

## **ADDENDUM TO:**

### **ATTACHMENT A: FINDINGS AND CONCLUSIONS**

#### **FOR PROPOSED AMENDMENTS TO THE JEFFERSON COUNTY SHORELINE MASTER PROGRAM**

Shoreline jurisdiction maps and shoreline environment designations need to be changed for portions of Reach CCC in the Glen Cove area (Map 3). These changes address two different but adjacent waterbodies:

An Aerated Stabilization Basin (ASB) owned and operated by the Port Townsend Paper Mill that was created using portions of what had formerly been a coastal lagoon. Pursuant to water quality regulations, the ASB was constructed in 1978 and has been operated as an industrial wastewater treatment facility since 1979.

A separate lower freshwater lagoon remains in relatively natural condition, having been separated from the adjacent ASB when a dike was constructed. The lower freshwater lagoon receives water in varying amounts from the City water supply, while the lagoon contributes to maintaining hydraulic head for the paper mills operations.

#### **BACKGROUND**

Historic photos of the Glen Cove area show changes across time from a formerly large expanse of open water to the current diked and bisected configuration. In 2009, when the SMP update was being conducted, Department of Ecology advice was that the entire mill pond complex, a former natural feature and over 20 acres in extent, met criteria for being a shoreline of the state. Jefferson County included the shore accordingly in the Official Shoreline Map #3. Based on the ownership and industrial uses of the site, a High Intensity Environment Designation was assigned around the entire basin.

Also in 2009, the Port Townsend Paper Mill had requested that “these two industrial facilities....” should be removed from shoreline jurisdiction. One was referred to as an ASB, the other as “Industrial Freshwater Overflow Area.”

It has been since clarified there is no direct flow of effluent from the ASB into the adjacent freshwater lagoon. Rather, outflow of the ASB is piped underground to an outfall. The outfall extends about 1200 feet from shore into Glen Cove, the westerly most part of Port Townsend Bay into about 40 feet of water. Port Townsend Bay is designated as a Class A receiving water in the vicinity of the outfall.

The lower lagoon is perched at a higher elevation than the neighboring marine waters, and the outflow for the fresh water it holds is through a culvert crossing the sandspit, under a road used for industrial activities. There is little or no evidence of tidal waters flowing back into the lagoon, according to Port Townsend Paper Environmental manager Annika Wallendahl.

## **FINDINGS**

**Ecology's March, 2010 Findings & Conclusions** references the procedures Jefferson County followed in assignment of Designations. The finding was made in conclusion, "Ecology finds that a substantive basis for Designation of Shoreline Environments was appropriately conducted and assignments of Designations effectively completed." This statement was applied across the board, and was not specific to any particular shoreline site or area. Its application to the site in question, however, has to be recognized in making required changes.

**RCW 90.58.020** states that "Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural conditions of shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW."

**WAC173-22-052** Alterations of shorelines affecting designations, states-"Alterations of existing conditions of shorelines and wetlands of the state which affect the boundary or volume of those water bodies, whether through authorized development or natural causes, shall warrant a review of the designation of those shorelines and their associated wetlands."

In March of 2011, Ecology published new guidance for jurisdictions statewide that included the criteria now being applied and interpreted to this site. Additional review of the facts, supporting documents, related permits, and aerial photographs were conducted, and a site visit was made to the vicinity of the lower lagoon by Ecology staff.

## **CONCLUSIONS**

### **ASB**

The Port Townsend ASB facility is a legally constructed, regulated industrial treatment facility.

It has a lined basin and includes engineered aeration equipment operating continually, and regulated by an NPDES permit from Ecology.

There is no hydrologic continuity linking the ASB to the lower lagoon area, and the two waterbodies are physically separated by a man-made dike secured by fencing.

Shoreline jurisdiction is being reviewed and brought up to date statewide through the process of approving locally updated master programs,

Jefferson County has continued negotiations with Ecology leading to statewide approval of their SMP, and the locally approved version is presently being revised in specific areas.

Ecology now concludes, based upon the newly published criteria, further analysis and recent inspection of adjacent shorelands by Ecology and county staff that shoreline jurisdiction does not apply to the ASB treatment facility. This determination is based on these criteria, now being applied statewide:

- @ Constructed of man-made impervious materials
- @ Operates under and NPDES or similar regulations
- @ Provides treatment of waste or storm water prior to discharge into a receiving water body.
- @ Human use is restricted to people operating the facility.
- @ Does not support native fish or wildlife.

### **Lower freshwater lagoon**

Because there is no regular tidal exchange, the lower lagoon is a freshwater lake which measures just over 20 acres and is a water of the state in SMA jurisdiction. The lake shall be Designated Aquatic, because it matches the criteria in Article 4.2.C.ii of the LASMP.

The area surrounding the lower lagoon, including the edge of Glen Cove and the levee or dike for the ASB pond shall be designated High Intensity, as they match the criteria in Article 4.2.C.6.2.b.

Ecology concludes the change of jurisdiction is appropriate based on SMA policy and the SMP Guidelines and is consistent with criteria now applied statewide for similar industrial facilities.

Ecology concludes the required changes in environment designations are consistent with the SMA, the SMP Guidelines and the shoreline environment designation criteria contained in the LASMP.

The Shoreline Maps for the approved Master Program shall show these required changes of shoreline jurisdiction and environment designation.

Ecology formally concludes that the proposed changes are necessary for consistency with the policy of RCW 90.58.020 and the guidelines - WAC 173-26 Part III.