel traffic would have access to other areas for boating and fishing throughout Grays Harbor during the short duration of in-water work. Therefore, there would be low impacts on recreation from the construction of the Proposed Project.

6.4.1.3 Visual Resources

Attachment A provides additional detail about how the project would be consistent with policies in the cities of Hoquiam and Aberdeen's Shoreline Master Plans to preserve views of the shoreline.

The presence of construction equipment (e.g., backhoes, tractors, cranes, and trucks) and the related increase in activities would create short-term visual changes at the On-Site Project Area. However, as described in Section 5.5, this is an existing industrial area and cranes and industrial operations are a common part of the visual environment. Although construction activity would occur, the use of heavy machinery is consistent with the existing visual environment in the study area and is not expected to result in visual impacts to surrounding residential and commercial land uses.

The main visual changes would occur at Terminal 4B and in the area of new rail receiving infrastructure immediately north of the terminal. Currently, the site is occupied by industrial warehouses, rail loops, and a paved cargo yard. The proposed shiploader that would be operated at Terminal 4B and the new surge silo and conveyance structures proposed immediately north of Terminal 4B would be visible to some viewers within the study area, but it would not be substantially taller than other similar structures at the Port. In addition, the material and color of these structures would blend in with the existing infrastructure at the Port.

Project construction may also be visible from residences and businesses to the north of the Port, as well as passing motorists and recreationalists. Although residents and recreationalists in general are thought to have a higher sensitivity to changes in the visual environment, these viewer groups are expected to have relatively low to moderate sensitivity to changes related to the project. This is because the proposed facility would be largely consistent with the existing industrial character of the Port and immediately surrounding area.

Close views (i.e., within 1.5 miles) of construction by the public would be limited for motorists traveling along Port Industrial Road and State Route 105, and even more limited for residents to the north. Much of the construction activity would not be visible from these locations. Scenic views from State Route 105 and U.S. Route 101 would not be affected by the Proposed Project because of the limited views of the Project Area from these locations.

The majority of construction would take place during daylight hours. If nighttime construction is necessary, it may require a minimal amount of lighting for safety purposes. Lighting would be directed onto the project site and would not negatively affect daytime or nighttime public views. Glare would not be increased during construction.

For the reasons described above, the construction of the Proposed Project would result in low impacts on visual resources.

6.4.2 Operation

6.4.2.1 Land Use

Project operations are not anticipated to result in substantial land use impacts. The proposed activities are similar to those already occurring at the Port. The indirect impacts to adjacent property owners would be low. In addition, as discussed above, the Port and AGP would be required to obtain the applicable land use approvals to build and operate the project.

6.4.2.1.1.1 Coastal Zone Management Act

A Federal Consistency Determination would be required prior to construction. This evaluation would include a review of the proposed long-term uses to ensure compliance with the Coastal Zone Management Act and enforceable policies of the Washington State Coastal Zone Management Program. By obtaining this certification, the Proposed Project will demonstrate compliance with the Coastal Zone Management Act through compliance with the Washington State Coastal Zone Management Program's enforceable policies. Therefore, the operation of the Proposed Project would result in no impact from conflicts with the Coastal Zone Management Act.

6.4.2.1.2 City of Hoquiam Land Use Plans, Policies, and Regulations

6.4.2.1.2.1 Zoning

As discussed in Section 6.4.1, the Proposed Project would be consistent with the uses allowed in the City of Hoquiam's Industrial District (HMC 10.03.112). Additional detail is provided in Attachment A. Therefore, there would be no impacts resulting from conflicts with the City of Hoquiam's zoning code.

6.4.2.1.2.2 Shoreline Master Program

As discussed in Section 6.4.1, the Port and AGP will be required to comply with the City of Hoquiam's SMP (HMC 11.05.430 and 11.05.440). Therefore, there would be no impacts resulting from conflicts with the City of Hoquiam's SMP. Additional detail is provided in Attachment A.

6.4.2.1.2.3 Critical Areas Ordinance

Operational impacts to critical areas would occur within areas that are highly disturbed under existing conditions. Impacts to floodplains, wetlands, floodplains, fish and wildlife habitat conservation areas, and geologically hazardous areas are discussed in the following documents:

- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Water Resources Technical Study* (Anchor QEA 2023b)
- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Biological Resources Technical Study* (Anchor QEA 2023c)
- *Port of Grays Harbor Terminal 4 Development Geologic Hazards Report* (GeoEngineers 2023)

As discussed in Section 6.4.1, the Port and AGP would comply with the requirements of the City of Hoquiam's CAO. Therefore, there would **be no impacts resulting** from conflicts with the City of Hoquiam's CAO.

6.4.2.1.3 City of Aberdeen Land Use Plans, Policies, and Regulations

6.4.2.1.3.1 Zoning

As discussed in Section 6.4.1, the Proposed Project would be consistent with the used allowed in Aberdeen's Industrial District (AMC 17.48.020). Additional detail is provided in Attachment A. Therefore, there would be no impacts resulting from conflicts with Aberdeen's zoning code.

6.4.2.1.3.2 Shoreline Management Plan

As discussed in Section 6.4.1, the Port and AGP will be required to comply with the City of Aberdeen's SMP. Therefore, there would be no impacts resulting from conflicts with the City of Aberdeen's SMP. Additional detail is provided in Attachment A.

6.4.2.1.4 Critical Areas Ordinance

Operational impacts to critical areas would occur within areas that are highly disturbed under existing conditions. Impacts to floodplains, wetlands, floodplains, fish and wildlife habitat conservation areas, and geologically hazardous areas are discussed in the following documents:

- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Water Resources Technical Study* (Anchor QEA 2023b)
- *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Biological Resources Technical Study* (Anchor QEA 2023c)
- *Port of Grays Harbor Terminal 4 Development Geologic Hazards Report* (GeoEngineers 2023)

As discussed in Section 6.4.1, the Port and AGP would comply with the requirements of the City of Aberdeen's CAO. Therefore, there would be no impacts resulting from conflicts with the City of Aberdeen's CAO.

6.4.2.2 Recreational Impacts

Operation of the Proposed Project within the On-Site Project Area would be similar to existing conditions and would not result in increased noise, light, glare, or traffic that could impact nearby recreational users. As such, there would be no impacts from operation of the Proposed Project in the On-Site Project Area.

As noted in the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a), operation of the Proposed Project is anticipated to add approximately 60 vessel round trips to the Port per year. Increased vessel traffic in Grays Harbor could impact recreational boaters and fishers using the FNC; however, this increased traffic would be spread out over the course of the year. Recreational users are accustomed to vessel traffic within the FNC given the industrial nature of operations at the Port, and they have access to fishing and boating areas throughout Grays Harbor. Therefore, impacts to recreational users from operation of the Proposed Project are anticipated to be low.

6.4.2.3 Visual Resources

Operation of the Proposed Project would be similar to existing conditions at the Port. Operational activities, including use of the new shiploader, surge silo, and associated conveyance infrastructure, may be visible to viewers. However, as described in Section 5.5, viewer groups in the study area are expected to have relatively low to moderate sensitivity to visual changes.

Scenic views of operational activities from State Route 105 and U.S. Route 101 would not be affected by operation of the Proposed Project. This is because there are limited views of operations from these locations and the changes are largely consistent with existing conditions. Visual changes

resulting from operation of the Proposed Project are not anticipated to result in substantial visual impacts on views of the Port or harbor that would negatively affect any viewer groups.

As described in Section 5.5.4, the Port is generally well-lit at night. New lighting would be installed around the proposed shiploader, rail receiving building, surge silo, and associated conveyance infrastructure to provide safe conditions for ship crews, longshoremen, and supporting staff. This new lighting would result in minor increases in light and glare compared to existing conditions and would be installed to minimize impacts on off-site receptors (e.g., water and residential uses). Impacts to residents to the north of the Port are anticipated to be low due to the distance from the site and the fact that their views of the Port are already obscured by vegetation and industrial infrastructure.

The changes in lighting toward the interior of the Port and away from residential areas are not anticipated to affect views from scenic routes. Operating hours are not limited to daylight hours; increased light at the shiploader surge silo and associated conveyance infrastructure could affect views from within and across the harbor. Although nighttime lighting would increase, new sources of nighttime lighting are not expected to affect any viewer groups negatively.

Operation of the Proposed Project would result in low impacts on visual resources and would not conflict with laws and regulations related to visual resources, light, or glare.

6.5 Cumulative Impacts

Cumulative impacts are caused by the incremental impact of the alternatives when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor, but collectively significant actions, which take place over time (40 CFR 1508.7) and are evaluated as described in Section 6.2.1. Current conditions are a result of past and present actions. The current conditions in the study area that were used as the baseline existing environmental condition are described in Section 5. Therefore, the cumulative effect of past actions were assumed to be captured in the analysis of project impacts and were not separately called out in the analysis of cumulative impacts.

6.5.1 Land Use

The cumulative projects described in Table 4.1 of the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a) would result in continued land use development in the vicinity of the Proposed Project. However, these cumulative projects would all be required to obtain the necessary permits and approvals to ensure consistency with applicable land use plans. Some short-term, indirect impacts to land use may be expected as the result of Proposed Project construction activities; however, as discussed above, the Proposed Project would also be consistent with applicable land use plans and policies and is not anticipated to result in substantial indirect land use impacts. As a result, the Proposed Project is not anticipated to

contribute to significant cumulative land use impacts and the Proposed Project's cumulative impact would be low.

6.5.2 Recreational Resources

The cumulative projects described in Table 4.1 of the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a) may have short-term indirect impacts on recreational users as a result of construction activities. Any construction impacts from cumulative projects, such as increased noise or traffic, would be temporary and localized to the area of construction. Given the ongoing industrial activities occurring in the study area, construction of the Proposed Project is not anticipated to contribute to significant cumulative impacts on recreational resources and the cumulative impact on recreational users would be low.

The Westport Marina Modernization Project is located approximately 12.5 miles to the southwest of the Port. The marina currently serves boaters and fishers who use Grays Harbor. According to the *Port of Grays Harbor Westport Marina Demand Analysis* (BST Associates 2020), the marina's moorage spaces are not fully utilized, factoring in both permanent moorage tenants and transient boaters. The proposed improvements include reconfigurations to decrease the number of slips, so the proposed improvements are not projected to increase the number of recreational boats or other vessels. Although operation of the Proposed Project is expected to increase vessel traffic, impacts would be low, as discussed in Section 6.4.2.2. Therefore, contribution to cumulative impacts on recreational resources from operation of the project is anticipated to be low.

None of the other cumulative activities described in Table 4.1 are anticipated to result in increased vessel traffic within the study area. As described in Section 6.4.2, operation of the Proposed Project is expected to result in an increase in vessel traffic to and from the Port, but the impact on recreational boaters and fishers is anticipated to be low.

6.5.3 Visual Resources

As described in Section 5.5, visual resources in the study area are dominated by industrial operations and infrastructure at the Port. The cumulative projects in Table 4.1 of the *Port of Grays Harbor Terminal 4 Expansion and Redevelopment Project Description Technical Report* (Anchor QEA 2023a) would be consistent with industrial uses in the vicinity and would not cumulatively impact the viewshed. Three projects (the Fry Creek Restoration and Pump Station, the U.S. Route 101 Fry Creek Culvert Replacement, and the Port Industrial Road Pavement Preservation Project) would occur directly within the study area for Land Use and Visual Resources. The Fry Creek Restoration and Pump Station would restore Fry Creek to a more natural state and thus would have a beneficial visual impact on viewers in the study area. The U.S. Route 101 Fry Creek Culvert Replacement involves the replacement of two existing culverts in Fry Creek with a reinforced concrete arch bridge. The new concrete arch bridge would be consistent with the visual character and quality of the study area. The

Port Industrial Road Pavement Preservation Project would repair the existing pavement and add new striping to the roadway. Other future projects are located far enough away that they would not impact views in the study area. The contribution of the Proposed Project to cumulative impacts on visual resources is anticipated to be low.

7 Mitigation

7.1 Land Use

The Port and AGP will obtain all required regulatory permits and approvals for construction and operation of the project and will comply with the terms and conditions of those approvals, including the implementation of best management practices specified therein that would avoid or minimize impacts on surrounding land uses, shoreline functions and values, and environmentally sensitive critical areas. In addition, the Port will implement a mitigation plan to compensate for impacts to wetlands. With implementation of these measures, the Proposed Project would be consistent with applicable land use regulations.

7.2 Recreational Resources

No mitigation is proposed because the Proposed Project would be expected to result in low impacts on recreational resources use, as identified in Section 6.4 of this study.

7.3 Visual Resources

No mitigation is proposed because the Proposed Project would be expected to result in low impacts on visual resources use, as identified in Section 6.4 of this study.

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Attachment A
Land Use Compliance

Attachment A
Land Use Compliance

This analysis describes how the Proposed Project would comply with the enforceable policies of the Coastal Zone Management Act (CZMA) and applicable zoning, shoreline use regulations, and critical areas ordinances for the City of Hoquiam and the City of Aberdeen.

Coastal Zone Management Act

The Project is receiving federal funding from the U.S. Maritime Administration (MARAD) and will require, among other authorizations, permits from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbor Act and National Marine Fisheries (NFMS) review for consistency with the Marine Mammal Protection Act. Federal actions are required to demonstrate compliance with the CZMA, which in the State of Washington requires a Federal Consistency Determination from the Washington State Department of Ecology (Ecology). The following sections describe how the Proposed Project is consistent with the enforceable policies of the CZMA. Several of these policies and regulations will also be enforced through subsequent state and local permitting processes as discussed below.

Shoreline Management Act

Hoquiam and Aberdeen have approved Shoreline Master Programs (SMPs). The requirements of these programs are enforced through the local land use approval process with oversight from Ecology when applicable. Consistency with both SMPs is discussed further below.

State Water Pollution Control Act

Ecology is responsible for meeting the requirements of the CWA through the Washington State Water Pollution Control Act (90.48 Revised Code of Washington [RCW]) and implementing regulations identified in the Washington Administrative Code (WAC).

Ecology issues CWA Section 401 Water Quality Certifications for federal actions, such as the Section 404/Section 10 permits required by the Corps for the Proposed Project. Additionally, Ecology issues CWA Section 402 National Pollutant Discharge Elimination System (NPDES) permits to regulate point sources that discharge pollutants to waters of the United States. NPDES permits are required for construction of the Proposed Project and operation of the Ag Processing, Inc. (AGP), project.

The Port of Grays Harbor (Port) and AGP are responsible for obtaining a Section 401 Water Quality Certification and Section 402 NPDES permits, which demonstrates compliance with the enforceable polices of the State Water Pollution Control Act. Table 1 provides additional information about how

the Proposed Project is consistent with the enforceable polices and regulations in the State Water Pollution Control Act.

Table 1
Consistency with State Water Pollution Control Act

Section	Title	"At a Glance Summary"	Consistency
90.48.039	Hazardous substance remedial actions	Procedural requirements not applicable. The procedural requirements of this chapter do not apply to any person conducting a remedial action at a facility.	The Port and AGP will implement a Construction Materials Management Plan
90.48.080	Discharge of polluting matter in waters prohibited	It is unlawful for any person to throw, drain, run, or otherwise discharge into any of Washington's waters	Demonstrated through Section 401 Water Quality Certification and NPDES permits
90.48.160	Waste disposal permit—Required—Exemptions	Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state shall get a permit.	Demonstrated through Section 401 Water Quality Certification and NPDES permits
90.48.162 90.48.165 90.48.170 90.48.180 90.48.190 90.48.195 90.48.200	Waste disposal permits required of counties, municipalities and public corporations	These seven provisions are enforceable. They apply to counties, municipalities, and public corporations, and they explain the process to obtain Waste disposal permits.	Demonstrated through Section 401 Water Quality Certification and NPDES permits
90.48.270	Sewage drainage basins—Authority of department to delineate and establish	This section gives Ecology authority to delineate and establish sewage drainage basins in the state for the purpose of developing and/or adopting comprehensive plans for the control and abatement of water pollution within such basins.	Not applicable
90.48.280	Sewage drainage basins—Comprehensive plans for sewage drainage basins	This section addresses the plans discussed in the section above.	Not applicable
90.48.310	Application of barley straw to waters of the state	This provision provides the requirements needed to use barley straw for the purposes of water clarification without obtaining a state waste discharge permit.	Not applicable

Section	Title	"At a Glance Summary"	Consistency
90.48.364	Discharge of oil into waters of the state—Definitions	For the purposes of this chapter, "technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource before the injury.	Not applicable
90.48.445	Aquatic noxious weed control—Water quality permits—Definition	Ecology can issue or approve water quality permits for use by federal, state, or local governmental agencies and licensed applicators.	Not applicable
90.48.448	Eurasian water milfoil—Pesticide 2-D, 4-D application	This section applies to a government entity seeking to control a limited infestation of Eurasian water milfoil using the pesticide 2,4-D.	Not applicable
90.48.455	Discharge of chlorinated organics—Engineering reports by pulp and paper mills—Permits limiting discharge	This provision requires pulp mills and paper mills to conduct and submit an engineering report on the cost of installing technology designed to reduce the amount of chlorinated organic compounds.	Not applicable
173-40	Pollution Disclosure	Upon notification by Ecology's director, commercial operations (including industrial), which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, no later than January 31, reports on forms Ecology provides.	Demonstrated through Section 401 Water Quality Certification and NPDES permits
173-100	Groundwater Management Areas and Programs	This chapter stablishes guidelines, criteria, and procedures for the designation of groundwater management areas and sets forth a process for developing groundwater management programs. These programs will be implemented through state regulations and local ordinances.	Not applicable
173-200	Water Quality Standards for Ground Waters of the State of Washington	This chapter applies to all ground waters of the state that occur in a saturated zone or stratum beneath the surface of land or below a surface water body (except for 090 – Special Protection Areas). This chapter also does not apply to some ag practices, land-treatment constituents or CERCLA sites. It also	Not applicable

Section	Title	"At a Glance Summary"	Consistency
		establishes maximum contaminant concentrations for the protection of a variety of beneficial uses of Washington's groundwater.	
173-201A	Water Quality Standards for Surface Waters of the State of Washington	This chapter establishes water quality standards for surface waters of Washington consistent with public health and public enjoyment of the waters and the propagation and protection of fish, shellfish, and wildlife, pursuant to the provisions of chapter 90.48 RCW. While all provisions are enforceable policies, the following subsections may be most pertinent: PART II – Designated Uses and Criteria (WAC 173-201A-200 through 173-201A-260) PART III – Anti-degradation (WAC 173-201A-300 through 173-201A-410) PART IV – Tools for Application of Criteria and Uses PART V – Implementation of Standards PART VI – Use Designations for Waters of the State	Demonstrated through Section 401 Water Quality Certification and NPDES permits
173-204	Sediment Management Standards	This chapter establishes marine, low salinity and freshwater surface sediment management standards for Washington to reduce and ultimately eliminate adverse effects on biological resources and human health from contaminated sediments.	Not applicable
173-216	State Waste Discharge Permit Program Individual Permits	This chapter implements a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation does not apply to the following: The point source discharge of pollutants into navigable waters of the state which are regulated by the NPDES Permit Program, chapter 173-220 WAC.	Demonstrated through Section 401 Water Quality Certification and NPDES permits

Section	Title	"At a Glance Summary"	Consistency
		The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 WAC.	
173-218	Underground Injection Control Program	This chapter protects groundwater quality by: Preventing groundwater contamination by regulating the discharge of fluids into Underground Injection Control (UIC) wells; and Satisfying the intent and requirements of Part C of the Federal Safe Drinking Water Act and the Water Pollution Control Act, chapter 90.48 RCW.	Not applicable
173-221	Discharge Standards and Effluent Limitations for Domestic Wastewater Facilitates	This chapter sets discharge standards which represent "all known, available, and reasonable methods" of prevention, control, and treatment or domestic wastewater facilities of the state. 040 Domestic wastewater facility discharge standards 050 Alternative domestic wastewater facility discharge standards and effluent limitations	Not applicable
173-221A	Wastewater Discharge Standards and Effluent Limitations	This chapter sets minimum discharge standards which represent "known, available, and reasonable methods" of prevention, control and treatment for industrial wastewater facilities that discharge to water of the state.	Not applicable
173-224	Wastewater Discharge Permit Fees	This chapter establishes a fee system for state waste discharge and NPDES permits.	Demonstrated through Section 401 Water Quality Certification and NPDES permits
173-226	Waste Discharge General Permit Program	This chapter establishes a state general permit program that applies to the discharge of pollutants, wastes, and other materials to waters of the state, including discharges to municipal sewerage systems.	Demonstrated through Section 401 Water Quality Certification and NPDES permits
173-230	Certification of Operators of Wastewater Treatment Plants	Operators must meet minimum standards to ensure they are competent to operate and maintain wastewater treatment plants	Not applicable

Section	Title	"At a Glance Summary"	Consistency
173-240	Submission of Plans and Reports for Construction of Wastewater Facilities	This chapter implements 90.48.110 by providing an interpretation of "plans and specifications" and includes provisions for review and approval of proposed methods of operation and maintenance for wastewater facilities.	Not applicable
173-245	Submission of Plans and Reports for Construction and Operation of Combined Sewer Overflow reduction Facilities	This chapter establishes a procedure and criteria for implementing 90.48.480, which applies to municipalities whose sewer system includes combined sewer overflow sites.	Not applicable
173-270	Puget Sound Highway Runoff Program	This chapter outlines the Puget Sound Highway Runoff Program that Washington Department of Transportation must implement.	Not applicable
372-52	Water Districts Requests for Approvals and Certifications of Necessity to Operate Sewer Districts	This chapter prescribes the procedure whereby a water district organized under the provisions of chapter 57.04 RCW receives approval and certification from Ecology.	Not applicable
372-68	Water Pollution Control and Abatement Plans for Sewage Drainage Basins	Implements 90.48. 035, 270, and 280. Plans must give adequate protection to and preservation of present and future water quality as indicated in the water quality standards for interstate and intrastate waters as they now exist or may hereafter be amended.	Not applicable

Source: Washington State Department of Ecology 2020

State Clean Air Act

The Washington Clean Air Act (RCW 70.94) is the state law regulating outdoor air pollution and it establishes a system of regional air pollution control authorities to implement federal and state air pollution control regulations. Pursuant to Washington's Clean Air Act, an air quality permit is required if a new project, or a modification of an existing permitted business, releases emissions exceeding the thresholds in WAC 173-400-110 or WAC 173-460- 040 for emissions of toxic air pollutants. An air quality permit is sometimes called a "pre-construction permit" because one may be required prior to construction or operation of a business. Generally, an air permit is required for businesses and individuals that emit air pollution through industrial processes or burning. This

permit protects public health and the environment by requiring businesses, commercial activities, and individuals to meet federal and state air rules.

The Olympic Region Clean Air Agency (ORCAA) is responsible for monitoring air quality and enforcing federal, state, and local air pollution laws in the study area. AGP is responsible for obtaining approval from the ORCAA for its industrial operations, which would ensure that the Proposed Project is in compliance with the state Clean Air Act. Table 2 provides additional information about how the Proposed Project is consistent with the enforceable polices and regulations in the State Clean Air Act.

Table 2
Consistency with State Clean Air Act

Section	Title	"At a Glance Summary"	Consistency
70.94.030	Definitions.	Review definitions as applicable.	Not applicable
70.94.037	Transportation activities—"Conformity" determination requirements.	In areas subject to a state implementation plan, no state agency, metropolitan planning organization, or local government shall approve or fund a transportation plan, program, or project within or that affects a nonattainment area unless a determination has been made that the plan, program, or project conforms with the state implementation plan for air quality as required by the federal clean air act.	Not applicable
70.94.040	Causing or permitting air pollution unlawful—Exception.	Except where specified in a variance permit, as provided in RCW 70.94.181, it is unlawful for any person to cause air pollution or permit it to be caused in violation of this chapter, or of any ordinance, resolution, rule or regulation validly promulgated hereunder.	Demonstrated through Notice of Construction Air Permit from the Olympic Region Clean Air Agency
70.94.041	Exception—Burning wood at historic structure.	Any building or structure listed on the national register of historic sites, structures, or buildings… or on the state register…, shall be permitted to burn wood as it would have when it was a functioning facility as an	Not applicable

Section	Title	"At a Glance Summary"	Consistency
		authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.	
70.94.151	Classification of air contaminant sources—Registration—Fee—Registration program defined—Adoption of rules requiring persons to report emissions of greenhouse gases.	Persons operating or responsible for air contaminant sources shall register and report as required.	Not applicable
70.94.152	Notice may be required of construction of proposed new contaminant source—Submission of plans—Approval, disapproval—Emission control—"De Minimis new sources" defined.	Requires notice of the establishment of proposed any new sources except single-family and duplex dwellings or de Minimis new sources. See Chapter 173-400 WAC.	Not applicable
70.94.153	Existing stationary source—Replacement or substantial alteration of emission control technology.	Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit must file a notice of construction application with the jurisdictional permitting authority.	Not applicable
70.94.154	Reasonably available control technology (RACT) requirements.	RACT means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is required for existing sources.	Not applicable
70.94.161	Operating permits for air contaminant sources—Generally—Fees, report to legislature.	Large commercial and industrial sources of air pollution must get an air operating permit. Rules follow this Section—see Chapter 173-401 WAC.	Not applicable

Section	Title	"At a Glance Summary"	Consistency
70.94.162	Annual fees from operating permit program source to cover cost of program.	Rules follow this Section—see Chapter 173-401 WAC.	Not applicable
70.94.181	Variances—Application for—Considerations—Limitations—Renewals—Review.	Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants.	Not applicable
70.94.200	Investigation of conditions by control officer or department—Entering private, public property.	For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, a control officer, the department, or their duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two families or less. No person shall refuse entry or access to any control officer, the department, or their duly authorized representatives, who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.	Not applicable
70.94.450-477	Laws about Woodstoves and solid fuel burning devices.	Refer to these sections for policies on woodstoves and other devices. See Chapter 173-433 WAC.	Not applicable
70.94.455	Residential and commercial construction—Burning and heating device standards.	After January 1, 1992, no used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon department of environmental quality	Not applicable

Section	Title	"At a Glance Summary"	Consistency
		phase II or United States environmental protection agency certified or a pellet stove either certified or exempt from certification by the United States environmental protection agency. By July 1, 1992, the state building code council shall adopt rules requiring an adequate source of heat other than woodstoves in all new and substantially remodeled residential and commercial construction. This rule shall apply (a) to areas designated by a county to be an urban growth area under chapter 36.70A RCW; and (b) to areas designated by the environmental protection agency as being in nonattainment for particulate matter. For purposes of this section, "substantially remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve- month period.	
70.94.457	Solid fuel burning devices—Emission performance standards.	Rules follow this RCW. See WAC 173-433-100.	Not applicable
70.94.460	Sale of unapproved woodstoves—Prohibited.	After July 1, 1988, no person shall sell, offer to sell, or knowingly advertise to sell, a new woodstove in this state to a resident of this state unless the woodstove has been approved by the department under the program established under RCW 70.94.457.	Not applicable
70.94.470	Residential solid fuel burning devices—Opacity levels—Enforcement and public education.	Rules follow this RCW. See Chapter 173-433 WAC.	Not applicable

Section	Title	"At a Glance Summary"	Consistency
70.94.473	Limitations on burning wood for heat—First and second stage burn bans—Report on second stage burn ban.	Laws against wood burning. See Chapter 173-433 WAC.	Not applicable
70.94.477	Limitations on use of solid fuel burning devices.	The burning of garbage, treated wood, plastics, animals, asphaltic products, waste petroleum products, paints, any substance emitting dense smoke or obnoxious odors is prohibited. See Chapter 173-433 WAC.	Not applicable
70.94.521	Transportation demand management—Findings.	Counties to develop plans for major worksites for TDM	Not applicable
70.94.524	Transportation demand management—Definitions.	See section for definitions of "major employer," major worksite," "major employment installation," among others.	Not applicable
70.94.527	Transportation demand management—Requirements for counties and cities.	Commute trip reduction plan applies in large counties to large employers.	Not applicable
70.94.531	Transportation demand management—Requirements for employers.	Major employers must follow adopted Commuter Trip Reduction Plan and submit the program to locals.	Not applicable
70.94.610	Burning used oil fuel in land-based facilities.	Except as provided in subsection (2) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets applicable standards.	Not applicable
70.94.620	Metals mining and milling operations permits—Inspections by Department of Ecology.	Metals mining and milling operations permits by department of ecology—special inspection requirements.	Not applicable
70.94.6512	Outdoor burning—Fires prohibited—Exceptions.	Except as provided in RCW 70.94.6546, no person shall cause or allow any outdoor fire: Containing garbage, dead animals, asphalt, petroleum products, paints,	Not applicable

Section	Title	"At a Glance Summary"	Consistency
		rubber products, plastics, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors. Agricultural heating devices that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section; During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715 or impaired air quality condition as defined in RCW 70.94.473. See Chapter 173-425 WAC.	
70.94.6514	Outdoor burning—Areas where prohibited—Exceptions—Use for management of storm or flood- related debris—Silvicultural burning.	More on outdoor burning prohibitions. See Chapter 173-425 WAC.	Not applicable
70.94.6518	Limited outdoor burning—Establishment of program.	Local air pollution control authority has regulations for outdoor burning.	Not applicable
70.94.6520	Limited outdoor burning—Construction.	Nothing in RCW 70.94.6514, 70.94.6518, 70.94.6520, 70.94.6522, 70.94.6524, and 70.94.6526 is intended to alter or change the provisions of RCW 70.94.6534, 70.94.710 through 70.94.730, and 76.04.205.	Not applicable
70.94.6524	Limited outdoor burning—Program—Exceptions.	Rules follow this RCW. See Chapter 173-425 WAC.	Not applicable
70.94.6528	Permits—Issuance—Conditioning of permits—Fees—Agricultural burning practices and research task force—Development of public	Any person who proposes to set fires in the course of agricultural activities shall obtain a permit from an air pollution control authority, Ecology, or a local entity delegated permitting authority under RCW 70.94.6530. General permit criteria of statewide applicability shall be established by	Not applicable

Section	Title	"At a Glance Summary"	Consistency
	education materials—Agricultural activities.	the department, by rule, after consultation with the various air pollution control authorities. See Chapter 173-425 WAC.	
70.94.6552	Permit to set fires for weed abatement.	Any person who proposes to set fires in the course of weed abatement shall obtain a permit from an air pollution control authority, Ecology, or a local entity delegated permitting authority under RCW 70.94.6530. See Chapter 173-425 WAC.	Not applicable
70.94.970	Chlorofluorocarbons—Ozone—Refrigerants regulated.	A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere. This subsection does not apply to off-road commercial equipment.	Not applicable
70.94.980	Refrigerants—Unlawful acts.	No person may sell, offer for sale, or purchase any of the following: A regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service. This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment.	Not applicable

Section	Title	"At a Glance Summary"	Consistency
		Nonessential consumer products that contain chlorofluorocarbons or other ozone-depleting chemicals, and for which substitutes are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and chlorofluorocarbon-containing cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment.	
173-400	General Regulations for Air Pollution Sources	This chapter establishes technically feasible and reasonably attainable standards and establishes rules generally applicable to the control and/or prevention of the emission of air contaminants. 60 sections. (010-.930) address non-road engines, relocation of portable sources, general standards for maximum emissions for all sources, among others.	Demonstrated through Notice of Construction Air Permit from the Olympic Region Clean Air Agency
173-401	Operating Permit Regulation	This chapter establishes the elements of a comprehensive Washington state air operating permit program. All sources subject to this regulation shall have a permit to operate that assures compliance by the source with all applicable requirements. 45 sections (.100-.940)	Not applicable
173-405	Kraft Pulping Mills	(1) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by Chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation: 13 sections .012-.091	Not applicable

Section	Title	"At a Glance Summary"	Consistency
173-406	Acid Rain Regulation	38 sections (.100-.950) dealing with acid rain and permit requirements.	Not applicable
173-407	Carbon Dioxide Mitigation Program, Greenhouse Gases Emissions Performance Standard and Sequestration Plans and Programs for Thermal Electric Generating Facilities	Part I requires mitigation of the emissions of carbon dioxide from all new and certain modified fossil-fueled thermal electric generating facilities with station-generating capability of more than 25 megawatts of electricity. (010-080). Part II establishes statutory goals for the statewide reduction of greenhouse gases. It applies to all baseload electric generation facilities and units and baseload electric cogeneration facilities and units that meet certain criteria. (100-240)	Not applicable
173-420	Conformity Of Transportation Activities to Air Quality Implementation Plans	This chapter applies to the Washington State Department of Transportation.	Not applicable
173-421	Motor Vehicle Emission Control Systems	This chapter establishes requirements to preserve emission control equipment installed on motor vehicles. A person shall not remove or render inoperable any component or change any element of design of a motor vehicle including adjustments outside the range of manufacturer's specifications that could affect the amount of air contaminants emitted from that vehicle.	Not applicable
173-422	Motor Vehicle Emission Inspection	All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter.	Not applicable
173-422A	Motor Vehicle Emission Inspection	These rules implement the motor vehicle emission test program	Not applicable

Section	Title	"At a Glance Summary"	Consistency
		required by state law (chapter 70.120 RCW Motor vehicle emission control). They are intended to encourage appropriate emission repairs of vehicles to reduce air pollution.	
173-423	Low Emission Vehicles	This chapter applies to all 2009 and subsequent model year passenger cars, light duty trucks and medium duty passenger vehicles registered, leased, rented or sold for use in the state of Washington, except as provided in WAC 173-423-060, Exemptions.	Not applicable
173-425	Outdoor Burning	This chapter applies to all outdoor burning in the state except: Agricultural burning (430), Silvacultural burning (332.24), and burning outdoors on lands within exterior boundaries of Indian Reservations.	Not applicable
173-430	Agricultural Burning	This regulation applies to burning related to agricultural activities.	Not applicable
173-433	Solid Fuel Burning Devices	The provisions of this chapter apply to solid fuel burning devices in all areas of the state.	Not applicable
173-434	Solid Waste Incinerator Facilities	This chapter establishes emissions standards, design requirements, and performance standards for solid waste incinerator facilities.	Not applicable
173-441	Reporting of Emissions of Greenhouse Gases	This rule establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHGs as well as for certain suppliers of liquid motor vehicle fuel, special fuel, or aircraft fuel. For suppliers, the GHGs reported are the quantity that would be emitted from the complete combustion or oxidation of the products supplied.	Not applicable

Section	Title	"At a Glance Summary"	Consistency
173-455	Air Quality Fee Regulation	See this Chapter for a fee schedule.	Not applicable
173-460	Controls for New Sources of Toxic Air Pollutants	This chapter establishes the systematic control of new or modified sources emitting toxic air pollutants (TAPs) in order to prevent air pollution, reduce emissions to the extent reasonably possible, and maintain such levels of air quality as will protect human health and safety. TAPs include carcinogens and non-carcinogens listed in WAC 173-460-150.	Demonstrated through Notice of Construction Air Permit from the Olympic Region Clean Air Agency
173-476	Ambient Air Quality Standards	This chapter establishes maximum acceptable levels in the ambient air for particulate matter, lead, sulfur dioxide, nitrogen oxides, ozone, and carbon monoxide.	Demonstrated through Notice of Construction Air Permit from the Olympic Region Clean Air Agency
173-480	Ambient Air Quality Standards and Emission Limits for Radionuclides	This chapter defines maximum allowable levels for radionuclides in the ambient air and control emissions from specific sources.	Not applicable
173-481	Ambient Air Quality and Environmental Standards for Fluorides	This chapter, promulgated under RCW 70.94.305 and 70.94.331, establishes fluoride standards for the protection of livestock and vegetation. Standards address the fluoride content of forage and gaseous fluorides in the ambient air.	Not applicable
173-485	Petroleum Refinery Greenhouse Gas Emission Requirements	This rule determines reasonably available control technology for emissions of greenhouse gases emitted by petroleum refineries located in the state.	Not applicable
173-490	Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC)	This chapter establishes technically feasible and reasonably attainable standards for sources emitting volatile organic compounds (VOCs).	Not applicable

Section	Title	"At a Glance Summary"	Consistency
173-491	Emission Standards and Controls for Sources Emitting Gasoline Vapors	This chapter applies to gasoline marketing operations (e.g., gas stations), including the storage, transport, and transfer of gasoline, as well as the transfer from storage tanks into transport tanks, and from storage tanks into motor vehicles.	Not applicable
173-492	Motor Fuel Specifications for Oxygenated Gasoline	This chapter applies to sellers of oxygenated gasoline in Spokane County. This regulation reduces carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines.	Not applicable
173-495	Weather Modification	This chapter applies to weather modification activities. No person shall engage in weather modification activities except under and in accordance with a license and a permit issued by Ecology, unless specifically exempt from this requirement in WAC 173-495-040.	Not applicable

Source: Washington State Department of Ecology 2020

Ocean Resources Management Act

The 1989 Washington legislature passed the Ocean Resources Management Act (ORMA) in recognition of the importance of the state's coastal resources. Ecology is responsible for guidelines and policies for the management of ocean uses to serve as the basis for evaluation and modification of local shoreline management master programs, including in Grays Harbor County. Hoquiam and Aberdeen SMPs reinforce the requirement for ocean uses occurring within said cities and shorelines of the state to comply with the Ocean Resources Management Act (ORMA).

The Ocean Management Guidelines at WAC 173-26-360 and in Chapter 43.143 RCW provide guidance and information for general ocean uses, as well as those relating to specific ocean uses such as oil and gas development, transportation, and mining. Although the Proposed Project occurs

in Grays Harbor County within regulated shorelines of the state, the Proposed Project is not a use regulated under ORMA. Regulated ocean uses are defined as follows (WAC 173-26-360):

> (3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments.

The Proposed Project does not involve any developments occurring on Washington's coastal waters. The only activity on coastal waters includes vessel transportation to and from the Port. As noted in WAC 173-26-360(12), ORMA regulates transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington. The Proposed Project does not meet these criteria because transportation activities do not originate or conclude in Washington coastal waters or involve non-renewable resources extracted from the outer continental shelf off Washington.

Marine Spatial Plan

The Marine Spatial Plan (MSP) provides a framework to guide applicants as they develop proposals for new ocean uses. The MSP defines "new uses" as in-water uses with adverse impacts to renewable resources or existing uses that have not previously been authorized or permitted within the MSP study area prior to the adoption of the plan. The MSP anticipates new ocean use proposals for activities such as renewable energy, dredged material disposal, mining, marine product harvesting, and offshore aquaculture operations.

Ocean uses are defined in WAC 173-26-360 and are presented in Table 4.8-1 of the MSP. The Proposed Project does not include any developments or uses subject to evaluation under the MSP. Regulated uses do include transportation activities; however, only those that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington. The Proposed Project does not meet these criteria because transportation activities do not originate or conclude in Washington coastal waters or involve non-renewable resources extracted from the outer continental shelf off Washington.

Further, the MSP includes regulation governing activities, including shipping, in Important, Sensitive, and Unique (ISU) Areas. The Olympic Marine Sanctuary is located off the coast of Washington and is considered an ISU Area. However, the established shipping lanes to be used by the Proposed Project do not occur within the Sanctuary. Additionally, potential effects to sensitive habitat or species are addressed through compliance with RCW 77.55, Construction Projects in State Waters, and the

federal Endangered Species Act (16 *United States Code* 1531-1544). The Port and AGP would be required to obtain related authorizations prior to construction.

Table 3 provides additional information about how the Proposed Project is consistent with the enforceable polices of the MSP.

Table 3
Consistency with Marine Spatial Plan

Section	Title	"At a Glance" Summary	Consistency
4.3.3	Important, Sensitive and Unique Areas (ISUs)	Please see Chapter 4, pages 4-23 to 4-26 for full details on ISUs.	The Proposed Project would not be located within an ISU area.
4.3.3.1 (a-d)	ISU Definitions	ISUs are defined by meeting one or more of the following criteria in (a-d): Areas that are environmentally sensitive, or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures; Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the habitats, species, or cultural resources; Areas with features that have limited, fixed, and known occurrence; Areas with inherent risk or infrastructure incompatibilities (e.g., buoys or cables)	Not applicable
4.3.3.2 (a-b)	ISU Designations	There are two types of ISUs: Ecological: Biogenic habitats: aquatic vegetation, corals, and sponges. Rocky reefs. Seabird colonies: islands and rocks used for foraging and nesting by seabirds. Pinniped haul-outs. Forage fish spawning areas: intertidal areas used for spawning by herring, smelt or other forage fish. Historic, cultural, and infrastructure: Historic and archaeological sites: structures or sites over 45-years old that are listed or eligible for listing in local, state or national preservation	Not applicable

Section	Title	"At a Glance" Summary	Consistency
		registers (e.g., shipwrecks or lighthouses); or artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens). Buoys and submarine cables: fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g., hydrophones), and any associated mooring lines, anchors or other equipment. See ISU maps 59-74 in Appendix A.	
4.3.3 (a-c)	ISU Protection Standards	Protection standard: An applicant proposing a new ocean use involving offshore "development", as defined in the Shoreline Management Act must demonstrate that the project will have no adverse effects on an ISU located at the project site or on potentially affected off-site ISUs. An applicant may overcome the ISU protection standard using site-specific surveys, scientific data, and analysis, which demonstrate either: The current ISU maps do not accurately characterize the resource or use, or the project area (mapped or not mapped) does not contain an ISU resource or use; or The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU. Adverse effects standards for ecological ISUs: Adverse effects for ecological ISUs is defined as either: Degradation of ecosystem function and integrity, including, but not limited to, direct habitat damage, burial of habitat, habitat erosion, and reduction in biological diversity. Degradation of living marine organisms, including, but not limited to, abundance, individual growth, density, species diversity, and species behavior.	Not applicable

Section	Title	"At a Glance" Summary	Consistency
		Adverse effects standards for historic, cultural or fixed- infrastructure ISUs: Adverse effects for historic, cultural or fixed-infrastructure ISUs are defined as any of the following: Direct impact by dredging, drilling, dumping, or filling. Alteration, destruction, or defacement of historic, archaeological, or cultural artifacts. Direct impacts from placement or maintenance of new, temporary or permanent structures in areas with existing infrastructure or historic, archaeological, or cultural artifacts.	
4.6	Fisheries Use Protection Standards	Please see Chapter 4, pages 4-38 to 4-39 for full details on the fisheries use protection standards.	Not applicable
4.6.3 (a-b)	Protection Standards for Fisheries	Protection standards for fisheries: Applicants proposing new ocean uses involving offshore development, as defined in the SMA, must demonstrate that their projects meet the following standards to protect fisheries located at the project site and nearby: There are no likely long-term significant adverse effects to fisheries. All reasonable steps are taken to avoid and minimize social and economic impacts to fishing. Additionally, other factors must be taken into consideration when assessing adverse effects on commercial and recreational fisheries and whether all reasonable steps have been taken to avoid and minimize such effects. Definition of adverse effect for fisheries: Adverse effects can be direct, indirect, or cumulative. Adverse effects for commercial or recreational fisheries are defined as any of the following: A significant reduction in the ability of commercial or recreational fisheries to access the resource used	Not applicable

Section	Title	"At a Glance" Summary	Consistency
		by any fishery or fishing community(ies). A significant increase in the risk to entangle fishing gear. A significant reduction in navigational safety for commercial and recreational fisheries. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.	
4.2.1	Implementation	Please see Chapter 4, pages 4-15 to 4-17 for full details on the necessary data and information required during implementation.	Not applicable
4.2.1.5	Necessary Data and Information (Not an enforceable policy, but a requirement for demonstrating consistency with the Marine Spatial Plan)	The following are the additional necessary data and information outlined in the Marine Spatial Plan that are required for a federal permit or license applicant (also summarized in Sections 4.2.1.3 & 4.2.1.4 of Chapter 4 of the MSP): A copy of the notice provided to the Washington Coastal Marine Advisory Council (WCMAC) chair and membership (see Section 4.2.1.3(a)(ii)) Applicant shall provide a pre-application notice to WCMAC once a federal application has been submitted to ensure effective communication and coordination with coastal stakeholder interests. A copy of the sign-in and summary from a meeting with WDFW and affected fisheries stakeholders (see Section 4.2.1.4(c)). Applicants will notify the WDFW Intergovernmental Ocean Policy office regarding a potential project proposal as early as possible, including likely location(s) of the project. WDFW will then provide timely notice to the affected stakeholders, which may include established fishing advisory groups and license holders, for potentially affected commercial and recreational fisheries.	Not applicable

Source: Washington State Department of Ecology 2020

City of Hoquiam Comprehensive Land Use Plan

The City of Hoquiam has developed a Comprehensive Land Use Plan (City of Hoquiam 2009) to guide development in the city. The following policies are relevant to the Proposed Project. Policies that do not apply are excluded.

Section One, 3.0 Development Strategies for Future Industrial Uses

Development Strategy 3.1: Industrial District

Ensure a diverse manufacturing and manufacturing-related base for Hoquiam by designating lands appropriate for intensive industrial activities.

The communities of Hoquiam, Aberdeen, and Cosmopolis collectively create "The Harbor," the historic manufacturing center of Grays Harbor County. Today, that role continues in Hoquiam, despite the exodus of several large manufacturing businesses over past 20 years. Although the wood products industry remains as a major contributor to the local economy, there have been recent major strides in industrial diversification. The greatest opportunities for industrial growth in Hoquiam remain facing the Grays Harbor Estuary.

Land Use Action Steps

3.1.A Create an Industrial District for land uses associated with extraction, processing, transportation, distribution, and wholesale activities.

3.1.B Industrial District lands have access to maritime, rail, aeronautical, and/or truck transportation systems.

3.1.C The district allows a mix of support activities as accessory uses in the district, such as offices, transshipment facilities, warehousing, and uses that benefit employees.

3.1.D Maintain the separation of industrial activities from residential and commercial uses with the use of buffers or transitional uses, such as heavy commercial/light industrial uses, parks, and community facilities.

3.1.E The location of industrial activities serving regional needs and requiring access to rail and marine links are most appropriate along the Grays Harbor Estuary shoreline south of the Simpson Avenue Bridge.

3.1.G Adopt operating performance standards for manufacturing and manufacturing-related uses to ensure compatibility with adjacent uses.

Land Use Evaluation

The Proposed Project is consistent with the Industrial District zoning designation (Hoquiam Municipal Code [HMC] 10.03.116) and supports the Land Use Action Steps above by providing a use associated with processing, transportation, and distribution activities with access to maritime, rail, and truck transportation systems. The proposed use would also allow for a mix of other uses (e.g., office space and warehousing) that benefit employees. The proposed use is separated from residential and commercial uses by existing roadways and rail lines.

Development Strategy 3.3: Industrial Development & Infrastructure

Maintain existing and promote future industrial development through infrastructure planning.

The availability of public facilities and services is essential for retaining existing industrial uses and attracting new ones. The city should manage its infrastructure to reserve capacity for future industrial growth or build facilities capable of expansion if needed.

Land Use Action Steps

3.3.A Plan for reserves within the city's sewer and water systems for serving future industrial growth as demand occurs.

Land Use Evaluation

The Proposed Project includes infrastructure planning to support the proposed uses and does not preclude future development. Construction and operation of the Proposed Project would require minimal amounts of water and would produce minimal amounts of wastewater. There would be no impacts to the City of Hoquiam's sewer and water systems. The Proposed Project also includes stormwater upgrades to ensure that surface water is discharged to the sewer or existing outfalls in accordance with all appliable regulations and approvals.

Section One, 6.0 Development Strategies for Managing Environmental Assets and Constraints

Development Strategy 6.1: Wetlands

Protect wetlands to preserve their value for flood and stormwater control, improving ground and surface water resources, and fish and wildlife habitat.

Wetlands serve a valuable role for the community. They reduce the potential for flooding during storm events by slowing and absorbing rainfall and high river flows. Their ability to filter pollutants and sedimentation protect ground and surface water quality for people and wildlife. Along Hoquiam's rivers, wetlands help stabilize shorelines and properties from excessive erosion.

Fish and wildlife depend on wetlands for food production, rearing, and habitat. The loss of wetlands in Hoquiam would have a serious impact on the quality of life for the community.

Land Use Action Steps

6.1.A The 1997 City of Hoquiam Wetland Inventory delineates the general location of wetlands within the city. The Washington State Wetlands Identification and Delineation Manual (Ecology Publication #96-94) is the guiding document to determine the extent of wetland boundaries. The Washington State Wetlands Rating System for Western Washington (Ecology Publication #04-06-025) is the guiding document for determining the resource value of wetlands.

6.1.B The city requires development activities to mitigate impacts to wetlands by implementing buffer requirements appropriate to their value. The city relies on the best available science to determine buffer widths. Currently, the Washington State Wetlands Rating System for Western Washington will serve as a guiding document for determining buffer widths.

6.1.C The city encourages flexibility in determining wetland buffer widths. Assessments conducted by qualified experts may show the need for greater or lesser distances provided in the Washington State Wetlands Rating System for Western Washington to protect wetland values.

6.1.D The city maintains a goal of no-net loss of wetlands. However, limited development of wetlands is possible if no practical alternative exists for locating a project elsewhere or if protection precludes any reasonable use of the property. Loss or alteration of wetlands requires replacement mitigation of equal or greater value.

6.1.E The city supports efforts for restoring degraded wetlands to increase their value for flood control and habitat for fish and wildlife. This includes restoring connectivity to rivers and streams cut-off by past development.

6.1.F Public and nonprofit entities are encouraged to acquire wetland areas within the city to ensure their retention as open space, parkland, or community stormwater control.

6.1.G Encourage the preservation of wetlands on private property by allowing density and dimensional bonuses.

Land Use Evaluation

The Port has completed a wetland delineation for the Proposed Project site, a Water Resources Technical Study (Anchor QEA 2023a), and a Mitigation Plan to address potential wetland impacts. The wetland delineation and Mitigation Plan were developed consistent with City, Washington State, and federal regulations to ensure no net loss of wetlands.

Development Strategy 6.2: Geologically Hazardous Areas

Regulate development activities in geologically hazardous areas to protect the public health, safety, and welfare.

Geologically hazardous areas are those at risk to erosion, sliding, earthquake, or other geologic events. The inventory in Section 2 defines and delineates the presence of these lands within the city. However, existing knowledge about the location of these areas is extremely limited and very general. Additional study and analysis will be essential for any development project located in or around suspected geologically hazardous areas.

Most geologically hazardous areas are not suitable for residential, commercial, or industrial development and may impact adjacent properties as well. It is in the community's interest to manage development in and around these areas carefully to minimize risk to life and property.

Land Use Action Steps

6.2.C Minimize and control soil erosion during and after construction by using best management practices and retaining native vegetation to the greatest extent practical.

6.2.D Preserve natural topographic, geologic, and hydrological features to the greatest extent possible to prevent erosion and slope instability.

Land Use Evaluation

The Port has completed geotechnical investigations and concluded that geological hazards are either not present at the site or can be adequately managed with appropriate design (GeoEngineers 2023). In addition, The Port will implement best management practices (BMPs) for erosion and sediment control to further demonstrate compliance with this aspect of the City of Hoquiam's Comprehensive Land Use Plan.

Development Strategy 6.3: Fish & Wildlife Habitat Conservation Areas

Protect Fish and Wildlife Habitat Conservation Areas through incentives, restoration efforts, and development regulations.

Fishing, hunting, and wildlife viewing currently are major cultural features of Hoquiam life. Sharing this with future generations will be possible only if fish and wildlife resources remain in and around the community. Poorly planned and implemented development can impact the habitat of fish and wildlife so drastically that these resources can literally disappear within a very short period. Species such as salmon and steelhead already have fallen to depressed levels. Understanding where these habitats are in Hoquiam, along with protecting them as an integrated ecosystem, is critical to retaining fish and wildlife resources.

Land Use Action Steps

6.3.A Coordinate development review with state and federal fish and wildlife agencies and organizations to protect critical habitat.

6.3.B Protect the function of fish and wildlife conservation areas by requiring appropriate buffers.

6.3.E Encourage and facilitate programs and projects leading to restoration of fish and wildlife habitat areas in the city. The city adopts by reference the Chehalis Basin Salmon Habitat Restoration and Protection Plan for WRIAs 22 and 23 to assess the needs of salmon within the Hoquiam River and its tributaries.

6.3.F Integrate the protection of fish and wildlife habitat conservation areas with other city, state, and federal regulations to ensure a comprehensive approach.

Land Use Evaluation

The Port has completed a Biological Assessment (Anchor QEA 2022), a wetland delineation for the Project site (HDR 2022), and a Mitigation Plan. The Port will consult with U.S. Fish and Wildlife Service and National Marine Fisheries Service through the Endangered Species Act Section 7 consultation process and with Washington Department of Fish and Wildlife (WDFW) through the Hydraulic Project Approval process. The Mitigation Plan is compliant with this aspect of the City of Hoquiam's Comprehensive Land Use Plan.

Development Strategy 6.4: Frequently Flooded Areas

Protect the health, safety, and welfare of Hoquiam by minimizing the threat of flooding and flood-related damage.

It is possible to avoid, or at least minimize, the impact of flooding to the public's health, safety, and welfare by properly managing development impacts in the community. This not only includes actions within the floodplains, but adjacent uplands, too. Restoring the historic connectivity between rivers and streams to wetlands and floodplains are natural flood control measures that provide high benefit at a lower cost than man-made structures. Development regulations and incentives are necessary to ensure this approach.

Land Use Action Steps

6.4.A Maintain the city's participation and rating in the National Flood Insurance Program by requiring development to meet minimum program requirements.

6.4.B Continue to work with the National Flood Insurance Program to update the Flood Hazard Map of the city.

6.4.C Prohibit any development within the floodway that would reduce the capacity of the floodway.

6.4.D The city may require studies as part of the state environmental review process and require mitigation measures for new development within frequently-flooded areas. Mitigation may include flood storage improvements, flood-proofing of structures, and elevating structures.

6.4.E Use the most recent Stormwater Management Manual for Western Washington to set stormwater management requirements for new and expanded developments.

6.4.F When practical, require the use of natural systems over the installation of engineered structures, impoundments, or other engineered alterations for protecting development in frequently flooded areas.

6.4.G Integrate flood control measures with projects that benefit fish and wildlife conservation areas and wetlands.

Land Use Evaluation

As discussed further below, the Proposed Project would comply with HMC 11.16.240. Further, the Proposed Project has been designed and would be operated to comply with floodplain and stormwater standards.

Development Strategy 6.5: Surface Waters

Protect and manage surface water quality within the city.

Hoquiam's fresh and marine surface waters are important community and regional resources. The waters and shorelines provide significant economic benefits through marine commerce, recreation, tourism, and aquaculture. They serve as essential fish and wildlife habitats and migration corridors. The creeks, rivers, and the estuary create a natural stormwater conveyance system. Finally, Hoquiam's surface waters create a distinctive and aesthetically pleasing backdrop that visually defines the essence of the community's past, present, and future. Thus, protecting these assets is important.

Land Use Action Steps

6.5.A Manage future development within the city to maintain historic stormwater discharge rates and volumes into surface waters. Use the most recent Stormwater Management Manual for Western Washington to set stormwater management requirements for new and expanded developments.

6.5.B Mitigate impacts to surface waters created by stormwater runoff through the development of regulations and incentives that maintain water quality and quantity.

6.5.C Increase the number of opportunities along Hoquiam's fresh and marine waterfronts for public access. The city, in partnership with community groups, should facilitate the development of a public access plan that would identify potential access points, trails, and strategies for making them possible.

6.5.D Promote restoring degraded riparian areas that benefit fish and wildlife by encouraging projects and providing incentives to property owners.

Land Use Evaluation

The Port has completed a Biological Assessment (Anchor QEA 2022), a wetland delineation for the Project site (HDR 2022), and a Mitigation Plan. The Port is required to provide stormwater treatment designed in accordance with the most recent version of Ecology's Stormwater Management Manual for Western Washington during construction and operation of the Project. The Applicant is further required to obtain an Industrial Stormwater General Permit from Ecology (or obtain other appropriate stormwater permits) for site operations. In addition, the Port proposes to implement BMPs to further demonstrate compliance with this aspect of the City of Hoquiam's Comprehensive Land Use Plan.

Section One, 12.0 Development Strategies for Economic Development

Development Strategy 12.1: Framework for Economic Development Planning
Provide a comprehensive framework that will encourage the creation of a diverse and strong local economy.

Hoquiam has been undergoing a comprehensive community and economic development planning process since 2005 and has identified a series of strategies and action steps for change.

Land Use Evaluation

The Port is proposing a development project that will result in the creation of a new industrial use within the Industrial District of the City of Hoquiam. The Project will promote increased growth and economic opportunity through the creation of jobs and an increased source of expenditure and tax revenues to the City of Hoquiam.

City of Hoquiam Zoning (HMC 10.03)

HMC Article 10 regulates land use in the city. The following regulations are relevant to the Proposed Project. Those that do not apply are excluded.

HMC 10.03.100 – Maximum Density and Minimum Dimensional Standards for Land Use Districts

According to HMC 10.03.100, the maximum height allowed within the Industrial District as 55 feet. New structures greater than 55 feet require a conditional use permit.

Land Use Evaluation

There are no elements of the Proposed Project within the City of Hoquiam that would exceed this height. The Proposed Project is consistent with this requirement. No conditional use permit is required.

HMC 10.03.112 – Industrial (I) District

The general purposes of the industrial district are to provide a variety of manufacturing and marine-related uses in limited areas, which if located elsewhere would be unacceptable. The district also accommodates those general retail uses that do not serve community and neighborhood needs and are not compatible with other commercial land uses allowed in commercial zoning districts elsewhere in the city. The district protects residential and manufacturing areas from adverse effects associated with industrial activity. The district promotes economic diversification and employment opportunities for present and future residents. Activities within the district may include small-scale manufacturing, processing, fabrication and assembly of products and materials, warehousing, storage, and transport facilities. Marine-related activities may include boat-related haul-out, repair and fabrication, painting services, and associated retail sales. The district accommodates heavy manufacturing activities including processing, assembling of products or bulk storage.

Permitted and conditional uses are presented in Table 10.03.116.

Land Use Evaluation

The proposed facilities include construction of the rail track, Fry Creek Bridge, and the pedestrian bridge and pipe bridge replacement. These transportation facilities are associated with the Port's freight and ship terminal uses as defined in HMC 10.09.070 and 10.09.200, respectively, which are permitted uses in the Industrial district per HMC 10.03.116.

HMC 10.05.120 – Public Health and Safety Standards

HMC 10.05.120 defines standards related to air quality, noise, light and glare, use and storage of hazardous substances, City public utility connections, stormwater, erosion and sediment control, and vibration and concussion.

Land Use Evaluation

The Port will be required to adhere to the provisions of this section as required by subsequent City approvals related to building, mechanical, plumbing, and other associated permits.

City of Hoquiam Shoreline Master Program (HMC 11.05)

HMC Article 10 regulates shoreline use in the city. The following regulations are relevant to the Proposed Project. Those that do not apply are excluded.

HMC 11.05.310 – Archaeological and Historic Resources

(1) Policies.

(a) Encourage consultation with professional archaeologists and historians to identify areas containing potentially valuable archaeological or historic resources, and establish procedures for protecting, and, if necessary, salvaging the resource. Appropriate agencies to consult include, but are not limited to, the DAHP, the Confederated Tribes of the Chehalis Reservation, the Shoalwater Bay Tribe, and the Quinault Indian Tribe.

(b) Condition shoreline permits to allow for site inspection and evaluation, and ensure proper salvage of archaeological and historic resources in areas known to contain such resources.

(c) Preserve archaeological or historic sites permanently for scientific study and public observation whenever feasible.

(d) Prevent the destruction of or damage to a site that has been inadvertently uncovered and has historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected tribes and the DAHP.

(e) Design and operate the proposed development to be compatible with the continued protection of the site, where development or demolition activity is proposed adjacent to an identified archaeological or historic site.

(2) Regulations.

(a) Permits issued in areas documented to contain archaeological resources shall require a site inspection or evaluation by a professional archaeologist in coordination with affected tribes and DAHP prior to ground disturbance as part of the permitted activity. Failure to complete a site survey shall be considered a violation of the shoreline permit.

(b) Where a professional archaeologist has identified an area or site as having significant value, or where an area or site is listed in local, state, or federal historical registers, the shoreline administrator may condition the development approval to preserve the features. Potential conditions may include measures to preserve or retrieve the resources, modify the site development plan to reduce impacts, or mitigate the impacts as authorized through the State Environmental Policy Act (SEPA), or other local, state, or federal laws.

(c) The applicant shall stop work immediately and contact the city, the DAHP, and affected tribes if any archaeological resources are uncovered during work within shoreline jurisdiction.

Shoreline Use Evaluation

The Port has completed a Cultural Resources Technical Report (Anchor QEA 2023b) that describes cultural resource studies and the potential for archaeological sites and historic structures. No adverse effects on cultural resources are expected during construction or operation of the Proposed Project. If any resources not identified in the Cultural Resources Technical Report are discovered during construction of the Proposed Project, the Port will implement an Inadvertent Discovery Plan. This Plan includes requirements for Tribal consultation and coordination. The Proposed Project complies with HMC 11.05.310 and all subsections, as well as Section 106 of the National Historic Preservation Act.

HMC 11.05.320 – Environmental Impacts and Mitigation

(1) Policy.

(a) Avoid or mitigate impacts to shoreline jurisdiction to ensure the standards of no net loss to functions are met.

(2) Regulations.

(b) Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority:

(i) Avoiding the impact altogether by not taking a certain action or parts of an action;

(ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(iv) Reducing or eliminating the impact over time by preservation and maintenance operations;

(v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(vi) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Shoreline Use Evaluation

The Port developed the proposed project design to avoid and minimize environmental impacts as discussed in the Project Description Report (Anchor QEA 2023c). For impacts that are unable to be avoided or further minimized, the Port will implement a Mitigation Plan in accordance

with HMC 11.05.320 to ensure that there is no net loss of function within the shoreline jurisdiction.

HMC 11.05.330 – Critical Areas and Shoreline Vegetation Conservation

(1) Policies.

(a) Ensure no net loss of shoreline ecological functions through the effective integration of the SMP with existing municipal critical areas regulations.

(b) Include critical areas objectives in the protection and restoration of degraded ecological functions and ecosystem-wide processes.

(c) Balance the various facets of the SMP in critical areas regulations, including public access, water-dependent uses, aesthetic considerations, and the maintenance of shoreline ecological functions.

(d) Protect and restore ecological functions and ecosystem-wide processes provided by native vegetation along shorelines.

(e) Explore opportunities to eliminate nonnative vegetation and invasive species and encourage the planting and enhancement of native vegetation within shoreline jurisdiction.

(f) Prohibit speculative vegetation removal within shoreline jurisdiction.

(g) Replant cleared and disturbed sites promptly after completion of any clearance or construction with native vegetation in those locations where there was previously native vegetation or with other species in those areas previously vegetated with nonnative or ornamental species.

(h) Allow the selective pruning of trees for safety and view protection.

(i) Conduct removal of invasive aquatic vegetation in a manner that minimizes adverse impacts to native plant communities and wildlife habitats, and appropriately handles and disposes of weed materials and attached sediments.

(j) Permit clearing of vegetation associated with dike or levee maintenance as necessary to provide protection from flood hazards.

(2) Regulations – General Regulations.

(a) Whether or not a shoreline permit or written statement of exemption is required, the provisions of this section shall apply to all uses, alterations, or developments within shoreline jurisdiction or shoreline buffers. All shoreline uses and activities shall be located, designed,

constructed, and managed to protect the ecological functions and ecosystem-wide processes provided by critical areas and shoreline vegetation.

(b) The critical areas regulations found in Article VIII, Critical Areas Regulations, of this chapter, are integral and applicable to the SMP. All uses and development occurring within critical areas or their buffers within shoreline jurisdiction shall comply with these regulations.

(c) If there are any conflicts or unclear distinctions between the provisions of Article VIII, Critical Areas Regulations, of this chapter, and this section, the requirements most consistent with the SMA and most protective of the resource shall apply, as determined by the shoreline administrator.

(d) Within shoreline jurisdiction, critical area review, approval, notice, and appeal periods/processes shall be integrated with the associated shoreline permit or exemption found in Article VII, Shoreline Administration, of this chapter.

(e) Within shoreline jurisdiction, applicants seeking relief from the provisions of Article VIII, Critical Areas Regulations, of this chapter, shall apply for a shoreline variance under HMC 11.05.730(3).

(f) The provisions of Article VIII, Critical Areas Regulations, of this chapter, do not extend shoreline jurisdiction beyond the limits specified in HMC 11.05.060.

(3) Regulations – Shoreline Buffer Table.

(a) The required critical areas buffers for WDFW Type S waters shall be considered shoreline buffers, as established by Table 11.05.330-1: Shoreline Buffers.

(b) The buffers for all other critical areas shall be established in accordance with the standards found in Article VIII, Critical Areas Regulations, of this chapter. If buffers for two contiguous critical areas overlap, such as buffers for a shoreline and a wetland, the wider buffer applies.

(c) New uses and development that are not water-dependent, water-related, or water-enjoyment, accessory to water-dependent, water-related, or water-enjoyment uses or development, or that do not facilitate public access to waters of the state generally will not be authorized in shoreline buffers, except those uses and activities allowed in subsection (5)(a) of this section. Some uses or developments not meeting the criteria above may be authorized through issuance of a shoreline variance.

(d) Table 11.05.330-1: Shoreline Buffers establishes shoreline buffers by shoreline environment designation.

(e) Shoreline buffers are measured landward from the OHWM in a horizontal direction perpendicular to the OHWM.

(f) "N/A" in Table 11.05.330-1: Shoreline Buffers means the requirement is not applicable.

(g) Subcategories for types of uses or activities include the following terms:

(i) Water-dependent means a use that cannot exist in any other location and is dependent on the water due to the intrinsic nature of its operations, such as a port or sewer outfall.

(ii) Water-related means a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location, such as a fish processing plant or a sewer treatment plant.

(iii) Water-enjoyment means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use. Examples include public trails, golf courses, parks, etc.

(iv) Nonwater-oriented means those uses that are not water-dependent, water-related, or water-enjoyment, such as everything else: a grocery store, etc.

(h) The minimum shoreline buffer from the OHWM for a particular use is determined by finding the use and the most appropriate subcategory row and then finding the intersection with the appropriate shoreline environment designation column.

(i) Building setbacks according to the applicable zoning district are required from the landward edge of the shoreline buffer. Building setbacks are used to protect the shoreline buffer from disturbance during construction and from the impacts related to use of a structure.

HMC 11.05.330-1. Shoreline Buffers from the OWHM in the High Intensity Shoreline Designation

Shoreline Uses – Industrial and Port Development	High Intensity
Water-dependent structures and uses	0 feet
Water-related and water-enjoyment mixed-use structures and uses	75 feet
Nonwater-oriented structures and uses	150 feet

Shoreline Use Evaluation

The existing primary use of the project site is a Port use, which the Hoquiam SMP defines as including marine terminals and moorage facilities, and facilities that handle the loading and unloading of cargo, freight mobility, and materials associated with industrial or port uses. Marine terminals are defined in the SMP to include industrial and commercial wharfs, piers,

berths, docks, roads, rail lines, and similar structures used for shipping, marine cargo handling, freight mobility, transportation, navigation services, and vessel berthing, moorage, construction, repair, and resupply. Marine terminals are water-dependent because their existence is dependent on a shoreline location due to the intrinsic nature of their operations, which includes the loading and unloading of ships, and the transport of freight to and from ship loading facilities. Project elements proposed to be located within the Hoquiam shoreline jurisdiction consist of improvements to the freight mobility and transportation infrastructure of the existing marine terminal and are therefore water-dependent uses and structures.

The Port will implement a Mitigation Plan, which was completed in accordance with HMC 11.05.170 to ensure there would be no net loss of ecological function within the shoreline. Compliance with critical areas regulations are discussed further under the City of Hoquiam Critical Areas Ordinance.

HMC 11.05.340 – Flood Hazard Management

HMC 11.05.340 applies to actions taken to reduce flood damage or hazards in shoreline jurisdiction as well as uses, development, and shoreline modifications proposed in flood hazard areas. The city currently implements flood hazard management through the following:

(1) The Hoquiam comprehensive plan;

(2) The Hoquiam critical areas ordinance (CAO);

(3) The 1992 edition of the Stormwater Management Manual as prepared by Ecology;

(4) The Grays Harbor County comprehensive flood hazard management plan;

(5) The Grays Harbor County all hazard mitigation plan;

(6) The Chehalis River Basin comprehensive flood hazard management plan; and

(7) Watershed management plans.

(8) Policies.

(a) Assure flood hazard protection measures do not result in a net loss of shoreline ecological functions.

(b) Plan for and facilitate returning river and stream conditions to more natural hydrological conditions where feasible and appropriate.

(c) Achieve flood hazard management through a coordinated and integrated approach of plans, regulations, and programs.

(d) Prefer nonstructural flood hazard management measures to structural measures where feasible. New structural flood hazard reduction measures should only be allowed when demonstrated to be necessary, nonstructural methods are insufficient, and mitigation is accomplished.

(e) Limit development and shoreline modifications that interfere with the natural process of channel migration within the channel migration zone (CMZ).

(f) Require new publicly funded dike or levee projects to dedicate and improve public access, subject to the exceptions in HMC 11.05.350.

(9) Regulations.

(a) All proposed flood hazard management measures shall comply with Chapter 11.16 HMC, Floodplain District, and the Hoquiam hazard mitigation plan where applicable.

(b) Development in floodplains shall not increase flood hazards.

(c) New development or new uses in shoreline jurisdiction, including subdivision of land, shall not be established when it would be reasonably foreseeable that the use or development would require structural flood hazard reduction measures within the CMZ or floodway.

(d) New structural flood hazard management measures may be permitted if:

(i) No net loss of ecological functions and values will occur;

(ii) A scientific and engineering analysis confirms they are necessary to protect existing development;

(iii) Nonstructural flood hazard management measures are not feasible; and

(iv) Appropriate vegetation conservation actions are undertaken as outlined in HMC 11.05.330.

(e) If new structural flood hazard management measures are required as documented in a geotechnical analysis, the structural measures shall be placed landward of any associated wetlands and shoreline buffer areas except for actions that increase ecological functions, such as wetland restoration, or if it is determined that no other alternative to reduce flood hazard to existing development is feasible.

(f) New publicly-funded structural flood hazard management measures, including dikes and levees, shall dedicate and improve public access except when those improvements would:

(i) Cause health or safety hazards or security problems;

(ii) Result in significant immitigable ecological impacts;

(iii) Create a conflict of uses; or

(iv) Cost a disproportionate or unreasonable amount relative to the total long-term cost of the development.

(g) Removal of gravel for flood management purposes shall be consistent with HMC 11.05.640, and permitted only after a biological and geomorphological study demonstrates that the extraction.

(h) New development within floodways and the CMZ shall not interfere with the process of channel migration or cause a net loss of ecological functions.

(i) Development in the CMZ and floodways, is limited to:

(i) Actions that protect or restore ecosystem-wide processes or ecological functions;

(ii) Forest practices in compliance with the FPA;

(iii) Existing and ongoing agricultural practices, provided no new restrictions to channel movement occur;

(iv) Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in an unreasonable and disproportionate cost;

(v) Repair and maintenance of an existing legal use, provided that the repair and maintenance does not cause significant ecological impacts or increase flood hazards to other uses;

(vi) Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions; or

(vii) Measures to reduce shoreline erosion, if it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream. (Ord. 17-08 § 2 (Exh. A), 2017).

Shoreline Use Evaluation

Portions of the rail improvements, the T4 cargo yard, the T4 dock and fender upgrades, and AGP's Project would occur within portions of special flood hazard area mapped as Zone AE by FEMA and will

require authorization under a development permit from the City of Aberdeen under AMC 15.55.100. Because those activities would occur in areas subject to coastal flooding that do not have delineated floodways (FEMA 2017a, 2017b, 2017c), they are exempt from Aberdeen's floodplain obstruction rules. Under AMC 15.55.190(B)(2)(d)(1), such areas do not require certification that the proposed project will not increase the elevation of the base flood more than 1 foot at any point. This is because it has been determined that filling the floodplain in such locations will not result in an appreciable rise in flood levels.

HMC 11.05.350 – Public Access

According to HMC 11.05.350.350 (2)(c)(ix), public access is not required if the subject site is separated from the shoreline waterbody by intervening public or private improvements such as transportation facilities such as roads or railroads, existing structures, and/or similar improvements, and public access is not desirable or feasible.

Shoreline Use Evaluation

The Proposed Project elements would be separated from the shoreline waterbody by the existing Port infrastructure. The Proposed Project would not impact public access. Nearby public access points, including a public boat launch, would remain open during construction and operation of the Proposed Project.

HMC 11.05.360 – Water Quality

(2) Regulations.

(a) All development in shoreline jurisdiction shall comply with the appropriate requirements of the SMP and the city's current stormwater management manual.

Shoreline Use Evaluation

The Port will demonstrate compliance with the City of Hoquiam's stormwater management manual as required by subsequent City approvals related to building, mechanical, plumbing, and other associated permits.

HMC 11.05.420 – General Shoreline Use

(1) Policies.

(f) Do not permit uses where they would result in a net loss of shoreline ecological functions, adversely affect the quality or extent of habitat for native species, adversely affect other habitat conservation areas, or interfere with navigation or other water-dependent uses.

Shoreline Use Evaluation

See response to HMC 11.05.320(1)(a).

(2) Regulations.

(e) Shoreline uses and developments shall be designed to complement the setting of the property and minimize glare. Shoreline applicants shall demonstrate efforts to minimize potential impacts to the extent feasible.

Shoreline Use Evaluation

The Port completed a visual analysis (Anchor QEA 2023d) demonstrating compliance with HMC 11.05.420(2)(e).

HMC 11.05.430 – Allowed Shoreline Uses

(1) Table 11.05.430-1: Permitted, Conditional, and Prohibited Uses establishes the uses and development allowed within the shoreline environment designations. Where there is a conflict between the table and the written provisions in the SMP, the written provisions shall apply.

(2) Authorized uses and development are subject to the policies and regulations of the SMP and are only allowed in shoreline jurisdiction where allowed by the underlying zoning.

(3) Uses and development identified as "permitted" require either a shoreline substantial development permit in accordance with HMC 11.05.730(1) or an exemption from the requirement to obtain such a permit in accordance with HMC 11.05.730(4). If any part of a proposed development is not eligible for an exemption, then a shoreline substantial development permit is required for the entire proposed development.

(4) Uses identified as "conditional" require a shoreline conditional permit pursuant to HMC 11.05.730(2). Any use not listed in Table 11.05.430-1: Permitted, Conditional, and Prohibited Uses shall require a shoreline conditional use permit.

(5) Uses identified as "prohibited" are not allowed in shoreline jurisdiction.

(6) Accessory uses and structures shall be subject to the same shoreline permit process and SMP provisions as their primary use. An accessory use shall not be established prior to the establishment of its primary use.

HMC 11.05.430-1. Permitted and Conditional Uses for Industrial and Port Development

Shoreline Uses – Industrial and Port Development	High Intensity
Water-oriented	P
Nonwater-oriented	C
Marine terminals and mooring structures	C
New marine terminals and mooring structures (accessory to a permitted use)	P

Shoreline Uses – Industrial and Port Development	High Intensity
Expansion or movement of marine terminals and mooring structures (primary use)	C
Expansion or movement of marine terminals and mooring structures (accessory to a permitted use)	P

Notes:
P: Permitted
C: Conditional

Shoreline Use Evaluation

The Proposed Project elements within the City of Hoquiam are defined as the expansion or movement of marine terminals and mooring structures as primary use, where "marine terminal" is inclusive of piers, docks, rail lines, and other structures used for marine cargo handling (HMC 11.05.250). A shoreline conditional use permit is required per HMC 11.05.430-1.

HMC 11.05.440 – Development Standards

(2) Shoreline Height Standards

(a) To limit the obstruction of views from public property or residences, Table 11.05.440-1, Shoreline Height Regulations, establishes the maximum shoreline height for new or expanded buildings or structures above average grade level.

Table 11.05.440-1 establishes the maximum shoreline height for new or expanded buildings or structures above average grade level. Within the High Intensity Shoreline Designation, the maximum shoreline height is 35 feet. Proposed structures that exceed these standards would require a shoreline variance.

Shoreline Use Evaluation

Facilities within Hoquiam's shoreline jurisdiction include the rail track, Fry Creek Bridge, and the pedestrian bridge and pipe bridge. There are no elements of the Proposed Project within the City of Hoquiam's shoreline jurisdiction that would be higher than 35 feet.

HMC 11.05.500 – Industrial and Port Development

(2) Regulations.

(g) BMPs shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels.

(h) All developments shall include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any pollution which they cause.

(i) Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water.

(k) All new or expanded upland industrial or port development shall be set back and buffered from adjacent shoreline properties, which are used for nonindustrial purposes. Buffers shall be of adequate width, height, and plant and soil composition to protect shorelines and such other properties from visual or noise intrusion, minimize erosion, and protect water quality. New or expanded industrial and port development shall be set back and buffered from the shoreline except those water-dependent portions of the development, which require direct access to the water, or shoreline and any adverse impacts are minimized.

(l) Buffers shall not be used for storage of industrial or port equipment or materials, or for waste disposal, but may be used for outdoor recreation if consistent with public access and other provisions of the SMP.

Shoreline Use Evaluation

The Port has incorporated BMPs to prevent spills, discharges or pollutants, or toxic materials from entering the air or water. The proposed improvements are water-dependent structures and uses, and therefore are not subject to a shoreline buffer. See response to HMC 11.05.330-1 for a discussion of shoreline buffers. In addition, there are no adjacent shoreline properties used for nonindustrial purposes.

HMC 11.05.560 – Transportation Facilities

Transportation facilities include structures that provide for the movement of people, goods, and services by land, air, and water. Transportation facilities include highways, bridges, bikeways, airports, and other related facilities. This section applies to new and expanded transportation facilities within shoreline jurisdiction. A driveway for an individual single-family residence is considered part of the primary use and it should be reviewed as part of HMC 11.05.540.

(1) Policies.

(a) Plan, locate, and design new transportation facilities or the expansion of existing facilities where they will have the least adverse effect on shoreline features, shoreline ecological functions, and existing or planned water-dependent uses, and impacts can be adequately mitigated.

(b) Maintain and reconstruct roads in accordance with the BMPs adopted by the city and WSDOT.

(c) Require that public and private developments provide circulation facilities including roads, streets, alleys, pedestrian, bicycle, and public transportation facilities in a manner consistent with local, state, and federal standards and adopted levels of service.

(d) Preserve the aesthetic values of the shoreline environment along roadways.

(e) Promote the creation and upkeep of viewpoints, rest areas, and picnic areas that are located along transportation facilities in the shoreline jurisdiction.

(f) Seek to provide for safe pedestrian and nonmotorized travel along scenic corridors, public roadways, and multi-use trails in the shoreline jurisdiction.

(g) Design road and railroad structures so that flood debris will not be trapped by the structure.

(2) Regulations.

(a) Transportation facilities shall only be placed within shoreline jurisdiction, when no other option for the location of the facility exists. If no alternative exists to placing a new transportation facility in shoreline jurisdiction, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of HMC 11.05.330.

(b) When located within the shoreline jurisdiction, new and expanded transportation facilities shall:

(i) Be set back from the OHWM as far as feasible and locate any new water crossings as near to perpendicular with the waterbody as feasible, unless an alternate path would minimize the disturbance of native vegetation or result in the avoidance of critical areas;

(ii) Be designed with the minimum pavement area required;

(iii) Minimize adverse effects to unique or fragile shoreline features;

(iv) Implement the mitigation sequence in HMC 11.05.320 and ensure no net loss of shoreline ecological functions;

(v) Avoid adverse impacts on existing or planned water-dependent uses;

(vi) Allow joint use of the right-of-way with nonmotorized uses and existing or planned primary utility facilities to consolidate the crossings of waterbodies and minimize adverse impacts to shoreline jurisdiction, where feasible; and

(vii) Provide and maintain visual access to scenic vistas on public roads, where feasible. Visual access may include, but is not limited to, turnouts, rest areas, and picnic areas.

(c) Existing roads that are of a nonpaved surface, such as gravel, may be paved, if the facilities comply with all applicable mitigation, water quality, stormwater, and landscaping standards, as well as other requirements of the SMP and local regulations.

(d) Seasonal work windows may be required for construction projects to minimize impacts to shoreline functions.

(e) Where public access to shorelines across transportation facilities is intended, facility designs must provide safe pedestrian and nonmotorized vehicular crossings.

(f) Crossings of waterbodies, such as bridges, shall be designed to minimize impact to aquatic habitat, allow for fish passage, and the passage of flood debris. (Ord. 17-08 § 2 (Exh. A), 2017).

Shoreline Use Evaluation

The Port proposes to place portions of the new rail track in the shoreline jurisdiction, including a crossing at Fry Creek. The new track is required to be located adjacent to the existing rail track, which is in shoreline jurisdiction, and will be located landward of and further away from OHWM than the existing track. The bridge or culvert crossing at Fry Creek will be designed to minimize impacts to fish passage and accommodate flood flows and associated flood debris. A mitigation plan has been completed, and the Proposed Project has been designed to avoid and minimize impacts to shorelines consistent with the provisions of HMC 11.05.330 as discussed in this section.

HMC 11.05.610 – Shoreline Modification Table

HMC 11.05.610 establishes what specific shoreline modification activities are allowed within each of the shoreline environment designations. Shoreline modification activities may be permitted, allowed with a conditional use permit or not applicable to a shoreline environment designation as shown in Table 11.05-610-1.

Table 11.05.610-1. Shoreline Modifications

Shoreline Modifications	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Clearing and Grading	P	P	P	N/A
Fill				
Fill Landward of the OHWM	P	P	P	N/A
Fill Waterward of the OHWM	N/A	N/A	N/A	C
Dredging and Dredge Material Disposal	C	C	C	C
In-Water Structures	N/A	N/A	N/A	C
Restoration	P	P	P	P
Flood Control Structures	P	P	P	N/A
Shoreline Stabilization				
Hard Shoreline Stabilization Measures	P	P	C	C
Soft Shoreline Stabilization Measures	P	P	P	C

Key:
C: Conditional Use
N/A: Not Applicable

P: Permitted Use

Shoreline Use Evaluation

The Proposed Project would include clearing and grading and fill landward of the ordinary high water mark (OHWM) within the City of Hoquiam's High Intensity shoreline environmental designation. These activities are permitted as shown in Table 11.05.610-1.

HMC 11.05.620 – General Shoreline Modification Provisions

(2) Regulations.

(e) Shoreline modifications and uses shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

Shoreline Use Evaluation

As discussed above the Port has incorporated BMPs to minimize the potential for water quality impacts and the alteration of natural hydrographic conditions.

HMC 11.05.630 – Clearing, Grading and Fill

(2) Regulations.

(a) All clearing, grading, and fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

(b) Clearing, grading, and fill shall be minimized to the extent feasible and only allowed when necessary to accommodate an approved shoreline use or development.

(c) Speculative clearing, grading, and fill are prohibited.

(d) When clearing, grading, or fill causes adverse impacts to ecological functions, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of HMC 11.05.330.

(e) Clearing, grading, and fill within wetlands, floodways, or CMZs, and fill waterward of the OHWM, is only allowed when:

(i) Due consideration has been given to the site-specific conditions;

(ii) All impacts have been mitigated;

(iii) All required state and federal permits have been obtained; and

(iv) The shoreline use or development is one of the following:

(A) A water-dependent use or public access to the shoreline;

(B) The cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

(C) The disposal of dredged material considered suitable under, and conducted in accordance with, the WDNR's Dredged Material Management Program and the USACE Dredged Material Management Office. See also HMC 11.05.640;

(D) The expansion or alteration of transportation facilities of statewide significance that are currently located in the shoreline, where alternatives to fill are infeasible;

(E) Ecological enhancement, restoration or mitigation, when consistent with an approved plan; or

(F) The protection of historic or cultural resources when fill is the most feasible method to avoid continued degradation, disturbance, or erosion of a site. Such fill must be coordinated with any affected tribes and comply with applicable provisions of HMC 11.05.310.

(f) All fill waterward of the OHWM that is not associated with an ecological restoration project shall require a shoreline conditional use permit.

(g) Upland clearing, grading and fill outside of wetlands, floodways, and CMZs is permitted provided it:

(i) Is the minimum necessary to implement the approved use or modification;

(ii) Does not significantly change the topography of the landscape in a manner that affects hydrology or increases the risk of slope failure, consistent with the applicable provisions of HMC 11.05.330; and

(iii) Is conducted outside required shoreline buffers, unless specifically authorized by the SMP, or is necessary to provide protection to historic or cultural resources.

(h) Grading and fill shall be designed to blend physically and visually with the existing topography whenever feasible, so as not to interfere with lawful access and enjoyment of scenery.

(i) Clearing, grading, and fill shall not be located where shoreline stabilization will be necessary to protect the materials placed or removed, except when part of an approved plan for protection of historic or cultural resources.

(j) Cut and fill slopes shall generally be sloped no steeper than one foot vertical for every two feet horizontal (1:2) unless a specific engineering analysis has been provided that demonstrates the stability of a steeper slope.

(k) A temporary erosion and sediment control plan, including BMPs, consistent with the city's stormwater manual, shall be submitted to and approved by the shoreline administrator prior to commencement of all clearing, grading, and fill activities.

(l) To prevent a loss of flood storage, compensatory storage shall be provided commensurate with the amount of fill placed in the floodway per HMC 11.05.340.

(m) Fill on state-owned aquatic lands must comply with WDNR and WDFW standards and regulations. (Ord. 17-08 § 2 (Exh. A), 2017).

Shoreline Use Evaluation

The Port will be required to adhere to the provisions of this section by obtaining building and grading permits and/or as otherwise demonstrated through the conditions identified above.

HMC 11.05.730 – Shoreline Substantial Development Permit Criteria

(1) Shoreline Substantial Development Permits.

(a) The following is applicable for shoreline substantial development permits:

(i) The applicant shall meet all of the review criteria for a shoreline substantial development permit as listed in WAC 173-27-150.

Shoreline Use Evaluation

As required by WAC 173-27-150 and demonstrated in this attachment, the Proposed Project will comply with the requirements in the Shoreline Management Act and the City of Hoquiam's SMP.

HMC 11.05.730(2) – Shoreline Conditional Use Criteria

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

Shoreline Use Evaluation

As discussed above in response to HMC 11.05.430, The Proposed Project would require a Shoreline Conditional Use Permit and would be required to comply with the Shoreline Conditional Use Permit criteria. The Project elements subject to the Shoreline Conditional Use Permit would meet issuance criteria including ensuring no interference with normal public use of public shorelines, compatibility with other authorized uses and planned uses, no significant adverse effects to the shoreline environment, and no substantial detrimental effect on the public interest, including cumulative effects.

HMC 11.05.820 – Wetlands

HMC 11.05.820 pertains to the regulation of wetlands within the City's shoreline jurisdiction. As demonstrated in the Wetland and Stream Delineation Report (HDR 2022), there are no wetlands identified within the City's shoreline jurisdiction. Compliance with the City's regulations of wetlands outside of the City's shoreline jurisdiction are discussed under HMC 11.06.130, 11.06.140, 11.06.170 and 11.06.190, below.

HMC 11.05.840 – Geologically Hazardous Areas

HMC 11.05.840 pertains to the regulation of geologically hazardous areas within the City's shoreline jurisdiction. Impacts to geologically hazardous areas would be the same as those discussed under HMC 110.06.210 and HMC 11.06.220, below.

HMC 11.05.850 – Fish and Wildlife Habitat Conservation Areas

HMC 11.05.850 pertains to the regulation fish and habitat conservation areas within the City's shoreline jurisdiction. Impacts to fish and wildlife habitat conservation areas would be the same as those discussed under HMC 110.06.240, below.

HMC 11.05.860 – Frequently Flooded Areas

According to HMC 11.05.860, frequently flooded areas are those same areas regulated by HMC 11.05.340 and HMC 11.16. Compliance with HMC 11.05.340 is discussed above.

City of Hoquiam Critical Areas Ordinance (HMC 11.06)

The City of Hoquiam has adopted a critical areas ordinance to assure that land development occurs in a manner that will protect critical areas: wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas. The following regulations are relevant to the Proposed Project. Those that do not apply are excluded.

HMC 11.06.270 – Frequently Flooded Areas Designation and Protection

Frequently flooded areas are those same areas regulated by the floodplain district, Chapter 11.16 HMC. Protection of frequently flooded areas is as provided in that chapter. (Ord. 20-08 § 1, 2020; Ord. 08-21 § 1, 2008).

From Chapter 11.16, Floodplain District:

HMC 11.16.240 – Development Permit Required

(1) A development permit (building permit) shall be obtained before construction or development begins within any area of special flood hazard established in HMC 11.16.230. The permit shall be for all structures including manufactured homes, as defined in Article I, HMC 11.16.140, and for all development including fill and other activities, as defined in Article I, HMC 11.16.080.

Critical Areas Evaluation

Portions of the rail improvements, the T4 cargo yard, the T4 dock and fender upgrades, and AGP's Project would occur within portions of special flood hazard area mapped as Zone AE by FEMA and will require authorization under a development permit from the City of Aberdeen under AMC 15.55.100. Because those activities would occur in areas subject to coastal flooding that do not have delineated floodways (FEMA 2017a, 2017b, 2017c), they are exempt from Aberdeen's floodplain obstruction rules. Under AMC 15.55.190(B)(2)(d)(1), such areas do not require certification that the proposed project will not increase the elevation of the base flood more than 1 foot at any point. This is because it has been determined that filling the floodplain in such locations will not result in an appreciable rise in flood levels.

HMC 11.06.130 – Wetlands Designation and Protection

(1) The city shall regulate development activities to protect the function of all wetlands, including their ability to:

a) Provide flood and stormwater control;

b) Recharge the aquifer;

c) Improve surface and ground water quality by trapping sediments, removing nutrients, and providing chemical detoxification;

d) Stabilize the streambeds; and

e) Provide habitat for species of concern.

(3) The city prohibits proposed nonexempt development activities in wetlands and their required buffers unless no reasonable alternative exists for locating development elsewhere on the project site.

HMC 11.06.140 – Buffers Required

(1) Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland.

(2) The total point score from the wetland rating form shall determine the width of required buffers. Buffer widths are measured perpendicularly from the wetland boundary as determined through a field survey. Buffer widths shall not include those areas functionally and effectively disconnected from the wetland, such as by a road or other structures. When a buffer lacks adequate vegetation, the city may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.

(3) Buffer Dimensions.

(a) Types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

Table 11.06.140-1. Type of Impact Based on Proposed Land Use

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	Commercial
	Urban
	Industrial
	Institutional
	Retail sales
	Residential (more than 1 unit/acre)
	Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)
	High-intensity recreation (golf courses, ball fields, etc.)
	Hobby farms
Moderate	Residential (1 unit/acre or less)
	Moderate-intensity open space (parks with biking, jogging, etc.)
	Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
	Paved trails
	Building of logging roads
	Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	Forestry (cutting of trees only)
	Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
	Unpaved trails
	Utility corridor without a maintenance road and little or no vegetation management

HMC 11.06.170 – Wetland Mitigation

(1) If an application for development activities makes it necessary to alter or eliminate a wetland, the applicant shall compensate the loss of alteration by one or more of the following actions, so as to result in no net loss of critical area functions and values:

(a) Restoring wetland acreage and functions to an area where those functions formerly occurred.
(b) Creating new wetland area and functions in an area where they did not previously occur.
(c) Enhancing functions at an existing wetland.
(d) Preserving an existing high-quality wetland to protect it from future loss or degradation.

HMC 11.06.190 – Wetland Technical Reports

A qualified wetlands professional shall prepare any technical assessment required by the city. The assessment shall follow the format described in Appendix H of the Ecology publication, "Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans," 2006, Publication No. 06-06- 011b. In addition, the report will include the following analysis:

(1) A written assessment and accompanying maps of the wetlands and buffers within three hundred feet of the project area, including the following information at a minimum:
(a) Wetland delineation and required buffers;
(b) Existing wetland acreage;
(c) Wetland category;
(d) Vegetative, faunal, and hydrologic characteristics;
(e) Soil and substrate conditions;
(f) Topographic elevations, at two-foot contours; and
(g) A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).

(2) A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
(3) A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions.
(4) Functional evaluation for the wetland and adjacent buffer using a local or state agency staff-recognized method and including the reference of the method and all data sheets.
(5) Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
(a) Existing and proposed wetland acreage;
(b) Vegetative and faunal conditions;
(c) Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
(d) Relationship within watershed and to existing water bodies;
(e) Soil and substrate conditions, topographic elevations;
(f) Existing and proposed adjacent site conditions;
(g) Required wetland buffers (including any buffer reduction and mitigation proposed to increase the plant densities, remove weedy vegetation, and replant the buffers);
(h) Property ownership; and
(i) Associated wetlands and related wetlands that may be greater than three hundred feet from the subject project.
(6) A scale map of the development proposal site and adjacent area. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs.
(7) A bond estimate for the installation (including site preparation, plant materials and installation, fertilizers, mulch, stakes) and the proposed monitoring and maintenance work for the required number of years.
(8) Title notification. All activity in critical area protection areas shall be accompanied by a title. (Ord. 20-08 § 1, 2020; Ord. 08-21 § 1, 2008).

Critical Areas Evaluation

The Port has completed a wetland delineation and a Mitigation Plan for the Project site. One Category III wetland was identified within the City of Hoquiam. Being located within the industrial zone, the wetland buffer would be considered a high impact as defined in Table 11.06.140-1. Based on the wetland rating of category III, a wetland buffer of 80 feet would be required (Table 11.06.140(c)-1).

Construction of the Proposed Project would result in the fill of this wetland. The Port will implement the Mitigation Plan, which was completed in accordance with HMC 11.05.170 to ensure there would be no net loss of wetlands.

HMC 110.06.210 – Geologically Hazardous Areas Technical Reports

The city may require a technical assessment prepared by a qualified professional for development activities proposed in a geologically hazardous area. The report shall:

(1) Determine the exact boundaries of all geologically hazardous areas affecting the site and the impact of the proposed development on the standards set forth under HMC 11.05.860(1); and

(2) Recommend mitigation measures or, if mitigation is not possible, recommendations for adequate buffers from the hazard or hazards to protect public health, safety, and welfare.

HMC 11.06.220 – Mitigation in Geologically Hazardous Areas

Engineering, design, or modified construction or mining practices can reduce or mitigate some geological hazards so that risks to health and safety are acceptable. However, when technology cannot reduce risks to acceptable levels, building in geologically hazardous areas, excluding tsunami hazard areas, is prohibited. (Ord. 17-08 § 2 (Exh. A), 2017).

Critical Areas Evaluation

The Project site is located within a high seismic region and within a tsunami inundation zone. The Port has completed a Geologic Hazards Report (GeoEngineers 2023) that meets the basic report requirements in HMC 11.06.210. The Geologic Hazards Report concluded that geologic hazards either are not present at the site or can be adequately managed through appropriate design. No mitigation is proposed.

HMC 11.06.240 – Standards for Protection of Fish and Wildlife Habitat Conservation

(1) Development activities occurring on lands and waters containing documented habitats for plant and animal species in fish and wildlife habitat conservation areas shall result in no net loss of existing function.

(2) Development activities allowed in fish and wildlife habitat conservation areas shall be consistent with the species located there and shall be regulated additionally by restrictions defined in applicable federal, state and local regulations regarding the species.

(3) Habitat conservation areas may overlap with other identified critical areas. Likely areas of overlap include critical drainage corridors, geologically hazardous areas and wetlands. When habitat areas overlap with other critical areas, all the performance standards established for the overlaying critical area(s) shall apply. If multiple critical areas overlap in an area, the most restrictive conditions shall apply.

HMC 11.06.250 – Technical Reports – Habitat Management Plan

(1) The city shall require a technical assessment prepared by a qualified expert for any nonexempt development activities proposed within three hundred feet of a habitat conservation area and its recommended buffers.

(2) Applications for development activities shall provide a technical assessment consisting of a habitat management plan recommending appropriate protections based on the Washington Department of Fish and Wildlife species and habitat recommendations.

(3) The technical assessment shall at a minimum provide:

(a) Detailed description of vegetation on and adjacent to the project area and its associated buffer;

(b) Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

(c) A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

(d) A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;

(e) A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded before the current proposed land use activity; and

(f) A discussion of ongoing management practices that will protect habitat after the project completion, including proposed monitoring and maintenance programs. (Ord. 20-08 § 1, 2020; Ord. 08-21 § 1, 2008).

HMC 11.06.260 – Requirements for Developments Along Shorelines

(1) Development activities occurring along shorelines in or adjacent to habitat conservation areas shall achieve no net loss of habitat function.

(2) The city requires buffer corridors along shorelines to retain areas of native vegetation and to allow for habitat connectivity. Development activities shall meet the following buffer standards:

(a) Developments along shorelines downstream of the confluence of the East and West Forks of the Hoquiam River and adjacent to the Grays Harbor Estuary shall meet the following standards:

(i) Maintain a riparian corridor of at least twenty-five feet along seventy-five percent of the shoreline length measured perpendicularly from the ordinary high water mark landward.

(ii) For water-dependent developments that are unable to meet the above standard, the city shall assign required buffers on a case-by-case basis. The developer shall prepare for the administrator's review a habitat management plan that recommends and justifies mitigation actions to compensate for the reduced buffer, including on- and/or off-site restoration and preservation actions.

(b) Development along all other shorelines within the city not included in subsection (2)(a) of this section shall provide the following buffers by water type:

(i) Type S water: one hundred fifty feet;

(ii) Type F water greater than ten feet wide: one hundred fifty feet;

(iii) Type F water ten feet or less in width: one hundred feet;

(iv) Type Np water: seventy-five feet;

(v) Type Ns water: fifty feet. (Ord. 20-08 § 1, 2020; Ord. 08-21 § 1, 2008).

Critical Areas Evaluation

The Port has characterized the fish and wildlife areas with the potential to be affected by the Proposed Project (Anchor QEA 2023e) and have prepared a Mitigation Plan. Where special-status species and habitats could be impacted, appropriate mitigation that complies with applicable federal, state, and local regulations will be implemented in compliance with the City of Hoquiam's Critical Areas Ordinance.

City of Aberdeen Comprehensive Plan

The Proposed Project must follow the requirements of the City of Aberdeen Comprehensive Land Use Plan. The following Comprehensive Land Use Plan policies have been identified by the City to support recommended conditions associated with the Project. Policies that do not apply are excluded.

Chapter 2, Land Use Element

Goal LU-3 – Economic Prosperity

Provide opportunities for diverse employment development that leverages Aberdeen's waterfront and physical environment, increases downtown and Port activities, supports a healthy natural environment, contributes to quality of life, and is compatible with desired development patterns.

Goal LU-6 – Environmental Health
Proactively steward our natural systems and avoid development impacts when possible. When unavoidable, minimize and mitigate development impacts for a healthy natural environment.

Goal LU-7 – Community Health and Equity
Consider community health and social equity outcomes when making future land use decisions and avoid disproportionate adverse impacts on vulnerable or traditionally underrepresented communities.

Goal LU-10 – Regional Coordination
Coordinate with Grays Harbor municipalities, Port, and Tribes to accommodate expected population and job changes and complement each other's strengths.

Policy LU-8 – Industry Retention
Retain prime industrial land and encourage the capacity, affordability, and viability of industrial uses.

Land Use Evaluation

The Proposed Project is an industrial project located on industrial land. Therefore, it is consistent with this aspect of the Comprehensive Plan.

Policy LU-14 – Compatible Uses
Avoid conflicts between industrial uses and residential and recreational uses when possible through land use designations and appropriate separations, and/or mitigate incompatibilities with measures such as buffers.

Land Use Evaluation

The Proposed Project is compatible with existing land use designations. In addition, the Port's industrial facilities are separated from adjacent residential and commercial areas by existing roads and rail lines. Therefore, the Proposed Project is consistent with this aspect of the Comprehensive Plan.

Policy LU-26 – Waterfront Access
Maintain and seek additional physical and visual waterfront access, including recreational boating access, trails, fishing, and seating.

Land Use Evaluation

Construction and operation of the Proposed Project would occur within an existing industrial facility and would not interfere with access to the waterfront, including recreational boating

access, trails, fishing, and seating. Therefore, it is consistent with this aspect of the Comprehensive Plan.

Policy LU-28 – Protect Critical Areas

Continue to protect ecologically sensitive and hazardous areas, including their functions and values, by following the City's Critical Areas Ordinance.

Land Use Evaluation

Impacts to Critical Areas and compliance with the City of Aberdeen's Critical Areas Ordinance are discussed below. The Proposed Project would comply with the City of Aberdeen's Critical Area Ordinance and is consistent with this aspect of the Comprehensive Plan.

Policy LU-29 – Protect Shorelines

Continue to steward shoreline areas by following the City of Aberdeen's Shoreline Master Program.

Land Use Evaluation

Impacts to shorelines and compliance with the City of Aberdeen's SMP are discussed below. The Proposed Project would comply with the City of Aberdeen's SMP and is consistent with this aspect of the Comprehensive Plan.

City of Aberdeen Zoning (AMC 17.48)

AMC 17.48 regulates land use in the city. The following regulations are relevant to the Proposed Project. Those that do not apply are excluded.

AMC 17.48.010 – Purpose

The purpose of the I district is to provide the opportunity for intensive industrial uses in appropriate locations.

AMC 17.48.020 – Permitted Uses

The following uses are permitted within the I district:

A. Manufacturing, light manufacturing, processing, light processing, light assembly, fabricating, and light fabrication and industrial activities all within a building;

B. Equipment, heavy equipment sales, repair and rentals, auto and truck rental, repair and servicing within a building, exterior storage of goods and equipment;

C. Shipping terminals, truck terminals, materials' movement facilities, and docks, wharfs, marine terminals, and contractor's yards;

D. Warehousing, indoor and outdoor storage, wholesale sales, industrial sales, building and industrial material retail sales, and retail sales accessory to a related permitted or conditional use;

E. Offices accessory to a permitted or conditional use;

F. A caretaker's residence accessory to a permitted or conditional use;

G. Kennels and animal hospitals;

H. Service stations;

I. Laboratories and industrial research facilities;

J. Restaurants accessory to a permitted use;

K. Outside assembly accessory to a permitted or conditional use.

Land Use Evaluation

Construction of the cargo yard relocation and expansion, dock fender and stormwater upgrades, and AGP project components would occur within the City of Aberdeen's Industrial District. These facilities meet the definition of allowed uses in Part C, Shipping Terminals. This is an industrial use that is consistent with the intent of the designated Industrial District. The project qualifies as a permitted use in the Industrial district per Aberdeen Municipal Code (AMC) 17.48.020.

City of Aberdeen Shoreline Master Program (AMC 14.50)

AMC Chapter 14.50 regulates shoreline use in the city. The following regulations are relevant to the Proposed Project. Those that do not apply are excluded.

AMC 14.50.410 – Archaeological and Historic Resources

The purpose of this section is to prevent destruction or damage to sites containing irreplaceable archaeological or historic resources within shoreline jurisdiction. The policies and regulations apply to areas of known or potential archaeological and historic resources as recorded by the Washington State Department of Archaeology and Historic Preservation (DAHP), the city, affected tribes, as well as sites that are uncovered during site development.

AMC 14.50.410.01 – Policies

A. Encourage consultation with professional archaeologists and historians to identify areas containing potentially valuable archaeological or historic resources, and establish procedures for protecting, and, if necessary, salvaging the resource. Appropriate agencies to consult include, but are not limited to, the DAHP, the Confederated Tribes of the Chehalis Reservation, the Shoalwater Bay Tribe, and the Quinault Indian Tribe.

B. Condition shoreline permits to allow for site inspection and evaluation, and ensure proper salvage of archaeological and historic resources in areas known to contain such resources.

C. Preserve archaeological or historic sites permanently for scientific study and public observation whenever feasible.

D. Prevent the destruction of or damage to a site that has been inadvertently uncovered and has historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected tribes and the DAHP.

E. Design and operate the proposed development to be compatible with the continued protection of the site, where development or demolition activity is proposed adjacent to an identified archaeological or historic site.

AMC 14.50.410.02 – Regulations

A. Permits issued in areas documented to contain archaeological resources shall require a site inspection or evaluation by a professional archaeologist in coordination with affected tribes and DAHP prior to ground disturbance as part of the permitted activity. Failure to complete a site survey shall be considered a violation of the shoreline permit.

B. Where a professional archaeologist has identified an area or site as having significant value, or where an area or site is listed in local, state, or federal historical registers, the shoreline administrator may condition the development approval to preserve the features. Potential conditions may include measures to preserve or retrieve the resources, modify the site development plan to reduce impacts, or mitigate the impacts as authorized through the State Environmental Policy Act (SEPA), or other local, state, or federal laws.

C. The applicant shall stop work immediately and contact the city, the DAHP, and affected tribes if any archaeological resources are uncovered during work within shoreline jurisdiction.

Shoreline Use Evaluation

The Port and AGP have completed a Cultural Resources Technical Report (Anchor QEA 2023b) that describes cultural resource studies and the potential archaeological sites and historic structures. No adverse effects on cultural resources are expected during construction or operation of the Proposed Project. If any resources not identified in the Cultural Resources Technical Report are discovered during construction of the Proposed Project, the Port and AGP will implement an Inadvertent Discovery Plan. This Plan includes requirements for Tribal consultation and coordination. The Proposed Project complies with AMC 14.50.410 and all subsections, as well as Section 106 of the National Historic Preservation Act.

AMC 14.50.420 – Environmental Impacts and Mitigation

AMC 14.50.420.01 – Policies

(a) Avoid or mitigate impacts to shoreline jurisdiction to ensure the standards of no net loss to functions are met.

AMC 14.50.420.02 – Regulations

A. The environmental impacts of development proposals shall be analyzed and include measures to mitigate environmental impacts not otherwise avoided or minimized by compliance with the SMP and other applicable regulations.

B. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations;

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and

6. Monitoring the impact and compensation projects and taking appropriate corrective measures

C. In determining appropriate mitigation measures applicable to development in shoreline jurisdiction, lower priority measures should be applied only where higher priority measures are determined to be infeasible or inapplicable.

D. Mitigation shall not be required that exceeds what is necessary to assure the development will result in no net loss of ecological functions in shoreline jurisdiction.

E. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation measures that have been identified within a watershed plan and address limiting factors or other critical resource conservation needs in shoreline jurisdiction may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

Shoreline Use Evaluation

The Port and AGP continue to refine design elements to avoid and minimize impacts to wetlands and habitats. The Port and AGP will implement a Mitigation Plan in accordance with AMC 14.50.410 to ensure that there is no net loss of function within the shoreline jurisdiction. Additional measures to avoid, minimize, reduce, or compensate for impacts will be identified during the preparation of environmental analyses for the Proposed Project.

AMC 14.50.430 – Critical Areas and Shoreline Vegetation Conservation

AMC 14.50.430.01 – Policies

A. Ensure no net loss of shoreline ecological functions through the effective integration of the SMP with existing municipal critical areas regulations.

B. Include critical areas objectives in the protection and restoration of degraded ecological functions and ecosystem-wide processes.

C. Balance the various facets of the SMP in critical area regulations, including public access, water-dependent uses, aesthetic considerations and the maintenance of shoreline ecological functions.

D. Protect and restore ecological functions and ecosystem-wide processes provided by native vegetation along shorelines.

E. Explore opportunities to eliminate nonnative vegetation and invasive species and encourage the planting and enhancement of native vegetation within shoreline jurisdiction.

F. Prohibit speculative vegetation removal within shoreline jurisdiction.

G. Replant cleared and disturbed sites promptly after completion of any clearance or construction with native vegetation in those locations where there was previously native vegetation or with other species in those areas previously vegetated with nonnative or ornamental species.

H. Allow the selective pruning of trees for safety and view protection.

I. Conduct removal of invasive aquatic vegetation in a manner that minimizes adverse impacts to native plant communities and wildlife habitats and appropriately handles and disposes of weed materials and attached sediments.

J. Permit clearing of vegetation associated with dike or levee maintenance as necessary to provide protection from flood hazards.

AMC 14.50.430.02 – Regulations

A. General Regulations.

1. Whether or not a shoreline permit or written statement of exemption is required, the provisions of this section shall apply to all uses, alterations or developments within shoreline jurisdiction or shoreline buffers. All shoreline uses and activities shall be located, designed, constructed and managed to protect the ecological functions and ecosystem-wide processes provided by critical areas and shoreline vegetation.

2. The critical areas regulations found in Chapter 14.100, except as modified by Section 14.50.910, Appendix 2: Critical areas regulations, are integral and applicable to the SMP. All uses and development occurring within critical areas or their buffers within shoreline jurisdiction shall comply with these regulations.

3. If there are any conflicts or unclear distinctions between the provisions of Section 14.50.910, Appendix 2: Critical areas regulations, and this section, the requirements most consistent with the SMA and most protective of the resource shall apply, as determined by the shoreline administrator.

4. Within shoreline jurisdiction, critical area review, approval, notice and appeal periods/processes shall be integrated with the associated shoreline permit or exemption found in Article 7, Shoreline administration.

5. Within shoreline jurisdiction, applicants seeking relief from the provisions of Section 14.50.910, Appendix 2: Critical areas regulations, shall apply for a shoreline variance under Section 14.50.730.03.

6. The provisions of Section 14.50.910, Appendix 2: Critical areas regulations, do not extend shoreline jurisdiction beyond the limits specified in Section 14.50.060, Shoreline jurisdiction.

B. Shoreline Buffer Table.

1. The required critical area buffers for WDFW Type S waters shall be considered shoreline buffers, as established by Table 4-1, Shoreline Buffers.

2. The buffers for all other critical areas shall be established in accordance with the standards found in Section 14.50.910, Appendix 2: Critical areas regulations. If buffers for two (2) contiguous critical areas overlap, such as buffers for shorelines and wetlands, the wider buffer applies.

3. New uses and development that are not water-dependent, water-related, water-enjoyment or accessory to water-dependent, water-related or water-enjoyment uses or development or that do not facilitate public access to waters of the state generally will not be authorized in shoreline buffers, except those uses and activities allowed in subsection (D)(1) of this section.

4. Table 4-1: Shoreline Buffers establishes shoreline buffers by shoreline environment designation.

5. Shoreline buffers are measured landward from the OHWM in a horizontal direction perpendicular to the OHWM.

6. "N/A" in Table 4-1: Shoreline Buffers means the requirement is not applicable.

7. Subcategories for types of uses or activities include the following terms:

a. "Water-dependent" means a use that cannot exist in any other location and is dependent on the water due to the intrinsic nature of its operations, such as a port or sewer outfall.

b. "Water-related" means a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location, such as a fish processing plant or a sewer treatment plant.

c. "Water-enjoyment" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use. Examples include public trails, golf courses, parks, etc.

d. "Non-water-oriented" means those uses that are not water-dependent, water-related or water-enjoyment, such as: a grocery store, etc.

8. The minimum shoreline buffer from the OHWM for a particular use is determined by finding the use and the most appropriate subcategory row and then finding the intersection with the appropriate shoreline environment designation column.

9. Building setbacks of fifteen (15) feet are required from the landward edge of the shoreline buffer. Building setbacks are used to protect the shoreline buffer from disturbance during construction and from the impacts related to use of a structure.

Table 4-1. Shoreline Buffers from the OWHM in the High Intensity Shoreline Designation

Shoreline Uses – Industrial and Port Development	High Intensity
Water-dependent structures and uses	0 feet
Water-related and water-enjoyment mixed-use structures and uses	75 feet
Nonwater-oriented structures and uses	150 feet

Shoreline Use Evaluation

The existing primary use of the project site is a Port use, which the City of Aberdeen's SMP defines as including marine terminals and moorage facilities, and facilities that handle the loading and unloading of cargo, freight mobility, and materials associated with industrial or port uses. Marine terminals are defined in the SMP to include industrial and commercial wharfs,

piers, berths, docks, roads, rail lines, and similar structures used for shipping, marine cargo handling, freight mobility, transportation, navigation services, and vessel berthing, moorage, construction, repair, and resupply. Marine terminals are water-dependent because their existence is dependent on a shoreline location due to the intrinsic nature of their operations, which includes the loading and unloading of ships, and the transport of freight to and from ship loading facilities. Project elements proposed to be located within the Aberdeen shoreline jurisdiction consist of improvements to the freight mobility and transportation infrastructure of the existing marine terminal and are therefore water-dependent uses and structures.

The Port will implement a Mitigation Plan, which was completed in accordance with AMC 14.50.430 to ensure there would be no net loss of ecological function within the shoreline. Compliance with critical areas regulations are discussed further under the City of Aberdeen Critical Areas Ordinance.

AMC 14.50.450.02 – Public Access

According to AMC 14.50.450.02.C.9 public access is not required if the subject site is separated from the shoreline waterbody by intervening public or private improvements such as transportation facilities such as roads or railroads, existing structures, and/or similar improvements, and public access is not desirable or feasible.

Shoreline Use Evaluation

The Proposed Project elements at Terminal 4 would be separated from the shoreline waterbody by the existing Port infrastructure and located within a secure area under homeland security regulations that prohibit unrestricted public access. *The Proposed Project would not impact public access.*

AMC 14.50.460 – Water Quality

AMC 14.50.460 – Regulations

(a) All development in shoreline jurisdiction shall comply with the appropriate requirements of the SMP and the latest version of the Ecology Stormwater Management Manual for Western Washington as prepared by Ecology, as amended.

Shoreline Use Evaluation

The Port and AGP must demonstrate compliance with the City of Aberdeen's stormwater management manual as required by subsequent City approvals related to building, mechanical, plumbing, and other associated permits. The stormwater systems required by the City of Aberdeen through its Phase II Municipal Stormwater Permit will be designed in accordance with the Ecology Stormwater Management Manual for Western Washington as adopted by the City of Aberdeen.

AMC 14.50.520 – Allowed Shoreline Uses

AMC 14.50.520 – Regulations

A. Table 5-1: Permitted, Conditional and Prohibited Uses below establishes the uses and development allowed within the shoreline environment designations. Where there is a conflict between the table and the written provisions in the SMP, the written provisions shall apply.

B. Authorized uses and development are subject to the policies and regulations of the SMP and are only allowed in shoreline jurisdiction where allowed by the underlying zoning.

C. Uses and development identified as "Permitted" require either a shoreline substantial development permit in accordance with SMP Section 7.04.01 or an exemption from the requirement to obtain such a permit in accordance with SMP Section 7.04.04. If any part of a proposed development is not eligible for an exemption, then a shoreline substantial development permit is required for the entire proposed development.

D. Uses identified as "Conditional" require a shoreline conditional permit pursuant to SMP Section 7.04.02. Any use not listed in SMP Table 5-1: Permitted, Conditional and Prohibited Uses shall require a shoreline conditional use permit.

E. Uses identified as "Prohibited" are not allowed in shoreline jurisdiction.

F. Accessory uses and structures shall be subject to the same shoreline permit process and SMP provisions as their primary use. An accessory use shall not be established prior to the establishment of its primary use.

Shoreline Use Evaluation

Construction of portions of the rail expansion, the Terminal 4A cargo yard relocation and expansion, dock fender and stormwater upgrades, and AGP project components would occur within the High Intensity shoreline designation. The Proposed Project would be categorized as an expansion or movement of marine terminals and mooring structures (primary use) use. Per Table 5-1, these proposed uses would require a shoreline conditional use permit. The requirements for shoreline conditional use permits are described below.

AMC 14.50.530.02 – Shoreline Height Standards

A. To limit the obstruction of views from public property or residences, SMP Table 5-2: Shoreline Height Regulations establishes the maximum shoreline height for new or expanded buildings or structures above average grade level. The maximum shoreline height within the High Intensity shoreline environment designation is 35 feet.

B. The following structures are exempt from the shoreline height standard requirements: dams, shipping cranes or other freight moving equipment, power or light poles, chimneys, tanks, towers, cupolas, steeples, flagpoles, smokestacks, silos, elevators, fire or parapet walls, open railings and/or similar necessary building appurtenances may exceed the shoreline height limit provided all other requirements of the city are met and no usable floor space above the shoreline height limit is added.

C. Aside from industrial and port development uses, development in the high intensity and the shoreline residential shoreline environment designations may be increased through a shoreline variance that meets the criteria in Section 14.50.730.03 provided:

1. The increase does not substantially block views from adjacent residential properties;

2. The increase will serve overriding considerations of the public interest pursuant to RCW 90.58.320;

3. Greater height is demonstrated to be needed for an essential element of an allowed use;

4. The project includes compensating elements that substantially enhance the visual and physical public access to the shoreline; and

5. It is demonstrated that no net loss of shoreline ecological function will be achieved.

D. As defined in Section 14.50.590, industrial and port development in the high intensity shoreline environment designations may be increased without a shoreline variance provided:

1. Public notice is given following the procedures in Section 14.50.720;

2. The increase does not substantially block views from adjacent residential properties;

3. The increase will serve overriding considerations of the public interest pursuant to RCW 90.58.320;

4. Greater height is demonstrated to be needed for an essential element of an allowed use;

5. The project includes compensating elements that substantially enhance the visual and physical public access to the shoreline; and

6. It is demonstrated that no net loss of shoreline ecological function will be achieved.

Table 5-2. Shoreline Height Regulations

Standard	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Maximum Shoreline Height	35 feet (1)	35 feet (2)	35 feet	35 feet

Shoreline Use Evaluation

The proposed shiploader located at Terminal 4 would exceed the maximum shoreline height of 35 feet; however, as noted in AMC 14.50.530.02(B), shipping cranes and other freight moving equipment are exempt. Further, per AMC 14.50.530.02(D), industrial and port development in the high intensity shoreline designations may be increased without a shoreline variance provided the listed criteria are met.

Public notice of the Proposed Project will be provided by the City of Aberdeen as required per Section 14.50.720. A visual analysis has been completed, and views from residential properties would be substantially blocked (Anchor QEA 2023d). Port industrial operations serve the public interest locally and regionally, and the new shiploader is needed to upgrade the Port's terminal infrastructure to meet the Port's operational capacity. The height of the shiploader is necessary to meet the design criteria for the Proposed Project. There is no public access to the shoreline within Port property. Therefore, the Proposed Project would meet the criteria listed above which would allow for the height to be increased without a shoreline variance.

AMC 14.50.590 – Industrial and Port Development

AMC 14.50.590 – Regulations

(b) The location, design, and construction of industrial and port development shall not result in net loss of ecological functions or have significant negative impacts to shoreline use, resources, navigation, recreation and public access.

I Public access should be incorporated where feasible. Public access shall be required where feasible for new industrial and port development on publicly owned land and does not interfere with operations, violate federal security regulations or endanger public health and safety.

(f) Industrial and port development shall comply with all local, state and federal requirements regarding air and water quality.

(g) BMPs shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels.

(h) All developments shall include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any pollution which they cause.

(i) Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water.

(k) All new or expanded upland industrial or port development shall be set back and buffered from adjacent shoreline properties, which are used for nonindustrial purposes. Buffers shall be of adequate width, height, and plant and soil composition to protect shorelines and such other properties from visual or noise intrusion, minimize erosion, and protect water quality. New or expanded industrial and port development shall be set back and buffered from the shoreline except those water-dependent portions of the development, which require direct access to the water, or shoreline and any adverse impacts are minimized.

(l) Buffers shall not be used for storage of industrial or port equipment or materials, or for waste disposal, but may be used for outdoor recreation if consistent with public access and other provisions of the SMP.

Shoreline Use Evaluation

As described in the sections above, the Proposed Project would not result in a net loss of ecological functions or have significant negative impacts to shoreline use, resources, navigation, recreation and public access. The Proposed Project would comply with all local, state and federal requirements regarding air and water quality. The Port and AGP *have incorporated BMPs to prevent spills, discharges or pollutants, or toxic materials from entering the air or water.*

AMC 14.50.600 – Shoreline Modifications

AMC 14.50.600 establishes what specific shoreline modification activities are allowed within each of the shoreline environment designations. Shoreline modification activities may be permitted, allowed with a conditional use permit or not applicable to a shoreline environment designation as shown in Table 6-1.

Table 6-1. Shoreline Modifications

Shoreline Modifications (1) (2)	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Clearing and Grading	P	P	P	N/A
Fill				
Fill Landward of the OHWM	P	P	P	N/A
Fill Waterward of the OHWM	N/A	N/A	N/A	C
Dredging and Dredge Material Disposal	C	C	C	C
In-Water Structures (3)	N/A	N/A	N/A	C
Restoration (4)	P	P	P	P

Shoreline Modifications (1) (2)	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Flood Control Structures (5)	P	P	P	N/A
Shoreline Stabilization				
Hard Shoreline Stabilization Measures	P	P	C	C
Soft Shoreline Stabilization Measures	P	P	P	C

Key:
C: Conditional Use
N/A: Not Applicable
P: Permitted Use

Shoreline Use Evaluation

The Proposed Project would include clearing and grading and fill landward of the OHWM within the City of Aberdeen's High Intensity shoreline environmental designation. These activities are permitted as shown in Table 6-1.

AMC 14.50.596 – Transportation Facilities

(1) Policies.

(a) Plan, locate, and design new transportation facilities or the expansion of existing facilities where they will have the least adverse effect on shoreline features, shoreline ecological functions, and existing or planned water-dependent uses, and impacts can be adequately mitigated.

(g) Design road and railroad structures so that flood debris will not be trapped by the structure.

(2) Regulations.

(a) Transportation facilities shall only be placed within shoreline jurisdiction, when no other option for the location of the facility exists. If no alternative exists to placing a new transportation facility in shoreline jurisdiction, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of SMP Section 4.04.

Shoreline Use Evaluation

The Port and AGP propose to place portions of the rail track in the shoreline jurisdiction. The new rail is required to be located in the shoreline jurisdiction to connect the existing rail with the new water dependent facility. A mitigation plan has been completed, and the Proposed Project has been designed to avoid and minimize impacts to shorelines consistent with the provisions of AMC 114.50.430.

AMC 14.50.620 – Clearing, Grading and Fill

Clearing, grading and filling are the activities associated with preparing a site for development, as well as physically altering topography. The clearing and grading regulations in this section apply to activities landward of the OHWM and fill activity applies both waterward and landward of the OHWM.

See Section 14.50.630 for dredging for purposes of flood control, navigation, primary utility installation, the construction of water-dependent portions of essential public facilities or restoration.

AMC 14.50.620.01 – Policies

A. Protect shoreline ecological functions, including channel migration, by regulating clearing, grading and filling.

B. Permit clearing, grading and filling only to the minimum extent necessary to accommodate an approved shoreline use or development and with no net loss of shoreline ecological functions and processes.

C. Require that BMPs be utilized during clearing, grading and filling activities.

D. Allow clearing, grading and filling only as part of a permitted development in shoreline jurisdiction.

E. Permit clearing, grading and filling associated with dike or levee maintenance as necessary to provide protection from flood hazards when consistent with the flood hazard management provisions in Section 14.50.440.

F. Ensure that the placement of fill does not result in a loss of flood storage.

G. Encourage the enhancement and voluntary restoration of landforms for habitat along shorelines.

AMC 14.50.620.02 – Regulations

(a) All clearing, grading, and fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

(b) Clearing, grading, and fill shall be minimized to the extent feasible and only allowed when necessary to accommodate an approved shoreline use or development.

(c) Speculative clearing, grading, and fill are prohibited.

(d) When clearing, grading, or fill causes adverse impacts to ecological functions, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of HMC 11.05.330.

(e) Clearing, grading, and fill within wetlands, floodways, or CMZs, and fill waterward of the OHWM, is only allowed when:

(i) Due consideration has been given to the site-specific conditions;

(ii) All impacts have been mitigated;

(iii) All required state and federal permits have been obtained; and

(iv) The shoreline use or development is one of the following:

(A) A water-dependent use or public access to the shoreline;

(B) The cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

(C) The disposal of dredged material considered suitable under, and conducted in accordance with, the WDNR's Dredged Material Management Program and the USACE Dredged Material Management Office. See also HMC 11.05.640;

(D) The expansion or alteration of transportation facilities of statewide significance that are currently located in the shoreline, where alternatives to fill are infeasible;

(E) Ecological enhancement, restoration or mitigation, when consistent with an approved plan; or

(F) The protection of historic or cultural resources when fill is the most feasible method to avoid continued degradation, disturbance, or erosion of a site. Such fill must be coordinated with any affected tribes and comply with applicable provisions of HMC 11.05.310.

(f) All fill waterward of the OHWM that is not associated with an ecological restoration project shall require a shoreline conditional use permit.

(g) Upland clearing, grading and fill outside of wetlands, floodways, and CMZs is permitted provided it:

(i) Is the minimum necessary to implement the approved use or modification;

(ii) Does not significantly change the topography of the landscape in a manner that affects hydrology or increases the risk of slope failure, consistent with the applicable provisions of HMC 11.05.330; and

(iii) Is conducted outside required shoreline buffers, unless specifically authorized by the SMP, or is necessary to provide protection to historic or cultural resources.

(h) Grading and fill shall be designed to blend physically and visually with the existing topography whenever feasible, so as not to interfere with lawful access and enjoyment of scenery.

(i) Clearing, grading, and fill shall not be located where shoreline stabilization will be necessary to protect the materials placed or removed, except when part of an approved plan for protection of historic or cultural resources.

(j) Cut and fill slopes shall generally be sloped no steeper than one foot vertical for every two feet horizontal (1:2) unless a specific engineering analysis has been provided that demonstrates the stability of a steeper slope.

(k) A temporary erosion and sediment control plan, including BMPs, consistent with the city's stormwater manual, shall be submitted to and approved by the shoreline administrator prior to commencement of all clearing, grading, and fill activities.

(l) To prevent a loss of flood storage, compensatory storage shall be provided commensurate with the amount of fill placed in the floodway per HMC 11.05.340.

(m) Fill on state-owned aquatic lands must comply with WDNR and WDFW standards and regulations. (Ord. 17-08 § 2 (Exh. A), 2017).

Shoreline Use Evaluation

The Port and AGP will be required to adhere to the provisions of this section by obtaining building and grading permits and/or as otherwise demonstrated through the conditions identified above.

SMP Section 14.50.730.01 – Shoreline Substantial Development Permits

A. The following is applicable for shoreline substantial development permits:

(i) The applicant shall meet all of the review criteria for a shoreline substantial development permit as listed in WAC 173-27-150.

Shoreline Use Evaluation

As required by WAC 173-27-150 and demonstrated in this attachment, the Proposed Project will comply with the requirements in the Shoreline Management Act and the City of Aberdeen's SMP.

AMC 14.50.730.02 – Shoreline Conditional Use Permits

A. The criteria in WAC 173-27-140 and 173-27-160 shall constitute the minimum criteria for review and approval of a shoreline conditional use permit.

B. Uses that are not classified or set forth in the SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the SMP.

C. Uses that are specifically prohibited may not be authorized.

D. The hearing examiner may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria.

E. The decision of the hearing examiner shall be the final decision of the city. Ecology shall be the final authority authorizing a shoreline conditional use permit consistent with WAC 173-27-200.WAC 173-27-140 includes the following criteria:

(1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-127-160 includes the following criteria:

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

Shoreline Use Evaluation

The Project elements subject to the Shoreline Conditional Use Permit would meet issuance criteria including ensuring no interference with normal public use of public shorelines, compatibility with other authorized uses and planned uses, no significant adverse effects to the shoreline environment, and no substantial detrimental effect on the public interest, including cumulative effects.

City of Aberdeen Critical Areas Code (14.100)

The City of Aberdeen's Critical Areas Code governs areas of Aberdeen that provide critical environmental functions, including wetlands, flood hazard management, fish and wildlife habitat conservation areas, and geologic hazard areas. The following regulations are relevant to the Proposed Project. Those that do not apply are excluded.

AMC 14.100.240 – Wetlands

A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and other critical areas.

B. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this Chapter.

C. Activities in wetlands or wetland buffers not expressly exempt or allowed by Section 14.100.050, or permitted in Section 14.100.241 shall require review by the Director and shall require submittal of a critical area report. The Director may modify critical area report requirements according to Section 14.100.061.

AMC 14.100.241 – Additional Requirements for Specific Activities

The following activities and uses require review by the director but do not require submittal of a critical areas report. These activities may be permitted by the director in wetlands and/or wetland buffers; provided, that the specified requirements for the activities have been included in the design and implementation of the proposal; the applicant has taken all reasonable measures to avoid adverse effects on wetland functions and values; the applicant has provided compensatory mitigation for all adverse impacts to wetlands that cannot be avoided; the applicant has demonstrated that the amount and degree of alteration is limited to the minimum needed to accomplish the project purpose; and the activities and uses are not prohibited by any other applicable law.

D. Public and private roadways and railroad facilities, including bridge construction and culvert installation, if the following criteria are met:

1. There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland.

2. Facilities parallel to the wetland edge are located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation.

3. Clearing, grading, and excavation activities are limited to the minimum necessary, which may include placement on elevated structures as an alternative to fill, where feasible.

4. Impacts on wetland functions are mitigated in accordance with Section 14.100.260.

AMC 14.100.250 – Wetland Buffers

A. Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. Buffers shall not include areas that are disconnected functionally and effectively from the wetland by a road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided.

B. The buffer standards required by this chapter presume the existence of a dense vegetation community in the buffer adequate to protect the wetland functions and values. When a buffer lacks adequate vegetation, the shoreline administrator may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.

C. Buffer Dimensions. The wetland buffer widths are based on wetland category, intensity of impacts, and wetland functions or special characteristics.

1. The wetland buffer widths are based on wetland category, intensity of impacts, and wetland functions or special characteristics. Wetland buffer widths shall be determined according to the land use intensities and wetland characteristics of SMP Appendix 2: Table 0-1 and SMP Appendix 2: Table 0-2.

2. The buffer is to be vegetated with native plant communities that are appropriate for the site conditions. If vegetation in the buffer is disturbed (grazed or mowed) proponents planning changes to land that will increase impacts to wetlands need to rehabilitate the buffer with native plant communities that are appropriate for the site conditions. The width of the buffer is measured in horizontal distance. All buffers shall be measured from the wetland boundary as surveyed in the field.

3. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

SMP Appendix 2: Table 0-1. Types of Proposed Land Use that Can Result in High, Moderate and Low Levels of Impacts to Adjacent Wetlands

Level of Impact from Proposed Change in Land Use	Types of Land Uses
Low	• Forestry • Low-intensity open space (hiking, bird watching, preservation of natural resources, etc.) • Unpaved trails

Level of Impact from Proposed Change in Land Use	Types of Land Uses
	• Utility corridor without maintenance road and little to no vegetation management
Moderate	• Residential (one unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than one unit/acre) • High-intensity recreation (golf courses, ball fields, etc.)

AMC 14.100.261 – Wetland Mitigation Plan Requirements

In addition to meeting the requirements of Section 14.100.072, a compensatory mitigation plan for wetland and wetland buffer impacts shall meet the following requirements:

A. The plan shall be based on applicable portions of the Washington State Department of Ecology's Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans, 2006, or other appropriate guidance document that is consistent with best available science.

B. The plan shall contain sufficient information to demonstrate that the proposed activities are logistically feasible, constructible, ecologically sustainable, and likely to succeed. Specific information to be provided in the plan shall include:

1. The rationale for site selection;

2. General description and scaled drawings of the activities proposed including, but not limited to, clearing, grading/excavation, drainage alterations, planting, invasive plant management, installation of habitat structures, irrigation, and other site treatments associated with the development activities and proposed mitigation action(s);

3. A description of the ecological functions and values that the proposed alteration will affect and the specific ecological functions and values the proposed mitigation area(s) shall provide, together with a description of required or recommended mitigation ratios and an assessment of factors that may affect the success of the mitigation program;

4. Overall goals of the plan, including wetland function, value, and acreage;

5. Description of baseline (existing) site conditions including topography, vegetation, soils, hydrology, habitat features (i.e., snags), surrounding land use, and other pertinent information;

6. Field data confirming the presence of adequate hydrology (surface and/or ground water) to support existing and compensatory wetland area(s);

7. Nature of mitigation activities, including area of restored, created, enhanced and preserved wetland, by wetland type;
8. Detailed grading and planting plans showing proposed post-construction topography; general hydrologic patterns; spacing and distribution of plant species, size and type of proposed planting stock, watering or irrigation plans, and other pertinent information;
9. A description of site treatment measures including invasive species removal, use of mulch and fertilizer, placement of erosion and sediment control devices, and best management practices that will be used to protect existing wetlands and desirable vegetation;
10. A demonstration that the site will have adequate buffers sufficient to protect the wetland functions into perpetuity.
C. Specific measurable performance standards that the proposed mitigation action(s) shall achieve together with a description of how the mitigation action(s) will be evaluated and monitored to determine if the performance standards are being met and identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates that project performance standards are not being met. The performance standards shall be tied to and directly related to the mitigation goals and objectives.
D. Cost estimates for the installation of the mitigation program, monitoring, and potential corrective actions if project performance standards are not being met.

Critical Areas Evaluation

Wetlands have been identified in the project area that would be affected by the Proposed Project. Being located within the industrial zone, the wetland buffer would be considered a high impact as defined in SMP Appendix 2: Table 0-1. The ratings include category II and category III wetlands. Buffer dimensions are set forth in SMP Appendix 2: Table 0-2.

Construction of the Proposed Project would result in the fill of this wetland. The Port will implement the Mitigation Plan, which was completed in accordance with AMC 14.100.240 to ensure there would be no net loss of wetlands.

AMC 14.100.310 – Frequently Flooded Areas – Regulation

"Frequently flooded areas" are those same areas regulated by the Flood Hazard Protection Ordinance, Chapter 15.55, and are protected through regulations provided in that chapter. Flood hazard management within the shoreline jurisdiction is regulated under AMC 14.50.440.

Critical Areas Evaluation

Portions of the rail improvements, the T4 cargo yard, the T4 dock and fender upgrades, and AGP's Project would occur within portions of SFHA mapped as Zone AE by FEMA and will require authorization under a development permit from the City of Aberdeen under AMC 15.55.100. Because those activities would occur in areas subject to coastal flooding that do not have delineated floodways (FEMA 2017a, 2017b, 2017c), they are exempt from Aberdeen's

floodplain obstruction rules. Under AMC 15.55.190(B)(2)(d)(1), such areas do not require certification that the proposed project will not increase the elevation of the base flood more than 1 foot at any point. This is because it has been determined that filling the floodplain in such locations will not result in an appreciable rise in flood levels.

AMC 14.100.450 – Geologically Hazardous Areas

A. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

1. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;

2. Will not adversely impact other critical areas;

3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and

4. Are determined to be safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

B. Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

C. In addition to the provisions of this chapter, alterations of geologically hazardous areas or associated buffers must conform to city construction standards and building codes.

D. Seismic Hazard Areas Standards. Development may be allowed in seismic hazard areas when all of the following apply:

1. If evaluation of site-specific subsurface conditions by a qualified professional demonstrates that the proposed development site is not subject to the conditions indicating seismic risk, the provisions of this subsection shall not apply.

2. If a site is subject to seismic risk, the applicant shall implement appropriate engineering design based on analysis by a qualified professional of the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction including compliance with the following criteria:

a. Subdivision within a seismic hazard area shall assure that each resulting lot has sufficient buildable area outside of the hazard area or that appropriate limitations on building and

reference to appropriate standards are incorporated into subdivision approval and may be placed as restrictions on the face of the plat;

b. Structures in seismic hazard areas shall conform to applicable analysis and design criteria and provisions of building and construction codes as currently adopted by the city. The city may require the submission of a geotechnical analysis to determine that the proposal conforms with applicable building and construction codes.

c. Public roads, bridges, utilities and trails shall be allowed when there are no feasible alternative locations and geotechnical analysis and design are provided that ensure the roadway, bridge and utility structures and facilities will not be susceptible to damage from seismic induced ground deformation. Mitigation measures shall be designed in accordance with the most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Manual or other appropriate document(s) adopted for use by the City.

d. Critical facilities shall not be located in seismic hazard areas unless mitigation shall be provided which renders the proposed development as stable as if it were not located within a seismic hazard area. The director may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

(1) Mobile homes;

(2) Additions or alterations to existing structures that do not increase occupancy or significantly affect the risk of structural damage or injury; and

(3) Buildings that are not dwelling units or used as places of employment or public assembly.

E. Tsunami Hazard Areas Standards. Activities on sites containing areas susceptible to inundation due to tsunami hazards shall require an evacuation and emergency management plan. The city may use the performance standards for frequently flooded areas (see Chapter 15.55) as guidance in reviewing new structures proposed in tsunami hazard areas.

Critical Areas Evaluation

The Project site is located within a high seismic region and within a tsunami inundation zone. The Port and AGP have completed a Geologic Hazards Report (GeoEngineers 2023). The Geologic Hazards Report concluded that geologic hazards either are not present at the site or can be adequately managed through appropriate design. No mitigation is proposed.

AMC 14.100.540 – Fish and Wildlife Habitat Conservation Areas

A. Alterations. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions

and values of the habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter.

B. Nonindigenous Species. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

C. Mitigation and Contiguous Corridors. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

D. Approvals of Activities. The director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffer zones;

2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;

3. Limitation of access to the habitat area, including fencing to deter unauthorized access;

4. Seasonal restriction of construction activities;

5. Establishment of a duration and timetable for periodic review of mitigation activities; and

6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

E. Mitigation and Equivalent or Greater Biological Functions. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

F. Approvals and the Best Available Science. Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.

G. Buffers.

1. Establishment of Buffers. The director shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity through the use of native growth protection areas and critical area tracts in accordance with Section 14.100.081.

2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

3. In order to maintain effective buffer conditions and functions, a vegetation management plan shall be required for all buffer areas established to include:

a. Maintaining adequate cover of native vegetation including trees and understory; if existing tree cover is less than a relative density of twenty (20), planting shall be required consisting of seedlings at a density of three hundred (300) stems per acre or the equivalent.

b. Provide a dense screen of native evergreen trees at the perimeter of the buffer. If existing vegetation is not sufficient to prevent viewing adjacent development from within the buffer, planting shall be required equivalent to two (2) rows of three (3) foot high stock of native evergreens at a triangular spacing of fifteen (15) feet or three (3) rows of gallon containers at a triangular spacing of eight (8) feet. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.

c. Provide a plan for control of invasive weeds, and remove existing invasive species.

d. Provide for a monitoring and maintenance plan for a period of at least five (5) years, except this provision may be waived for single-family residential lots.

Critical Areas Evaluation

The Port and AGP have characterized the fish and wildlife areas with the potential to be affected by the Proposed Project (Anchor QEA 2023e) and has completed a Mitigation Plan. Where special-status species and habitats could be impacted, appropriate mitigation that complies with applicable federal, state, and local regulations will be implemented in compliance with the City of Aberdeen's Critical Areas Code.

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