

COWLITZ RIVER PROJECT

FERC NO. 2016

NISQUALLY RIVER PROJECT

FERC NO. 1862

Shoreline Use Specifications and Permitting Guidelines (SUSPG)

Prepared by

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Shoreline Use Specifications and Permitting Guidelines

(Cowlitz and Nisqually Projects)

The guidelines and definitions used herein provide the basis for implementing the City of Tacoma, Department of Public Utilities, Light Division (d.b.a. Tacoma Power) Shoreline Use Permit (SUP) program within the Nisqually River and Cowlitz River Projects. The terrestrial and aquatic lands encompassed by the Project Boundary (as specified in Hydro-Project License Exhibit G) are collectively referred to as Project Lands. Any third-party activity or structure(s) within the Project Boundary is a Non-Project Use (herein referred to as 'uses' or 'use'). All uses located on Tacoma Power Project Lands in or adjacent to the reservoirs such as docks, slips, boat launches/ramps, mooring buoys, swimming floats, bulkheads, paths, shoreline stairs, and vegetation management require authorization and issuance of a Shoreline Use Permit (SUP).

These guidelines pertain solely to non-commercial uses which can be authorized on Project Lands without prior Federal Energy Regulatory Commission (Commission) approval. Permissible uses are described in the standard land use articles of the Nisqually River and Cowlitz River Project Licenses.

Commercial uses, public use and access recreational uses, boat launches, and other uses which require prior consultation with the Commission are not addressed under these guidelines. Tacoma Power has no obligation to initiate consultation with the Commission for non-project uses. Tacoma Power will not initiate consultation with the Commission unless the proposed use serves a defined public need, as determined by Tacoma Power at its sole discretion.

These guidelines are not intended to create an obligation for Tacoma Power to permit uses of Project Lands. Whether to grant permission to use Project Lands is wholly at the discretion of Tacoma Power. Tacoma Power may modify or deny third-party proposals to use Project Lands solely at Tacoma Power's discretion as needed to address Tacoma Power management goals and obligations.

I. GUIDELINES AND REQUIREMENTS

A. RESTRICTED AREAS

Tacoma Power attempts to manage its unimproved Project Lands with the minimum impact to the environment. Certain Project Lands are not available for any non-project structures or uses. These areas have been, or may be, excluded because they are reserved for wildlife habitat, greenbelts, parks, cultural or historical significance, or for use by Tacoma Power for project operations.

B. ELIGIBLE APPLICANT REQUIREMENTS

Property owners who meet the eligible applicant requirements may apply to place allowable structures and uses on Project Lands fronting their private property. An eligible applicant must be the owner of a property that is:

1. Adjacent to or abutting Project Lands which are not a Restricted Area reserved for other purposes (See Section 1.A.),
2. No more than 400 feet from the shoreline. (For the purpose of this guidance document the shoreline is located at the maximum lake level (full pool) allowed under the applicable Project License.)

- a. When there is a road between the applicant's property and Project Lands, the distance from the reservoir side of the road to the shoreline must be less than 150 feet in distance. If the distance exceeds 150 feet, the applicant is not an eligible applicant.
3. A minimum of 25 feet wide. If the applicant's side lot lines (if extended out to the reservoir perpendicular to the shoreline) provide less than 25 feet at the shoreline, the applicant is not an eligible applicant.
4. Shared and community docks are encouraged as an alternative to individual docks and may be available as an option where individual docks are not. Shared or community dock requests must be from an adjacent eligible applicant who must also provide access to the dock. Exceptions may be considered on a case-by-case basis.
 - a. The owners of contiguous adjacent/abutting lots may apply for a shared dock, provided the total width of all lots (if the side lot lines are extended out to the reservoir perpendicular to the shoreline) exceeds 25 feet at the shoreline. Shared docks authorized under these guidelines shall have not more than five (5) participating parties/adjacent lots.
 - b. Adjacent landowners, homeowner associations, and/or residents of a specific subdivision or other similar groups which serve single-family type dwellings may apply for community docks. (Tacoma Power does not consider commercial facilities or marinas to be community docks covered by this guidance.)
5. Other situations may warrant further consideration on a case-by-case basis.

C. PUBLIC ACCESS TO RECREATIONAL RESOURCES

The hydroelectric Project Lands and reservoirs are part of a system that is publicly owned, therefore the recreational resources are reserved for the use and enjoyment of the general public. In connection with the ownership, construction, operation, or maintenance of the permitted structure(s) and/or improvement(s) authorized by a SUP, no attempt shall be made to forbid the full and free use by the public of Project Lands or any waters at or adjacent to the permitted structure(s) and/or improvement(s), or to reasonably interfere with land or water-based recreation.

D. MAINTENANCE OF STRUCTURES AND USES AUTHORIZED BY A TACOMA POWER PERMIT

Permittee shall be responsible for maintaining authorized uses, improvements, and structures in a safe condition.

E. REGULATORY COMPLIANCE

Permittee/ Eligible Applicant shall comply with all federal, state, and county laws and regulations, including those pertaining to shorelines, fish, wildlife, and other requirements which may be imposed.

II. PRIOR EXISTING USES

Prior Existing Uses are uses established on or before April 14, 1999. Tacoma Power may authorize Prior Existing Uses at its discretion on a case-by-case basis. Tacoma

Power may condition any SUP for a Prior Existing Use. Any new construction or reconstruction beginning after April 14, 1999, must comply with Tacoma Power's current policies, procedures, and guidelines.

A. REQUIREMENTS FOR QUALIFYING FOR PRIOR EXISTING USES:

1. Uses must be adequately maintained and meet all current standards related to safety.
2. Uses must meet all current federal, state, and local regulations and provisions of FERC licenses granted to Tacoma Power now and in the future.
3. Uses shall not unduly interfere with Project purposes or operations.
4. Prior existing use status shall not apply to uses located within Restricted Areas as defined in Section I.A. An SUP will not be reissued or assigned for structures which are located within Restricted Areas.

III. DESIGN STANDARDS FOR STRUCTURES AND USES

A. ACCEPTABLE USES AND DESIGNS

1. Docks. A dock is a manmade shoreline structure used to secure, protect, and provide access to boats or personal watercraft or for recreation (e.g., fishing, wildlife viewing, etc.). The shape of any dock and/or float must comply with this procedure. Floating docks are preferred, and docks built on pilings are discouraged.
 - a. Dock Area. The total square footage of a dock includes the combined area of all associated structures (pier, ramp, stairs, float, etc.). The overwater portion of the dock will be calculated as the portion of dock which extends beyond the Ordinary High-Water Mark (OHWM).
 - 1) Single Family Docks: The total square footage of all structures combined shall not exceed 300 square feet of overwater coverage beyond the OHWM.
 - 2) Shared Docks: Dock sharing shall be encouraged by allowing an additional 50 square feet of dock area per additional applicant who owns property adjacent to Project Lands. A shared dock may have a maximum of five (5) additional applicants (for a total of 250 additional square feet of overwater coverage).
 - 3) Community Docks: Community docks may have a maximum of 550 square feet of overwater coverage beyond the OHWM. Community docks authorized under these guidelines shall accommodate no more than 10 watercrafts at a time.
 - b. Dock Length. The total length of all structures combined shall not extend more than 50 feet into the lake from the OHWM. In cases where the closest point of the opposite shore is 150 feet or less, then the rule of '1/3 of fetch' shall prevail. The dock may extend into the lake no further than one-third (1/3) of the distance to the opposite shore.
 - c. Floating Docks. All floating docks shall extend at least 12-inches above the surface of the water.
 - d. Dock Setbacks. All docks shall be set back ten (10) feet from the eligible applicant's extended side lot line(s). This will create a minimum distance of 20 feet between all adjacent docks.

2. Swimming Float. A swimming float is a floating platform detached from shore, used for swimming and other aquatic recreation. Swimming floats shall:
 - a. Not exceed 100 square feet in area.
 - b. Be as close to the shoreline as possible, but not more than 100 feet from the OHWM. The actual distance in feet from the OHWM must be noted on the application and comply with local regulations.
 - c. Be anchored securely to the lakebed.
 - d. Extend at least 12-inches above the surface of the lake.
3. Mooring Buoys.
 - a. An eligible applicant is allowed only one mooring buoy.
 - b. All buoys must be in front of the eligible applicant's parcel (if the applicant's side lot lines are extended out to the reservoir perpendicular to the shoreline).
 - c. Mooring buoys shall be as close to the OHWM as possible, but not more than 100 feet from the OHWM. The actual distance in feet from the OHWM must be noted on the application and comply with local regulations.
 - d. Buoys shall be anchored securely to lakebed.
 - e. Buoys shall extend at least 16-inches above the surface of the lake and shall be colored white with a blue stripe (in conformance to US Coast Guard standards).
4. Density. Tacoma Power allows one dock and/or swimming float per adjacent parcel or owner, whichever is less.
5. Bulkheads. Tacoma Power recognizes that under certain circumstances bulkheads are needed due to safety or environmental concerns. Bulkhead requests may be considered by Tacoma Power and will require special review.
6. Pedestrian Paths and Stairs.

A pedestrian path across Project Lands to the reservoir and any permitted uses may be allowed but should be of minimal construction.

 - a. Paths must be designed to minimize erosion, vegetation removal, and cuts and fills. Removal of trees and excavation of the soil will be discouraged and approved on a case-by-case basis.
 - b. Path surfaces should consist of natural, pervious materials. Acceptable materials include bare dirt, grass, wood chips, or gravel/crushed rock.
 - c. On slopes where steps are necessary to minimize erosion or vegetation removal, landscape steps framed with natural materials (in example: wood framing; dry laid stone, etc.) and pervious backfills (in example: soil, gravel, wood chips, etc.) are preferred. Stairs that require embedded piers will be discouraged and approved only on a case-by-case basis.
 - d. Paths and stairs will not unduly block lateral movement along the lakeshore by the public on Project Lands.

B. PROHIBITED USES AND DESIGNS

The following uses and structures are prohibited on Project Lands:

1. Marine railways.
2. Log or plastic booms, or floating barriers for private use.
3. Residential uses, such as liveaboard vessels or floating homes.
4. Decks and patios.
5. Buildings including, but not limited to, boathouses, covered moorage, sheds, appurtenant structures, roofed structures, tree houses or other structures attached to trees, and habitable structures.
6. Structures that interfere with other permitted structures or uses, general navigation, or Tacoma Power operations. Tacoma Power shall make the determination, at its sole discretion, if structure(s) will interfere with any other permitted uses.

C. SUP PLANS AND CONSTRUCTION MATERIALS

1. Plans, construction materials, and construction dates will be reviewed and may be restricted to reduce their environmental impact.
2. All foam will be completely encased to prevent escape to the aquatic environment.
3. All construction materials and plans must comply with Federal, State, and Local, legal, regulatory, code, and other requirements. Creosote treated wood and tires are prohibited in all new construction/reconstruction.

IV. ENVIRONMENTAL REQUIREMENTS

A. VEGETATION REMOVAL OR PLANTING

1. The SUP does not authorize removal of trees, stumps, shrubs, and natural vegetation (including grass) unless expressly permitted. Removal of naturally occurring vegetation, if permitted, shall be minimal. The SUP application must note proposed tree and vegetation removal areas for Tacoma Power's review and approval. Any other removal of vegetation, downed timber, wood debris, or stumpage is prohibited.
2. The use of noxious or listed weeds and other invasive plants for landscaping is prohibited.
3. Fertilizers or herbicides shall not be used on Project Lands without Tacoma Power's written approval.
4. Aquatic plants will not be treated or removed without Tacoma Power's written approval.
5. Merchantable timber floating in the reservoirs is the property of Tacoma Power.

B. GROUND DISTURBING ACTIVITIES

1. No ground disturbance is allowed without prior written approval of Tacoma Power. Ground disturbance consists of any work, operation, or activity that results in earth displacement. Ground disturbance may include, but is not limited to, metal detecting, grading, digging, pounding posts, boring, tunneling, and driving piles. Tacoma Power will determine, at its sole

discretion, if any specific activity not listed above qualifies as ground disturbance.

2. Any construction on Project Lands will require archaeological and historic review and assessment. If the proposed construction includes ground disturbance the assessment will determine if a cultural resource survey is required to evaluate potential impacts to archaeological or historic resources.
3. Tacoma Power may require an archaeologist who meets the federal professional qualification standards to perform a cultural resource survey. The cost of such a survey shall be the responsibility of the applicant. Results of the survey will remain confidential and the property of Tacoma Power.
4. Soil, stones, and other natural materials shall not be removed from the Tacoma Power's property or used in construction.

C. DEBRIS/AQUATIC PLANT REMOVAL

Tacoma Power provides no representation or guarantee that floating debris or nuisance aquatic plants or animals will be removed from Project Lands.

V. SHORELINE USE PERMIT PROCESSING

A. APPLICATION PROCESSING

1. Applicants who meet the eligibility requirements shall send a complete application package to Tacoma Public Utilities, Real Property Services, PO Box 11007, Tacoma, WA 98411-1007. A complete application package includes:
 - a. A complete and signed application,
 - b. Required drawings,
 - c. Written plans, and,
 - d. Applicable application processing fees. SUP application fees are non-refundable. Fee schedules are maintained and will be periodically reviewed and amended in accordance with Tacoma Power policy.
2. SUP applications are routed to Natural Resources and Project Manager (as applicable) for consideration and approval.
3. Upon approval, the application package will be returned to Real Property Services for processing.

B. PERMIT OFFER

Permittee shall have 45 days to sign and return the permit to Tacoma Power or the permit offer is void.

- C. PERMIT NUMBER. Authorized structures shall have a permit number assigned by Tacoma Power. Permit number markings shall be at least four (4) inches in height and lettering shall be black with a white background. The permit number must be placed on the permitted structure(s) in a location which is readily visible from the lakeside. Buoys shall have the name of the Permittee and permit number placed on them.