

Flooding In Kittitas County

1973

FLOODING IN KITTITAS COUNTY

A Synopsis

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ABSTRACT

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ABSTRACT: This report contains information describing the general characteristics of Kittitas County, the Yakima drainage basin, flooding in the Yakima drainage basin, and the present status of controlling flood damage.

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GENERAL CHARACTERISTICS OF KITTITAS COUNTY

Location and Extent. Kittitas County is essentially comprised of the Yakima drainage area which lies on the east slope of the Cascade Range and is a tributary to the Columbia River. The basin includes approximately 82 percent of the total land area in the county or approximately 1,900 square miles and is bounded on the west by the Cascade Range, on the north by the Wenatchee River Basin, and elsewhere, by comparatively narrow divides separating it from the main stem drainage of the Columbia.

Topography. The Yakima drainage basin in Kittitas County is almost entirely mountainous or hilly, from 7,000 to 8,000 foot peaks in the Cascade to the west to the encircling ridges of 2,500 feet to the south, 2,000 feet to the east, and 5,000 feet to the north. (See Appendix A, Plate #2). For much of its length the Yakima River flows through well marked canyons. There exist essentially two relatively flat valley areas; a strip one to two miles wide and 20 miles long from Easton past Cle Elum to Teanaway, and a 10 by 20 mile Kittitas Valley along the Yakima River at Ellensburg. The Yakima is fed by many tributaries extending from the encircling mount regions.

Climate. The summer climate is hot and dry, typical of the continental type. Winters are moderately cold and cloudy, due primarily to the marine influence of the prevailing westerly circulation from the Pacific Ocean.

Approximately 75 percent of the annual precipitation occurs during the period October through March.

Annual precipitation decreases from more than 100 inches in the Cascade Range to less than 7 inches in the lower elevation just east of Ellensburg. (See Appendix A, Plate #7). Normal snow fall is in excess of 300 inches and falls in the higher slopes of the Cascade Range with lower valleys receiving 10 to 15 inches. Winter temperatures normally range from near 20° F at night to near 30° F in the daytime, but temperatures of 0° F or below can be expected every year in January and February. Normal summer temperatures reach 90° F during the daytime but cool to nearly 60° F at night due to the very low humidity. Temperatures exceeding 100° F are not uncommon and a few readings over 110° F have been recorded.

Listed in Appendix B are the weather statistic charts of Cle Elum and Ellensburg respectively. These climatic records are representative of two major regions within the County. From this data three important factors are apparent:

1. There is a wide range of precipitation in Kittitas County with high averages in the west decreasing to very low averages to the east.
2. The greatest proportion of annual rain and snow fall occurs between October and March.
3. The greatest flood incidence in May and June when snow is melting rapidly at the higher attitudes; but like rivers on the western slopes of the Cascades floods in the fall and winter months are common.

Vegetation. The natural vegetation in floodplain areas has for the most part been replaced by agricultural products. The exception to this is in the western portion of the county where in the higher elevations forests of pine and fir grow abundantly. In those shoreline areas that have not been converted to actual crop or grazing lands, the vegetation consists primarily of a belt of tree and shrubery growth. (See Appendix A, Plate #8, for the general vegetation types in Kittitas County).

Population. In 1973 the estimated population of Kittitas County was 25,500, an increase of two percent since 1970. Population increase over the past twenty years has been a mere 13 percent from 22,235 in 1950 to 25,039 in 1970. Most of all these increases can be accounted for in student, faculty, and staff increases at Central Washington State College located in the City of Ellensburg. The County's "resident" (total population less the college enrollment) has remained stable since the early 1950's.

There are essentially two major cities in Kittitas County: Cle Elum, with a population of 1,725; and Ellensburg, the County Seat, with a population of 13,560. (See Appendix A, Plate #10, Population Distribution). Portions of both these cities are subject to flooding. Other communities which are subject to flooding include South Cle Elum, Kittitas, and the unincorporated town of Thorp. The projected population for Kittitas County for 1980 is just under 28,000, an increase of only 4.2 percent of which most all will occur in or close to Ellensburg.¹

¹Utilizing historical data and future employment projections, projected population figures can be obtained with a fair degree of accuracy. However, care should be taken in relying on projected population figures for a low populated rural county such as Kittitas, since presently, there are few industrial employers the location or relocation of one major industry could easily upset projections.

Economic Development. Agriculture is the chief non-governmental employing segment of Kittitas County's economy and is a major source of income. The total employment figure for agriculture has declined in recent years along with a decrease in the number of acres in cultivation. The total fair market value of farm products sold annually (not including timber) though has increased steadily to almost \$20 million in 1969; a 2.6 million dollar increase since 1964.

The decline in employment in agriculture and forestry has been partially offset by increases in faculty and staff at Central Washington State College. These gains in college employment have added figures for a measure of stability to our county's economy.

The services sector of the county's total employment figure now represents by far the greatest number of employees. The services industry, although supported by the "resident" community, are also largely dependant upon student enrollment at Central Washington State College.

Another growing sector of our county's economy is the tourist and recreation industry. The construction of Interstate Routes 90 and 82 has created easy access from the metropolitan centers of the State to our natural forest and shoreline areas. (See Appendix A, Plate #9, Transportation). Fishing, hunting, and hiking produced an approximate four and three quarter million dollar impact on Kittitas County's local economy in 1969.²

Agriculture and recreation, two industries which are essential to the County's economy are particularly dependant upon water and shoreline resources. Virtually all the cultivated acreage in Kittitas County is irrigated (80,809 acres) and is dependant not only on water supplied and distributed by the Bureau of Reclamation but also on the contribution of many unregulated natural streams and ponds. Virtually all of the shorelines of the County have remained relatively unchanged from their natural character thus providing multiplicity of benefits to the tourist and recreation industries. Retaining the natural character of the County's water and shoreline resources also provides many benefits to agriculture. There exists very little industry presently located in floodplain areas.

Rivers and Streams. From Lake Keechelus in the Cascades near Snoqualmie Pass, the Yakima River flows through three counties southeast about 215 miles to join the Columbia River near the head of Lake Wallula (McNary Dam Reservoir), 10.5 miles upstream from the mouth of the Snake River. The first 87.5 miles of the Yakima River flows through Kittitas County. Within its first 87.5 miles, the Yakima River is fed by three relatively smaller rivers, the Cle Elum, the Kachess, and the Teanaway, all having a mean annual flow exceeding

²Source: Washington State Department of Game.

20 cubic feet per second. Most all of the creeks as well as the Teanaway River experience very distinct seasonal variation in flow rates depending on variation in precipitation and changes in temperature. All the creeks and rivers with the exception of the Naneum Creek, occupy well defined stream beds and floodplains. The flow of the Cle Elum River, Kachess River, and upper portion of the Yakima River are regulated by the Bureau of Reclamation at their head waters.

Table 1 gives the stream flow characteristics of the important rivers and streams in Kittitas County. (See Appendix A, Plate 6, for the location of these rivers and streams.)

Table 1. Streamflow Characteristics, Kittitas County

Stream	Drainage Area (Sq. Ft.)	Gage Location	Flow in CFS		
			Ave. ¹	Min. ²	Max. ²
Yakima	6,062	Parker	1,894	65,000	4
Cle Elum	222	Roslyn	911	18,700	0
Kachess	NA	NA			
Teanaway	205	Cle Elum	374	4,330	1
Big Creek	NA		20+ ³	NA	NA
Little Creek	NA		20+	NA	NA
Cabin Creek	NA		20+	NA	NA
Log Creek	NA		20+	NA	NA
Swauk Creek	87.8	Swauk Prairie	61.2	NA	NA
Wilson Creek	NA		20+	NA	NA
Manastash Creek	NA		20+	NA	NA
South Fork Manastash Ck.	NA		20+	NA	NA
Taneum Creek	NA		20+	NA	NA
Naneum Creek	NA		20+	NA	NA
Dry Creek	NA		NA	NA	NA
Colman Creek	NA		NA	NA	NA
Cooke Creek	NA		NA	NA	NA
Caribou Creek	NA		NA	NA	NA

¹ Regulated values for base period (1929-1958), 1970 conditions.

² Observed values for period of record.

³ 20 cfs + means that the mean annual flow for each creek exceed 20 cfs as determined by the Department of Ecology for the purpose of implementing the Shoreline Management Act of 1971.

FLOOD PROBLEMS

General. Much of the land still subject to flooding lies in narrow strips along streams, but in several areas the flood plain extends from one-half to one mile from the river bank. Flood-susceptible areas include irrigated farmlands and portions of the cities of Ellensburg, Cle Elum, South Cle Elum, Thorp, and Kittitas. Exhibit A is a map of Kittitas County illustrating areas which are susceptible to flood and/or slide damage.

Flooding Characteristics. Floods in the Yakima Basin occur most often in the spring or early summer as a result of melting snow in the mountains and foothills. These floods are characterized by slow rise and long duration flows. Melting may be aggravated by warm rains and river stages increased by ice and debris jams. The new interstate 90 route crosses the river at several locations and has added to the frequency and severity of ice and debris jamming. Flooding from rainfall occurs usually in November and December after fall precipitation has saturated groundwater reservoirs. Occassionally early snowfalls will melt as a result of an unseasonably warm maritime frontal system. Heavy rainfall, especially if accompanied by warm winds and some snow melt, then produces winter floods. Winter flood crests are reduced by reservoir storage as flooding occurs after the irrigation season where storage is available. However, these reservoirs control only a portion of the entire drainage area and space may not be available for the second winter flood if two occur.

Much of the damage caused by flooding in Kittitas County results from the many uncontrolled creeks whose variation in annual flow rate is erratic, ranging from very low measures most of the time with high flood levels occassionally.

During floods the swiftly flowing streams overflow their banks and tear loose trees, brush, and other debris which are carried downstream to lodgement areas. Jams of ice, logs, and bush cause cutting of new channels, loss of farmland from erosion, and stage increases from flow restrictions. Debris deposited on overflowed areas restricts full use of the land until removed.

FLOODING HISTORY

Listed in Table 2 are the major floods which have occurred in Kittitas County. Discharges shown are those actually measured at the time of the flood, but damages which would occur if the flood were repeated under present day economic conditions and price levels. Since 1862, 16 floods are known to have occurred on the Yakima River and its tributary streams, three of the most severe taking place in November, 1906; December 1933; and May, 1948. A comparison cannot be made on the basis of observed discharge alone because of the progressive development of four irrigation storage projects has changed the natural flow conditions. The 1906 flood represents natural flow conditions where as the 1933 and subsequent floods discharges were modified by the storage facilities. The December 1933 flood was the biggest flood of record. The May 1948 flood was the largest spring flood and it was not materially affected by the storage reservoirs as they were nearly filled as the flood occurred.

Table 2. Major Floods, Kittitas County

<u>Stream</u>	<u>Date</u>	<u>Peak Discharge cfs</u>	<u>Damages Under Present Conditions</u>
Yakima (above Naches River)	November 1906	41,000	NA
	December 1933	32,200	2,024,000
	May 1948	27,700	1,719,000
Teanaway	December 1933	NA	255,000
	May 1948	4,170	4,000

During the 1933 and 1948 floods, about 7,000 acres were inundated in the Kittitas Valley near Ellensburg. The fast moving water in both cases carried debris which caused jams in a number of places. These jams caused stage increases causing the inundation of additional land.

Yakima River, Cle Elum to Teanaway River. Flows of the upper Yakima River near Cle Elum and the Teanaway River having a 10-year frequency inundate unleveed agricultural land. At approximately a 20-year frequency the levee at south Cle Elum is outflanked and the levee on the Teanaway River protecting U.S. Highway 10 and the Burlington Northern Railroad is overtopped. Flooding having a 100-year frequency inundates more than 1,300 acres of land including part of south Cle Elum; and, at slightly greater flows, portions of highways are out of service. Average annual damages in this area amount to \$10,000 of which approximately 50 percent is to urban developments and 25 percent each to transportation facilities and to agriculture.

Yakima River, Teanaway to Naches River. In the Kittitas Valley, flooding characteristics at Ellensburg have been changed by the construction of Interstate 90 in 1967-68 and require further observation. Elsewhere, flooding starts with inundation of unleveed agricultural lands near Ellensburg, and parts of Ellensburg itself. At slightly higher stages, headworks of irrigation ditches near Ellensburg and the Ellensburg water supply pumphouse and wells are damaged. Major floods inundate railroad tracks between Teanaway River and Thorp, the town of Thorp, and considerable agricultural land and portions of roads in the Kittitas Valley. Total acreage inundated from the Teanaway River to the Naches River exceeds 8,500 acres. Average annual damages amount to \$195,000 with approximately 40 percent urban, 5 percent transportation, and 55 percent agricultural.

PRESENT FLOOD CONTROL STATUS

Storage Facilities. Three storage reservoirs have been constructed in Kittitas County for the irrigation of crop land in both Kittitas and Yakima Counties. These reservoirs are operated for flood control on the basis of runoff forecasts, but, in order to assure an adequate irrigation water supply, they are sometimes full when spring floods occur. Storage is usually available to assist in controlling winter floods. The primary responsibility of these facilities, though, is to provide irrigation water and not to control floods. Table 3 shows the storage capacity of Kachess, Keechelus, and Cle Elum Lake Reservoirs.

Table 3. Storage Reservoirs, Kittitas County

<u>Project</u>	<u>River</u>	<u>Active Storage Capacity (Acre Feet)</u>
Kachess Lake	Kachess	239,000
Keechelus Lake	Yakima (above Cle Elum)	157,800
Cle Elum Lake	Cle Elum	<u>436,900</u>
TOTAL		833,700

Levees and Channels. Major levees are listed in Table 4. Precise description, ownership, and inventory of all levees, dikes, and channelizations can be obtained from the County Engineer. In addition, local interests have constructed numerous short levees along the Yakima River. Many of the levees have been riprapped where slopes extend into the river to avoid erosion from high velocity flood flows.

Table 4. Existing Levees, Kittitas County

<u>Stream</u>	<u>Location</u>	<u>Description and Ownership</u>
Yakima	Cle Elum	Levees totaling 1.4 miles on both banks from Cle Elum to 2 miles downstream. Highway Department, 1965.
Yakima	Ellensburg	Cross levee 1 mile long on left bank 2 miles upstream of Ellensburg. Highway Department, 1967-68. Levees totalling 10 miles on both banks vicinity of Ellensburg, local interests.

Flood Plain Regulation Program in Kittitas County. Flood plain studies for the Yakima at Ellensburg and Cle Elum are authorized but not scheduled. Studies have been completed for the lower reaches of the Yakima in Yakima and Benton Counties.

Kittitas County, unlike many counties does not zone flood plain areas but the County does enforce the requirements of the Flood Control Act of 1935. Flood control zones have been established by the Army Corps of Engineers and Kittitas County is requiring permits for any proposed construction within those zones as required by state law.

In short, Chapter 86.16 RCW authorizes the State of Washington, through the Department of Ecology and local government, to exercise full regulatory control over all waters of the State for the purpose of alleviating recurring flood damages to public and private property and to protect life, health, and property from flood water damage. (See Appendix B for a copy of Chapter 86.16 RCW). This control is exercised by the establishment of flood control zones, and issuance of permits for works, structures, and developments, issuance of regulatory orders correcting undesirable activities, and the designation of floodways within such zones. Within an existing flood control zone, no works, structures, and/or developments shall be undertaken without first obtaining the Department of Ecology's approval of plans and a permit. Flood control zones have been established on the Yakima River, as illustrated in Appendix A, Plate 11.

In addition, Section 12, Chapter 271, Laws of 1969, First Extraordinary Session provides: "The city, town or county legislative body shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved by any city, town, or county legislative authority covering

any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the Department of Ecology, State of Washington."

Unfortunately, the flood control zone established by the Corps of Engineers is based on a minimum "fifty" year flood limit and not the "one hundred" year flood as required by the National Flood Insurance Act of 1968.

The recent enactment of the Shoreline Management Act of 1971 also provides a measure of protection against future flood damage by regulating development located inside the fifty year flood limit (See Appendix C for a copy of the Shoreline Management Act). The Act applies to areas upland 200 feet from the ordinary high water mark as well as floodplains, marshlands, and bogs located on all streams which have a mean annual flow of twenty (20) cubic feet per second or more and to lakes whose surface area exceeds twenty (20) acres. Under the provisions of the Act the County is to develop a comprehensive plan which would restrict and regulate land uses within the designated shoreline and floodplain areas. Kittitas County's plan is essentially encouraging agricultural uses and discouraging commercial and industrial uses from shoreline areas. Although residential uses are exempt from the provisions of this act they are subject to the regulations and also a flood control permit.

Although the combination of requiring a building permit, a flood control permit, and a shoreline permit provides the County and the State with considerable review authority, there exists two deficiencies in the system. One, all of the above permits apply to those lands within the fifty (50) year flood limit, not the one hundred (100) year flood limit and two, Kittitas County does not have flood limit data for any of its streams and rivers except what is illustrated in Appendix A, Plate 6.

Flood Forecasting and Emergency Operations. Estimates of impending peak floodflows or stages and the expected time of occurrence are prepared by the River Forecasting Unit at Portland, and disseminated by the Portland River District Office. The River District Office issues emergency and public service teletype bulletins which advise the State Civil Defense Office in Olympia the national news services, and the Weather Service in Yakima. The Yakima Weather Service Office and the Yakima County Civil Defense Directory work together to alert county and city officials, the highway patrol, newspapers, and radio and television stations. River predictions are not normally made for Ellensburg and Cle Elum but are obtained from the River District by request of Kittitas County officials if desired.

In addition to these channels of information, the Corps of Engineers in Seattle receives flood forecasts directly from the River Forecasting Unit in Portland for the benefit of flood engineers assigned to specific areas for flood emergencies. Table 5 shows these areas, the location of important gages, the zero damage stage and flows at which flooding is considered to

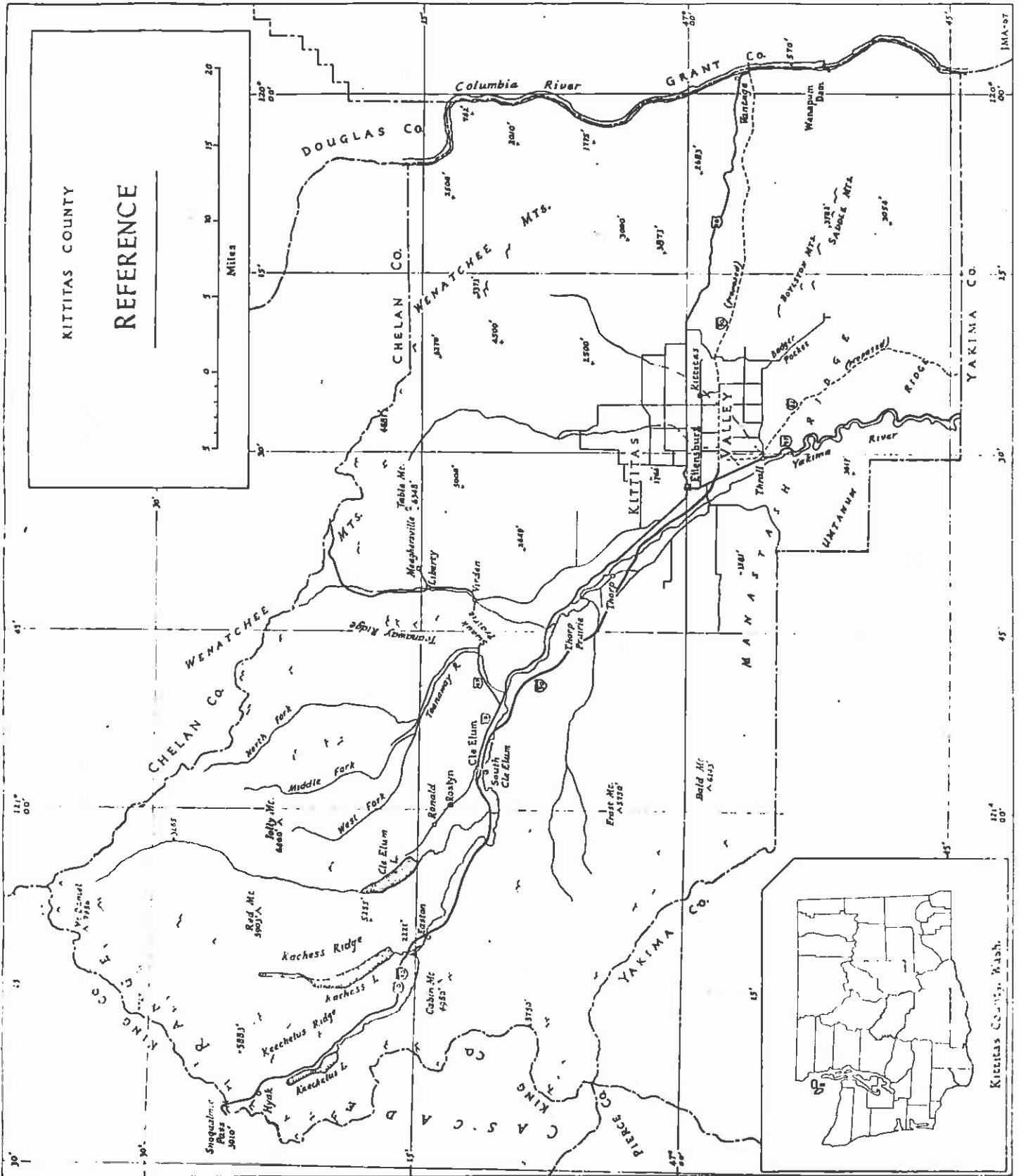
begin, and the local officials contacted by flood engineers.

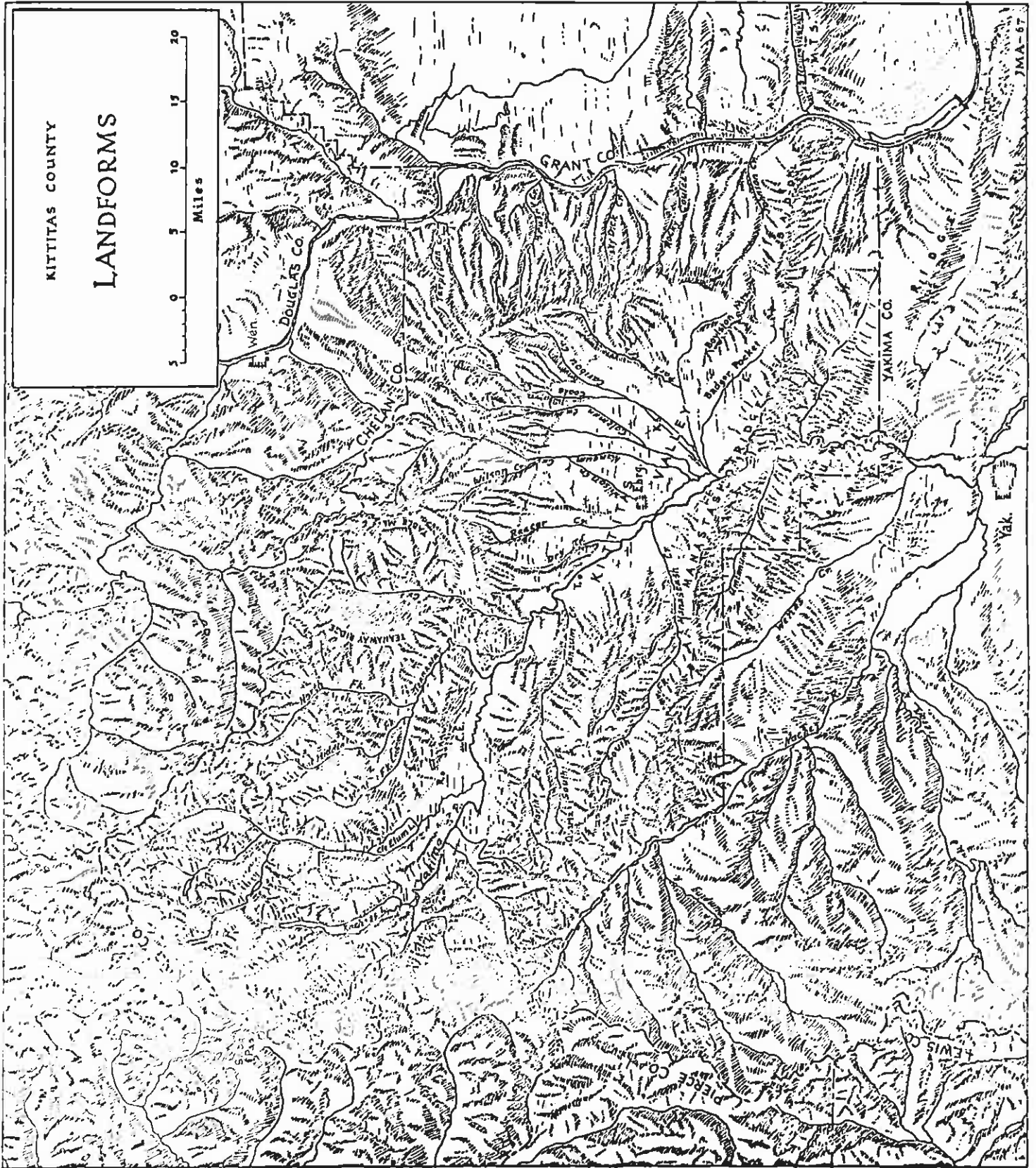
Table 5. Flood Emergency Areas, Kittitas County

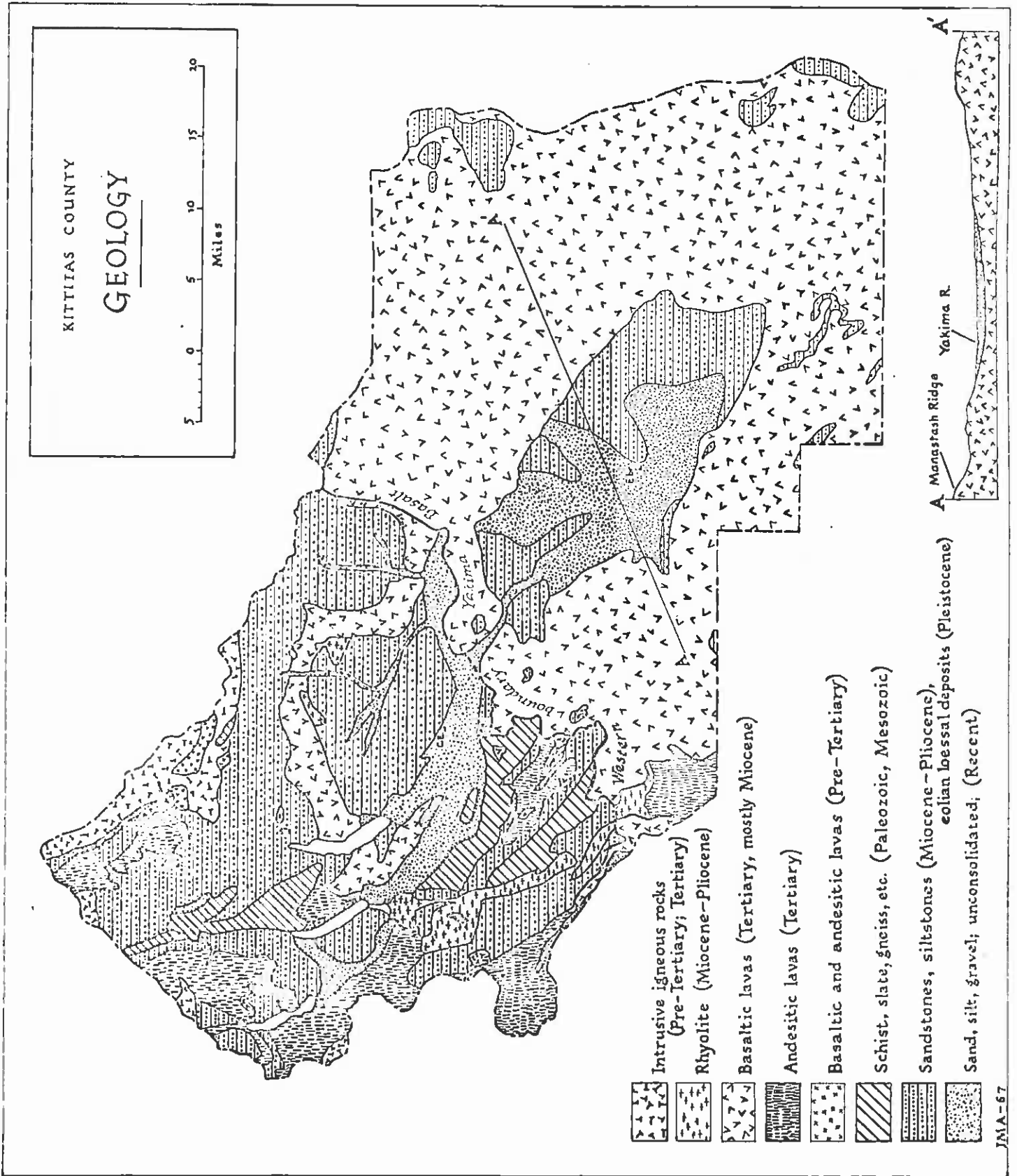
<u>Area</u>	<u>Gage</u>	<u>Zero Damage</u>		<u>Local Contact</u>
		<u>Stage</u> (ft.)	<u>Flow</u> (cfs)	
Yakima River above Teaway River	Yakima at Cle Elum	11.0	11,000	Kittitas County Engineer
Yakima River-Tea- away River to Ellensburg	Yakima near Ellensburg	<u>1/</u>	<u>1/</u>	Do.

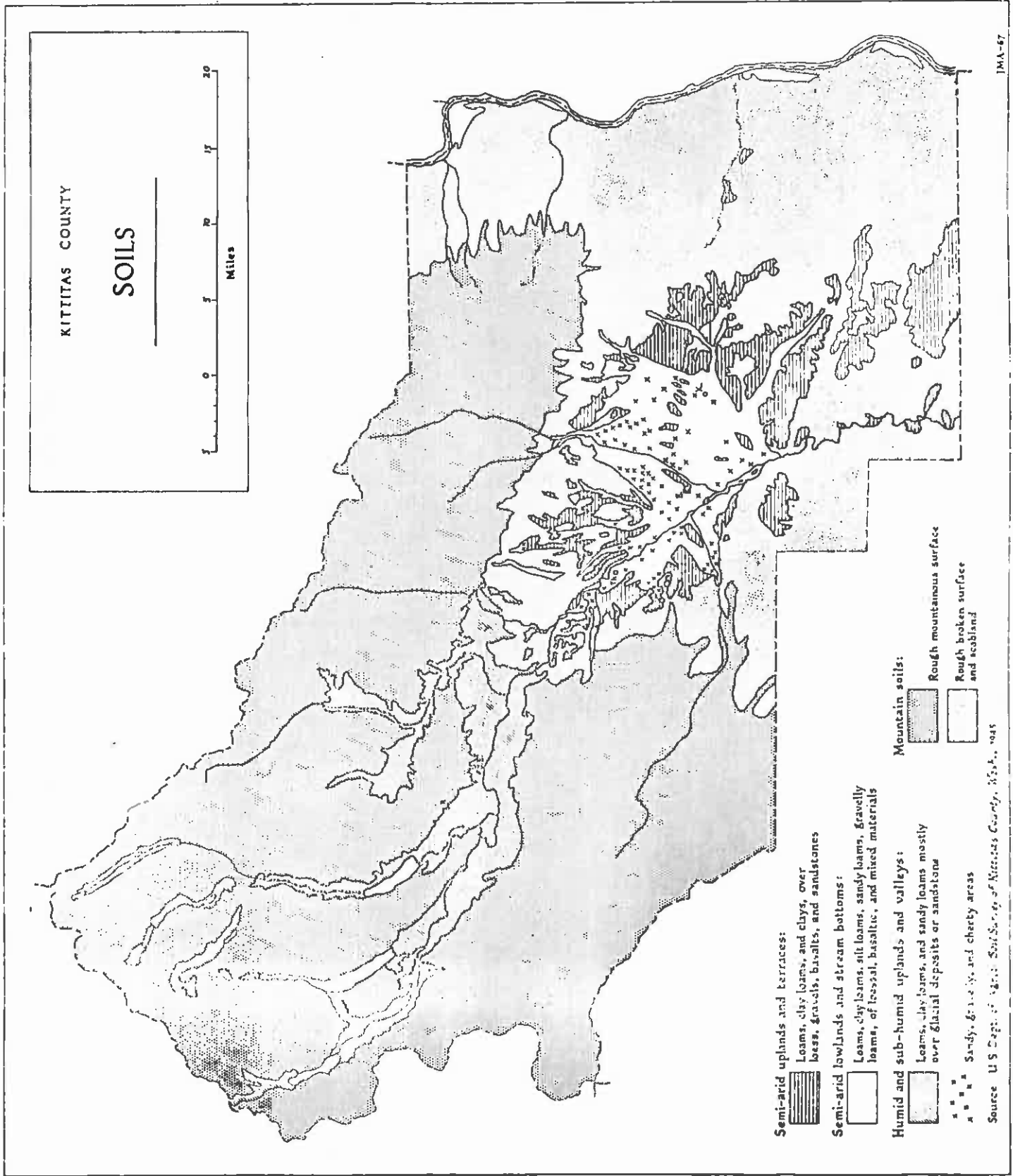
1/ Data being reestablished due to highway construction changing flow characteristics.

APPENDIX A









KITITTAS COUNTY

SOILS



Semi-arid uplands and terraces:

Loams, clay loams, and clays, over loess, gravels, basalts, and sandstones

Semi-arid lowlands and stream bottoms:

Loams, clay loams, silt loams, sandy loams, gravelly loams, of loessal, basaltic, and mixed materials

Humid and sub-humid uplands and valleys:

Loams, clay loams, and sandy loams mostly over glacial deposits or sandstone

Sandy, gravelly, and cherty areas

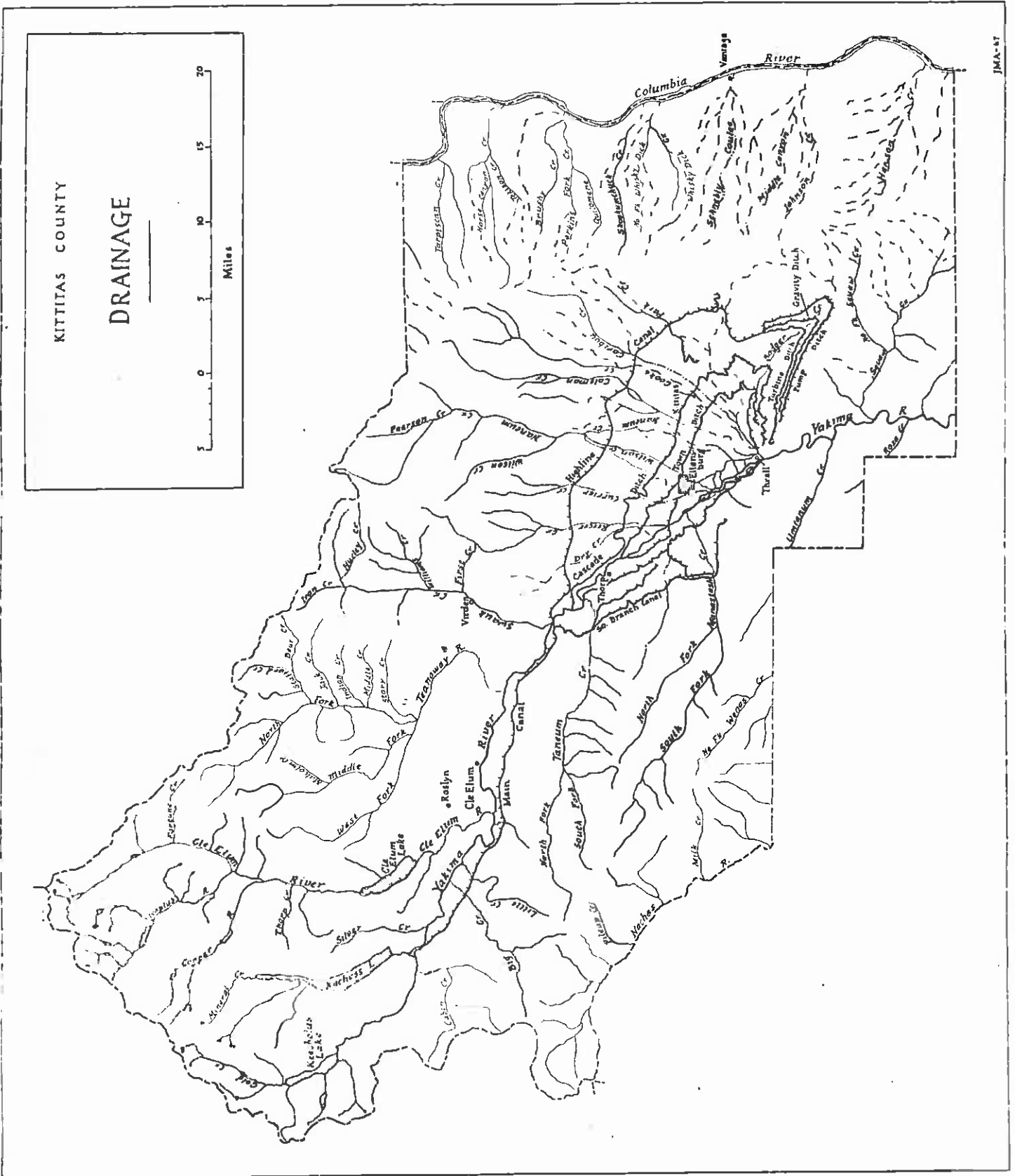
Mountain soils:

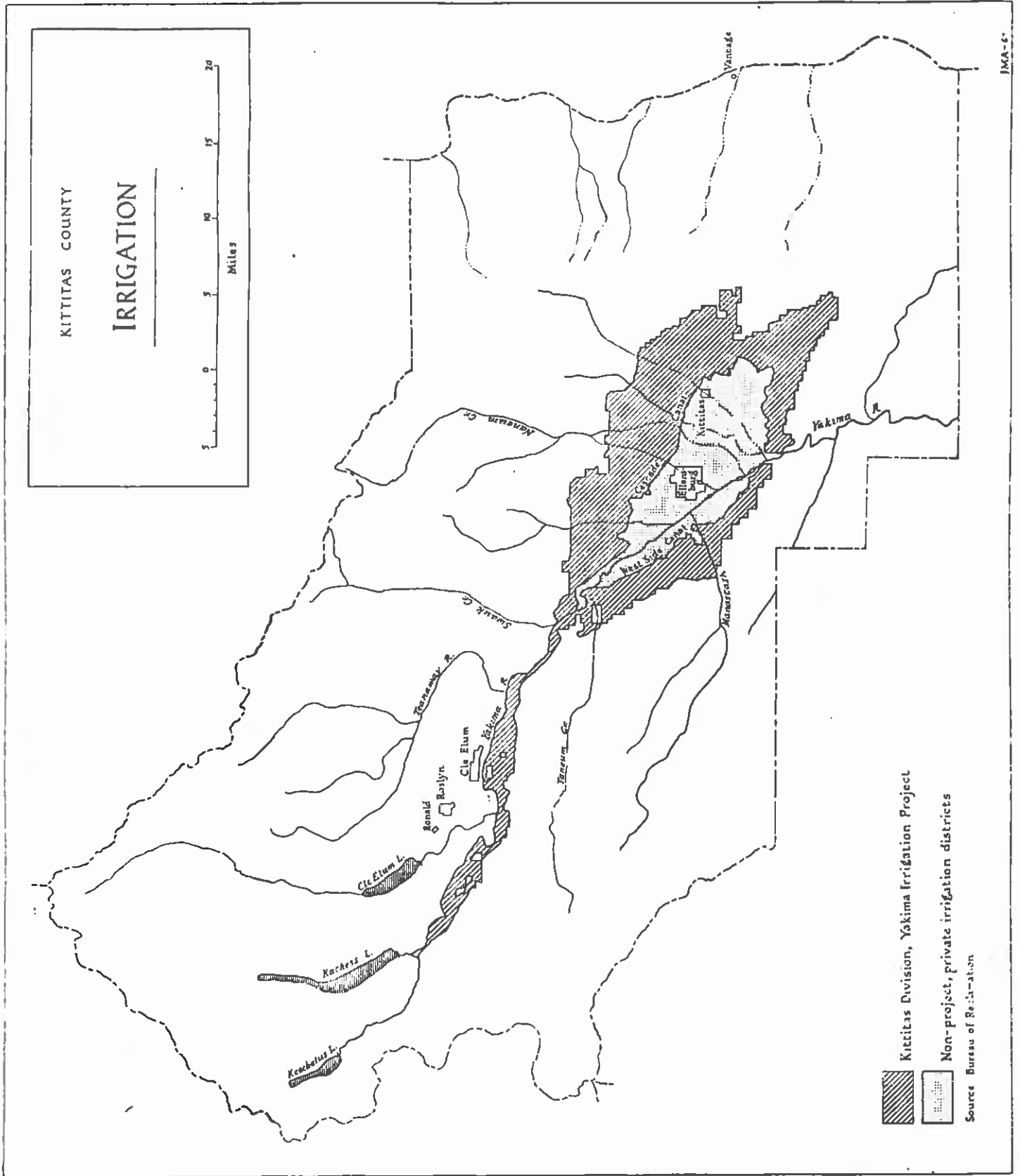
Rough mountainous surface

Rough broken surface and scabland

Source: U.S. Dept. of Agr., Soil Survey of Missouri County, 1954, 1945

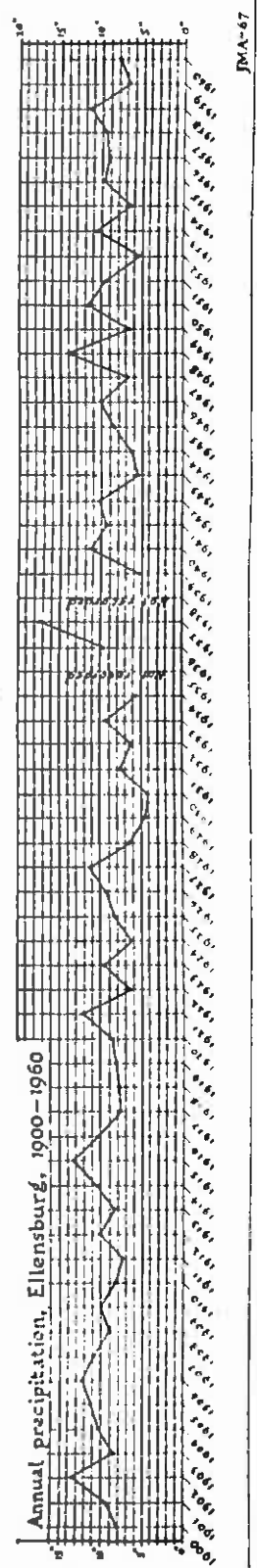
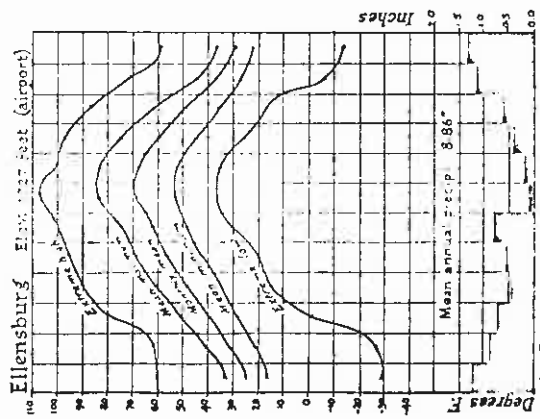
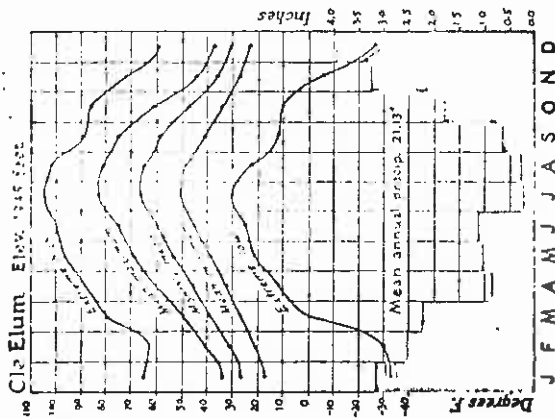
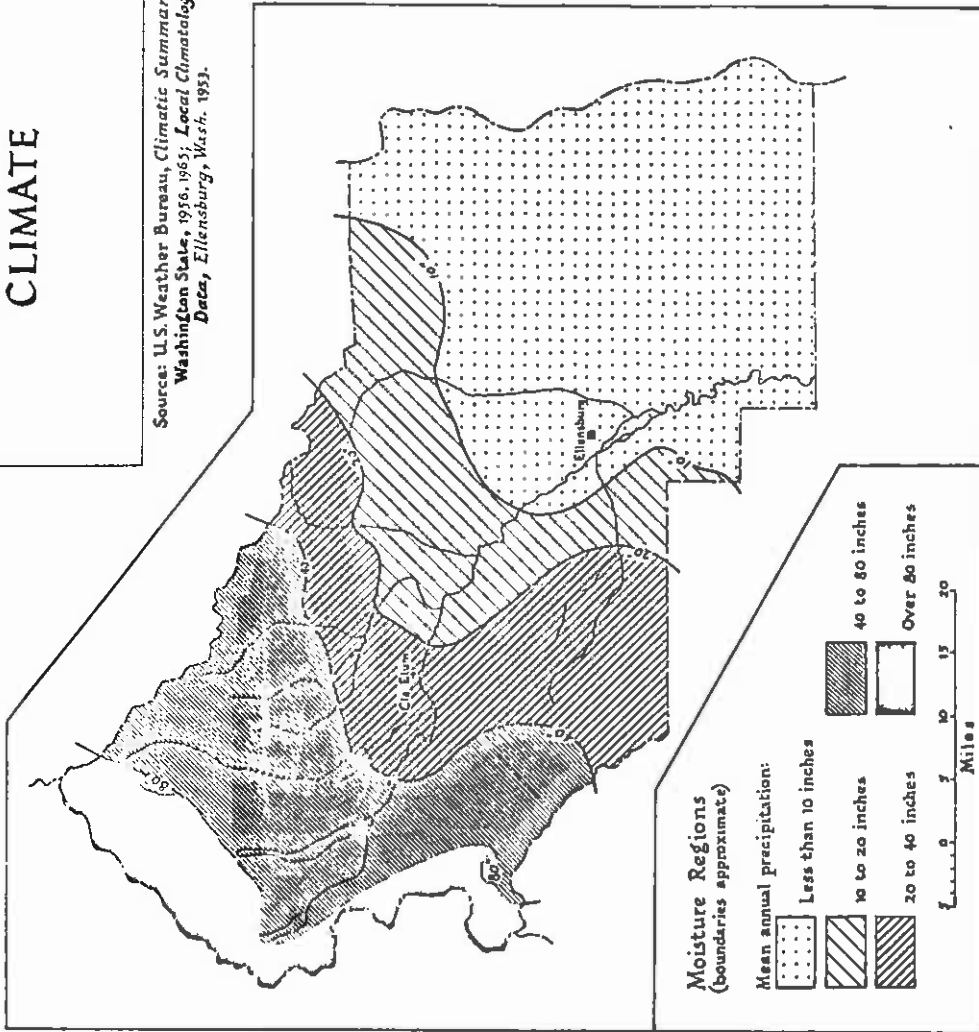
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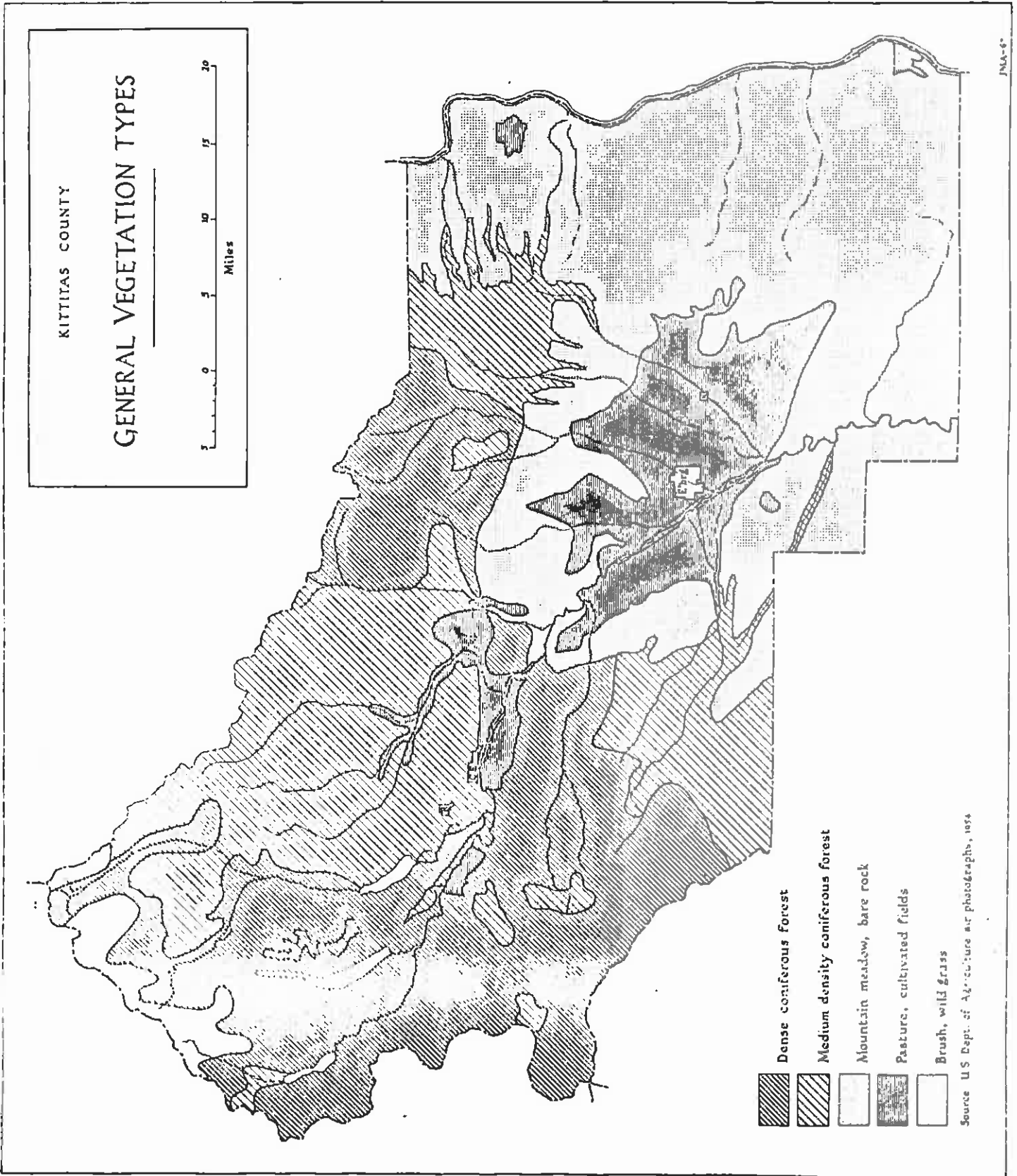


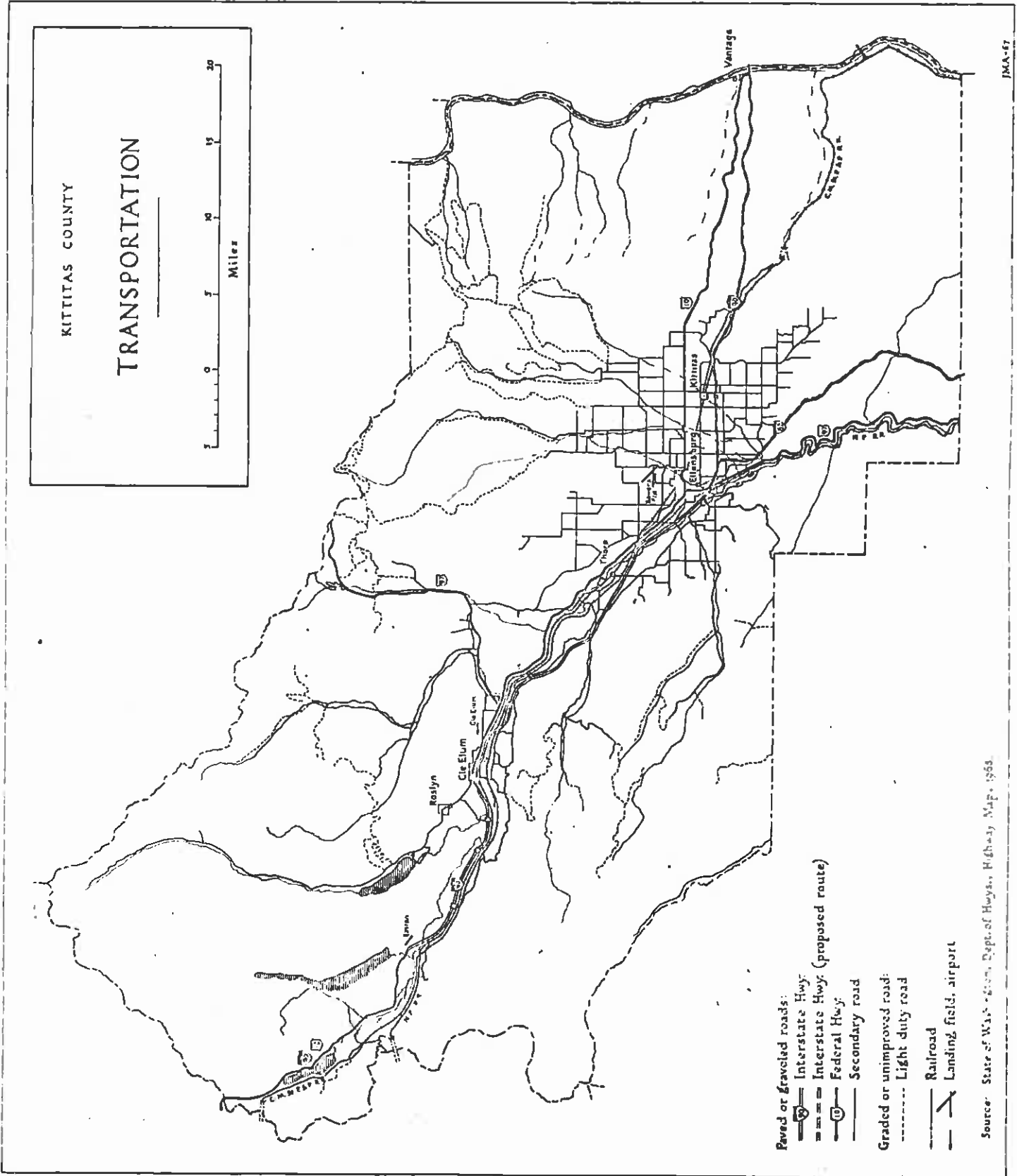
KITTITAS COUNTY
CLIMATE

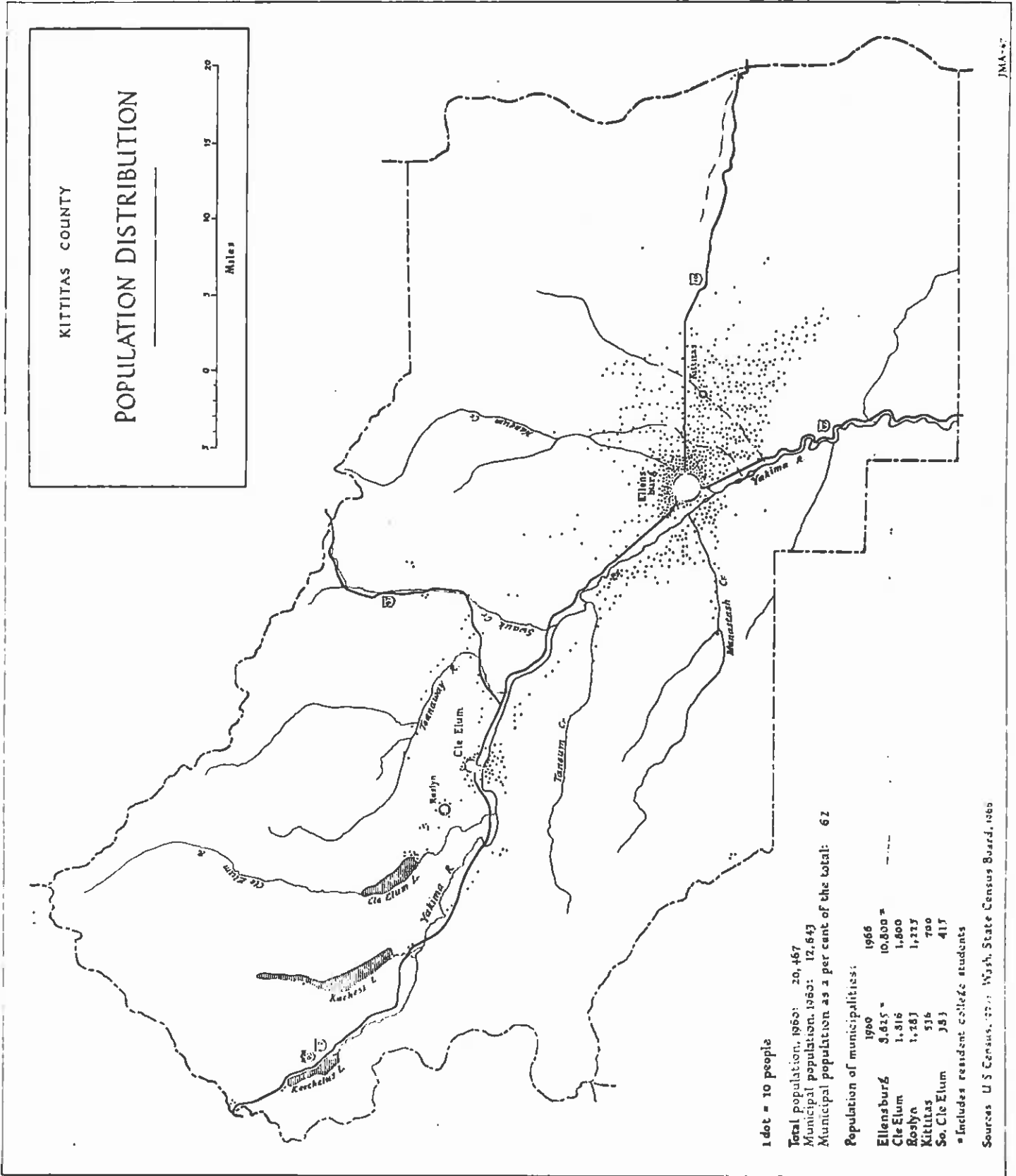
Source: U.S. Weather Bureau, *Climatic Summary: Washington State, 1916-1965; Local Climatological Data, Ellensburg, Wash., 1953.*



JMA-67







1 dot = 10 people

Total population, 1960: 20,467
 Municipal population, 1960: 12,643
 Municipal population as a per cent of the total: 62

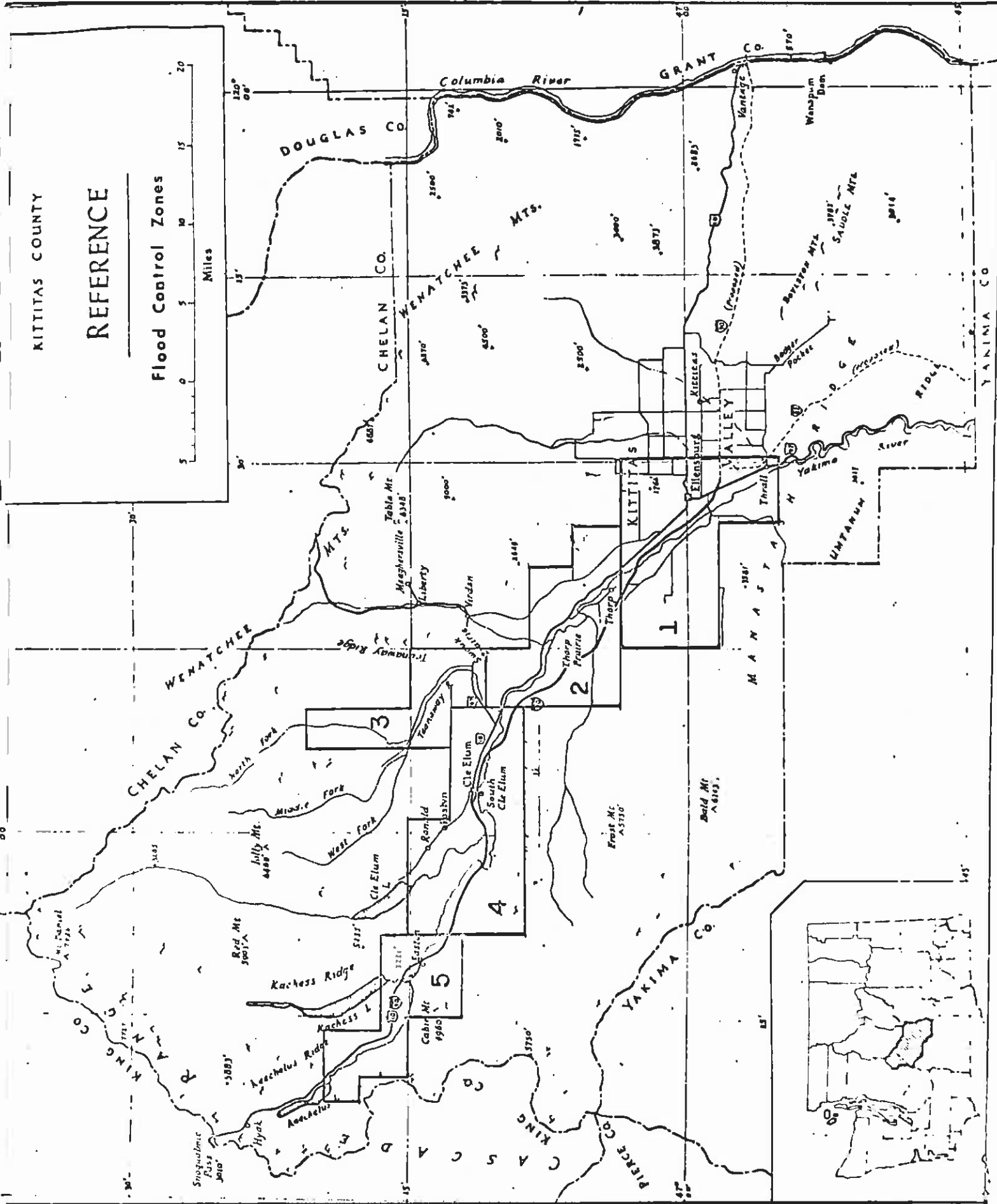
Population of municipalities:

	1960	1966
Ellensburg	9,615	10,800*
Cle Elum	1,816	1,600
Roslyn	1,183	1,213
Kittitas	516	700
So. Cle Elum	383	415

* Includes resident college students

Sources: U.S. Census, 1960; Wash. State Census Board, 1966

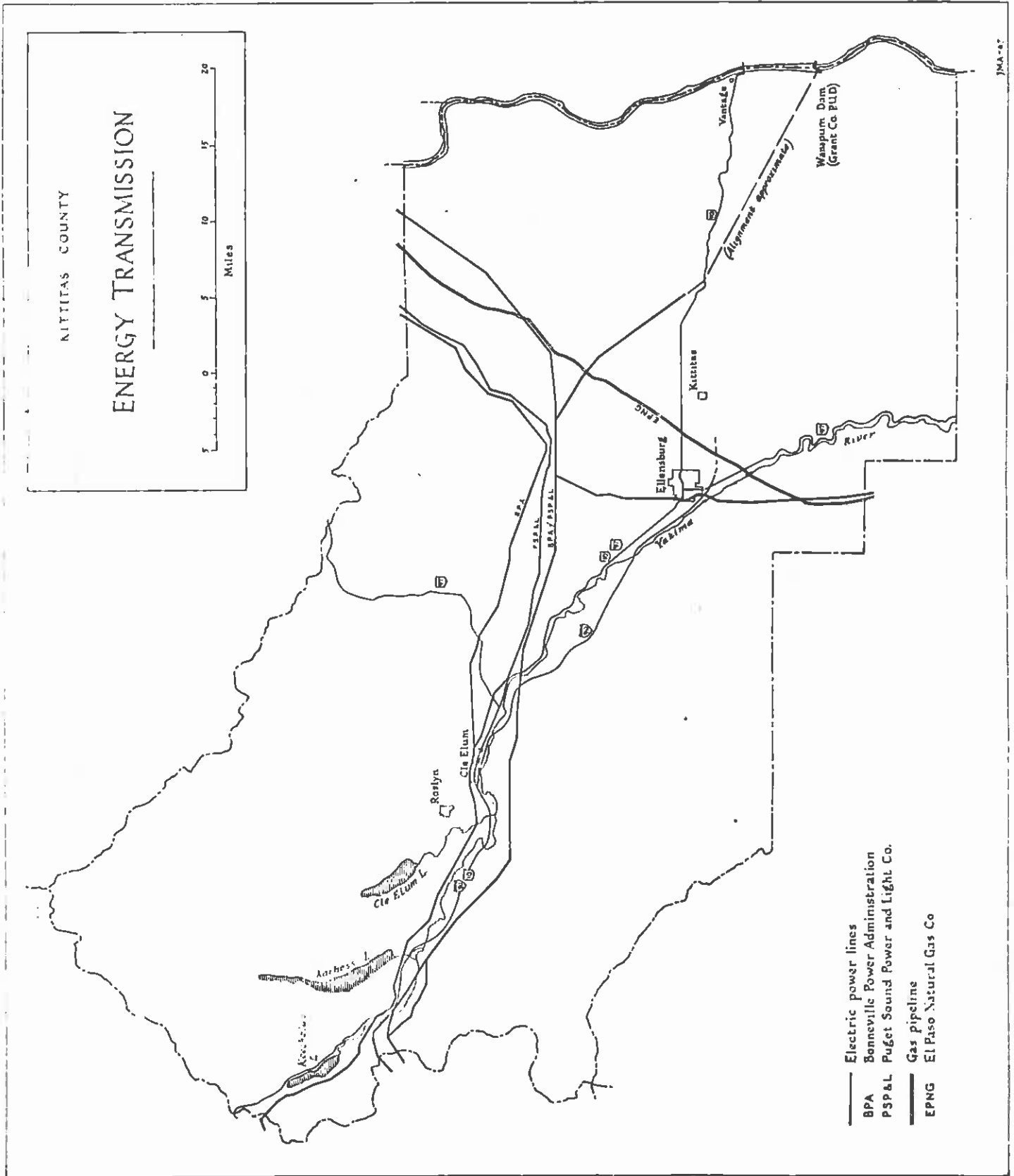
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REFERENCE

Flood Control Zones

Miles



APPENDIX B

CLIMATOLOGICAL SUMMARY: CLE ELUM

DEPARTMENT OF COMMERCE, WEATHER BUREAU IN COOPERATION WITH
THE WASHINGTON STATE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
CLIMATOGRAPHY OF THE UNITED STATES 20-45

LATITUDE 47° 11'
LONGITUDE 120° 57'
ELEV. (GROUND) 1935 ft.

CLIMATOLOGICAL SUMMARY

STATION CLL ELUM, WASH.

MEANS AND EXTREMES FOR PERIOD 1931-1960

Month	Temperature (°F)							Mean degree days	Precipitation Totals (Inches)						Mean number of days						Month	
	Means			Extremes					Mean	Greatest daily	Year	Snow, Sleet			Precip. .10 inch or more	Temperatures						
	Daily maximum	Daily minimum	Monthly	Record highest	Year	Record lowest	Year					Max.	Min.	90° and above		32° and below	32° and below	0° and below	0° and below			
																				Year		Year
(a)	25	25	25	30		30		28	29	29		25	25		28	28	28	28	28			
JAN	34.4	16.4	26.4	65	1931	-53	1950	1206	3.41	1.85	1935	23.4	54.5	1951	19.0	1935	28	28	26	28	28	JAN
FEB	40.3	22.1	31.2	62	1932	-45	1950	946	2.55	1.59	1947	17.4	60.6	1949	13.5	1949	8	0	11	20	1	FEB
MAR	49.7	27.7	38.7	76	1939	2	1960	609	2.24	1.98	1931	6.1	26.0	1936	20.0	1936	6	0	0	25	0	MAR
APR	59.8	32.4	46.4	96	1931	12	1936	555	.98	1.54	1943	.5	4.0	1950	2.0	1945	5	0	0	16	0	APR
MAY	68.9	36.2	53.9	96	1947	19	1954	350	1.00	1.87	1948	T	1.0	1959	1.0	1960*	5	1	0	6	0	MAY
JUN	74.1	45.3	59.7	100	1958*	26	1952	159	1.02	2.06	1948						5	2	0	1	0	JUN
JUL	83.2	50.5	66.9	115	1939	30	1952	12	.22	.63	1948						1	8	0	0	0	JUL
AUG	81.4	48.2	64.8	101	1955	31	1959	43	.30	.69	1948						1	6	0	0	0	AUG
SEP	74.6	41.2	57.9	95	1944*	25	1946	204	.79	1.01	1946						2	1	0	5	0	SEP
OCT	61.0	34.5	47.8	75	1958	16	1943*	530	2.01	2.03	1958	7	4.0	1957	4.0	1957	5	0	0	12	0	OCT
NOV	45.0	27.4	36.2	66	1933	-6	1931	861	3.54	1.70	1942	7.9	54.5	1942	8.0	1932	8	0	1	23	0	NOV
DEC	37.9	24.1	31.0	59	1939	-11	1948	1063	4.04	3.67	1933	22.0	61.5	1948	23.0	1936	10	0	6	28	1	DEC
Year	59.2	34.3	46.7	105	JUL 1939	-53	JAN 1950	6738	22.10	3.67	DEC 1933	27.3	61.5	DEC 1948	23.0	DEC 1936	59	18	22	171	5	Year

(a) Average length of record, years.

T Trace, an amount too small to measure.

** Base 65°F

+ Also on earlier dates, months, or years.

* Less than one half.

† Estimated.

NARRATIVE CLIMATOLOGICAL SUMMARY

Cle Elum is located in a valley along the eastern slope of the Cascade Mountains and is surrounded on three sides by the Wenatchee National Forest. U.S. Highway 10 follows this north-west-southeast valley from Ellensburg and crosses the Cascades at Snoqualmie Pass. Three large irrigation reservoirs, Lake Cle Elum, Lake Kachess and Lake Keechelus, are located above the city. These reservoirs provide a continuous flow of water in the Yakima River for irrigation in the Kittitas and Yakima valleys. The city is near the edge of the timbered area along the eastern slope of the Cascades. Forestry management and the raising of livestock are the major enterprises.

Some of the factors influencing the climate are: terrain, the prevailing westerly wind above the summit of the mountains, the distance and direction from the ocean. The Rocky Mountains and ranges in southern British Columbia protect this area from the more severe winter storms moving southward across Canada. In a westerly direction, the Cascades rise to elevations of 5000 to 7000 feet and obstruct the easterly movement of moist air from over the ocean. During the fall and winter, a circulation of air around the high and low pressure centers over the north Pacific brings a prevailing flow of warm, moist air from a southwesterly direction into western Washington. As the moist air rises along the western slope of the Cascades, cooling and condensation occur, causing heavy precipitation along the windward slope and near the summit. The descending air along the eastern slope becomes warmer and drier, resulting in a decrease in precipitation along the lee slope. Within a distance of 30 miles from the summit of the Cascades to Cle Elum, the annual precipitation decreases approximately 80 inches. In a easterly direction from the city, the annual precipitation decreases to less than 10 inches in the Ellensburg

area. Precipitation is very light in the summer, gradually increasing in the fall, reaching a peak in mid-winter, then decreasing in the spring. Most of the winter precipitation occurs as snow which generally remains on the ground from the latter half of December until the end of February, reaching a depth of 18 to 24 inches. In a few of the heavier snowfall seasons, snow has remained on the ground from mid-November until mid-March and reached a depth of 3 to 4 feet. The average afternoon temperatures in the coldest months are in the 30's and the nighttime readings range from 15° to 27°. Minimum temperatures drop to 0° on a few days in 1 out of 2 winters. During one of the coldest winters in recent years, 1949-50, minimum temperatures dropped to zero on 21 nights, -20° on 9 nights and -30° on 2 nights. In one of the warmest winters, 1957-58, minimum temperatures dropped below 20° on 27 nights and 10° on one night. Moist air crossing the Cascades and mixing with the colder air results in considerable fog and cloudiness.

During the warmest months, the average afternoon temperatures are in the 80's and the nighttime readings are in the upper 40's and lower 50's. Maximum temperatures reach 90° to 95° on a few afternoons and 100° is recorded occasionally. There is generally a cool breeze blowing down the valley in the late afternoon and the temperature drops rapidly after sunset. A few thunderstorms occur each summer and forest fires are frequently started by lightning.

The number of clear or only partly cloudy days each month ranges from 6 to 10 in the winter increasing to 25 or more in mid-summer.

Earl L. Phillips
State Climatologist
U. S. Weather Bureau
Seattle, Washington

APPENDIX C

State of Washington
 Department of Ecology
 Flood Control Zones by State (1935)
 Chapter 86.16 RCW,
 Amended 1973

Chapter 62, Laws of 1970, (Chap. 43.21A, RCW) created the Department of Ecology. By RCW 43.21A.060, "All powers, duties and functions authorized to be performed by the department of water resources, or the director thereof,..." have been transferred to the department of ecology.

Thus, the term "state supervisor of flood control" shall be read as "director of the department of ecology." Section 86.16.085 is new by chapter 75 Laws of 1973.

Two new sections are shown at the end of this pamphlet. They had not been codified at the time of printing (July 1973).

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	86.16.030 RCW	-----Employment and purchasing.
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	86.16.040 RCW	-----Survey of flood control needs.
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	86.16.900 RCW	Chapter liberally construed.
New section		County may establish flood controls.
New section		Supervisor means department of ecology.

86.16.010 Statement of policy--State control assumed. The alleviation of recurring flood damages to public and private property, to the public health and safety, and to the development of the natural resources of the state is declared to be a matter of public concern, and as an aid in effecting such alleviation the state of Washington, in the exercise of its sovereign and police powers, hereby assumes full regulatory control over the navigable and non-navigable waters flowing or lying within the borders of the state subject always to the federal control of navigation, to the extent necessary to accomplish the objects of this chapter. [1935 c 159 s 1; RRS s 9663A-1.]

86.16.020 Regulatory control, how exercised. State regulatory control shall be exercised through regulatory orders, the designation of flood control zones and the issuance of permits, as hereinafter provided, and shall be exercised over the planning, construction, operation and maintenance of any works, structures and improvements, private or public, which might, if improperly planned, constructed, operated and maintained, adversely influence the regimen of a stream or body of water or might adversely affect the security of life, health and property against damage by flood water: [1935 c 159 s 3; RRS s 9663A-3. FORMER PART OF SECTION: 1939 c 85 s 1, now codified as RCW 86.16.025 and 86.16.027.]

86.16.025 Authority of supervisor. With respect to such features as may affect flood conditions, the state supervisor of flood control shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the flood plain or floodway of any stream or body of water in this state. [1939 c 85 s 1; 1935 c 159 s 6; RRS s 9663A-6. Formerly RCW 86.16.020. part.]

86.16.027 -----Rules. The state supervisor of flood control shall have authority and it shall be his duty to establish and promulgate rules and regulations governing the administration of this chapter. [1935 c 159 s 9; RRS s 9663A-9. Formerly RCW 86.16.020, part.]

86.16.030 -----Employment and purchasing. The state supervisor of flood control shall have authority to appoint and employ such assistants, professional, clerical and other services and to purchase such equipment, materials and supplies, as shall be necessary for the performance of his duties under this chapter. [1935 c 159 s 5; RRS s 9663A-5. FORMER PART OF SECTION: 1935 c 159 s 8 now codified as RCW 86.16.035.]

86.16.035 -----Control of dams and obstructions. Said state supervisor shall have supervision and control over all dams and obstructions in streams, and may make reasonable regulations with respect thereto concerning the flow of water which he deems necessary for the protection to life and property below such works from flood waters. [1935 c 159 s 8; RRS s 9663A-8. Formerly RCW 86.16-.030, part.]

86.16.040 -----Survey of flood control needs. As soon as funds are available for the purpose the state supervisor of flood control shall undertake and conduct a careful study of the flood control needs of the state. In so doing he shall consult, consider and utilize any available data and records gathered by the state planning council, all state departments and by other agencies, state or local, and it shall be the duty of all such agencies to cooperate with the supervisor in furnishing him all available data and records. The supervisor shall also make such field investigations and surveys as he shall deem necessary to carry out the provisions of this chapter. [1935 c 159 § 11; RRS § 9663A-11.]

Reviser's note: The "state planning council" has been abolished and its powers and duties transferred to the department of commerce and economic development through a chain of statutes as follows: 1945 c 173 § 4; 1957 c 215 §§ 17-21, 24; RCW 43.17.010, 43.17.020, 43.21.010, 43.31.170, 43.31.180; compare 1957 c 284 § 1 and 1957 c 157 § 4.

86.16.050 U. S. maps as basis of control zones. The quadrangle maps published by the United States geological survey and showing elevation contours shall be considered competent information upon which may be based the area and boundaries of watersheds for the establishment of flood control zones hereinafter provided for. [1935 c 159 § 12; RRS § 9663A-12.]

86.16.060 Flood control zones--Establishment by supervisor. The state supervisor of flood control shall have authority and it shall be his duty as soon as sufficient data are available for the purpose, to establish any area of the state subject to flood damages, beginning with such area as he shall select, into a flood control zone, in accordance with the objects of this chapter. [1935 c 159 § 13; RRS § 9663A-13. FORMER PART OF SECTION: 1935 c 159 §§ 14, 15 now codified as RCW 86.16.065 and 86.16.067.]

86.16.065 -----Alteration and revision. The boundaries and area of any established flood control zone may be altered and revised from time to time by the state supervisor of flood control under such general rules and regulations as may be prescribed under the provisions of this chapter. [1935 c 159 § 14; RRS § 9663A-14. Formerly RCW 86.16.050, part.]

86.16.067 -----Notice--Publication--Contents--Objections. No flood control zone shall be established, altered or revised without notice previously given by the state supervisor of flood control to the owners of the lands included in such zone or in any alteration or revision thereof by previous publication of said notice in a newspaper of general circulation published in the county where said lands or the greater portion thereof are situated, and selected by said state supervisor, for three consecutive weekly issues of said newspaper, stating briefly a general description in terms of government sections, townships and ranges, of the lands within such zone

or alteration or revision thereof, and the general objects of the establishment or alteration or revision of such zone and the day, hour and place where written objections may be submitted and heard. [1935 c 159 § 15; RRS § 9663A-15. Formerly RCW 86.16.060, part.]

86.16.070 -----Presumption as to notice--Order establishing or changing zone. Notice of the establishment, alteration or revision of a flood control zone given substantially in the manner above prescribed, shall be construed to be sufficient notice thereof. Upon the establishment, alteration or revision of a flood control zone after such notice and hearing, the state supervisor of flood control shall make and enter a written order thereof and file the same in his office and the same shall be final and conclusive, unless an appeal therefrom be had within the time and in the manner provided in this chapter. [1935 c 159 § 16; RRS § 9663A-16.]

86.16.080 Permit for improvement--How obtained--Emergencies. No person, firm, association or corporation, public, municipal or private, shall have the authority or the right hereafter to construct, reconstruct, or modify any structure or works affecting flood waters within any flood control zone, established under the provisions of this chapter, or to operate or maintain any such structure or work hereafter constructed, reconstructed or modified without a written permit from the state supervisor of flood control applied for and issued in accordance with such general rules and regulations as shall be established and promulgated for the purpose under the provisions of this chapter: Provided, however, That whenever, in cases of emergency, flood waters shall threaten to or shall endanger lives or damage property, or it shall be necessary to repair, reconstruct, or restore property damaged by such flood waters, in order that such property may be used immediately for the purpose or purposes theretofore used, no permit shall be required. [1935 c 159 § 10; RRS § 9663A-10.]

NEW 86.16.085 Department may delegate authority. (1) The department of ecology may, when requested by the governing body of any county, city or town, delegate to such body the authority to administer the permit program authorized by RCW 86.16.080 for a flood control zone or portions thereof within its jurisdiction if the department determines the requestor has:

(a) the resources, expertise and capability to administer such a program, and

(b) indicated an intention to administer the program in accordance with the provisions of this chapter and the general guidelines contained in rules adopted by the department pertaining to flood control zones.

(2) Any delegation authorized by this act shall take effect on the effective date of an implementing ordinance in a form approved by the department prior to its adoption.

(3) Any permit program delegated under the provisions of this act shall be administered in accordance with this chapter, the rules of the department implementing the act and its ordinance. Whenever the department determines, after a public hearing, that a county,

city or town is not administering the program in such manner, it shall notify said local government and, if corrective action is not taken within a reasonable time not to exceed ninety days, the department shall withdraw the delegation.

(4) The department shall be furnished with a copy of each permit issued under a delegated program immediately upon issuance of the permit: PROVIDED, That the department may waive this requirement in its entirety or by category of structure or works.

(5) Any person aggrieved by a ruling on an application for a permit under a delegated program may obtain review thereof before the pollution control hearings board in the same manner as review is obtained for permits issued by the department pursuant to RCW 86.16.080. [1973 c 75 § 1]

86.16.090 Improvements without permit as nuisance--Abatement. Any existing structures or works hereafter reconstructed or modified and their operation or maintenance, and any structures or works hereafter constructed, operated or maintained in violation of any order or orders of the state supervisor of flood control, issued under the provisions of this chapter, shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the prosecuting attorney of the county wherein such structures or works, or the major portion thereof, are situated to institute abatement proceedings against the owner or owners of such structures or works, whenever he is requested to do so by the state supervisor of flood control. [1939 c 85 § 2; 1935 c 159 § 7; RRS § 9663A-7.]

Nuisances: Chapters 7.48, 9.66 RCW

86.16.095 Prohibitions in RCW 86.16.080 and 86.16.090 inapplicable to certain structures and property. The prohibitions contained in RCW 86.16.080 and RCW 86.16.090 shall not apply to any improvement or structure nor to any property situated within any approved plat which improvement or structure was constructed or which plat has been filed for record prior to August 15, 1966. [1969 1st ex.s. c 195 § 4.]

86.16.100 Nonliability of the state. The exercise by the state of regulatory powers as in this chapter provided shall not imply or create any liability for any damages against the state. [1935 c 159 § 4; RRS § 9663A-4.]

86.16.110 Appeal--Stay bond--Costs--Effect of supervisor's decision--Attorney general legal advisor. Any person, association or corporation, public, municipal or private, feeling aggrieved at any order, decision, or determination of the state supervisor of flood control made pursuant to this chapter, affecting his interest, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the matter affected, or a portion thereof is situated. The proceedings in every such appeal shall be heard and tried by the court and shall be informal and summary, but full opportunity to be heard and present evidence shall be had before judgment is pronounced. No such

appeal shall be entertained unless notice of appeal containing a statement of the substance of the order, decision, or determination complained of and the manner in which the same injuriously affects the appellant's interests, shall have been served personally upon the state supervisor of flood control, or by registered mail, at his office at the state capitol, within twenty days following the rendition of the order, decision or determination appealed from and communication thereof in writing to the person affected thereby. No bond shall be required except a stay is desired and an appeal shall not be a stay, unless within five days following the service of notice of appeal a bond shall be filed in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court. Costs shall be paid as in civil cases brought in the superior court, and the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. In all court proceedings under or pursuant to this section the decision of the state supervisor of flood control shall be prima facie correct. The attorney general shall be the legal advisor of the state supervisor of flood control and shall represent him in all proceedings whenever so requested. [1935 c 159 § 17; RRS § 9663A-17.]

Civil practice generally: Title 4; Rules of court. Costs generally: Chapter 4.84 RCW.

86.16.120 Flood damages defined. Damages within the meaning of this chapter shall include harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property. [1935 c 159 § 2; RRS § 9663A-2.]

86.16.130 Supervisor's other powers and duties unaffected by chapter. Nothing in this chapter contained shall be construed to alter, abridge or enlarge any power or duty of the state supervisor of flood control conferred or imposed by any other statute now or hereafter enacted. [1935 c 159 § 18; RRS § 9663A-18.]

86.16.150 Severability. If any section or provisions of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional. [1935 c 159 § 20; RRS § 9663A-20.]

86.16.900 Chapter liberally construed. The provisions of this chapter and all proceedings thereunder shall be liberally construed with a view to effect their object. [1935 c 159 § 19; RRS § 9663A-19.]

New Section. Sec. 2.

Nothing in this chapter shall prevent any county, city or town from establishing, pursuant to any authority otherwise available to them, flood control regulation programs and related land use control measures in areas which are subject to flooding or flood damages.

New Section. Sec. 3.

For purposes of this chapter "supervisor of flood control" shall mean "department of ecology".

APPENDIX D

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

SHORELINE MANAGEMENT ACT OF 1971

Chapter 90.58

Chapter 90.58

SHORELINE MANAGEMENT ACT OF 1971

90.58.010 Short title. This chapter shall be known and may be cited as the "Shoreline Management Act of 1971". †1971 1st ex.s. c 286 § 1.]

90.58.020 Legislative findings--State policy enunciated--Use preference. The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the state-wide interest over local interest;

- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. [1971 1st ex.s. c286 § 2.]

Reviser's note: In subsection (7), a literal translation of the session law's reference ". . . section 11 of this 1971 act . . ." would read "RCW 90.58.110". The above reference to "RCW 90.58.100" which codifies section 10 of this act is believed proper in that (1) section 10 lists the elements includable within the master programs while section 11 neither defines nor mentions such elements, and (2) in the course of passage of the bill, section 7 was deleted causing old section 11 to be renumbered section 10, but the above reference was not amended in consonance with the renumbering.

90.58.030 Definitions and concepts. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
 - (a) "Department" means the department of ecology;
 - (b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter: Provided, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

- (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,
- (B) Birch Bay--from Point Whitehorn to Birch Point,
- (C) Hood Canal--from Tala Point to Foulweather Bluff,
- (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and
- (E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2) (e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered

substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter. [1971 1st ex.s. c 286 § 3.]

90.58.040 Program applicable to shorelines of the state. The shoreline management program of this chapter shall apply to the shorelines of the state as defined in this chapter. [1971 1st ex.s. c 286 § 4.]

90.58.050 Program as cooperative between local government and state--Responsibilities differentiated. This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this chapter. [1971 1st ex.s. c 286 § 5.]

90.58.060 Timetable for adoption of initial guidelines--Public hearings, notice of. (1) Within one hundred twenty days from June 1, 1971, the department shall submit to all local governments proposed guidelines consistent with RCW 90.58.020 for:

(a) Development of master programs for regulations of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Within sixty days from receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by the department in Olympia and Spokane, at which interested public and private parties shall have the opportunity to present statements and views on the proposed guidelines. Notice of such hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state.

(5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines. [1971 1st ex.s. c 286 § 6.]

90.58.070 Local governments to submit letters of intent--Department to act upon failure of local government. (1) Local governments are directed with regard to shorelines of the state in their various jurisdictions to submit to the director of the department, within six months from June 1, 1971, letters stating that they propose to complete an inventory and develop master programs for these shorelines as provided for in RCW 90.58.080.

(2) If any local government fails to submit a letter as provided in subsection (1) of this section, or fails to adopt a master program for the shorelines of the state within its jurisdiction in accordance with the time schedule provided in this chapter, the department shall carry out the requirements of RCW 90.58.080 and adopt a master program for the shorelines of the state within the jurisdiction of the local government. [1971 1st ex.s. c 286 § 7.]

90.58.080 Timetable for local governments to complete shoreline inventories and master programs. Local governments are directed with regard to shorelines of the state within their various jurisdictions as follows:

(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;

(2) To develop, within eighteen months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the guidelines adopted. [1971 1st ex.s. c 286 § 8.]

90.58.090 Approval of master program or segments thereof, when--Departmental alternatives when shorelines of state-wide significance--Later adoption of master program supersedes departmental program. Master programs or segments thereof shall become effective when adopted or approved by the department as appropriate. Within the time period provided in

RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(1) As to those segments of the master program relating to shorelines, they shall be approved by the department unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

(2) As to those segments of the master program relating to shorelines of state-wide significance the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not provide the optimum implementation of the policy of this chapter to satisfy the state-wide interest. If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.

(3) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines. [1971 1st ex.s. c 286 § 9.]

90.58.100 Programs as constituting use regulations-- Duties when preparing programs and amendments thereto--Program contents. (1) The master programs provided for in this

chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites,

and areas having historic, cultural, scientific, or educational values; and

(h) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3). [1971 1st ex.s. c 286 § 10.]

90.58.110 Development of program within two or more adjacent local government jurisdictions--Development of program in segments, when. (1) Whenever it shall appear to the director that a master program should be developed for a region of the shorelines of the state which includes lands and waters located in two or more adjacent local government jurisdictions, the director shall designate such region and notify the appropriate units of local government thereof. It shall be the duty of the notified units to develop cooperatively an inventory and master program in accordance with and within the time provided in RCW 90.58.080.

(2) At the discretion of the department, a local government master program may be adopted in segments applicable to particular areas so that immediate attention may be given to those areas of the shorelines of the state in most need of a use regulation. [1971 1st ex.s. c 286 § 11.]

90.58.120 Adoption of rules, programs, etc., subject to RCW 34.04.025--Public hearings, notice of--Public inspection after approval or adoption. All rules and regulations, master programs, designations and guidelines, shall be adopted or approved in accordance with the provisions of RCW 34.04.025 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the approval or adoption by the department of a master program, or portion thereof, at least one public hearing shall be held in each county affected by a program or

portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county auditor and city clerk. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines. [1971 1st ex.s. c 286 § 12.]

90.58.130 Involvement of all persons and entities having interest, means. To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments. [1971 1st ex.s. c 286 § 13.]

90.58.140 Development permits--Grounds for granting--
Departmental appeal on issuance--Administration by local government, conditions--Rescission--When permits not required--Approval when permit for variance or conditional use. (1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained,

the master program being developed for the area. In the event the department is of the opinion that any permit granted under this subsection is inconsistent with the policy declared in RCW 90.58.020 or is otherwise not authorized by this section, the department may appeal the issuance of such permit within thirty days to the hearings board upon written notice to the local government and the permittee;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the policy of RCW 90.58.020.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. Any such system shall include a requirement that all applications and permits shall be subject to the same public notice procedures as provided for applications for waste disposal permits for new operations under RCW 90.48.170. The administration of the system so established shall be performed exclusively by local government.

(4) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until forty-five days from the date of final approval by the local government or until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government.

(5) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.160 (1), the person requesting the review shall have the burden of proof.

(7) Any permit may be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. In the event the department is of the opinion that such noncompliance exists, the department may appeal within thirty days to the hearings board for a rescission of such permit upon written notice to the local government and the permittee.

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: Provided, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to June 1, 1971.

(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval. [1971 1st ex.s. c 286 § 14.]

90.58.150 Selective commercial timber cutting, when. With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance, the department or local government shall allow only selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time: Provided, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions of silviculture practices necessary for regeneration render selective logging ecologically detrimental: Provided further, That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. [1971 1st ex.s. c 286 § 15.]

90.58.160 Prohibition against surface drilling for oil or gas, where. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark. [1971 1st ex.s. c 286 § 16.]

90.58.170 Shorelines hearings board--Established--Members --Chairman--Quorum for decision--Administrative and clerical

assistance--Expenses of members. A shorelines hearings board sitting as a quasi judicial body is hereby established which shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the state land commissioner or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. The pollution control hearings board shall provide the shorelines appeals board such administrative and clerical assistance as the latter may require. The members of the shorelines appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060. [1971 1st ex.s. c 286 § 17.]

90.58.180 Appeals from granting, denying or rescinding permits, procedure--Board to act, when--Local government appeals to board--Grounds for declaring master program invalid--Appeals to court, procedure. (1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to RCW 90.58.150 may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: Provided, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final order was filed as provided in subsection (5) of RCW 90.58.140.

(3) The review proceedings authorized in subsection (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. The provisions of chapter 43.21B RCW and the regulations adopted

pursuant thereto by the pollution control hearings board, insofar as they are not inconsistent with chapter 34.04 RCW, relating to the procedures for the conduct of hearings and judicial review thereof, shall be applicable to all requests for review as provided for in subsections (1) and (2) of this section.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, guidelines, designations or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures; the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: Provided, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board. [1971 1st ex.s. c 286 § 18.]

90.58.190 Review and adjustments to master programs. The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Each local government shall submit any proposed adjustments, to the department as soon as they are completed. No such adjustment shall become effective until it has been approved by the department. [1971 1st ex.s. c 286 § 19.]

90.58.200 Rules and regulations. The department and local governments are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this chapter. [1971 1st ex.s. c 286 § 20.]

90.58.210 Court actions to insure against conflicting uses and to enforce. The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter. [1971 1st ex.s. c 286 § 21.]

90.58.220 General penalty. In addition to incurring civil liability under RCW 90.58.210, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: Provided, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars. [1971 1st ex.s. c 286 § 22.]

90.58.230 Violators liable for damages resulting from violation--Attorney's fees and costs. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party. [1971 1st ex.s. c 286 § 23.]

90.58.240 Additional authority granted department and local governments. In addition to any other powers granted hereunder, the department and local governments may:

(1) Acquire lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder;

(2) Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of this chapter;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services required by it which cannot be performed by its employees. [1972 1st ex.s. 53 § 1; 1971 ex.s. c 286 § 24.]

90.58.250 Department to cooperate with local governments--Grants for development of master programs. The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs. Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program. No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program. [1971 1st ex.s. c 286 § 25.]

90.58.260 State to represent its interest before federal agencies, interstate agencies and courts. The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulation management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies. [1971 1st ex.s. c 286 § 26.]

90.58.270 Nonapplication to certain structures, docks, developments, etc., placed in navigable waters--Nonapplication to certain rights of action, authority. (1) Nothing in this statute shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or

developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: Provided, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying said waters which are in trespass or in violation of state statutes.

(2) Nothing in this section shall be construed as altering or abridging any private right of action, other than a private right which is based upon the impairment of public rights consented to in subsection (1) hereof.

(3) Nothing in this section shall be construed as altering or abridging the authority of the state or local governments to suppress or abate nuisances or to abate pollution.

(4) Subsection (1) of this section shall apply to any case pending in the courts of this state on June 1, 1971 relating to the removal of structures, improvements, docks, fills, or developments based on the impairment of public navigational rights. [1971 1st ex.s. c 286 § 27.]

90.58.280 Application to all state agencies, counties, public and municipal corporations. The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them. [1971 1st ex.s. c 286 § 28.]

90.58.290 Restrictions as affecting fair market value of property. The restrictions imposed by this chapter shall be considered by the county assessor in establishing the fair market value of the property. [1971 1st ex.s. c 286 § 29.]

90.58.300 Department as regulating state agency--Special authority. The department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to programs of this chapter. [1971 1st ex.s. c 286 § 30.]

90.58.310 Designation of shorelines of state-wide significance by legislature--Recommendation by director, procedure. Additional shorelines of the state shall be designated shorelines of state-wide significance only by affirmative action of the legislature.

The director of the department may, however, from time to time, recommend to the legislature areas of the shorelines of

the state which have state-wide significance relating to special economic, ecological, educational, developmental, recreational, or aesthetic values to be designated as shorelines of state-wide significance.

Prior to making any such recommendation the director shall hold a public hearing in the county or counties where the shoreline under consideration is located. It shall be the duty of the county commissioners of each county where such a hearing is conducted to submit their views with regard to a proposed designation to the director at such date as the director determines but in no event shall the date be later than sixty days after the public hearing in the county. [1971 1st ex.s. 286 § 31.]

90.58.320 Height limitation respecting permits. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served. [1971 1st ex.s. c 286 § 32.]

90.58.330 Study of shorelines of cities and towns submitted to legislature--Scope. The department of ecology, the attorney general, and the harbor line commission are directed as a matter of high priority to undertake jointly a study of the locations, uses and activities, both proposed and existing, relating to the shorelines of the cities, and towns of the state and submit a report which shall include but not be limited to the following:

- (1) Events leading to the establishment of the various harbor lines pertaining to cities of the state;
- (2) The location of all such harbor lines;
- (3) The authority for establishment and criteria used in location of the same;
- (4) Present activities and uses made within harbors and their relationship to harbor lines;
- (5) Legal aspects pertaining to any uncertainty and inconsistency; and
- (6) The relationship of federal, state and local governments to regulation of uses and activities pertaining to the area of study.

The report shall be submitted to the legislature not later than December 1, 1972. [1971 1st ex.s c 286 § 33.]

90.58.340 Use policies for land adjacent to shorelines, development of. All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as to [to] achieve a use policy on said land consistent with the policy of this chapter, the

guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 1st ex.s. c 286 § 34.]

90.58.350 Nonapplication to treaty rights. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party [1971 1st ex.s. c 286 § 35.]

90.58.360 Existing requirements for permits, certificates, etc., not obviated. Nothing in this chapter shall obviate any requirement to obtain any permit, certificate, license, or approval from any state agency or local government. [1971 1st ex.s. c 286 § 36.]

90.58.900 Liberal construction--1971 1st ex.s. c 286. This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. [1971 1st ex.s. c 286 § 37.]

90.58.910 Severability--1971 1st ex.s. c 286. If any provision of this chapter, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances, shall not be affected. [1971 1st ex.s. c 286 § 40.]

90.58.920 Effective date--1971 1st ex.s. c 286. This chapter is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing institutions. This 1971 act shall take effect on June 1, 1971. The director of ecology is authorized to immediately take such steps as are necessary to insure that this 1971 act is implemented on its effective date. [1971 1st ex.s. c 286 § 41.]

90.58.930 Referendum to the people--1971 act--Determining if act continues in force and effect. This 1971 act constitutes an alternative to Initiative 43. The secretary of state is directed to place this 1971 act on the ballot in conjunction with Initiative 43 at the next ensuing regular election.

This 1971 act shall continue in force and effect until the secretary of state certifies the election results on this 1971 act. If affirmatively approved at the ensuing regular general election, the act shall continue in effect thereafter. [1971 1st ex.s. c 286 § 42.]

NOTES AND SOURCES

1. Most of the information in this report was obtained from the Columbia North Pacific Region - Comprehensive Framework Study, Appendix VII, Subregion 3, U.S. Army Corps of Engineers.
2. The Ellensburg District Office of the U.S. Soil Conservation Service has on file records of damages resulting from previous flooding in Kittitas County.
3. The Geography Department at Central Washington State College has some floodplain map information and a report prepared by William W. Davis intitled Floodplain Zoning and the Yakima River in Kittitas County.
4. Delineation of the fifty (50) year flood frequency limit is on file at the Kittitas County Regional Planning Office for parts of the Yakima River.
5. Base maps of a scale other than that which has been submitted are also available at the Kittitas County Regional Planning Office.

