

Cushman Hydroelectric Project

FERC Project No. 460

SHORELINE USE SPECIFICATIONS AND PERMITTING GUIDELINES



Prepared by

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CUSHMAN PROJECT

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Shoreline Use Specifications and Permitting Guidelines

Prepared for

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ACRONYMS AND ABBREVIATIONS LIST

EA	Environmental Assessment
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
HPMP	Historic Properties Management Plan
JARPA	Joint Aquatic Resources Permit Application
OHW	Ordinary high water
PD	Project Datum
SEPA	State Environmental Policy Act
SHPO	State Historic Preservation Office
SMC	Shoreline Management Classifications
SMP	Shoreline Management Plan
USACE	United States Army Corps of Engineers
WDOE	Washington Department of Ecology
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources

STANDARD TERMS LIST

Terms defined in the Federal Power Act and the Project License have the same meaning in this document unless defined differently below.

Allowable Use	A Non-Project Use or activity allowed according to applicable law and Tacoma Power policies that may occur on land within the Project Boundary for which a permit from Tacoma Power and/or a governmental entity may be required.
Applicant	A proponent of a Non-Project Use applying for a permit from Tacoma Power.
Bioengineering	The use of vegetation and natural materials to stabilize a slope or alleviate erosion.
Boat House	Any walled and/or roofed structure built onshore or offshore for storage of watercraft or floatplanes. Prohibited pursuant to Section 5.0.
Boat Ramp	An alteration to the shoreline allowing for loading and unloading of watercraft. Ramps may include an inclined slab, set of pads, planks, or graded slope used for transferring watercraft or equipment to or from land or water.
Commercial	A for-profit enterprise or facility.
Commercial Dock	A dock or dock development owned by a private company that provides moorage for watercraft and/or accommodates recreational activities and which the owner or manager of the dock requires a fee for use.
Commercial Use	Facilities and uses intended to serve non-residential enterprises operated, directly or indirectly, for financial profit or gain.
Commission	See Federal Energy Regulatory Commission.
Community Use	A non-commercial use by two or more parties associated with two or more land parcels/lots.
Community Dock	A dock development that provides moorage for pleasure craft and/or accommodates recreational activities for use in common by residents of a certain subdivision or community. Adjacent landowners, homeowner associations, and/or residents of a specific subdivision or other similar groups must own and maintain Community docks. Tacoma Power does not consider Commercial docking facilities or marinas to be Community docks.
Community Park	A shoreline site developed for outdoor recreation activities for use in common by residents of a certain subdivision or community.

Deck	An open, unroofed platform constructed of wood lumber or wood-like building materials. Prohibited pursuant to Section 5.
Dock	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.).
Drawdown	The act of discharging water to lower reservoir levels.
Dredge/Dredging	To disturb or remove any material below the Ordinary High Water (OHW) line of a reservoir, stream, or river. The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies, ditches or biological wetlands; maintenance dredging and other support activities are included in this definition.
Drydock	A structure or facility to store vessels out of or above a reservoir. Prohibited pursuant to Section 5.
Exempt Activity	Activities within the Cushman Project that do not require a Shoreline Use Permit.
Federal Energy Regulatory Commission/ FERC	Federal regulatory agency responsible for issuing hydroelectric generation license(s) and mandating/conditioning such licenses to accommodate Project Operations, environmental and cultural resource protection, and Public access.
FERC License	The license issued by FERC for a project, setting forth the rights, privileges, and responsibilities of Licensees and others using Project Lands.
Fill	To add any solid material within or below the OHW line of a reservoir, river, or stream.
Fire Ring/Pit	A three-foot or smaller diameter ring or pit constructed to contain a recreational fire. This does not include fire rings or pits constructed for the purpose of burning debris or garbage.
Fish/Wildlife Support Activities & Devices	Structures such as nesting platforms, bird or bat houses or other facilities developed to enhance, protect, or promote wildlife.
Flood Plain	The relatively level area of land bordering a waterbody or channel prone to inundation during moderate to severe floods.
Floating Boom	A chain of floating logs (or other floating barrier) placed in a waterway to direct navigation, reduce bank erosion, or contain or exclude lake debris.

Floating Recreation Apparatus	Free floating (i.e. not anchored to shore) water toys including slides, trampolines, swings, or other recreational equipment. Prohibited pursuant to Section 5.
Habitable Structures	Living quarters or other enclosed structures intended for or routinely used for human occupation. Prohibited pursuant to Section 5.
Historic Properties Management Plan/HPMP	A plan for protecting cultural and historic resources within the Cushman Project developed in consultation with appropriate agencies and tribes.
Inconsistent Use	A Non-Project Use that Tacoma Power does not list as an Allowable Use within the SMP. Tacoma Power will consider these uses on a case-by-case basis and they may require FERC approval.
In-kind Repair/Maintenance	Maintenance and repair of an existing, permitted and allowable shoreline use structure within an existing footprint that does not alter the structure's original design, dimensions, or purpose. The repair or maintenance may not exceed the replacement of 50 percent of the original structure over a five-year period as determined by Tacoma Power.
In-kind Replacement	Replacement of more than 50 percent of an existing, permitted and allowable shoreline use structure within an existing footprint that does not alter the structure's original design, dimensions, materials or purpose within a five-year period.
Jurisdictional Entity	Any (local, state, or federal) governmental entity that has jurisdiction (or has been requested by Tacoma Power) to regulate a proposed or existing Non-Project Use.
Licensee	Holder of FERC license (i.e. Tacoma Power).
Lift(s)	A fixed apparatus used to lower (or raise) a watercraft into and out of the reservoir. Prohibited pursuant to Section 5.
Marina	A moorage with or without a dry storage facility for over ten pleasure or commercial craft excluding canoes, kayaks, and rowboats. Goods or services related to boating may be sold commercially. Uses associated with marinas shall conform to all federal, state, and local regulations for these uses.
Marine Fueling or Pumping Station	A commercial boating facility providing fuel and/or pump out facilities. Prohibited pursuant to Section 5.

Marine Trestles, Railways Trams, and Lifts	Mechanical devices permanently affixed to the shoreline, a dock, or pier, used to land or launch watercraft. Prohibited pursuant to Section 5.
Mooring/Mooring Buoy	A chain, pylon, buoy, or other non-dock structure used to secure a watercraft in place.
Multi-boat slip	A pier, dock, or float where more than two watercraft are berthed, moored, or used for embarking or disembarking.
Non-Project Use	Any activity or structure(s) within the Project Boundary not related to Tacoma Power Project Operations.
Ordinary High Water Line	A designated elevation intended to correspond to the actual high water line around a Project reservoir during normal operation (a/k/a “normal high water line” or “full pool”).
Path	A trail, passage or access way to the shoreline that does not require installation of retaining walls, pilings, or the construction of steps or other structures. Establishment of paths may involve limited clearing of vegetation and placement of natural materials such as woodchips to define the access, but does not include hardened surfaces, excavation, or construction of other structures such as bridges or stairs.
Patio	A surfaced area consisting of concrete, stone, brick, tile, grout, asphalt, or other hardened, impervious surface. Prohibited pursuant to Section 5.
Permanent Use	Any Non-Project Use expected to endure one year or longer.
Permit	See Shoreline Use Permit - A written, revocable authorization from Tacoma Power for a Non Project Use that does not convey a property right.
Permissible Use	A proposed Non-Project Use that is considered an Allowable Use under SMP policies and/or, dependent on meeting criteria within Tacoma Power’s Shoreline Use Specifications and Permitting Guidelines , can be permitted within a specific Shoreline Management Classification.
Permit-specific conditions	Permit terms and conditions on Non-Project Uses tailored to meet the specific use.
Permitted Use	A Non-Project Use authorized by Tacoma Power through issuance of a Shoreline Use Permit.
Permittee	An individual or group to which Tacoma Power issues permission (a Permit) for shoreline uses.
Pier	An elevated dock typically supported by pilings.

Pre-Application Review	A voluntary, but highly recommended meeting between Tacoma Power and potential Permit Applicants to review proposed shoreline uses.
Prior Existing Use	An existing Non-Project Use established prior to FERC approval of the SMP that Tacoma Power may or may not have permitted previously.
Private	Owned by one or more individuals, associated with a single parcel/lot, and not available for Public use.
Private Dock/Single-family Dock	A noncommercial shoreline structure designed for mooring up to two private watercraft associated with a single-family residence.
Private Recreation Site	A shoreline site developed for outdoor recreation activities and associated with a single parcel or lot that is not open to the public. This includes picnic and gathering areas, but does not include areas with constructed or impervious surfaces such as decks and patios. Prohibited pursuant to Section 5.
Project/Cushman Project	The Cushman Project (FERC No. 460) as defined in its respective FERC license.
Project Boundary	The outer extent of a project, as recognized by FERC in Exhibit G of a FERC license. Specific to the Project, at a minimum, the 742.0-foot contour around Lake Cushman and the 482.0-foot contour around Lake Kokanee.
Project Lands/Project Area	All land and aquatic areas located within the Project Boundary. The phrase “on Project Lands” includes activities or uses on water overlying Project Lands.
Project Operations	Any use of Project Lands (including operation of the reservoirs, maintenance, studies, and other actions) by Tacoma Power or its agent undertaken pursuant to, or in conformance with, the Project license.
Public	A non-commercial facility available for use by the general public.
Public Dock	Non-commercial shoreline structure designed for mooring and docking watercraft and accommodating recreational activities for the general public. Owners/managers may require a use fee to cover maintenance costs, but not to generate a profit.
Public Recreation Site	Project Lands designated and developed for Public recreational uses such as camping, boating, hiking, or other appropriate activities, and structures related thereto.

Public Utilities	Infrastructure related to the generation or transmission of public power, water, or other services.
Recreation Plan	A plan required under the terms of the FERC license and/or Settlement Agreement that details measures the Licensee will undertake to protect and enhance recreational resources at the Cushman Project for the term of the license.
Relicensing	The process of acquiring a new FERC license for an existing licensed hydroelectric project.
Reservoir	A body of water created by a dam impounding a river or stream. For the Cushman Project – Cushman Dam #1 forms Lake Cushman, Cushman Dam #2 forms Lake Kokanee.
Retaining Wall/ Bulkhead	A constructed or installed structure that is employed to restrain a vertical-faced or near-vertical-faced mass of earth. The earth behind the wall may be either the natural embankment or the backfill material placed adjacent to the retaining wall.
Rip-Rap	Rock or other material used to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, water or ice erosion.
Scientific Instrumentation	Any equipment, machine, apparatus, or device designed to measure, record, and report environmental or biological data (e.g. temperature, water quality data, etc.).
Settlement Agreement	The collaborative agreement filed with FERC to resolve the relicensing of the Project. The Settlement Agreement was developed among Tacoma Power and stakeholders (e.g., resource agencies and other interested parties). The Cushman Project Settlement Agreement was made part of the final FERC license ¹ .
Shoreline	The area of interface between a river, stream or reservoir, and uplands. Shoreline includes reservoir bed exposed during drawdowns.
Shoreline Properties	Lands adjacent to the Project Boundary owned by Tacoma Power in fee that are adjacent to aquatic areas including reservoirs, drawdown areas, rivers, and marine water bodies.
Shoreline Management Classification	A designation of an area within the Cushman Project that defines the types of Allowable Uses within that area. See Appendix A for maps showing the Shoreline Management Classification of Project Lands at the Cushman Project.

¹ Order on Remand and on Offer of Settlement, Amending License, Authorizing New Powerhouse, and Lifting Stay (132 FERC ¶ 61,037; July 15, 2010)

Shoreline Management Plan	A plan, as stipulated in the FERC license, describing how Tacoma Power will manage and regulate Non-Project Uses around the reservoirs at the Cushman Project.
Shoreline Stabilization Measures (non-structural)	Shoreline stabilization accomplished through bioengineering techniques that preserve or enhance natural hydrological and biological processes. Non-structural measures typically incorporate the use of natural materials, require minimal physical alteration of the landscape, and do not involve the construction of artificial structures. Materials often include jute mats, coir logs, native vegetation, root wads, and other natural materials used to minimize erosion, stabilize slopes, control runoff, and attenuate the effects from wave action.
Shoreline Stabilization Measures (structural)	Shoreline stabilization accomplished through significant alteration of the landscape and/or the construction and/or placement of artificial structures and materials to stabilize slopes. Such measures may include the establishment of bulkheads, retaining walls, dikes, revetments, and riprap.
Shoreline Use Permit	A written, revocable authorization from Tacoma Power that approves a shoreline use within the Project Boundary, but does not convey a property right.
Single Family Dock	Private, noncommercial shoreline structure designed for mooring and docking up to two, private watercraft associated with a single-family residence or single lot.
Site Construction Drawings	Drawings depicting proposed shoreline use locations, footprint, construction specifications and other, relevant, structural information
Stairways, Steps, and Walkways	A constructed passage for shoreline access.
Stakeholders	The public (both resident and non-resident), tribes, federal, state, and local agencies, non-governmental organizations, and other parties interested in the operations of the Cushman Project.
Swimming Float	A floating platform detached from shore, used for swimming and other aquatic recreation.
Tacoma Power	The Licensee for the Cushman Project (FERC No. 460).
Temporary Use	Any Non-Project Use that endures for less than one year and does not require construction of permanent structures (e.g. Public fireworks shows, boat races, fishing derbies).
Terrestrial Resources Protection Plan	A FERC license mandated plan to monitor and protect terrestrial resources during Project construction and operation.

Threatened and Endangered Species Plan	A FERC license mandated plan to protect species of concern, including plants and animals, during Project construction and operation
Use	A structure or an activity. See also – Allowable Use.
Vegetation Modification	The act of removing, trimming, planting, or otherwise altering vegetation.
Vista pruning	Any trimming, cutting, or other pruning activity within the Project Boundary designed to enhance the view from an adjacent property.
Watercraft	A vessel used for traveling on water including boats, jet skis and non-motorized vessels.
Wildlife Habitat Enhancement Plan	A FERC license mandated plan pertaining to land acquisition and enhancement of habitat and wildlife populations.
Woody Debris Removal	The act of removing floating or loose wood debris from the Project reservoirs

**SHORELINE USE SPECIFICATIONS AND PERMITTING GUIDELINES HANDBOOK
TACOMA POWER
CUSHMAN PROJECT
FERC No. 460**

1. INTRODUCTION

The City of Tacoma, Department of Public Utilities, Light Division (Tacoma Power) provides this *Shoreline Use Specification and Permitting Guidelines* handbook (handbook) to assist persons interested in placing structures upon, or making use of, any land or water within the Cushman Project (Project). Tacoma Power developed these specifications and guidelines in support of its Shoreline Management Plan (SMP). This handbook describes the types of structures and uses that require prior approval by Tacoma Power and the reasons these approvals are necessary. It also describes the permitting process, identifies specific criteria Tacoma Power applies when reviewing Shoreline Use Permit applications, and provides standards for construction methods and materials for particular shoreline structures.

Eligible Applicants for Shoreline Use Permits are:

1. owners/lessees of property adjacent to Tacoma Power's shoreline lands as identified on the Shoreline Management Classification (SMC) maps;
2. individuals and entities requesting to establish a Commercial Use or Public recreation facility; or
3. individuals and entities interested in enhancing or maintaining fish or wildlife habitat.

Tacoma Power requires that all shoreline uses receive all necessary permits and authorizations from applicable regulatory agencies as well as a permit from Tacoma Power. Copies of all required permits from regulatory agencies must be submitted to Tacoma Power prior to initiating construction. This handbook includes contact information for those local, state, and federal agencies that typically have jurisdiction over activities in shoreline areas at the Project (Jurisdictional Entities). Tacoma Power recommends Applicants contact Tacoma Power's permitting staff to determine if a Shoreline Use Permit is needed, and if so, how to apply.

Eligible Applicants may contact Tacoma Power permitting staff:

Tacoma Public Utilities
Real Property Services
P. O. Box 11007
Tacoma, WA 98411-1007
Phone: 253-396-3060

2. GENERAL INFORMATION

2.1. The Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) authorized Tacoma Power to operate the Cushman Project by virtue of its licensing authority under the Federal Power Act (FPA). The license and Tacoma Power's associated Settlement Agreement governs all future activity of lands within that Project Boundary (Project Lands). The FERC license designates a Project Boundary for the Cushman Project encompassing all lands necessary for Project purposes such as power generation, maintenance and operation, flowage, recreation, Public access, environmental and cultural resource protections, and shoreline control. Uses of Project Lands that are not for Project purposes are 'Non-Project Uses'. Both FERC and Tacoma Power are responsible for regulating Non-Project Uses.

Tacoma Power owns the majority of lands within the Project Boundary. The Project Boundary varies and, in most places, is based on reservoir and shoreline elevations along with other lands required for Project uses; however, in some areas follows linear boundaries. The portion of the Project Boundary that relates to permitting Non-Project Uses generally follows the 742.0-foot contour around the perimeter of Lake Cushman (4 feet above the full pool elevation of 738.0 feet Cushman Datum) and the 482.0-foot contour around Lake Kokanee (2 feet above the full pool elevation of 480.0 feet Cushman Datum). Accordingly, these Permitting Guidelines generally apply to Project Lands below the 742-foot contour around Lake Cushman and below the 482-foot contour around Lake Kokanee

The Shoreline Management Classification (SMC) maps in Appendix A depict these boundaries.

2.2. Tacoma Power's Responsibilities as a Licensee

FERC has delegated a portion of its regulatory responsibilities at the Cushman Project to Tacoma Power through articles contained in the Cushman Project license and acceptance of the associated Settlement Agreement. Duties delegated to Tacoma Power include granting permission for Non-Project Uses and occupancies of Project Lands and Waters. With this responsibility comes the obligation that Tacoma Power exercise review, supervision, and control of these Non-Project Uses. To accomplish this, Tacoma Power developed an SMP and the associated permit processes contained herein. Specific to permitting, Tacoma Power is empowered by FERC and the Project license, to issue, administer, and enforce Permits for use of Project Lands (Shoreline Use Permits, or Permits).²

2.3. Tacoma Power's Permitting Responsibilities

Tacoma Power's permitting responsibilities under its Shoreline Use Permits program include:

1. Determining whether a proposed Non-Project Use is an Allowable Use under the SMP.
2. Determining if the proposed Allowable Use is a 'Permissible Use'.³

² Tacoma Power's permitting authority described herein does not apply to any part of public lands and reservations of the United States included within the project boundaries of the Cushman Project.

³ Meets Shoreline Management Classification (SMC) criteria contained within the SMP and permitting criteria contained herein.

3. Prohibiting Non-Project Uses that are detrimental to Project Operation, the general public, or navigation.
4. Establishing minimum health and safety standards for Permissible Uses.
5. Ensuring that Permissible Uses are consistent with the purposes of protecting and enhancing the fish, wildlife, cultural, recreational, scenic, and other environmental values of the Project.
6. Maintaining records of Shoreline Use Permits.
7. Inspecting Permitted Uses and enforcing compliance with Permit requirements.

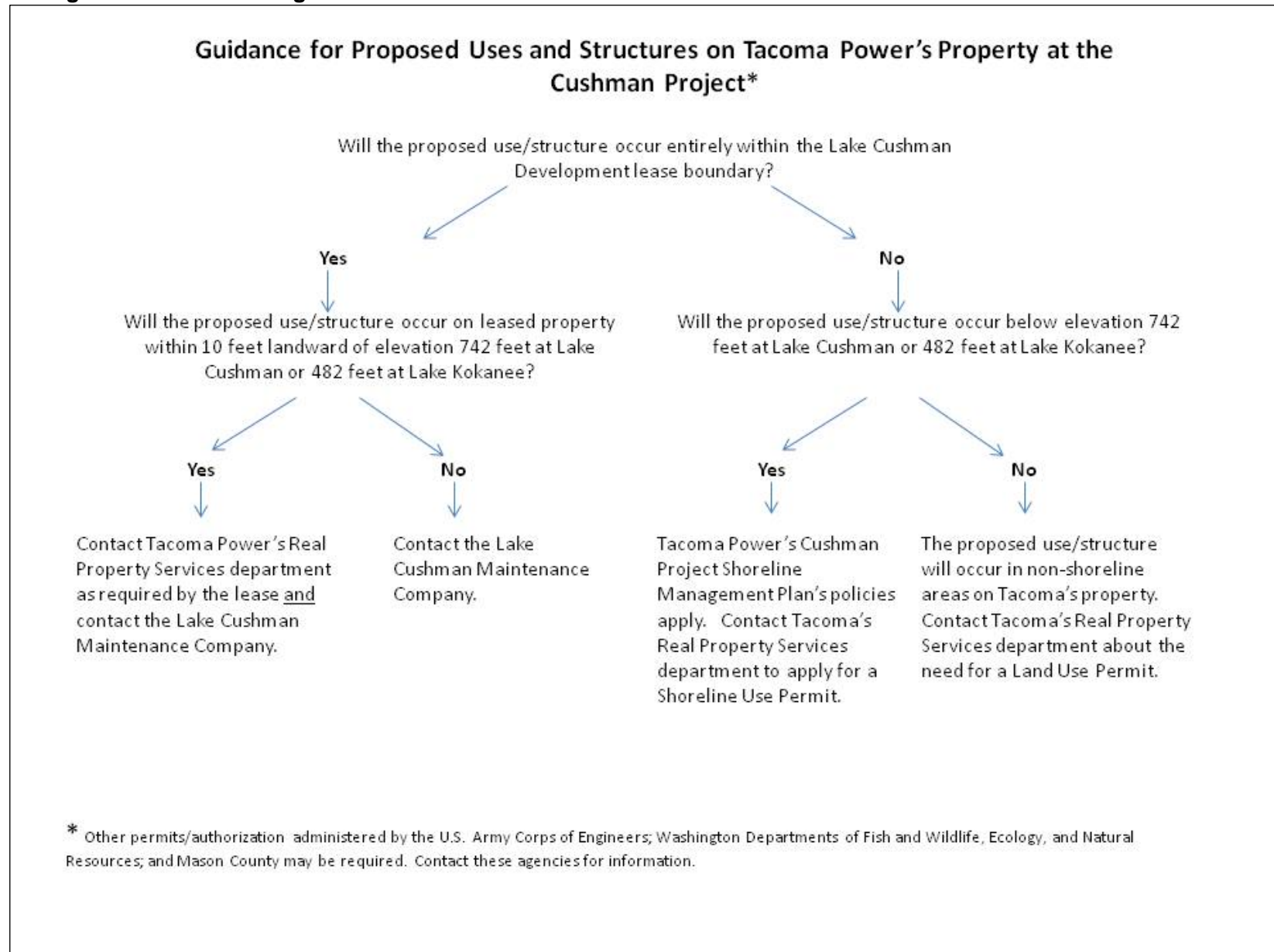
2.4. Permit Applicant's Responsibilities

An Applicant's responsibilities under the Cushman Project Shoreline Use Permits include:

1. Contacting Tacoma Power for authorization before undertaking any Non-Project shoreline use within the Project Boundary.
2. Providing Tacoma Power requested information necessary to evaluate whether a proposed Non-Project Use is a Permissible Use.
3. Cooperating with Jurisdictional Entities (local, state, or federal governmental entities) that have jurisdiction to regulate a proposed Non-Project Uses.
4. Complying with terms and conditions of any authorization granted.

Applicants or potential Applicants should contact Tacoma Power regarding any proposed uses that would occur within the Project Boundary. Lessees of property within the Lake Cushman Development must contact Tacoma Power for all proposed uses on Tacoma's land outside the lease boundary and for some uses on leased lots that border the reservoirs (Figure 2-1). The Lake Cushman Maintenance Company, federal, state and county regulatory agencies may also require other permits or authorizations.

Figure 2-1. Permitting Guidance Flowchart



2.5. Permit Revocability

All Tacoma Power Shoreline Use Permits are valid for a specified term, subject to early termination or modification in accordance with the terms and conditions set forth therein.

2.6. Permittee Insurance Requirements

Applicants wishing to obtain a Permit for shoreline structures or uses may be required to obtain liability insurance before constructing and using the permitted structure. The liability insurance may be part of a homeowner's policy, a rider to a policy, or an independent policy for the structure or use being permitted. Tacoma Power must be named as an "Additional Named Insured" protecting the City of Tacoma, its offices, and employees with coverage of not less than \$1,000,000 combined single limit for each occurrence of property damage and/or person injury including death if Tacoma Power requires liability or other insurance.

2.7. Water Withdrawals from Project Reservoirs

Because state water law governs water rights within the Cushman Project, Tacoma Power has no authority to authorize any withdrawal or consumptive use of the Project waters. Tacoma Power may authorize the construction or placement of structures for the withdrawal of water on Project Lands once a project proponent obtains the necessary rights, authorizations, and permits from the state or applicable local jurisdictions.

2.8. Other Agencies' Responsibilities and Jurisdictions

Tacoma Power requires that all shoreline uses receive all necessary permits and authorizations from applicable regulatory agencies. Tacoma Power recommends contacting its permitting staff for pre-application consultation as well as the contacts listed in Appendix E for local, state and federal regulatory agencies. This will assist shoreline use proponents in assessing the feasibility of their proposals before entering into the permitting process.

3. EXEMPT ACTIVITIES

The following activities within the Cushman Project **do not** require a Shoreline Use Permit and are considered 'Exempt Activities'.

3.1. Activities within Designated Public Recreation Sites

Examples of such activities include camping in designated campgrounds, recreation at day-use sites, use of designated boat ramp facilities, etc. Use of these sites is subject to rules posted at each site. Persons planning large gatherings or other activity beyond the normal uses contemplated at those sites should contact Tacoma Power's Real Property Services staff to determine whether they require other authorizations from Tacoma Power that are not subject to the requirements of this handbook.

3.2. Recreational Day-use Activities

Tacoma Power allows non-commercial shoreline recreational day-use activities on all Tacoma Power property (unless posted closed) if it (a) does not interfere with other persons' legitimate use and enjoyment of Project Lands; (b) does not interfere with Project Operations; (c) does not impact the natural environment or cultural resources; and (d) complies with all laws and regulations. Examples of such activities include swimming, fishing, boating, hiking, and picnicking.

3.3. Overnight Camping

Camping outside of developed camping areas (unless posted closed or otherwise regulated by signage) is subject to a time limit of 14 consecutive days. Camping, including by Permittees, is not allowed within 100 feet of any dock. Camping on a boat is also subject to the 14-day limit. Any individual or parties camping on Tacoma Power property for 14 consecutive days must break camp and leave the area where they are camped after the 14th day. They are not allowed to camp on any Tacoma Power property for the next seven consecutive days. After seven days, they may camp again on Tacoma Power property for up to 14 consecutive days. Tacoma Power may ban individuals and parties who abuse the privilege of camping on Tacoma Power property.

3.4. Campfires

Tacoma Power allows small recreational campfires no more than three feet in diameter within the "A", "B", and Resource Management shoreline classifications. Campfires must not be below the high water line of the lake and must not be under tree canopies. Pursuant to Section 6.3, digging is not allowed. No other burning, including the debris burning, is allowed within those shoreline classifications unless approved by Tacoma Power. All recreational camp fires must comply with all state and local burning regulations and be performed in such a manner so as not to endanger Tacoma Power or other adjacent property, features, or vegetation. Tacoma Power prohibits recreational campfires on its property during State and County burn bans. Applicable state law relating to recreational fires include RCW 76.04.205, WAC 332-24 (WAC 332-24-205, WAC332-24-211 and WAC 332-24-217); RCW 70.94 (RCW 70.94.6512).

3.5. Wood Gathering

Small pieces of non-embedded wood lying on the ground that are not embedded in the soil or lakebed may be collected by hand for personal use. Embedded wood, logs, and stumps cannot be taken without a Permit. No wood of any kind may be collected without a Permit within Resource Management Classification shorelines (see Appendix A).

3.6. Personal Property

Portable furniture such as lawn chairs and portable barbecues may be used on Tacoma Power property but should be removed each day. Tacoma Power also considers picnic tables portable furniture; however it does not require they be removed each day from Tacoma Power property. Users who do not wish to remove these items each day must include them in a Permit so they are not considered abandoned and removed by Tacoma Power staff. Personal property does not include such property as boats, sheds, etc, regulated under Section 4.2.

3.7. Project Uses

Tacoma Power's use of Project Lands for Project Operations, including implementation of its FERC license and the SMP, are Project Uses (not Non-Project Uses). Therefore, those Uses are not subject to the permitting requirements of this handbook – with the exception of Tacoma Power's obligation to obtain permission from local, state, or federal Jurisdictional Entities. Tacoma Power may require Permit application from third parties contracted to facilitate Tacoma Power's administration of Project Lands.

4. PERMITTABLE SHORELINE USES

Any proposed Non-Project Use of Project Lands that is not an Exempt Activity, as described in Section 3.0 must meet the following criteria set forth below to qualify as an Allowable Use under the SMP policies and therefore, a Permittable Use requiring a Shoreline Use Permit.

4.1. Shoreline Management Classifications

The Cushman Hydroelectric Project SMP classifies Project Lands into four categories (Shoreline Management Classifications or SMCs). Appendix A to this handbook contains SMC maps, showing the boundaries of the various SMC's within the Cushman Project.

- The 'A' classification applies to shoreline areas that are potentially suitable for the widest variety of Allowable and therefore Permittable Uses. These are shoreline areas with no known significant environmental/cultural resources or associated resource management goals.
- The 'B' classification reflects more rural/residential development pattern and generally does not consider commercial shoreline uses appropriate. Additionally, docks must meet a minimum 200' spacing requirement.
- The Resource Management classification applies to lands that Tacoma Power manages for specific Project resource management objectives, such as habitat conservation. Allowable Uses are generally limited in these areas to temporary, low impact activities such as hiking or picnicking.
- The Operational Lands classification applies to lands reserved for Project features (dams, spillways, and other generation equipment) and other uses related to the Project, such as fish production facilities. These lands are not available for private or commercial shoreline uses.

4.2. Allowable Uses

The Cushman Project SMP defines Allowable Uses for each SMC, except as provided in Section 4.4. Tacoma Power generally considers the Non-Project Uses set forth in Table 4-1 below Permittable Uses within the specific SMC in which it occurs, provided the particular use meets the criteria identified in Section 0.

Table 4-1. Allowable Shoreline Structures, Uses, and Activities

SHORELINE USE/ACTIVITY	SHORELINE CLASSIFICATION		
	"A"	"B"	RESOURCE MANAGEMENT
BOAT RAMP - COMMUNITY	CONSIDERED ⁴	PROHIBITED	PROHIBITED
BOAT RAMP - PUBLIC	ALLOWED	ALLOWED	CONSIDERED
COMMUNITY PARK	CONSIDERED	CONSIDERED	PROHIBITED
DOCK/PIER – COMMUNITY	ALLOWED	ALLOWED	PROHIBITED
DOCK /PIER – SINGLE-FAMILY	ALLOWED	ALLOWED	PROHIBITED
DOCK/PIER – COMMERCIAL	CONSIDERED	PROHIBITED	PROHIBITED
DOCK/PIER - PUBLIC	ALLOWED	CONSIDERED	PROHIBITED
DREDGING	CONSIDERED	CONSIDERED	PROHIBITED
FIRE RINGS (3' DIA. OR SMALLER)	ALLOWED	ALLOWED	CONSIDERED
FISH/WILDLIFE SUPPORT ACTIVITY & DEVICE	ALLOWED	ALLOWED	ALLOWED
IRRIGATION (SURFACE ONLY WITH OFF-SITE WATER SOURCE)	ALLOWED	ALLOWED	PROHIBITED
LIGHTING	CONSIDERED	CONSIDERED	PROHIBITED
LOG BOOM	CONSIDERED	CONSIDERED	PROHIBITED
MARINA	ALLOWED	PROHIBITED	PROHIBITED
MOORING BUOY	CONSIDERED	CONSIDERED	PROHIBITED
MULTI-BOAT SLIP	ALLOWED	CONSIDERED	PROHIBITED
PATH	ALLOWED	ALLOWED	ALLOWED
PLANTING NATIVE VEGETATION	ALLOWED	ALLOWED	ALLOWED
PLANTING ORNAMENTAL VEGETATION	CONSIDERED	PROHIBITED	PROHIBITED
RECREATION SITE - PUBLIC	ALLOWED	CONSIDERED	CONSIDERED
PUBLIC UTILITIES	CONSIDERED	CONSIDERED	PROHIBITED
SCIENTIFIC INSTRUMENTATION	ALLOWED	ALLOWED	ALLOWED
SHORELINE STABILIZATION MEASURES - STRUCTURAL	CONSIDERED	CONSIDERED	PROHIBITED
SHORELINE STABILIZATION MEASURES – NON-STRUCTURAL	ALLOWED	ALLOWED	CONSIDERED
STAIRWAY/STEPS/WALKWAY	ALLOWED	ALLOWED	PROHIBITED
SWIMMING FLOAT	CONSIDERED	CONSIDERED	PROHIBITED
TEMPORARY ACCESS	ALLOWED	ALLOWED	CONSIDERED
TEMPORARY USE	ALLOWED	ALLOWED	CONSIDERED
VEGETATION MODIFICATION	ALLOWED	ALLOWED	CONSIDERED
VISTA PRUNING	ALLOWED	CONSIDERED	PROHIBITED
WOODY DEBRIS REMOVAL (HPA ISSUED ONLY)	ALLOWED	ALLOWED	CONSIDERED

⁴ Considered = typically not allowed, but the use/activity will be considered on a case-by-case basis. Tacoma will determine if the proposed use is consistent with the management classification's intent and/or the project license and Settlement Agreement requirements.

4.3. Permit Criteria

An Allowed Use will qualify for a Permit if Tacoma Power determines that the use:

1. Is consistent with the SMP goals and objectives and the management guidelines.
2. Is consistent with the purpose of protecting and enhancing the scenic, recreational, and other environmental values of the Project.
3. Is consistent with the Wildlife Habitat Enhancement Plan for the Project.
4. Is consistent with the Threatened and Endangered Species Plan for the Project.
5. Is consistent with the Terrestrial Resources Protection Plan for the Project.
6. Is consistent with the purpose of protecting and enhancing the cultural resources (as described in the Historic Properties Management Plan) of the Project.
7. Is consistent with the Recreation Plan for the Project.
8. Will comply with the use-specific requirements set forth in Appendix B of these Permitting Guidelines.
9. Will comply with applicable federal, state and local regulations.

Tacoma Power may impose conditions upon the Shoreline Use Permit in order to ensure that the use, as permitted, satisfies the above criteria. An Applicant who accepts a Shoreline Use Permit (Permittee) agrees to abide by the terms and conditions therein. Standardized General Conditions (Appendix F) apply to every Permit. Tacoma Power determines additional, specific conditions during the application review process. These conditions apply only to the specific Permit to which they are attached.

4.4. Prior Existing Uses

Prior Existing Uses are Non-Project Uses established prior to FERC's approval of the Cushman Project SMP (February 28, 2014). In consultation with the Prior Existing Use owner, Tacoma Power will determine the permissibility of Prior Existing Uses on a case-by-case basis. Tacoma Power may permit Prior Existing Uses even if the use is not listed in Section 4.2 or is inconsistent with the criteria in Section 0. Tacoma Power may condition any Permit for a Prior Existing Use, as necessary, to ensure that it satisfies the following criteria:

1. Will not unduly interfere with Project purposes or operations.
2. Is adequately maintained and does not pose an undue hazard to persons or property.
3. Is consistent with the intent of the SMP.
4. Receives the necessary permits from the applicable regulatory agencies.

Permitted Prior Existing Uses become subject to the most current permitting criteria established under the SMP when the use⁵:

⁵ Tacoma Power will consider the potential environmental effect of retrofitting or removing serviceable, permitted structures on a case-by-case basis.

1. Requires replacement (either voluntary or due to natural disaster).
2. Changes ownership.
3. Undergoes substantive modification (greater than 50 percent of replacement in footprint or value based on Tacoma Power's estimate).
4. Undergoes successive, small modifications that cumulatively exceed 50 percent replacement in footprint or value within a five year period.

4.5. Inconsistent Uses

Tacoma Power may review and permit other potential shoreline uses not listed within the SMP or this handbook. Tacoma Power considers these unanticipated shoreline uses Inconsistent Uses. Tacoma Power will consider permitting Inconsistent Uses on a case-by-case basis; however, these types of uses will require FERC review and approval prior to Tacoma Power issuing a Permit.

4.6. Temporary Permittable Activities

Tacoma Power may allow a Non-Project Use of less than one-year duration if it does not interfere with Project Operations; does not require any form of construction; does not establish a long-term use; and does not result in any significant adverse effect on a sensitive or protected Project resource. Some examples of temporary activities that Tacoma Power may allow include one-time outdoor events, educational projects, and other non-commercial programs associated with schools, universities, service clubs, or youth organizations.

4.7. Other Types of Authorization for Non-Project Uses

Tacoma Power has limited authority to authorize Non-Project Uses of Project Lands outside of the Shoreline Use Permit program. Tacoma Power may authorize state and federal highways, minor access roads, buried and overhead utility transmission and local service lines, recreational facilities, and other uses, provided they meet the criteria set forth in, and are subject to the conditions of, the FERC Standard Land Use Article. For some types of projects, this requires pre-approval from FERC. Tacoma Power's FERC license does not require it to approve Non-Project Uses that are not eligible for a Shoreline Use Permit; however, in the event Tacoma Power does authorize such a use, it will condition its authorization on the use being consistent with the guidelines and policies of the SMP and this handbook.

Request for some Non-Project and/or Inconsistent Use Permits may require Tacoma Power to file a request for license amendment with FERC. If an Applicant requests Tacoma Power pursue a license amendment, they must 1) have Tacoma Power's agreement on the proposed Non-Project Use, 2) comply with all FERC rules regarding the content of the amendment, and 3) be responsible for the costs of any analyses, studies, or other documentation. The Project License amendment Applicant must comply with the FERC's rules governing amendments to the FERC license.

5. PROHIBITED ACTIVITIES

Tacoma Power provides the following list of prohibited structures, uses, and activities within the Project Boundary for guidance purposes; it is not an exhaustive or complete list. If a proposed use is not listed in Table 5.1 of the SMP and is not listed in this section, it is assumed prohibited unless otherwise confirmed by Tacoma Power.

- Any activity or action pursued without proper permits and authorization
- Boat houses (covered moorage)⁶
- Boats that serve as docks or homes
- Buildings/appurtenant structures
- Buildings over water (including portable storage sheds)
- Decks
- Deposition or burning of garbage or yard waste
- Dog kennels or other animal containment areas
- Drain fields and septic systems
- Drydocks
- Excavation that would cause the reservoirs to flow or drain if raised to 742 feet elevation (Lake Cushman) and 482 feet elevation (Lake Kokanee)
- Fences, signs, or other features that inhibit or discourage public access or use of the shoreline
- Floating recreational apparatus (e.g. slides, diving platforms, water trampolines, large water toys etc.)
- Habitable structures
- In-kind replacement of existing structures (including grandfathered structures) that do not meet current SMP criteria
- Lawns
- Livestock grazing
- Long term construction material storage
- Long-term storage or parking of personal property (e.g. large woodpiles, cars, boats, trailers, building materials, topsoil, etc.)
- Marine fueling stations
- Multi-story structures
- Patios
- Permanent marine trestles, railways, trams, and lifts
- Placement of fill material (except that permitted as part of a bulkhead installation)

⁶ Pursuant to Mason County ordinance

- Private boat ramps
- Private multi-boat slips
- Private recreation sites
- Roads and parking areas that are not specifically granted in City of Tacoma Lease No. 83
- Roofed Structures
- Rope swings, diving platforms, bungee cords, zip lines etc.
- Toilets, outhouses, and waste disposal
- Tree houses or other structures in or attached to trees

6. THE PERMITTING PROCESS

All uses must conform to Tacoma Power's general requirements, guidelines, and minimum construction and maintenance requirements for Non-Project Uses (See Appendix B). To obtain a Shoreline Use Permit, an Applicant must fill out a Permit application, provide drawings showing the location, design, and dimensions of the proposed Non-Project Use, and provide a description of material and construction types, as appropriate. Appendix C contains an example Permit application and sample site construction drawing. Because permitting standards are subject to revision without notice, Tacoma Power recommends potential Applicants contact its Real Property Services department before submitting a Permit application to verify the Applicant has the current version of the use requirements.

Applicants should provide complete information in the requested format. Tacoma Power will use the information an Applicant provides to facilitate the evaluation process and the requisite authorization. **Submittal of an incomplete application will delay Tacoma Power's review and processing or could result in Permit application rejection.** In an effort to assist in compiling correct and complete information for a Permit application package, as well as to verify whether a proposed shoreline use is Permissible, Tacoma Power recommends Applicants to contact its Real Property Services staff prior to submitting an application. This Pre-Application Review will provide the Applicant with a preliminary determination regarding the permissibility of their proposed shoreline use.

Tacoma Power will begin application processing immediately upon receipt of all required and correct information and determine whether the requested use is consistent with the SMP standards. The expected processing time is 90 days following receipt of a complete and correct application and verification of SMP consistency, but the complexity of the application and staff workload could prevent Tacoma Power from meeting this goal.

For more information concerning the evaluation process, to schedule a Pre-Application Review meeting, or to check an application status, contact the Real Property Services department at (253) 396-3060.

6.1. Standard Procedure for Processing a Shoreline Use Permit

Tacoma Power will process Applications for Shoreline Use Permits in the following manner:

1. Applicant contacts Tacoma Power staff for Pre-application Review/consultation (optional, but recommended).
2. Applicant submits a complete application including the required fee to Tacoma Power Real Property Services.
3. Tacoma Power staff reviews application to determine if:
 - a. the proposed Non-Project Use is an Allowed Use;
 - b. the Allowed Use is a Permissible Use at the proposed shoreline location;
 - c. a cultural resources survey is required; and
 - d. FERC approval is required.
4. Tacoma Power informs Applicant whether or not it can issue a Permit and, if so, whether a cultural resource survey is required and the fee required to accomplish the survey.

- a. If a cultural resource survey is required, Applicant submits the fee to Tacoma Power.
5. Tacoma Power conducts site inspection, including a cultural resources survey, if required (more information may be requested at this time depending on the results of the site inspection).
6. Tacoma Power continues review of application and consults interested agencies as applicable (e.g. State Historic Preservation Office).
7. Tacoma Power approves or denies application:
 - If approved, Tacoma Power will provide the Permit to the Applicant for signature. Appendix F contains a sample Permit with standard permit conditions. The Applicant then returns the Permit to Tacoma Power for signature along with proof of insurance (if required) pursuant to Section 2.6;
 - If denied, Tacoma Power will issue a notice of denial with an explanation of what factors led to the denial.
8. Applicant (now Permittee) notifies Tacoma Power and provides copies of required permits/approvals from applicable regulatory agencies prior to initiating construction as defined in the Permit.
9. Applicant constructs or installs the approved Permitted Use and notifies Tacoma Power that the construction is complete.
10. Tacoma Power makes a post construction inspection to verify that the shoreline use was constructed and/or located in accordance with the application documents.

6.2. Cultural Resource Survey

State and federal law and Tacoma Power's FERC license require strict attention to cultural resource protection. In addition, the Skokomish Tribe has substantial interests in protecting cultural resources within the Skokomish watershed. A Historic Properties Management Plan (HPMP) was prepared for the Project as required by Tacoma Power's FERC license. The HPMP's goal is to protect known and unknown archaeological and historic resources.

As a condition of the HPMP, most soil disturbing activities require a cultural resource survey to be conducted by a professional archaeologist. An Applicant for shoreline uses that require a cultural resource survey is required to pay for the cost of the survey. To protect inspection result confidentiality Tacoma Power will employ a consulting archaeologist directly; however, the Applicant pays Tacoma Power a cultural resource inspection deposit to secure these services. A copy of the billing plus a summary of results is provided to the Applicant. Tacoma Power refunds any remaining balance to the Applicant. Results of the survey are used to determine if Tacoma Power can authorize the proposed use and if any special conditions are necessary to protect cultural resources. If the survey predicts the proposed project may affect cultural resources, Tacoma Power may deny the Permit or work with the Applicant to revise the design to avoid an effect, if possible.

In the event a Permittee discovers archaeological or historic resources during construction of an approved activity, the Permittee must stop work immediately and contact Tacoma Power. Permittees and all others are prohibited from collecting or disturbing archaeological resources under Washington State and Federal law. Tacoma Power urges Permittees to report any

unauthorized collecting of artifacts to Tacoma Power's Lands Officer or to local law enforcement.

6.3. Tacoma Power Permit Conditions

All Permits are subject to the General Conditions of Shoreline Use Permits (Appendix F) and any Permit-specific conditions.

6.4. Display of Permit Number

The Permittee will be required to affix an identification plate to all permitted structures that will display the Shoreline Use Permit number so it will be clearly visible from the waterside. The identification plate must include at least 3-inch tall black numbers/letters on a white background. The Permittee will be required to maintain the identification plate as long as the Permit is valid.

6.5. Tacoma Power Processing Fees and Permit Terms

A non-refundable processing fee is required for all Permit applications (Appendix D). The initial permit term will be for a period of up to 5 years. Structures that are properly maintained and that have not violated permit conditions may be renewed for an additional term.

Owners that have a valid Permit from Tacoma Power for Prior Existing Uses are required to obtain a new Permit, but will not be charged an initial application fee. Permits for Prior Existing Uses will extend for a period of up to five years. Subsequent renewal Permits, also valid for up to five years, will be required for Prior Existing Uses. Prior Existing Use Permits cannot be transferred to new owners without the uses complying with current shoreline use requirements.

The Applicant must pay the fee (check or money order only, payable to City of Tacoma) when they submit an application. Tacoma Power will return applications submitted without the fee.

6.6. Inspections

All Non-Project Uses and activities are subject to periodic inspection by Tacoma Power's agents during placement, construction, and/or assembly and during the life of the use, to ensure compliance with Permit conditions. Tacoma Power does not allow any deviation or changes from an approved plan without prior approval from its Tacoma Power. Should an inspection reveal that a use deviates from the approved plans, Tacoma Power will require that the Permittee correct the discrepancy and/or remove the unpermitted structure/use from the Project Lands. Tacoma Power may take any legal measures necessary to prohibit unauthorized use or failure to follow Permit requirements. These include, but are not limited to Permit cancellation, removal of structures at the owner's expense, restitution for any tree cutting, after the fact cultural resource surveys, and the restoration of Project Lands to their original condition if a Permittee does not follow permit conditions and SMP requirements.

6.7. Agency Consultation for Proposed Commercial Uses

Commercial Uses are larger than non-commercial uses and have potentially greater effect on the Project and Project Lands typically. Accordingly, before permitting a Commercial Use, Tacoma Power may consult with federal and state fish and wildlife or recreation agencies (as appropriate) and the State Historic Preservation Officer (SHPO), and consider their remarks when applying the criteria in Section 0. Additionally, all Commercial Uses require prior FERC

approval before Tacoma Power may issue a Permit. Tacoma Power may require Applicants requesting a Commercial Use Permit to supplement their Permit applications with additional information requested by consulting agencies or Tacoma Power. Tacoma Power may treat a proposed non-commercial use like a Commercial Use if the use would have Project resource effects similar in magnitude to a Commercial Use.

7. INSTRUCTIONS FOR PREPARING A TACOMA POWER APPLICATION

Tacoma Power provides the following instructions to assist in properly completing the required Shoreline Use Permit application form. If an Applicant needs additional assistance, please contact Tacoma's Real Property Services Department. Appendix C provides an example application for reference.

7.1. Shoreline Use Permit Application Components

7.1.1. Eligible Applicant

Eligible applicants for Shoreline Use Permits include owners and lessees of parcels that share a property line with Tacoma Power Shoreline Property and are in an area designated by Tacoma Power as eligible for Shoreline Use Permits.

7.1.2. Applicant Information

Include the address at which the Applicant receives mail on a regular basis as well as the telephone number and/or email address at which Tacoma Power may reach the Applicant during business hours. The inability of Tacoma Power staff to reach an Applicant may cause a delay and/or rejection of a Permit application.

7.1.3. Requested Permit Action

Identify if the proposed project is a new structure or use, a request to change an existing structure or use, a Permit reissuance due to ownership transfer, or a permit renewal.

7.1.4. Property Information

As indicated on the application form, a site map must be provided and include a north arrow, property lines, landmarks, and dimensions sufficient to locate the proposed use. Tacoma Power recommends including site location photographs as part of this submittal. Appendix C includes an example of the preferred mapping.

Include the physical site address of the adjacent property associated with the proposed use if different from the Applicant's mailing address. Fill in the complete legal description of the adjacent property, including parcel number, division number, lot number, plat, quarter, section, township, and range. Permit Applicants must be the legal owner or current lessee of the adjacent property.

7.1.5. Structure/Use Information

Check all applicable items related to the proposed Non-Project Use(s) on the application. Applicants must provide a written description of the proposed Non-Project Use as well as a site plan (as seen from above) and elevation (as seen from the side) view drawings that include dimensions, heights of structures, the structure's location in relation to the high water mark and the adjacent property line. A description of proposed construction methods and materials is also required. Indicate whether the purpose of the proposed use is commercial or non-

commercial in the narrative (Tacoma Power reviews Community docks under Commercial standards).

7.1.6. Drawings

Permit Applicants should submit the least number of sheets necessary to show the proposed use adequately. Applications should include one original, or good quality copy, of all drawings on 8 1/2 inch-by-11-inch white paper. Each page should have a title block. The title block should identify the proposed activity and include the reservoir, county, name of Applicant, number of the page and total number of pages in the drawing set, and the date the drawing was prepared. The drawings can be prepared on a computer or by hand, but must be in black ink and be clearly labeled.

The plan view shows the proposed facility or activity as if viewed straight down on it from above. Plan view drawings should include the common boundary between the adjacent parcel and the Project shoreline property where the use is proposed. It should also include the side lot lines of the adjacent parcel. The plan view drawing should include the distance from the proposed use to the property lines. Distances must also be shown from any existing structures within 100 feet of the proposed location. The plan view should clearly show the following:

1. Drawing scale such as 1"=10'.
2. Principal design and dimensions of the facility or activity.
3. The reservoir limits at full pool (738 feet at Lake Cushman and 478 feet at Lake Kokanee).
4. Average water depths around the structure (if applicable).
5. North arrow.
6. If dredge material is involved, a description of the type of material, number of cubic yards of dredge, method handling, and the location of fill and spoil disposal area.

The elevation view/cross section is a scale drawing that shows the side, front, and/or rear of the proposed Non-Project Use. If a section view is shown, it represents the proposed structure or activity as it would appear if cut cross-sectionally to expose internal structure. The drawing should clearly show the following:

1. Drawing scale.
2. Principal design and dimensions of all components of the proposed Non-Project shoreline use.
3. The reservoir limits at full pool (738 feet at Lake Cushman and 478 feet at Lake Kokanee).
4. Cross-section of excavation/dredge or fill area (if applicable).

Generally, drawings do not have to be prepared by an engineer. During the Pre-Application Review, Tacoma Power will determine if the scope or scale of the proposed use requires additional drawings or if a professional engineer must approve the proposed Non-Project shoreline use design.

Appendix C provides an example of site construction drawings.

7.1.7. Special Conditions

The Applicant must note if the proposal will require ground disturbance, placement of fill, vegetation removal, or work below the high water line, on the application form. If any of these special conditions apply, the Applicant must provide an explanation of the quantity, footprint, or other proposed actions in the narrative as part of Structure/Use Information (See Section 7.1.5).

7.1.8. Other Requirements

Most shoreline structures and uses require some level of county, state, and/or federal review and approval. Accordingly, Tacoma Power strongly recommends any Applicant consult with Mason County prior to applying for a Shoreline Use Permit from Tacoma Power. Please indicate on the application form what permits or reviews county, state, and/or federal regulatory agencies require. Applicants do not need to have all permit(s) in hand to apply to Tacoma Power; however, Applicants must submit copies of any required permits or approvals from regulatory agencies to Tacoma Power prior to initiating construction.

7.1.9. Filing a Permit Application

Sign and return the completed application to:

Tacoma Public Utilities
Real Property Services
3628 South 35th Street
Tacoma, WA 98409-3192

Applications must include the required application fee, maps, drawings, and photographs.

Appendix A

Shoreline Management Classification Maps



Cushman Project Map Extents (FERC No. 460)

Extent 1

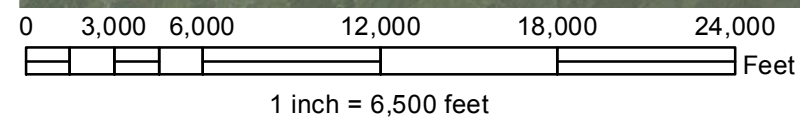
Extent 2

Extent 3

Extent 4

Extent 5

Extent 6



created by:



Cushman Project
Shoreline Management Designations (Map 1 of 6)
(FERC No. 460)



Cushman Project

Shoreline Management Designations (Map 2 of 6)

(FERC No. 460)

STATE ROUTE 119

Lake Cushman

Legend

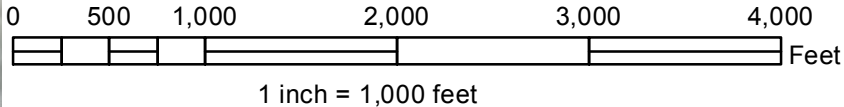
 A

 B

 Operational Lands

 Resource Management

1 inch = 1,000 feet





TACOMA POWER
TACOMA PUBLIC UTILITIES

created by:



Kleinschmidt
Energy & Water Resource Consultants

Cushman Project
Shoreline Management Designations (Map 3 of 6)
(FERC No. 460)

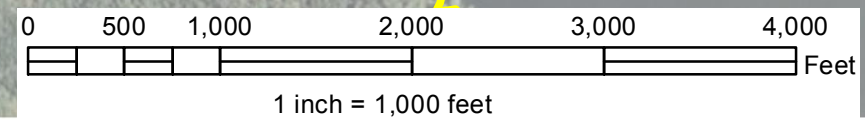


Lake Cushman

STATE ROUTE 119

Legend

A B Operational Lands Resource Management



created by:
Kleinschmidt
Energy & Water Resource Consultants



Cushman Project

Shoreline Management Designations (Map 4 of 6)

(FERC No. 460)

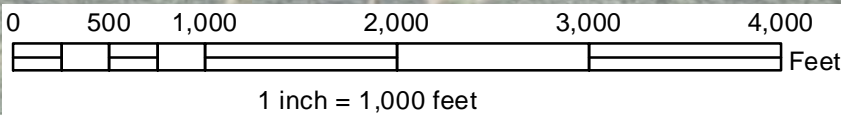
STATE ROUTE 119

L a k e C u s h m a n

Legend



A B Operational Lands Resource Management



created by:

Kleinschmidt
Energy & Water Resource Consultants

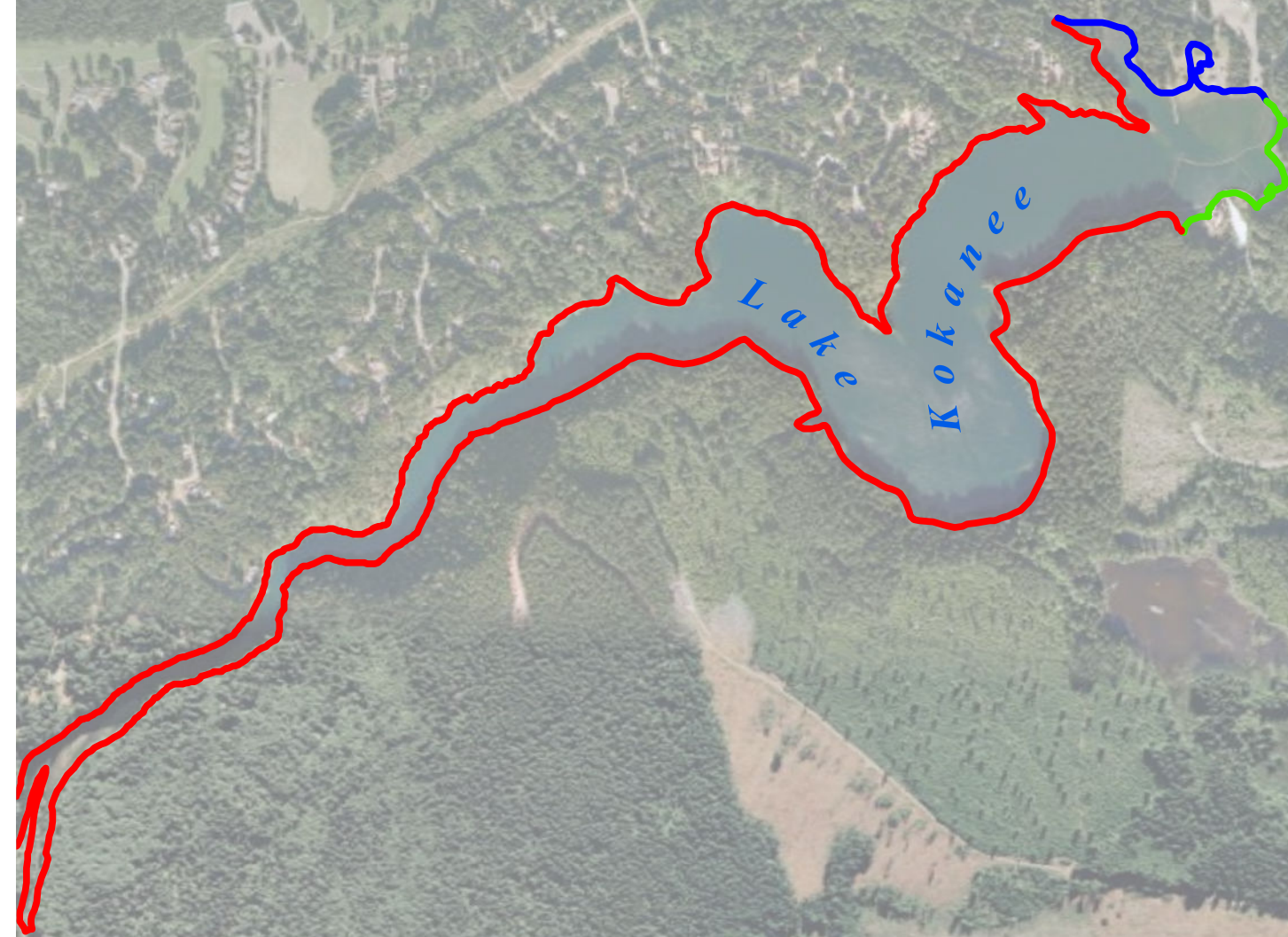


Cushman Project

Shoreline Management Designations (Map 5 of 6)

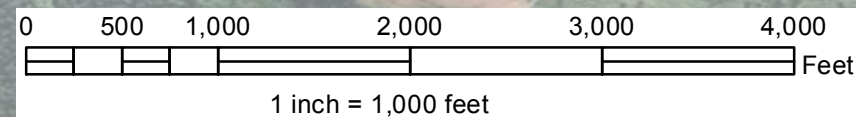
(FERC No. 460)

STATE ROUTE 119



Legend

- A 
- B 
- Operational Lands 
- Resource Management 



created by:





Cushman Project

Shoreline Management Designations (Map 6 of 6)

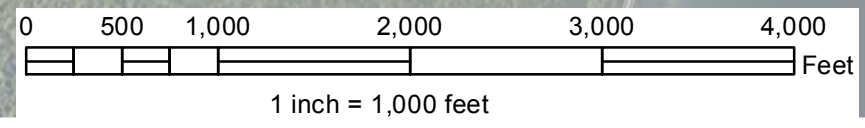
(FERC No. 460)

US 101

Hood Canal

Legend

- A
- B
- Operational Lands
- Resource Management



created by:



Appendix B

Specific Requirements of Various Permittable Uses

**SPECIFIC REQUIREMENTS OF VARIOUS PERMITABLE USES
OCTOBER 2012**

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1. REQUIREMENTS APPLICABLE TO ALL PERMITABLE USES

Applicants must document that the proposed Permissible Use design complies with appropriate local design codes. An Applicant may demonstrate this by obtaining a county building permit (and any other applicable safety related permit) or by presenting Tacoma Power with a letter from a licensed professional engineer bearing that engineer's stamp and affirming that the proposed design complies with specified local design codes. Tacoma Power requires the specifications described in the following sections. If applicable Mason County design codes contradict the specifications herein, the Applicant should notify Tacoma Power. Tacoma Power, in conjunction with Mason County Permitting staff, will determine which requirement will govern.

2. PRIVATE/SINGLE FAMILY DOCKS

Tacoma Power defines Private/Single-Family Docks as non-commercial shoreline structures designed for mooring and docking up to two private vessels associated with a single-family residence. They may attach to the shore with anchors or to a bulkhead or fixed structure. They are commonly reached by a gangplank or walkway designed to accommodate changes in water levels. The portion of the gangplank or walkway that is over the water counts toward the allowed square footage.

Tacoma Power considers any shore-based structure used to moor boats a dock for which an owner must apply for a Permit. Tacoma Power considers any boat secured to natural materials (e.g. a log on the shore) a moored boat subject to a 14-day time limit. Tacoma Power does not consider floating recreational equipment (e.g. floating trampolines) to qualify as docks or floats and does not allow these structures. Boats functioning as decks (e.g. "party barges") and/or used to moor other boats, or used as fixed swimming floats will be considered docks. These vessels require a Permit. No one may live aboard a moored or free-floating boat.

2.1. Placement, Location, and Length

An Applicant must specify the location of the proposed dock or mooring in relation to the shoreline and the Applicant's property line. If there is reasonable doubt whether an Applicant's structure would encroach upon the area designated for adjacent property owners, Tacoma Power may require the Applicant to provide a survey by a registered land surveyor.

Tacoma Power allows no more than one dock with a maximum of two major slips per each adjacent platted lot. On large, unplatted parcels within the "B" shoreline classification, docks must be spaced at least 200 feet apart. Tacoma Power does not allow new docks within the Resource Management shoreline classification.

All new docks must be located between the Applicant's side lot lines (if extended out to the reservoir perpendicular to the shoreline) to provide at least a 5-foot setback from the adjacent property's "extended" side lot line. There may be specific unique shoreline situations where the extension of side lot lines does not produce adequate frontage or allows excessive frontage. In these situations, Tacoma Power shall be sole arbiter of the lot line extensions.

Docks must be placed as close to the shoreline as possible and may not extend more than 50 feet waterward from the OHW line of the reservoir. The 50 feet includes any gangway or ramp to access a floating dock. Extensions into a cove are limited to 50 feet or one-third the distance

across a cove, whichever is less and providing that the dock would not create a hazard to safe navigation.

Tacoma Power may modify size and spacing requirements of a structure based on its best judgment regarding site-specific conditions, potential for adverse effect to protected resources, and safety. Some locations may be unsuitable for any type of dock. In all cases, Tacoma Power will consider the above criteria and then establish a limit for that particular location.

2.2. Design

Tacoma Power encourages floating docks and discourages piers (docks built on pilings). A floating dock is a dock supported by floatation rather than permanent supports. Floating docks can more easily respond to changes in the reservoir water levels and do not require soil disturbance. If a proposed dock involves installation of pilings or other ground disturbance, Tacoma Power will require a cultural resource survey in most cases.

A dock design must be engineered to respond safely to rising and lowering lake levels. Tacoma Power considers docks to be designed to reach normal summer water levels of 735-738 feet at Lake Cushman. All docks and moorings must be designed to withstand climatic and operational conditions at the reservoirs or be designed for removal after the boating season. Floating dock structures must be built so that they can adapt to changes in reservoir elevation. Docks and moorings may only be constructed perpendicular to the shoreline.

The total over water area of a Single Family Dock (including slip areas) shall not exceed 300 square feet. This includes any gangways, walkways, or ramps to access a dock. Tacoma Power will consider exceptions to this size standard for docks that serve a Community or Public recreational purpose. Docks must extend at least 12 inches above the water surface at all times, but no more than 5 feet at full reservoir elevation.

An anchorage system shall provide secure mooring of the structure. Anchorage systems utilizing a dead man or ground stakes must be installed flush with the existing grade. Permittees must maintain anchor cables or other securing devices in good repair, and locate them to minimize obstruction hazards to pedestrians, boaters, and vehicular traffic. Anchor cables may not be attached to trees, stumps, power poles, guardrail posts, etc. The Applicant must show the method of permanently attaching a gangway, walkway or ramp to a dock and anchoring it to the shore on the plans submitted with a Permit application.

Generally, anchor lines are attached from the ends of the floating dock to a sunken anchor or pin pile. Anchor lines can be rope, chain, or cable and the anchor block can be cement or other inert, clean material. Anchors cannot cause any risk to the public or other users of the reservoir. Any part of an anchor system that is exposed must be marked so that it is visible. The best design is to cross the anchor lines under the dock to avoid cables beyond the perimeter of the dock.

Gangways, walkways, and ramps to access docks must meet Mason County building standards. Gangways, walkways, and ramps must be above water at all times and kept free from materials or obstructions which would render them unsafe to the persons using them.

All materials must be secured so that the structures components will not detach and disperse if subjected to adverse weather conditions or bumped under normal use. The following design rules apply to Single-Family docks.

1. All docks shall be equipped with a throwable personal flotation device.
2. All docks must have reflective markings on all corners and the dock number installed on the waterward side of the dock.
3. All structures will be adequately designed to resist wind and wave loading in accordance with appropriate standard design codes.
4. The most current applicable Mason County requirements for dock construction must be met for new docks or when more than 50 percent of an existing dock is replaced.

Tacoma Power prohibits the following design features and uses:

- Elevated decks and roofs on docks and moorings.
- Enclosed boat docks (boat houses) and moorings (with sides).
- Habitation of structures on docks.
- Fueling stations on docks.
- Bathrooms and outhouses.
- Fish cleaning stations on docks.
- Skirting around docks.

2.3. Materials and Construction Methods

All materials will be of good quality and suitable for the intended purpose. This generally includes natural wood, plastics manufactured for use in water, cement, and some types of pressure treated wood. All lumber to be used for the project shall meet or exceed the standards established in '*Treated Wood in Aquatic Environments - A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments*' developed by the Western Wood Preservers Institute (August 1, 2006) and any current amendments or addenda⁷. Lumber treated with creosote or pentachlorophenol (penta) may not be used where the wood will contact water. Guidelines on the type of wood allowed for in-water work can change over time with new state laws. Tacoma Power will provide more information on acceptable wood types to Applicants who request it.

Pursuant to Mason County dock standards, new docks or major reconstruction (>50%) of existing docks must incorporate grated rather than solid decking to allow light penetration. Light penetration discourages fish predation by larger species. New or replacement dock design must also incorporate stop blocks to prevent them from grounding if the reservoir is drawn down. Additionally, ground stakes or other shore side anchoring must be countersunk into the grade. Countersinking accommodates shoreline erosion and extends the period of time that anchors are covered.

All work to construct or install permitted docks must be conducted in such a manner that limits erosion or siltation of adjacent areas. Removal of shoreline and aquatic vegetation must be limited to that necessary to gain access to construct the shoreline use. In general, Tacoma

⁷ Current amendments and addenda include but may not be limited to 'Amendment #1: CCA - Chromated Copper Arsenate', dated October 25, 2006; and 'Addendum #1: ACC - Acid Chromated Copper', dated February 28, 2007.

Power will not allow tree removal to build a dock. Permit Applicants must clearly identify in their Permit applications what shoreline vegetation they intend to remove to access the site.

2.3.1. Floatation

Pursuant to WDFW requirements, flotation for structures must be enclosed and contained to prevent the break-up or loss of flotation material into the water. Open celled, bead-board type polystyrene is susceptible to damage from fish and wildlife, is damaged by wind and wave action easily, presents an ingestion hazard to wildlife, and creates litter and other aesthetic nuisances. To protect the environmental values within the Cushman Project, open celled, bead-board type polystyrene is not an approved flotation material for docks. Tacoma Power will also consider other non-foam flotation systems but does not allow metal covered or injected drum flotation for docks.

2.4. Appurtenant Dock Uses

Canoes, kayaks, and portable boats can be stored on existing docks without grated decking or on the adjacent upland if storage does not damage vegetation. Tacoma Power allows only one portable boat, canoe, or kayak per adjacent lot without additional permitting to avoid unattractive and damaging impacts to the shoreline vegetation. Larger boats cannot be stored on the upland part of Tacoma Power property.

A small portable storage container not more than four feet high may be placed on the dock. Dock design may include benches. Portable furniture may be placed on the dock, but must be secured so it does not blow into the reservoir. No toilet, sink, shower, or any other device for waste disposal may be located on the structure.

3. COMMUNITY AND COMMERCIAL DOCKS

A Community dock provides non-commercial moorage for pleasure craft and/or accommodates recreational activities for use in common by residents of a certain subdivision or community. Adjacent landowners, homeowner associations, and/or residents of a specific subdivision or other similar groups must own and maintain Community docks.

Tacoma Power considers a Commercial dock to include a dock development owned by a private company that provides moorage for watercraft and/or accommodates recreational activities and which requires a fee for use.

Any Community or Commercial dock with ten or more slips will require FERC review and approval prior to Tacoma Power issuing a Permit. Tacoma Power may require the Applicant to include an Environmental Assessment (EA) as part of the application package. The EA should describe the proposed structure and analyze the potential effects to environmental resources, navigability, and safety. Tacoma Power may also require a mitigation plan to offset any adverse effects. All design standards, site location considerations, material specifications and construction requirements detailed in Appendix B Section 2 apply to Community and Commercial docks, with the following exceptions and additions.

- By mutual, recorded agreement, two or more adjacent property owners (who are not incorporated into an existing subdivision) can be considered a Community dock and may share one dock placed adjacent to, or straddling their shared property line as it extends across the Project Boundary and into the reservoir. No other dock will be permitted

within the boundaries of the properties sharing the community dock. Applicants for a community dock Permit must execute a written agreement granting reciprocal use of the Community dock.

- Docks are to be placed as close to the shoreline as possible. There is no maximum length for Community or Commercial docks; however, the Applicant must show the size proposed is the minimum necessary to accommodate anticipated uses. Extensions into a cove or the reservoir are limited to the following, whichever is less:
 - one- third the distance across the cove;
 - the minimum distance that would not create a hazard to safe navigation; or
 - the minimum distance that allows the property owner sufficient water depth for watercraft during normal summer reservoir elevations.

4. SHORELINE STABILIZATION MEASURES

Tacoma Power allows Shoreline Stabilization Measures only where necessary to protect existing legal primary structures; existing permitted structures; new water-dependent developments; new non-water-dependent development, including single-family residences, public improvements; unique natural resources; public health, safety or welfare; or the only feasible access to property. Tacoma Power may allow shoreline stabilization measures to protect existing permitted structures, Public improvements, unique natural resources, or Public health, safety or welfare. Tacoma Power may consider shoreline stabilization measures if they are necessary to secure or protect the only feasible access to a property. They are not allowed for the purpose of creating additional land area or securing temporary shoreline uses.

Tacoma Power requires a shoreline stabilization project Applicant first consider non-structural shoreline stabilization measures (bioengineering) and to demonstrate that such alternatives are not feasible before requesting a Permit to install structural shoreline stabilization measures. Structural measures may be allowed only where erosion presents an imminent danger⁸ to existing structures. The imminent threat must be shown to potentially occur within three years as demonstrated by a geotechnical analysis documenting tidal actions, waves, or erosion PROVIDED that the following provisions are met:

1. Such stabilization results in maintenance of fish habitat, hydrologic processes and improved water quality and ensures no net loss of shoreline ecological functions as documented in an HMP.
2. A Shoreline Geotechnical Assessment is required to demonstrate whether naturally occurring earth movement such as shoreline erosion caused by tidal action, currents, or waves are causing a threat within a three year timeframe. The assessment shall estimate timeframes and rates of erosion and report on the urgency of the specific situation. The erosion must constitute an imminent or inevitable threat.
3. Primary structure means the structure associated with the principal use of the property. It may also include single family residential appurtenant structures (such as garages, attached

⁸ Significant probability of damage within three years.

decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as toolsheds, gazebos, greenhouses or other ancillary improvements that can feasibly be moved landward to prevent the erosion threat.

4. Public improvements include restoration projects, essential public facilities; public lands that facilitate shoreline access for substantial numbers of people, and transportation facilities.

5. Public health, safety and welfare includes stabilization projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105.

Structural measures that utilize natural materials such as rock are preferred over structural measures that use manufactured materials such as concrete or lumber.

A shoreline geotechnical assessment conducted by a licensed geotechnical engineer must demonstrate that non-structural measures (bioengineering) are not feasible before Tacoma Power will consider structural stabilization measures in the A and B Shoreline Classifications. Generally, Tacoma Power does not allow either structural or non-structural shoreline stabilization measures in the Resource Management Classification; however, non-structural stabilization measures (bioengineering) may be considered under certain circumstances.

Regardless of the shoreline stabilization technique or shoreline classification, the Applicant is required to demonstrate that wave action or fluvial force is the primary reason for shoreline erosion. Other causes, such as poor drainage outside the Project Boundary or improper vegetation management, are not adequate reasons to gain approval for implementing shoreline stabilization measures.

A licensed engineer must design all shoreline stabilization measures (structural or non-structural) and the measures must:

1. Be limited to the minimum size necessary to protect the shoreline.
2. Be located generally parallel to the shoreline.
3. Be confined between the adjacent lot side lot lines, if extended onto the shoreline.
4. Be designed to follow the shoreline contours or slopes of lands⁹.
5. Not include excavation or dredging other than that specifically required for installation of the stabilization measure.
6. Not include any discharge of dredge or fill material into the reservoir other than backfill to support shoreline erosion control measures.
7. Not be for the purpose of reclaiming of land that has been lost to erosion.

The following requirements apply specifically to structural shoreline stabilization measures:

- Structures made of tires, rubble, petroleum based products, railroad ties, filled barrels, brick, asphalt, solid waste, or scrap machinery are not allowed.

⁹ Exemptions will be determined on a case-by-case basis during field review by permitting agencies.

- Gabion baskets are not allowed.
- The base of the structure must not be located more than an average of one horizontal foot lakeward of the toe of the slope.
- Adequate bank toe protection must be provided to ensure stability without relying on additional riprap.
- Structures must be flush with existing adjacent shoreline stabilization structures, except when adjacent structures do not comply with the design or location requirements described herein.
- Construction of stabilization structures must be completed prior to any backfilling.
- All construction materials, including riprap and backfill, must be obtained from an upland source.
- Structures must be driven into the reservoir bed a depth sufficient to prevent undermining caused by erosion.
- Structures must be structurally tight to prevent seepage of backfill material.
- All nuts, bolts, nails, cables, straps, etc. used to secure and support structures must be non-corrosive.
- All lumber used must meet or exceed the standards established in “Best Management Practices for the Use of Treated Wood in aquatic and other Sensitive Environments (See Section 2.3).

Tacoma Power requires that Shoreline Use Permit Applicants follow guidelines from the *Integrated Streambank Protection Guidelines* (WDFW, 2002) and Chapter 220 of the Washington State Administrative Code (WAC 220) when designing shoreline stabilization measures. Bank protection projects must incorporate mitigation measures as necessary to achieve no net loss of productive fish habitat. The following highlights key points of WAC 220; however, these guidelines may change over time. Applicants proposing shoreline stabilization projects should consult with Mason County and Tacoma Power staff to assure they are familiar with the most current standards.

Repair and replacement of existing shoreline stabilization structures

When an existing bulkhead is being repaired, construction shall occur no further waterward of the existing bulkhead than is necessary for construction of the new footing.

An existing structure may be replaced if there is a demonstrated need to protect principal uses from erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage.

For purposes of this regulation, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Replacement structure shall be designed, located, sized, and constructed to minimize effects on shoreline process and fish and wildlife habitat.

Replacement of a failed bulkhead shall be permitted in the same location and dimension as the original bulkhead, if such replacement is commenced within five years of failure. The burden of proof of location of the original bulkhead shall be on the applicant.

Existing bulkheads that are being replaced shall be removed unless removing the structure would cause more ecological disturbance than leaving it in place. Replacement bulkheads shall not encroach waterward of the ordinary high water mark unless a geotechnical assessment concludes it is the only feasible way to address overriding safety or environmental concerns. In such cases, the replacement shall abut the landward side of the existing structure.

4.1. Excerpts from WAC 220 Bank Stabilization Guidelines:

Bank sloping must be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from bank stabilization must be deposited so as not to reenter the water.

Alteration or disturbance of the bank and bank vegetation must be limited to the minimum amount necessary to construct the bank stabilization measures.

All disturbed areas must be protected from erosion within seven calendar days of completion of the project, using vegetation or other means. The banks, including riprap areas, must be revegetated within one year with native or other approved woody species.

Fish habitat components such as logs, stumps, and/or large boulders may be required as part of the bank protection project to mitigate project impacts. These fish habitat components must be installed according to an approved design to withstand 100-year peak flows.

When rock or other hard materials are approved for bank protection, the following provisions apply:

1. Bank protection material must be angular rock.
2. The installation must be designed and the rock installed to withstand 100-year peak flows.
3. River gravels may not be used as exterior armor, except as specifically approved by Tacoma Power.

Bank protection and filter blanket material must be placed from the bank or a barge. Tacoma Power will allow dumping onto the bank face only if there is an established toe and the material can be confined to the bank face.

5. BOAT RAMPS

Tacoma Power may permit Public and Community boat ramps if they will enhance public access to the reservoir and if there is prudent need for the structure. Prior to consideration, the Applicant must show a viable recreation demand for a new ramp. For proposed Community boat ramps, the Applicant must demonstrate that associated use will significantly offset use at

other Public boat ramps located within the Project Boundary. Once Tacoma Power issues a Permit, the Permittee must maintain all permitted boat ramps. All permitted boat ramps must comply with the following conditions:

5.1. Placement and Location

No more than one ramp may be established for each associated Community or Public facility. Tacoma Power may permit boat ramps where the upland slope within 25 feet of the OHW line does not exceed 25 percent and where substantial cutting, grading, filling, or bank protection is not necessary.

All ramps must be located between the adjacent property's side lot lines to provide at least a 40-foot offset from the adjacent property side lot line, if extended onto the shoreline. Alternatively, placement between the 40-foot off-set line and the extended lot line may be allowed with written permission from the adjacent property owner(s) and if, in the opinion of Tacoma Power, the construction/placement will not create conflicts with adjacent property owners or create a hazard to safe navigation. If the location of side property lines cannot be established without a survey, Tacoma Power may require the Applicant to provide a survey by a registered land surveyor before a Permit is issued.

5.2. Design

Boat ramps must be designed to meet applicable Mason County requirements. Boat ramps must be designed to be in character and scale with the surrounding shoreline.

5.3. Materials and Construction Methods

Asphalt or other petroleum-based surfaces are not allowed. Ramp surfaces must consist of:

- Gravel or clean stone.
- Pre-cast concrete planks, panels, or slabs.
- Cast in place concrete.

Gravel or stone ramps must be designed to prevent the materials from eroding into the reservoir. Ramps containing concrete must be sufficiently cured to prevent leaching prior to contact with water. Bituminous pavement is not allowed as a ramp surface.

In general, boat ramp construction must occur in the winter months when the lake is low. However, Tacoma Power cannot guarantee or predict specific lake elevations.

6. PRIVATE MOORING BUOYS

Use of a retrievable anchor(s) rather than mooring buoys is recommended to moor boats off shore temporarily¹⁰. No Permit is required for short-term mooring providing the anchor is retrieved after each use. Tacoma Power generally discourages private mooring buoys because they interfere with floating wood debris collection on the Project reservoirs. Tacoma Power anticipates more frequent wood debris collection following the construction of a floating fish

¹⁰ No more than 14 days.

collector on Lake Cushman. Buoy floats and their anchors also pose a hazard to boating during certain reservoir levels.

Tacoma Power will only consider allowing private mooring buoys on Lake Cushman within the “A” or “B” shoreline classification. At Lake Cushman, Tacoma Power will consider private buoys under the following circumstances:

1. When a mooring buoy is in lieu of a dock.
2. When an existing dock does not adequately accommodate boat mooring.
3. When associated with a Public or Community recreation site.

Tacoma Power will review Permit applications on a case by case to determine if they qualify for a buoy. All private mooring buoys must comply with the following conditions:

- All buoy floats must be detachable from the anchor line using a mechanism approved by Tacoma Power as determined during permitting. In most instances, Tacoma Power requires that Permittees remove buoy floats if they are not in use for mooring a vessel for more than 48 hours. Buoy lines must be tethered to the shoreline or permitted shoreline structures once buoys are removed. Buoy lines and tether lines must be non-floating to avoid interference with boat travel or lake debris collection activities.
- Following notification by Tacoma Power or the Lake Cushman Maintenance Company, buoy floats must be removed during wood debris collection or other operations conducted on the reservoir by Tacoma Power.
- Buoy floats must be high visibility round inflatable floats preferably constructed of flexible material such as PVC or rubber.
- Buoy anchors must consist of inert materials (such as cured concrete), provide a secure, reliable attachment for the buoy line, and not pose a hazard to navigation or recreationists.
- Buoy anchors must be no further than 150 feet from the OHW line unless Tacoma Power determines site conditions warrant a greater distance.
- The buoy and the swing path of attached vessels must not encroach on structures owned by others or the swing path of a boat tethered to any other permitted buoy.
- Mooring buoys are not allowed where such installations will significantly interfere with navigation.
- Mooring buoys are not allowed where their use will cause the degradation of sensitive ecological or cultural areas.

7. FLOATING BOOMS

Tacoma Power does not generally allow private booms on the Project reservoirs because they interfere with floating wood debris collection necessary to maintain project operations and protect equipment. Booms also potentially restrict public access to portions of the reservoirs and shoreline; however, there may be unique circumstances that justify their use. Accordingly, Tacoma Power will consider allowing private floating booms only at locations where they would

significantly reduce severe bank erosion or prevent excessive lake debris accumulation that obstructs dock or shoreline access.

Floating booms used to keep docks or shoreline access points free from lake debris accumulation will be allowed only where chronic accumulation use is well documented. In those instances, floating booms will be no larger than the minimum area needed to allow reasonable dock or shoreline access. Booms that span the entire shoreline adjacent to a private lot are not allowed. Tacoma Power may permit floating booms associated with Public or Community recreation sites, such as to enclose a Public swimming area or marina within the “A” or “B” shoreline classifications; however, using floating booms to demarcate private use areas or to diminish wave action at docks are not justifiable reasons for permitting booms. Tacoma Power does not allow private booms constructed from logs.

Private boom proponents must document and substantiate the severity of the situation and likelihood of a floating boom successfully addressing the site-specific issue in order for Tacoma Power to consider permitting such a structure. Private booms must be constructed of manufactured floats intended for demarcation of water areas and must be properly secured to remain intact and in their approved location (Figure 7-1).

Figure 7-1 Manufactured boom example



8. DREDGING¹¹

Tacoma Power will consider limited, site-specific dredging activities on Lake Cushman to provide watercraft access to areas historically accessible to watercraft but currently effected by siltation. Dredging activities have the potential to disturb and adversely affect cultural and environmental resources within the Project Boundary. Therefore, approval will be limited to situations where dredging is the only reasonable alternative to allow boat access and it will not

¹¹ Standards excerpted from WAC 220-11--224

affect cultural and environmental resources. Tacoma Power will review all proposed dredging activities for this consideration. It is likely that several other local, County, State, or Federal agencies will require permit application (see Appendix E). The following conditions apply to dredging activities:

- Tacoma Power may permit maintenance dredging for existing docks and slips and, in some limited situations to accommodate new Non-Project Uses.
- Alteration of the shoreline or dredging landward of the OHW line to accommodate shoreline uses is not allowed. Dredging must not result in the reservoirs flowing or draining if raised to 742 feet (Lake Cushman) and 482 (Lake Kokanee) and must be accomplished in such a manner that if the reservoir were drained, water would not be trapped within the dredged area.
- Dredging may not interfere with tributary streams' natural processes or effect potential fish habitat in tributaries.
- During dredging activities, a silt boom or similar device may be required to contain suspended silt and other construction materials.
- All dredged spoils, whether held temporarily or permanently, must be contained by an approved erosion and sedimentation control method and shall not be located on Tacoma Power property. Dredge spoils may not be disposed below the OHW line within Project waters.
- Dredging below 10 feet of the OHW line is not allowed.

9. PATHS

Tacoma Power may permit limited clearing of vegetation to create and to maintain a path from leased or private lands outside the Project Boundary across Project Lands to the reservoir and to any permitted shoreline structure. A path is only for use on foot or legal Americans with Disability Act access devices. Tacoma Power generally approves paths in conjunction with docks or other shoreline uses. The Applicant should consult with staff prior to submitting a Permit application to identify an appropriate path location. The path should be the minimum width necessary to accommodate shoreline access and shall not exceed 5 feet in width in the A and B Classifications and shall not exceed 3 feet in width in the Resource Management Classification. Paths must be designed to minimize any associated erosion or vegetation removal. Path surfaces should consist of natural materials such as grass, wood chips, or gravel/crushed rock and placement of such must not involve earth moving or soil disturbance. In some cases, it may be appropriate to install elevated walkways to reduce impacts of erosion. When reviewing proposed path layouts, Tacoma Power will focus on minimizing ground disturbance and vegetation removal.

10. STAIRWAYS AND WALKWAYS

Tacoma Power allows stairways or walkways that are freestanding or incorporated into a permissible path to provide walking access to the OHW line of the reservoir. To maintain the natural aesthetic of the Project reservoirs, Tacoma Power requires that such structures be constructed of dry laid stone, wood, or wood with loose stone, gravel or wood chips. Installation

of new steps or maintenance of existing steps must also meet Mason County building standards.

11. VEGETATION MANAGEMENT

Tacoma Power's goal is to have a healthy, vegetated buffer along most of the margins of the reservoirs. A natural vegetated buffer offers erosion control, provides fish and wildlife habitat, reduces noise, moderates temperature, helps filter runoff and pollution, and offers scenic beauty and privacy. Property owners and lessees near the reservoirs may wish to improve views and open areas for recreation. Others may wish to plant new vegetation or landscape the shoreline areas adjacent to their properties. It is important to note that a Tacoma Power-issued Permit for shoreline structures does not authorize shoreline vegetation modification unless it is stated in the Permit specifically. Removal of naturally occurring vegetation must be minimal if allowed at all. Tacoma Power will encourage development of landscape plans that favor wildlife habitat.

While some activities may be exempt from permitting, Tacoma Power requires that anyone planning to clear, remove, or mow vegetation or to plant or landscape with vegetation or other materials along the shorelines within the Project Boundary consult with Tacoma Power staff, as such actions may require a Permit. Special circumstances, such as the presence of wetlands, may result in a requirement for mitigation or alternative vegetation management practices. Tacoma Power will only permit removal of vegetation within the Resource Management Classification if a resource agency or Project-related management plan prescribes the practice or as described below. Anyone considering removal of trees or other vegetation within 200 feet of shorelines should be aware that other local, state, and federal regulatory approval might also be required.

11.1. Landscaping

Generally, planting herbaceous, non-invasive vegetation within the Project Boundary does not require a Permit; however, planting woody vegetation such as trees and shrubs, or adding or removing other landscape features that involves movement of vegetation or earth and ground disturbance within the Project Boundary requires a Permit from Tacoma Power and may require a cultural resource survey.

11.2. Vista Pruning

'Vista Pruning' is any trimming, cutting, or other pruning activity within the Project Boundary designed to enhance the view from an adjacent property. Vista Pruning typically involves removal of limbs from living trees and shrubs and up to one-third of the plant height of shrubs and non-woody vegetation within the designated shoreline area. Tacoma Power's prior approval is required in any location proposed for vista pruning. Tacoma Power allows Vista Pruning within the "A" SMC and may consider it with the "B" SMC. Selective limbing may be permitted providing no more than one-third of the limbs are removed.

11.3. Dead or Dangerous Trees

Tacoma Power requires prior approval to remove standing trees within the Project Boundary including those cases where the trees present a safety hazard. Documentation from a certified arborist that indicates a tree is considered a hazard is typically necessary for Tacoma Power to authorize its removal.

11.4. Additional Vegetation Management Standards

- Tacoma Power prohibits the use of noxious weeds listed by the Mason County Noxious Weed Control Board.
- Tacoma Power encourages the removal of noxious, invasive, or non-native weeds and can require the Permittee to remove any noxious weed that has become established in planting areas under the Permittee's direct control.
- Tacoma Power may allow limited small tree removal (less than 3" in diameter) within the "A" and "B" SMCs if shoreline slopes are less than 40%.
- To protect steep slopes, Tacoma may limit shoreline vegetation disturbance to path construction in steep slope locations (greater than 40%).
- Fertilizers or herbicides may not be used on Tacoma Power property without prior written approval.
- Water cannot be drawn from the lake for irrigation or other private uses without an approved water right.
- Aquatic plants may not be treated or removed without Tacoma Power's permission. Noxious aquatic weeds may not be placed in or around the reservoirs. No weeds removed from boats may be left on Tacoma Power's property.
- Merchantable timber on Tacoma Power's shoreline lands and floating in the reservoirs is the property of Tacoma Power and may not be removed without Tacoma Power's written permission.

APPENDIX C

Shoreline Use Permit Application Form

Example Site Construction Drawings



SHORELINE USE PERMIT (SUP) APPLICATION

Dear Applicant:

You have expressed an interest in obtaining a Shoreline Use Permit (SUP) to use property owned and managed by Tacoma Power as part of its Cushman Hydroelectric Project. In order to obtain this Permit, you should familiarize yourself with the Cushman Project's Shoreline Use Specifications and Permitting Guidelines (SUSPG) which can be found at <http://www.mytpu.org/tacomapower/fish-wildlife-environment/cushman-hydro-project/shoreline.htm>. Please provide the information below and return this Application to Tacoma Power's Real Property Services department. Also, please make sure to provide the required Application processing fee identified below.

APPLICANT INFORMATION	
Name: _____	Day Phone: () _____
Mailing Address: _____	Cell Phone: () _____
(City) _____ (State) _____ (Zip) _____	Fax No. () _____
Email: _____	
REQUESTED PERMIT ACTION	
(Please CHECK all Applicable Boxes)	
NOTE: A NON-REFUNDABLE APPLICATION PROCESSING FEE IS REQUIRED FOR EACH PERMIT TYPE	
<input type="checkbox"/> New Permit (\$300 Fee/\$600 After-the-Fact)	<input type="checkbox"/> Renewal of Existing Permit (\$150 Fee)
<input type="checkbox"/> New Permit Due to Transfer of Ownership (\$150 Fee/\$300 beyond 45 day grace period)	<input type="checkbox"/> Modification of Permit for existing structure (\$300 Fee)
<input type="checkbox"/> New Permit Due to Modification of a grandfathered Structure to meet current policy standards (No Charge)	<input type="checkbox"/> Replacement In-Kind of a permitted structure that meets current policy standards (No Charge)
<input type="checkbox"/> Community Dock (\$300)	<input type="checkbox"/> Structural Bulkhead (\$750 Fee)
<input type="checkbox"/> Inspection with Report (\$50 Fee)	<input type="checkbox"/> Non-Structural Bulkhead (\$300)
<input type="checkbox"/> Cultural Resource Survey* (\$1000 = \$100 Fee + \$900 deposit) - * FERC requirement when ground disturbance occurs. Includes a \$900 archaeologist fee deposit plus \$100 staff time to process. Following completion of the survey, either the unused balance of the deposit will be refunded or an invoice issued for any balance owing.	
<u>COMMERCIAL USES</u> - Please contact Tacoma Power, Real Property Services, (253) 502-8873	
PROPERTY INFORMATION	
1. Location of Proposed Use/Structure: LAKE CUSHMAN	
2. Attach a site map of the area/reservoir shoreline you propose to use and describe that location in relation to landmarks. This map needs to include a North arrow, property lines, and dimensioning sufficiently detailed to locate structure.	
3. Site Address of your Adjacent Shoreline Property: _____	
4. Parcel Number(s) of your Adjacent Shoreline Property: _____	
5. Legal Description of your Property. Please provide a copy of your property Deed and/or provide the following:	
Lot No. _____	Block _____ Plat _____
Quarter _____	Section _____ Township _____ Range _____
NOTE: Permits will only be issued to "Adjacent Property Owners" who meet all eligibility requirements. You must own the property adjacent to and abutting the City's property where your structure will be located. Also, water levels on the lake will fluctuate seasonally dependent upon generation and rainfall. Tacoma Power does not guarantee year-round water access to any dock or other facility on the lake.	

STRUCTURE/USE INFORMATION

(Please CHECK all Applicable Boxes)

☐ Dock ☐ Bulkhead ☐ Swimming Platform ☐ Mooring Buoy ☐ Decks, Paths, or Stairs

☐ Other - Please Specify: _____

Please state _____ (Month)/_____ (Year) of anticipated installation or completion. If this is an after-the-fact Application, please state _____ (Month)/_____ (Year) the installation occurred.

FOR ALL APPLICATIONS, YOU MUST ATTACH THE FOLLOWING SCALED DRAWINGS AND INFORMATION:

1. A top view (plan view) of structure showing shape and outside dimensions of structure in feet.
2. A side view (elevation view) of structure showing vertical elevation from water.
3. If structure is already built, please provide photographs of the structure and copies of permits or other documentation that demonstrates the structure is in compliance with county regulations.
4. The structure's location in relation to shoreline (high water mark) and your property.
5. A description of construction methods and materials used (or to be used) for each structure. Attach a separate sheet of paper if necessary.

SPECIAL CONDITIONS

- | | YES | NO |
|--|----------------------------|--------------------------|
| 1. Will/Did you need to disturb the surface of the ground? | <input type="checkbox"/> * | <input type="checkbox"/> |
| 2. Will/Did you need to place fill? | <input type="checkbox"/> * | <input type="checkbox"/> |
| 3. Will/Did you need to remove vegetation? | <input type="checkbox"/> * | <input type="checkbox"/> |
| 4. Will/Did you install pilings, blocks or any other structural components into the lakebed below the high water mark? | <input type="checkbox"/> * | <input type="checkbox"/> |

* If YES, explain in detail (what/where/how/when/why) on separate sheet of paper. Please note, if you answered "YES" to any of the above, a Cultural Resource Survey will most likely be required (see Permit Action on first page).

OTHER REQUIREMENTS

The proposed Structure/Use may require additional permits or approvals from state and/or local regulatory agencies. It is the Applicant's responsibility to obtain such permits from these agencies as a condition of any Permit issued by Tacoma Power. You do not need to have these permit(s) in hand to apply for this SUP. However, you must obtain such permit(s) and/or approvals prior to construction.

- | YES | NO | | YES | NO | |
|--------------------------|--------------------------|--------------------------------|--------------------------|--------------------------|----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Environmental Checklist (SEPA) | <input type="checkbox"/> | <input type="checkbox"/> | Shorelines Permit (or exemption) |
| | | Date _____ | | | Date _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Hydraulic Project Approval | <input type="checkbox"/> | <input type="checkbox"/> | Clearing and Grading Permit |
| | | Date _____ | | | Date _____ |

RIGHT - OF - ENTRY STATEMENT

(REQUIRED FOR ALL APPLICATIONS)

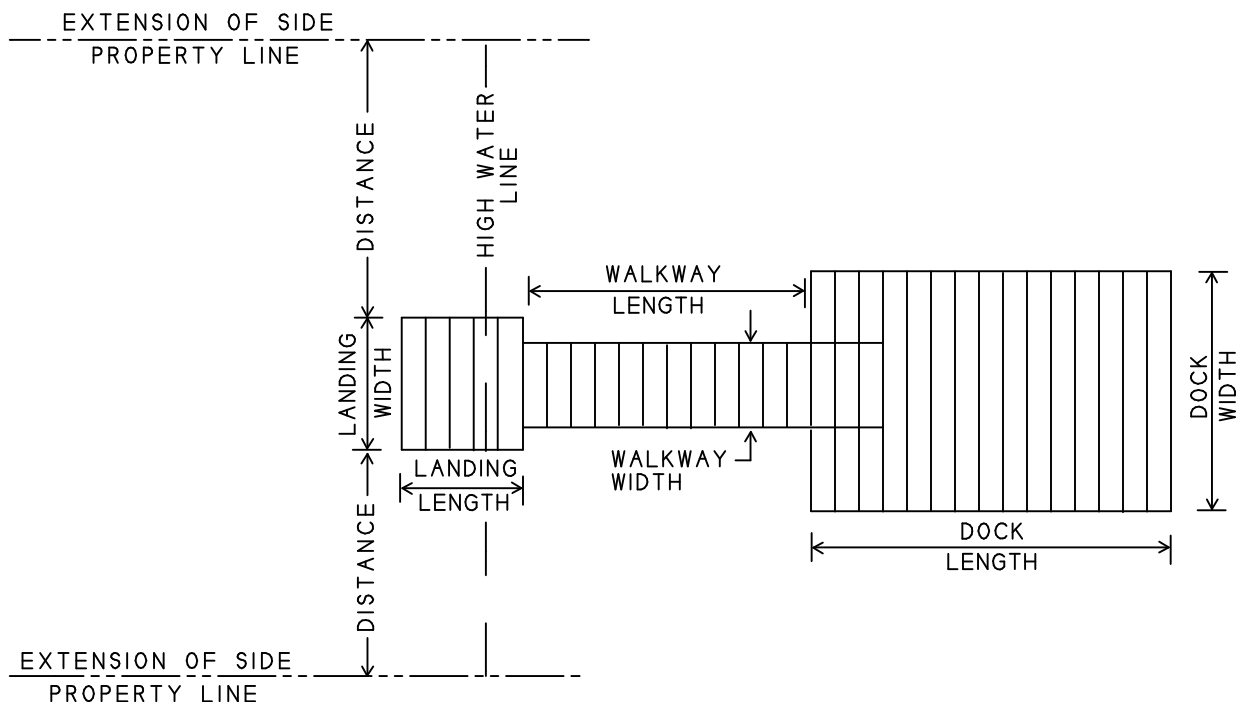
I grant Tacoma Power permission to access and enter my property in order to inspect the project site or any work related to the permit. These inspections shall occur at reasonable times and, if practical, with prior notice.

(Initial)

HOW TO APPLY

Sign and return the completed application to **Tacoma Public Utilities, Real Property Services, PO Box 11007, Tacoma, WA 98411-1007**. Remember to enclose required application fee, maps, drawings and photos.

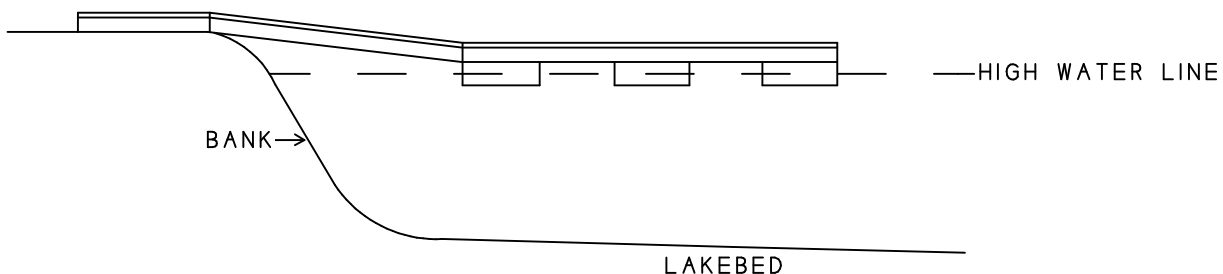
Signature: _____ Date: _____



TOP (PLAN) VIEW

CONSTRUCTION DETAILS

THE DRAWINGS SHOULD INCLUDE THE LOCATION AND EXTENT OF ALL STRUCTURES, IMPROVEMENTS AND USES DESIRED TO BE PERMITTED ON TACOMA POWER PROPERTY. THE DRAWINGS AND/OR OTHER SUPPORTING DOCUMENTATION SHOULD INCLUDE, AS APPLICABLE, DIMENSIONS OF ALL STRUCTURES, MATERIALS TO BE USED, ANCHORING SYSTEMS, PROPOSED GROUND DISTURBANCE, VEGETATION CUTTING OR CLEARING, AND PROPOSED ACCESS IMPROVEMENTS (I.E. PATHS, STAIRS AND TRAILS).



SIDE (ELEVATION) VIEW

FLOATING DOCK CONFIGURATION

THIS ILLUSTRATION IS NOT TO SCALE AND IS PROVIDED AS AN APPLICANT CONVENIENCE ONLY TO ASSIST IN IDENTIFYING THE SIGNIFICANT DIMENSIONS, DETAILS AND SPECIFICATIONS NECESSARY TO REVIEW ANY APPLICATION. PLEASE PROVIDE INFORMATION APPROPRIATE FOR YOUR PROPOSED PROJECT.

APPENDIX D

Permit Application Fee Schedule



**SHORELINE USE PERMIT FEE SCHEDULE
LAKE CUSHMAN AND LAKE KOKANEE
CUSHMAN HYDROELECTRIC PROJECT, FERC PROJECT 460**

Tacoma Power's Federal Energy Regulatory Commission (FERC) license allows charging reasonable fees to cover the cost of administering Tacoma's shoreline use permitting program. This fee schedule identifies the non-refundable permit fee, unless otherwise noted, associated with each Non-Project use permit action which helps defray Tacoma Power's costs. Fees are frequently reviewed and are subject to change to reflect the actual cost of implementing Tacoma Power's shoreline use permitting program.

REQUESTED NON-PROJECT SHORELINE USE PERMIT (SUP) ACTION	PROCESSING FEES	ANNUAL FEES	COMMENTS
NON-COMMERCIAL			
THE FOLLOWING FEES APPLY TO BOTH NEW CONSTRUCTION AND MODIFICATION OF EXISTING STRUCTURES			
SINGLE-FAMILY DWELLING New Permit application (includes docks, landings, stairs, etc., within the 742.0-foot contour around the perimeter of Lake Cushman and the 482.0-foot contour around Lake Kokanee) New Permit Due to Transfer of Ownership	 \$300 to \$600 ⁽¹⁾ \$150 to \$300 ⁽²⁾		 ⁽¹⁾ Fees double if request is after structures are built without prior authorization. Fees will be refunded if the location does not qualify for the requested shoreline use. ⁽²⁾ Fees double if request is forty-five (45) days beyond transfer of property ownership.
SHORELINE STRUCTURE MODIFICATION Modification of a grandfathered structure to meet current standards All other modifications	 No Charge ⁽³⁾ \$300		 ⁽³⁾ Tacoma Power notification is required prior to modification.
REPLACEMENT IN-KIND OF PERMITTED STRUCTURES THAT MEET CURRENT STANDARDS	No Charge ⁽⁴⁾		⁽⁴⁾ Tacoma Power notification is required prior to replacement.

REQUESTED NON-PROJECT SHORELINE USE PERMIT (SUP) ACTION	PROCESSING FEES	ANNUAL FEES	COMMENTS
COMMUNITY DOCK (up to 10 slips intended for single-family dwelling use)	\$300		
STRUCTURAL BULKHEAD	\$750	\$100	
NON-STRUCTURAL BULKHEAD	\$300	\$50	
COMMERCIAL			
LEASES/PERMITS (Long-Term and Multi-Year Use)	\$500 ⁽⁵⁾	TBD based on Fair Market Value and/or % of profits	⁽⁵⁾ Plus any actual cost incurred by Tacoma Power in obtaining the required FERC review/approval.
SPECIAL EVENTS (i.e. fireworks shows, boat races, etc.)	\$500		
ADMINISTRATIVE/OTHER			
RENEWAL OF A SHORELINE USE PERMIT (SUP) (EVERY 5 YRS)	\$150 ⁽⁷⁾		⁽⁷⁾ Compliance inspection required. If structures are found to be non-compliant, permit action reverts to a new permit fee.
INSPECTION with REPORT	\$50 ⁽⁸⁾		⁽⁸⁾ Permittee/Owner requested site inspection.
HAZARD TREE INSPECTION	No Charge		
COMPLIANCE			
CULTURAL RESOURCE SURVEY	\$100 plus the cost of the survey ⁽⁹⁾		⁽⁹⁾ FERC requirement when any ground disturbance occurs. Includes \$900 archaeologist fee deposit plus \$100 staff time to process. Following completion of the survey, either the unused balance of the deposit will be refunded or an invoice issued for any balance owing.

APPENDIX E

CONTACT INFORMATION FOR LOCAL, STATE, AND FEDERAL GOVERNMENTAL ENTITIES (JURISDICTIONAL ENTITIES)

OTHER AGENCIES' RESPONSIBILITIES & JURISDICTIONS

To streamline the environmental permitting process, multiple regulatory agencies within the State of Washington have joined forces to create the Joint Aquatic Resources Permit Application (JARPA) that Applicants can use to apply for more than one permit at a time. The JARPA form is online and can be downloaded at <http://www.ecy.wa.gov/programs/sea/pac/jarpa.html>.

Applicants can use the JARPA to apply for any or all of the permits below:

Federal

- U.S. Army Corps of Engineers(USACE): Section 10 and 404 permits

State

- WDOE: 401 Water Quality Certifications
- WDFW: Hydraulic Project Approvals (HPA)
- Washington Department of Natural Resources (WDNR): Use Authorizations for State-Owned Aquatic Lands

Local (City or County)

- Shoreline Conditional Use Permit
- Shoreline Substantial Development Permit
- Shoreline Variance
- Shoreline Exemption
- Shoreline Revision

Federal Agencies

U.S. Army Corps of Engineers – *Section 404 Dredge/Fill Permit*

The USACE is directed by the United States Congress under Section 404 of the Clean water Act (33 U.S.C 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including adjacent wetlands. Typical activities requiring permits include, but are not limited to, manmade canals and islands, boat ramps, docks, bulkheads/retaining walls, ditches, dams, dikes, weirs, dredging, filling, intake structures, levees, outfall structures, rip-rap, road fills and similar activities. **Penalties for violations can range from being required to remove the structures and material to substantial fines or even imprisonment.**

If an Applicant is planning any of the above activities, or if it is uncertain if an activity requires a permit, please contact the Regulatory Branch at the following location:

U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255
Tel: (206) 764-3495
Fax: (206) 764-6602

State, Regional, and Local Agencies

Washington Department of Ecology

Section 401 Water Quality Certification

Water Quality Certification is needed when federal approval (e.g. USACE 404 permit or FERC license amendment) is required for a project.

Washington State Environmental Policy Act

WDOE also provides guidance regarding the Washington State Environmental Policy Act (SEPA) process. SEPA provides a means to identify potential environmental impacts that could result from government decisions regarding, among other things, issuance of permit for private Project.

For further information, Applicants may contact the WDOE at:

Washington State Department of Ecology
Southwest Region -- Headquarters
300 Desmond Drive
Lacey, WA 98503 (physical address)
(360) 407-6904

Washington State Department of Ecology
Environmental Coordination Section
P.O. Box 47600
Olympia, WA 98504-7600 (mailing address)
(360) 407-6922

Washington Department of Fish and Wildlife – Hydraulic Project Approval

Approval is required if a proposed shoreline use includes construction or other work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state. This includes all construction or other work waterward and over the OHW Line and may include a Project landward of the OHW Line if the proposed use has the potential to directly affect fish life and habitat.

For further information, Applicants may contact WDFW at:

Washington Department of Fish and Wildlife – Headquarters
600 Capitol Way North
Olympia, WA 98501-1091
Tel: (360) 902-2534

Washington Department of Fish and Wildlife – Region 6
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Washington Department of Natural Resources – *Aquatic Resource Use Notification*

Applicable if a proposed use is on, crosses, or impacts the bedlands, tidelands, or shorelands of navigable waters.

For further information, Applicants may contact WDNR at:

Washington Department of Natural Resources – South Puget Sound Region
950 Farman Avenue N
Enumclaw, WA 98022-9282
(360) 825-1672
Southpuget.region@dnr.wa.gov

Regional and Local Government

Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption

The Washington State Shoreline Management Act of 1971 and County Shoreline Master Programs regulate development within 200 feet of the OHW Line, or within the 100-year floodplain of designated shorelines. Most development within this area requires review and approval by local and/or County Planning Boards with subsequent review by the Washington State Department of Ecology.

Floodplain Management Permits and/or Critical Areas Ordinances

Local government also reviews shoreline uses in frequently flooded areas, geographically unstable areas, wildlife habitats, aquifer recharge areas and wetlands.

For further information, Applicants may contact:

Mason County Community Development Planning Office
P.O. Box 279
Shelton, WA 98584
(360) 427-9670 ext. 352

APPENDIX F

Sample Shoreline Use Permit Template

CITY OF TACOMA DEPARTMENT OF PUBLIC UTILITIES

SHORELINE USE PERMIT NO. xxx

[Specify Reservoir] ([Specify Use])

Reference No.:	Pxxxx-xxx/SUPxxx
Structure No.	x-xx
Grantor:	City of Tacoma, Department of Public Utilities, Light Division (d.b.a. Tacoma Power)
Permittee:	[Permittee Name]
Adjacent Parcel'(s) Legal Description:	Lot __, Block __, Plat ____; within the ____ Quarter of the ____ Quarter of Section __, Township __ North, Range __ East/West, W.M.
Tax Parcel No.(s) of Adjacent Parcel:	xxxxx-xx-xxxxx
County:	Mason
Permit Expiration Date:	____ day of _____, 20__

CONTACT INFORMATION

PERMITTEE:

Name(s): _____
Mailing Address: _____
Phone Number(s): _____
E-mail: _____

GRANTOR:

Tacoma Public Utilities
Real Property Services
3628 South 35th Street
Tacoma, Washington 98409
(253) 396-3060

This Shoreline Use Permit ("Permit") made and entered into this ____ day of _____, 20__ ("Effective Date") by and between the CITY OF TACOMA, DEPARTMENT OF PUBLIC UTILITIES, LIGHT DIVISION (d.b.a. Tacoma Power), a municipal corporation, hereinafter referred to as "Tacoma Power," and [Permittee Name], hereinafter referred to as "Permittee."

RECITALS

WHEREAS, Tacoma Power owns, operates, and maintains the Cushman Hydroelectric Project and associated reservoirs and real property, including the Premises as defined herein, pursuant to a Federal Energy Regulatory Commission issued hydroelectric project license ("FERC License"), and

WHEREAS, pursuant to said FERC License and Tacoma Power land use policies and procedures, Tacoma Power issues land use permits for use of hydroelectric project reservoir shoreline areas, and

WHEREAS, the FERC License allows Tacoma Power to permit the use of reservoir shoreline areas only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project.

WHEREAS, Permittee desires to use a specified portion of said reservoir shoreline area for the structure, improvement, or use as specified in this Permit, and

WHEREAS, Tacoma Power is willing to grant permission to Permittee to access and use a portion of its real property for the specified structure, improvement, or use strictly as specified in this Permit and issue Permittee a real property license to use said real property per the terms and conditions specified herein.

WITNESSETH

NOW THEREFORE, the Parties, for and in consideration of the mutual benefits and covenants herein contained, do hereby mutually agree as follows:

1. LICENSE.

A. Grant of License / Description of Premises.

Tacoma Power does hereby grant to the Permittee limited, non-exclusive, revocable permission to use the following described Premises for the Permitted Use defined herein subject to the terms and conditions specified herein:

The lake and shoreland from the lake level to the 742-foot contour elevation (Cushman Datum) adjacent to Lot ____ of Plat of Lake Cushman No. ____, recorded in Volume ____ of Plats, pages ____ through ____, inclusive, records of Mason County, Washington, and located between the ____ extension of the ____ line of said Lot ____ and the ____ extension of the ____ line of said Lot ____, to a lateral distance of ____ feet into Lake Cushman from said 742-foot contour.

For reference purposes of this description U.S.G.S. benchmark "J-32" in the top of Cushman Dam equals elevation 741.50 feet (Cushman Datum).]

The Premises herein described is shown on Exhibit A (attached).

B. Purpose.

i. Permitted Use. Tacoma Power permits the Premises to be used by the Permittee only for the express purpose of:

[Describe approved use here]

Construction, installation, use and maintenance of _____ as depicted in Exhibit(s) _____ attached hereto and by this reference incorporated herein.

[This Permit is in addition to Shoreline Use Permit No. _____ (a _____ permit) and/or Land Use Permit No. _____ associated with the same parcel.]

ii. Recreational Use. This Shoreline Use Permit is granted for recreational and other purposes as defined and authorized by RCW 4.24.210.

iii. No Other Use Is Permitted. Permittee shall make no other use of the Premises or change or enlarge Permittee's use thereof without prior written approval of Tacoma Power.

C. No Property Rights Are Granted.

This Shoreline Use Permit does not convey any right, title, or interest in real property or in the above described Premises. The permission granted by this Permit is only a license in real property.

D. Special Conditions.

[Add in grandfathered situations:] This Permit is authorized and permitted under Tacoma Power's Prior Existing Use policies. The Permitted Use herein that does not comply with current Tacoma Power requirements related to improvements is authorized only to the extent they comply with Tacoma Power's Prior Existing Use policies. "Prior Existing Uses" (also called Grandfathering) are uses of Tacoma Power real property established prior to current policy requirements that Tacoma Power is willing to authorize under certain conditions specified by policy.)

[or: Special Conditions are attached to this Permit as Exhibit [##] "Special Conditions".]

2. DEFINITIONS.

The following capitalized terms shall have the specified meanings throughout this Permit.

A. Adjacent Parcel: The real property that is adjacent to the Premises and is owned, leased, or licensed by Permittee.

B. FERC: The Federal Energy Regulatory Commission.

C. Permit: This Shoreline Use Permit document which grants a real property license as described and authorized herein.

D. Permit Extension: An additional extension of an existing permit per Section 3.C.

E. Permitted Use: The permitted use of the Premises as detailed in Section 1.B.

F. Premises: The Tacoma Power real property as defined in Section 1.A. for which Tacoma Power has granted permission to use per the terms and conditions of this Permit.

G. Project Lands: Lands included in the project boundary of a hydropower license or license application issued by the FERC and over which the FERC license exerts authority.

H. Shoreline Property: The real property owned by Tacoma Power both upland of and adjacent to the applicable high water line and extending below the high water line, including the beds of the reservoirs that have been identified by Tacoma Power as being eligible for certain types of Shoreline Uses.

I. Shoreline Use: The installation of any permanent or temporary structure or improvement, the placement of any object, the establishment of any prolonged use or activity, the conducting of any organized event, and/or any action that disturbs the ground or vegetation on Shoreline Property owned or controlled by Tacoma Power.

J. Shoreline Use Permit: This Permit document which grants the real property license described and authorized herein.

K. Term: The time period specified in Section 3.A. during which a Shoreline Use Permit is authorized.

L. Utility Systems: The poles, conduits, conductors, wires, structures, facilities, equipment, devices, and all other items, that Tacoma Power uses or owns as part of its generation, transmission, and distribution of electrical energy including any facilities that are required in the license for fish, recreation or wildlife.

3. PERMIT PERIOD.

A. Term.

The period of this Permit and the permission and license granted herein shall be effective for a five (5) year period beginning on the Effective Date.

B. Termination for Failure to Start Construction of Authorized Improvement or Structure.

Any construction authorized herein must be initiated within eighteen (18) months following Permit issuance otherwise this Permit will automatically terminate. Permittee must notify Tacoma Power in writing within thirty (30) days of initiating construction in order to avoid automatic Permit termination.

C. Permit Extension.

A Permit Extension may, at Tacoma Power's sole discretion, be issued for additional, consecutive periods not to exceed five (5) years per extension, if all permit conditions and uses remain unchanged and all permitted structures and/or improvements are in compliance with the terms and conditions of this Permit. Permittee must submit an extension request and applicable fee to Tacoma Power no later than ninety (90) days before permit expiration. A mandatory site inspection will be required for all Permit Extensions.

4. FEES AND COSTS.

A. Tacoma Power Fees.

Unless otherwise authorized or directed by Tacoma Power, Permittee shall pay all fees and charges specified in and in accordance with Exhibit C [or ##] "Shoreline Use Specifications and Permitting Guidelines" (see Appendix D: Permit Application Fee Schedule) attached.

B. Permittee Assumes all Costs.

Permittee hereby expressly assumes all costs associated with this Permit and/or costs arising in connection with the use and improvement of the Premises permitted hereunder. All costs, expenses, and responsibilities for the construction, installation, operation and maintenance of the permitted structure(s) and/or improvement(s), including the expense of obtaining all necessary federal, state and local permits or approvals, shall be borne solely by Permittee. Tacoma Power shall not be responsible for any such costs, whether or not presently known or contemplated.

C. Permittee to Pay Costs to Enforce Conditions of Permit.

Permittee agrees to reimburse Tacoma Power for any costs (including reasonable attorney's fees) that Tacoma Power may incur in enforcing the terms and conditions of this Permit. Permittee shall reimburse Tacoma Power for all damages to Tacoma Power property resulting from any violation of this Permit.

5. NO WARRANTY.

Tacoma Power does not warrant its authority to permit the above described Permitted Use and Permittee shall secure any other rights that are needed for Permittee's lawful use of the Premises.

6. TACOMA POWER'S RIGHTS.

A. Tacoma Power May Impact or Damage Permittee's Structure or Improvement.

Tacoma Power in the course of operating its Utility Systems, including controlling the water levels in the reservoirs, may damage any permitted use, improvement, or structure installed by Permittee. Permittee assumes the risk of its limited use rights and Tacoma Power's paramount rights. Permittee shall be responsible for the costs and expenses in repairing or restoring said use, improvement, or structure.

B. Tacoma Power May Require Permittee to Move or Modify Permitted Use or Improvements.

Permittee shall promptly move or modify the Permitted Use, including any structures or improvements, at Permittee's expense upon notice from Tacoma Power should Tacoma Power determine that said use, structures, or improvements interfere or conflict with Tacoma Power's operations. Should Permittee fail to move or modify said structures or

improvements as directed in any notice from Tacoma Power, Permittee shall be considered in violation of this Permit and Tacoma Power may move, modify, or remove said structure or improvements and terminate this agreement as allowed and specified in Sections 20 and 21 herein.

C. Tacoma Power May Prescribe Additional Rules and Regulations.

Tacoma Power reserves the right at any time to prescribe additional rules and regulations for the use, conduct, and maintenance of the Premises that may impact the Permitted Use under this Permit. Tacoma Power will endeavor to give notice to Permittee within sixty (60) days of the adoption or approval by Tacoma Power of any such additional rules and regulations.

7. USE AND CONTROL OF THE PREMISES.

A. The Permitted Use is Subordinate to Tacoma Power's Paramount Rights.

Permittee hereby acknowledges that the primary purpose and use of the Premises is the use, operation, and maintenance of Tacoma Power's FERC licensed hydroelectric project. The permission granted herein is subordinate to and subject to the paramount right of Tacoma Power to use the Premises and Project Lands, and nothing herein shall prevent Tacoma Power from using the Premises or Project Lands or affect its right to full supervision and control over the Premises and Project Lands.

B. Permit Non-Exclusive.

This Permit is non-exclusive, and shall not prohibit Tacoma Power from granting other permits for use of the Premises of like or other nature to others.

8. OWNERSHIP OF IMPROVEMENTS.

A. Ownership of Removable Structures / Improvements.

i. As used in this Section 8.A. "Removable Structures/ Improvements" means any permitted structure or improvement that can be removed without impacting Tacoma Power's real property as determined by Tacoma Power. Most permitted Shoreline Structures/ Improvements are considered removable.

ii. Permittee agrees and covenants that any existing Removable Structures/ Improvements covered under this Permit that were not built by or do not belong to Tacoma Power and any future Removable Structures/Improvements that Tacoma Power permits to be built by said Permittee, or its agents, on the Premises, shall not belong to Tacoma Power upon the termination (or expiration) of this Permit. Said Removable Structures/Improvements shall be owned by Permittee and authorization for their presence and use on the Premises can only be transferred to new owners/lessees of the Adjacent Parcel with written authorization from Tacoma Power pursuant to Section 19, "Change of Ownership and Transferability."

B. Ownership and Disposition of Permanent Structures / Improvements.

- i. As used in this Section 8.B., “Permanent Structures/Improvements” means any permitted structure or improvement that is attached to Tacoma Power real property and Tacoma Power determines that its removal would impact said real property.
- ii. Upon termination or expiration of this Permit, Permittee shall follow Tacoma Power directives relating to or regarding the disposition of any existing Permanent Structures/Improvements that are located on the Premises and that were not built by or do not belong to Tacoma Power and any Permanent Structures/Improvements that Tacoma Power permitted to be built by Permittee on the Premises. Tacoma Power’s directives may include directions to remove said improvements and restore the Premises, directions to bring the improvement into compliance with Tacoma Power policies, or any other directive at the discretion of Tacoma Power.

9. LIMITATIONS ON PERMITTED USE.

The Permitted Use is subject to and governed by policies, regulations, agreements, and uses as specified in this Section 9.

A. The Permitted Use is Subject to Policies, Procedures, and Regulations.

This Permit and the Permitted Use authorized under this Permit shall be governed by and subject to:

- i. all applicable Tacoma Power shoreline and land use policies and procedures including but not limited to Exhibit C [or ##], Shoreline Use Specifications and Permitting Guidelines, which may be updated and modified from time to time;
- ii. the FERC issued license for the Tacoma Power hydroelectric project referenced above; and
- iii. the provisions, regulations, or requirements of any federal, state, local, or other regulatory agency having jurisdiction over Tacoma Power’s hydroelectric system, lands, or reservoirs or jurisdiction over aquatic and shoreline areas which are currently in effect or which may come into effect.

B. The Permitted Use is Subject to Other Agreements.

This Permit and the Permitted Use authorized under this Permit shall be subject to, subordinate to, and limited by any prior, concurrent, subsequent, or future agreements related to the Premises entered into by Tacoma Power with any third party including, but not limited to, any federal, state, or local agency.

C. The Permitted Use is Subject to Tacoma Power’s Use of Premises and Utility System.

This Permit and the Permitted Use authorized under this Permit shall be at all times

subservient to and subject to Tacoma Power's use, construction, operation, and maintenance of the Premises and its Utility Systems, and the Permitted Use shall not at any time or in any manner interfere therewith. Permittee hereby acknowledges and agrees that Tacoma Power shall not be liable to Permittee or to any guests on account of Tacoma Power's use, construction, operation, and maintenance of the Premises and its Utility Systems.

10. PERMITTEE'S GENERAL OBLIGATIONS.

A. Permittee shall Cooperate with Federal, State, and Local Agencies.

Permittee shall cooperate fully with the federal, state, and county departments of fish, wildlife, or other departments preserving and maintaining wildlife, energy, ecology, or the environment and shall, at all times, give access to said departments and employees for the purpose of making studies or performing other duties in connection with said endeavors.

B. Permittee Must Personally Supervise Permitted Use.

Permittee, its successors and assigns, shall personally supervise and direct the conduct, operation, and maintenance of the Permitted Use of the Premises granted herein.

C. Nuisances Prohibited.

Permittee will, at all times, maintain the Premises in an orderly manner; will not engage in or permit any illegal, offensive, or dangerous trade business or occupation to be carried on the Premises; and will not create or permit any nuisance to exist or allow the Premises to be used for any immoral or unlawful purposes.

D. Permittee's Waste and Storage Requirements.

The Permittee shall keep Tacoma Power property and water occupied by and surrounding the permitted uses, structures and/or improvements free of all waste, garbage and other unsightly debris and materials.

E. Permittee Must Obtain All Necessary Permits.

Permittee must determine which permits or approvals are necessary from all relevant federal, state, or local agencies prior to use of or construction in shoreline and fresh water areas. Before any use of or construction in said shoreline and fresh water areas, Permittee shall obtain all such permits and approvals and shall provide Tacoma Power with written evidence of said approvals and copies of permits.

11. PERMITTEE'S CONSTRUCTION AND MAINTENANCE OBLIGATIONS.

A. Construction Requirements of Permitted Structures or Improvements.

Construction of the structure(s) or improvements permitted herein shall be as depicted in

the Exhibits, attached hereto, and shall meet the conditions as described in this Permit. If Tacoma Power determines that the construction standards described in the Exhibits conflict with the construction standards stated in Exhibit C [or ##], Shoreline Use Specifications and Permitting Guidelines, the standards set forth in Exhibit C[or ##] shall prevail.

B. Permittee Shall Affix an Identification Plate to Display Permit Numbers.

The structure number (x-xx) shall be displayed on an identification plate, with at least three-inch (3") high black numbers/letters on white background, affixed to permitted structure so as to be clearly read from the water side.

C. Permittee's Obligation to Maintain the Premises, Structures, and Improvements.

i. General Obligation. Permittee shall at all times maintain its structures, improvements, uses, associated wildlife habitat conditions, and the Premises subject to this Permit, in a clean, neat and safe manner, as determined by Tacoma Power, at Permittee's expense and according to the specifications described in this Permit.

ii. Regular Maintenance/Minor Repairs. This Permit authorizes regular maintenance of permitted structures or improvements without written consent as necessary to remain in compliance with the Permit terms. Regular maintenance shall be limited to maintenance and repair of an existing improvement that does not alter the structure's original permitted design, dimensions, materials or purpose. The repair or maintenance may not exceed the replacement of 50 percent (50%) of the original structure within a five (5) - year period as determined by Tacoma Power.

No ground disturbing activities are allowed without written approval from Tacoma Power.

Permittee is responsible for meeting all applicable laws, codes, ordinances, regulations, and guidelines for any repairs, including the use of appropriate materials as outlined herein. If changes in design or dimension are required to meet other regulations, then Permittee must contact Tacoma Power prior to conducting the activity.

iii. Major Repairs. Major repairs of permitted structures or improvements are not allowed without written authorization from Tacoma Power. Major repairs consist of replacement of more than 50 percent (50%) of existing permitted shoreline structures/improvements within a five (5) year period as determined by Tacoma Power or alteration of a structure's original permitted design, dimensions, materials or purpose.

12. HAZARDOUS SUBSTANCES.

A. Permittee is Prohibited from Storing or Disposing of Hazardous Substances on the Premises.

No goods, merchandise, or material shall be produced, stored, sold, or disposed of on the Premises, which are in any way toxic, explosive or hazardous.

B. Permittee Liability for Remediation.

Permittee shall be liable for the remediation required due to the use of any hazardous substance on the Premises resulting from Permittee's use of said Premises.

C. Permittee's Indemnification Obligation.

Permittee shall indemnify and hold harmless Tacoma Power with respect to any and all damages, costs, attorney fees, and penalties arising from the presence of such hazardous substances on the Premises, except for such substances as may be placed on the Premises by Tacoma Power.

13. ENVIRONMENTAL AND CULTURAL RESOURCES.

A. Permittee's Prevailing Obligation.

Permittee is obligated to use the Premises in a manner that is environmentally and culturally sensitive.

B. Permittee's Use of Pesticides Restricted.

Permittee shall not use pesticides and fertilizers on the Premises, unless authorized in writing by Tacoma Power.

C. Ground Disturbing Activities Restricted.

No ground disturbing activities are allowed on the Premises without written authorization from Tacoma Power.

D. Cultural Resources Survey Required.

Permittee acknowledges that surveys for cultural resources are required on all Tacoma Power property included in this Permit where ground-disturbing activities have been authorized pursuant to section 13.C herein. This includes digging, grading, and pounding of posts. Permittee must contact Tacoma Power in advance of any such activity. Tacoma Power will coordinate the Cultural Resources survey and, unless otherwise authorized or directed by Tacoma Power, Permittee shall pay the applicable fees specified in Exhibit C [or ##] "Shoreline Use Specifications and Permitting Guidelines" (see Appendix D: Permit Application Fee Schedule) and follow any directives from Tacoma Power that result from said survey.

14. PROHIBITIONS AND RESTRICTIONS.

A. Interference with Tacoma Power's Operations is Prohibited.

Permittee shall not damage or interfere with Tacoma Power's operations or use of the Premises or its Utility System.

B. Commercial Activity is Prohibited.

Permittee may not engage in commercial activity on Tacoma Power property or otherwise charge a fee for the use of the Premises by others.

C. Removal of Vegetation Is Prohibited.

Removal of trees, shrubs, natural growth vegetation (including grass) within the Premises or on any Tacoma Power property beyond what is specified in Exhibit C [or ##] is not authorized. Removal of any vegetation from Tacoma Power property that is not specified in this Permit is not allowed unless the removal has first been approved in writing by Tacoma Power.

D. Restriction on Machinery and Vehicles.

No motor vehicles are allowed on the Premises. No machinery or apparatus shall be used or operated on the Premises, which will in any way impact the Premises; provided, however, that nothing in this paragraph shall preclude Permittee from bringing, keeping, or using on or about the Premises such motor vehicles, materials, supplies, equipment, and machinery as specified in this Permit or as allowed by current shoreline use standards and policies.

15. ACCESS TO PERMITTED PREMISES.

Permittee shall grant access to Tacoma Power representatives to enter/cross the Adjacent Parcel for inspection and evaluation of Premises.

16. PUBLIC USE OF PROPERTY.

In connection with the ownership, construction, operation or maintenance of the permitted structure(s) and/or improvement(s), no attempt shall be made by Permittee to forbid the full and free use by the public of Tacoma Power property 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.

17. DANGEROUS OBSTACLES WARNING.**A. Permittee's Acknowledgement of Receipt of WARNING.**

Permittee acknowledges receipt of a WARNING that this reservoir contains tree stumps, snags, submerged trees, and other similar hazards near the surface of the water, at the water's edge and extending out from the shore which are or may be submerged below the surface. Due to the fluctuating water surface level, these dangerous obstacles may be close to the surface and not easily visible. Boating, swimming, water skiing, diving and other similar water activity is hazardous in areas where these dangerous obstacles are near the water surface. Therefore, these activities should be conducted with extreme caution.

B. Permittee Agrees to Warn Others.

Permittee agrees to provide this warning to all guests, family, friends and other invitees of Permittee who may engage in any water activities.

18. INDEMNIFICATION.

Permittee agrees, as a condition of this Permit and in consideration of being granted this Permit, to defend, indemnify and hold harmless Tacoma Power, its officers and employees, from and against all loss or expense, including but not limited to, judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon Tacoma Power's elected or appointed officials or employees for damages because of personal or bodily injury, including death, at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, including loss of use thereof, arising out of or in consequence of the use of the Premises and permitted improvements thereon by any person or in consequence of any activity related to or arising out of this Permit or permitted use of said Premises, excepting only loss occasioned by the sole negligence and/or willful misconduct of officers, employees or agents of Tacoma Power acting within the scope of their responsibilities and incurred by third parties. In this regard, Permittee and its contractors acknowledge that they may be waiving immunity under Title 51 R.C.W., Industrial Insurance Law, and also acknowledge that this provision has been mutually negotiated.

19. CHANGE OF OWNERSHIP AND TRANSFERABILITY.

A. Permit Benefactor.

Unless an exception applies pursuant to Tacoma Power policy, this Permit is hereby reserved to the owner of the Adjacent Parcel herein described as shown on Exhibit A (attached) and to Permittee herein named, and is not transferrable to any subsequent owners/lessees of the Adjacent Parcel.

B. New Owner or Lessee Application.

A new owner or lessee of the Adjacent Parcel may apply for a permit to authorize the Permitted Use defined herein. Said application may be accepted or rejected at the discretion of Tacoma Power pursuant to its applicable policies and procedures. Upon request of Permittee and payment of appropriate fees, Tacoma Power will conduct a compliance inspection of the Premises and improvement and structures authorized by this Permit. Said inspection will be to determine whether the Permittee's use, improvements, and structures remain compliant with the Permit and applicable Tacoma Power policies or identify what corrections need to be made to bring the use, improvements, and structures back into compliance.

C. Notification of Sale/Transfer of Real Property.

Permittee shall notify Tacoma Power, in writing, prior to a sale or transfer, of the Adjacent Parcel and this Permit will terminate upon the sale or transfer of the Adjacent Parcel.

New permit requests received by a subsequent owner/lessee within forty-five (45) days from the date of sale or transfer will be charged a reduced application fee as noted in Exhibit C [or ##] "Shoreline Use Specifications and Permitting Guidelines" (see Appendix D: Permit Application Fee Schedule).

If additional uses, structure(s) and/or improvement(s) are requested with the ownership transfer, a new Permit application will be required with applicable fees.

20. PERMIT VIOLATIONS.

A. Notice of Violation.

Tacoma Power shall provide Permittee written notice via mail or hand-delivery of any violations of this Permit. Permittee shall have forty-five (45) days from receipt of said notice to abate the violation.

B. Tacoma Power May Remove Permittee's Structures or Improvements.

Permittee hereby acknowledges and agrees that if Permittee violates any conditions of this Permit or, upon termination of this Permit per Section 21, fails to remove any Permitted Use, structures, or improvements as directed by Tacoma Power, Tacoma Power has the right to remove any Permitted Use, improvement, or structure without obligation to Permittee or liability for damage or destruction of any of Permittee's property including the Permitted Use, structure, or improvement.

21. CANCELLATION AND/OR TERMINATION OF PERMIT.

A. Termination by Tacoma Power.

Permittee expressly acknowledges that the permission granted herein is a limited, non-exclusive, revocable permission to use the Premises as authorized, and therefore Tacoma Power may revoke said permission and terminate this Permit at any time with or without cause.

B. Termination by Permittee.

This Shoreline Use Permit may be terminated by Permittee without cause following receipt of written notice mailed by certified mail to Tacoma Power.

C. Vacation of Premises.

Permittee agrees to peaceably vacate said Premises at the termination of this Permit, and to remove any improvements and restore Premises as directed by Tacoma Power.

D. Permittee Responsible for Improvements.

Upon termination of this Permit, Permittee shall retain responsibility of the permitted improvements associated with the Premises per Section 8 (Ownership of Improvements)

until the improvement(s) is/are removed from the Premises and the Premises restored to its original condition, the improvement(s) is/are permitted to a new owner or lessee of the Adjacent Parcel, or Tacoma Power has accepted in writing the abandonment of the improvement(s) on the Premises.

E. Liability for Permittee's Failure to Maintain Improvements.

In the event that Permittee fails to maintain any permitted structure(s) and/or improvement(s), Permittee shall remove any structure(s) and/or improvement(s) within forty-five (45) days of notice from Tacoma Power and restore Premises as directed by Tacoma Power. Upon notice and removal this Permit shall be terminated. If Permittee fails to complete removal and restoration to the satisfaction of Tacoma Power, Permittee agrees that Tacoma Power may do so and recover the cost from Permittee.

F. Automatic Termination.

This Permit will terminate upon the sale, transfer, or termination of Permittee's ownership or lease of the Adjacent Parcel. Permittee hereby acknowledges and agrees that if Permittee, upon said sale, transfer, or termination, fails to remove any Permitted Use, structures, or improvements, as directed by Tacoma Power, or a new owner or lessee of the Adjacent Parcel fails to obtain a Shoreline Use Permit for the Permitted Use, structure, or improvement, Tacoma Power has the right to remove any Permitted Use, improvement, or structure without obligation to Permittee or liability for damage or destruction of any of Permittee's property including the Permitted Use, structure, or improvement.

G. Unauthorized Use of Tacoma Power Property.

Permittee agrees and acknowledges that its unauthorized use of any Tacoma Power property may result in immediate termination of this Permit and the imposition of a moratorium on future Permits to Permittee.

H. Termination for Use of Premises by Tacoma Power.

In the event it should become necessary for Tacoma Power to make use of said Premises in connection with the operation of its Utility Systems to such an extent as to necessitate discontinuance of the use thereof by Permittee, Tacoma Power may terminate this Permit by giving Permittee written notice of such termination, same to be given not less than forty-five (45) days prior to the date of termination.

I. Failure to Start Construction of Authorized Improvement or Structure.

This Permit will automatically terminate per the provisions of Section 3.B. herein for failure to initiate construction within eighteen (18) months of Permit issuance.

22. ENTIRE AGREEMENT.

Other than the restrictions, directions, and guidance of Tacoma Power's policies, procedures, and guidelines related to the use of shoreline areas, this Shoreline Use Permit

constitutes the entire agreement and understanding of the parties and supersedes all discussions and other agreements between the parties. There are no representations or understandings of any kind not set forth herein. Notwithstanding anything to the contrary in this section, Tacoma Power policies, regulations, and procedures will apply to and govern the terms and conditions and the permission granted by this Permit. Any amendments to this Permit must be in writing and executed by both Parties.

23. GOVERNING LAW.

This Permit shall be construed in accordance with the laws of the State of Washington.

24. ENFORCEABILITY.

Parties agree that if any provisions are deemed not enforceable, they shall be deemed modified to the extent necessary to make them enforceable.

25. EXHIBITS.

All Exhibits referred to herein or attached hereto are incorporated herein for all purposes.

26. MUTUAL NEGOTIATION.

Permittee acknowledges that this Permit has been mutually negotiated.

27. SURVIVAL.

The following sections will survive the termination of this Permit and remain enforceable against Permittee after termination:

Sections 8, 12, 18, 20, 21, 23, 24, and 27.

IN WITNESS WHEREOF, **I/We** have executed this instrument at _____ County,
Washington, on this _____ day of _____, 20____.

Permittee's Name

Permittee's Name

STATE OF WASHINGTON)
) SS
COUNTY OF _____)

I certify that I know or have satisfactory evidence that **[Permittee's Name(s)]** (is/are) the person(s) who appeared before me, and said person(s) acknowledged that **he/she/they** signed this instrument, and acknowledged it to be the free and voluntary act of such parties for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 20____

Place Notary Seal in Box

Notary Public in and for the State
of Washington
Residing in _____
My Commission Expires _____



Dated this _____ day of _____, 20____

Approved:

Natural Resources Manager

Reviewed:

Form Approved:

Wildlife & Lands Manager

Deputy City Attorney

Reviewed

Chief Surveyor