

REGULATORY AUTHORITIES

FEDERAL REGULATORY AUTHORITIES:

Columbia River Gorge National Scenic Area Act

- administered jointly by USFS and Columbia Gorge Commission
- segments Scenic area into three management areas
- establishes land use restrictions for each management area
- scenic quality is primary focus

Clean Water Act of 1972

- sets standards for municipal, industrial, and other point sources of pollution
- requires development of state and local nonpoint source pollutant control programs
- dredge and fill regulations {streams, lakes, wetlands }

Safe Drinking Water Act of 1974

- regulates quality of public drinking water sources

National Environmental Policy Act of 1969

- requires interdisciplinary environmental review by federal agencies on all federal projects
- requires an EIS for all "major federal actions significantly affecting the quality of the environment"

Endangered Species Act of 1972

- protects species of rare plants and animals

Fish and Wildlife Coordination Act

- requires coordination with U.S. Fish and Wildlife Service on certain Projects affecting wildlife

Yakima Treaty of 1855 and subsequent legislation

- off-reservation treaty rights (ceded and other lands) fishing at usual and customary sites (including right of access across private lands) hunting, gathering and pasturing on open, unclaimed, and unoccupied lands
- in-lieu fishing sites

Cultural Protection Law (effective 7/23/89)

- establishes legal protection for archaeological objects and sites, Indian and historic graves on private as well as public lands

WASHINGTON STATE REGULATORY AUTHORITIES:

Forest Practices Act

- regulates timber harvesting and associated practices to provide fish, timber and wildlife habitat - affects state, local, and private lands
- defines four classes of forest practices, each with different requirements regarding DNR permitting, SEPA procedures, etc.
- specifically addresses management practices within riparian zones

Washington State Hydraulic Code

- requires permitting by WDW or WDF for any work that will "use, divert, obstruct or change the natural flow or bed" of state waters

The Washington State Departments of Fisheries and Wildlife administer the Hydraulic Code (RCW 75.20.100). The law requires that any individual, organization or government agency wishing to conduct any construction activity within the ordinary high water zone of state waters, shall obtain an Hydraulic Project Approval (HPA) before commencing construction. An application for Hydraulic Project Approval may be obtained from either the Department of Fisheries or the Department of Wildlife.

Water Quality and Allocation Laws

- Waste Discharge Permits issued by DOE for point sources of pollution
- water quality permitting done in conjunction with federal requirements
- nonpoint pollution control regulations written into Forest Practice Act
- Section 208 and 319 (Clean Water Act) programs minimum flow requirements (DOE IFIM program - not yet implemented on either river)
- prior appropriations doctrine (first in time, first in right)

Shoreline Management Act of 1971 (SMA)

- establishes authority for coordinated planning of private and public shoreline development
- defines "shorelines" and "shorelines of state-wide significance" and mandates that management of the latter shall consider the interests of the state over local interests
- requires development of local shorelines master plans, and provides guidance towards that and
- requires local designation of environmental management zones with defined land use controls.
- creates a permitting process for all "substantial developments" (\$2500 +) within shorelines of the state ("shorelines" plus "shorelines of state-wide significance")

State Environmental Policy Act (SEPA)

- establishes authority for regulations to maintain environmental quality
- requires local governmental implementation of the act
- provides for DOE review of local planning and project approvals
- requires an "environmental checklist" for defined "actions "
- requires an EIS for "actions determined to have a potential adverse effect on the environment"

KLICKITAT COUNTY REGULATORY AUTHORITIES:

Comprehensive Plan

- policy statement regarding physical development of the county
- serves as the guideline for preparation and implementation of the zoning ordinance and other official controls

Zoning Ordinance

- the legal tool used to regulate land use and density of population

Shoreline Master Plan

- consists of goals, policies, environmental zone designations and use regulations to control development along streams, lakes, and marine shorelines

Zoning Ordinance Amendment - Temporary Wild and Scenic Rivers Overlay Zone

- prohibits logging, structural development, aggregate recovery and signage within a 200 foot zone along the White Salmon and Klickitat Rivers

Floodplain Management Ordinance

- establishes standards and permitting mechanisms for a defined "floodway" and "special flood hazard zone" (100 year floodplain)
- purpose of standards is to minimize damage to floodplain structures as well as off-site flood/erosion/sedimentation damage

SW Washington Health District septic system setbacks

- implements SEPA
- proclaims county policy to maintain environmental quality

Klickitat County Solid Waste Management Plan

- the 1989 Comprehensive Solid Waste Management Plan consists of plan elements for waste reduction, recycling, transportation and collection, transfer, disposal and administration

Shoreline Management Act of 1971

RCW 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 or 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 ex s. c 286 § 15.]