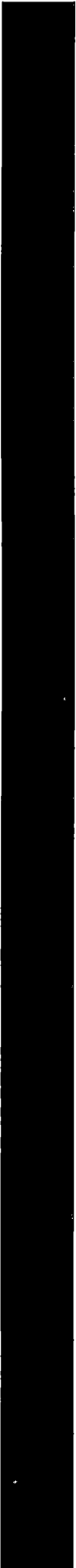


ATTACHMENT B – BURDEN OF PROOF STATEMENT



Attachment B-SMP Burden of Proof Statement

The following burden of proof statement is provided as supporting material for the Skookumchuck Wind Energy Project's Shoreline Substantial Development Permit (SSDP) Application for three crossings: two within Hanaford Creek and one within Packwood Creek Shoreline jurisdictional areas. Statements below are intended to demonstrate the Project's consistency and compliance with application requirements, management policies, and use criteria outlined under the Lewis County Shoreline Master Program (SMP), dated October 2017 as well as applicable sections of Washington Administrative Code (WAC) Chapter 173. As required by the County, a JARPA form has also been submitted as the Project's SSDP Application form.

Application Requirements

Chapter 7.02.03 of the County's SMP states the following:

7.02.03 APPLICATION REQUIREMENTS

Applications for shoreline permits or letters of exemptions shall be made on forms provided by the Shoreline Administrator. An applicant for a shoreline substantial development permit, who wishes to request a shoreline conditional use permit or variance, shall submit the shoreline conditional use permit or variance application(s) and the shoreline substantial development permit application simultaneously.

Applications shall be substantially consistent with the information required by WAC 173-27-180 and include any additional submittals deemed necessary by the Shoreline Administrator for proper review of the proposal.

Application requirements for this SSDP, as outlined under WAC 173-27-180, are provided below. Most of the information below is included on the Project's JARPA form, which has been provided as part of this SSDP submittal.

WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit.

A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

- (1) The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.*

Response: Applicant information is provided on the JARPA form. The Applicant is the primary proponent of the Project.

- (2) The name, address and phone number of the applicant's representative if other than the applicant.*

Response: Applicant representative information is provided on the JARPA form.

- (3) The name, address and phone number of the property owner, if other than the applicant.*

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Response: Property owner information is provided on the JARPA form.

- (4) *Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.*

Response: Project location information is provided on the JARPA form.

- (5) *Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.*

Response: Shoreline/water body names are provided on the JARPA form.

- (6) *A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.*

Response: A Project summary is provided on the JARPA form.

- (7) *A general description of the property as it now exists including its physical characteristics and improvements and structures.*

Response: Property description is included on the JARPA form.

- (8) *A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.*

Response: Description of adjacent uses, developments, and physical characteristics is included on the JARPA form.

- (9) *A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:*

Response: Figure is attached. This figure satisfies each of the site plan requirements referenced below.

- (a) *The boundary of the parcel(s) of land upon which the development is proposed.*

Response: Please see the figure provided within the permit application.

- (b) *The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the*

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plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

Response: Please see the figure provided within the permit application.

- (c) *Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.*

Response: Existing contours are shown in the attached figures; proposed contours would be the same as existing contours since no excavation or grading is proposed within the Shoreline jurisdiction areas of Hanaford Creek and Packwood Creek.

- (d) *A delineation of all wetland areas that will be altered or used as a part of the development.*

Response: A single wetland is located within one of the crossings of Hanaford Creek. A complete delineation and rating is located within the Critical Area Report, provided within this application package as Attachment F.

- (e) *A general indication of the character of vegetation found on the site.*

Response: Description of vegetation within the Project Area is provided on the JARPA form. The provided figures show aerial background for the crossings, which are primarily comprised of commercial forest stands of varying ages and structures as well as some disturbed areas adjacent to commercial mining lands. Additional information is provided within the accompanying Critical Areas Report, provided as Attachment F.

- (f) *The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.*

Response: The provided figure shows the proposed alignments of the gen-tie line where it crosses Hanaford and Packwood Creeks at the threethree locations. Other than the aerial crossing of the gen-tie line, there are no other existing or proposed structures within the shoreline jurisdiction of Packwood Creek.

- (g) *Where applicable, a landscaping plan for the project.*

Response: Not applicable; no landscaping is proposed.

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- (h) *Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.*

Response: Mitigation is described in detail within the Critical Areas Report, provided as Attachment F.

- (i) *Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.*

Response: Not applicable; no excavation, grading, or fill is proposed within the shoreline jurisdiction of any water body.

- (j) *Quantity, composition and destination of any excavated or dredged material.*

Response: Not applicable; no excavation, grading, or fill is proposed within the shoreline jurisdiction, including any associated wetlands or floodplains.

- (k) *A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.*

Response: The attached figures show the Project vicinity and surrounding areas.

- (l) *Where applicable, a depiction of the impacts to views from existing residential uses and public areas.*

Response: The Project's aerial crossings of Hanaford and/or Packwood Creek may be visible to some motorists travelling along Hanaford Valley Road, Big Hanaford Road, and the unnamed private road on Weyerhaeuser land. However, given that portions of these roads traverses rural and industrially used lands and utility lines are already present, such a change will not result in a significant change to the visual landscape for the shoreline area. The magnitude of this change will be quite small and likely not noticeable to many viewers.

- (m) *On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.*

Response: Not applicable; a variance is not being requested.

Management Policies and Use Criteria

The Shoreline designation for Packwood Creek, where it is crossed by the Project area, is High Intensity. Section 3.01.04 of the County's SMP outlines management policies for the Rural Conservancy jurisdiction, which the Project is consistent with as demonstrated below.

3.01.02 HIGH INTENSITY

C. Management Policies

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Development within the High Intensity shoreline environment designation shall be consistent with the following policies:

1. *Prioritize uses on sites with physical access (to) the water in the following order of preference:*
 - a. *Water-dependent*
 - b. *Water-related*
 - c. *Water-enjoyment*

Response: The Project represents a utility use within the shoreline. Some ground disturbance related to clearing of trees in order to meet basic safety and design requirements for the gen-tie line within the shoreline would occur. Since no excavation, grading, or fill activities are proposed within the shoreline, including any associated wetlands or floodplains, the Project would not have a substantial direct impact on the shoreline's ability to provide water-dependent, water-related, or water-enjoyment uses. In addition, the proposed aerial utility crossings of Hanaford and Packwood Creeks is not anticipated to result in any operational effects to water-dependent, water-related, or water-enjoyment uses.

2. *Allow for non-water-related uses within this designation where water-dependent uses are not feasible, because a lake, river, or stream is unnavigable, or where there is a developed roadway between the OHWM and the proposed use or this designation is used as a parallel designation that is not adjacent to the OHWM.*

Response: The Project is a non-water related use. As discussed above, the Project represents a utility use within the Shoreline. Some ground disturbance related to clearing of trees in order to meet basic safety and design requirements for the gen-tie line within the shoreline would occur. Since no excavation, grading, or fill activities are proposed within the shoreline, including any associated wetlands or floodplains, the Project would not have a substantial direct impact on the shoreline's ability to provide water-dependent, water-related, or water-enjoyment uses. In addition, the proposed aerial utility crossings of Hanaford and Packwood Creeks is not anticipated to result in any operational effects to water-dependent, water-related, or water-enjoyment uses.

3. *Allow the development of new non-water-oriented uses either as part of a mixed-use development or where the applicant can demonstrate that the use will not conflict with or limit opportunities for water-oriented uses.*

Response: See previous responses; the project will not conflict with or limit opportunities for water-oriented uses.

4. *Design new development located in shoreline jurisdiction to result in no net loss of ecological function.*

Response: The Project represents a utility use within the shoreline. Some ground disturbance related to clearing of trees in order to meet basic safety and design requirements for the gen-tie line within the shoreline would occur. Impact analysis, applied mitigation, and determination that the project will result in no net loss of ecological function is presented in the Critical Area Report, provided as Attachment F.

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5. *Restore and remediate shoreline areas within new development sites consistent with State and Federal laws.*

Response: Not applicable; the Project does not involve restoration or remediation.

6. *Require visual and physical access where feasible with physical access prioritized over visual access.*

Response: Not applicable; the Project is located on private property owned by Weyerhaeuser and TransAlta and access is not currently provided.

7. *Require full use of existing urban lands in shoreline jurisdiction before expanding intensive development.*

Response: Not applicable; no expansion of intensive development is proposed.