



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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February 22, 2018

Mr. Robert Maul  
Planning Manager  
City of Camas  
616 NE 4<sup>th</sup> Avenue  
Camas, WA 98607

Mr. Shawn MacPherson  
Attorney at Law  
430 NE Everett Street  
Camas, WA 98607

Re: Lacamas Shores Wetlands

Dear Mr. Maul and Mr. MacPherson:

Thank you for contacting me about the Lacamas Shores' Homeowners' Association (HOA) proposal to remove native trees in the wetland upslope of the pedestrian trail.

Ms. Bricker's letter of January 16, 2018, suggests that the wetland is an artificial wetland created as part of a stormwater facility. However, multiple documents show that the wetland existed prior to construction of the residential development:

- In the June 15, 1988, Camas shoreline permits for the "Lake Shore Development," Condition #7, discusses "Manipulation of the emergent wetlands adjacent to and upslope of the forested wetlands..."
- The two-page brochure entitled "Lacamas Shores Keeping Our Lake Clean" identifies the wetlands as having existed at least since 1988. It states that "Scientific Resources, Inc. (SRI), an environmental consulting firm in Lake Oswego, Oregon, has been monitoring the wetlands located in Lacamas Shores since 1988." It also discusses "...the wetlands, which are being used to treat stormwater runoff from the development..." and "The wetlands are essentially being used as a low-tech (and low cost) biofilter!"

I have found no evidence to show that the wetland was constructed from uplands for the purpose of stormwater treatment or detention. Nor have I found evidence that the City, Ecology, or the Corps of Engineers authorized conversion of this existing wetland to a dedicated stormwater treatment or detention facility for which mitigation to offset wetland impacts was required. What is clear is that the City authorized routing of stormwater through an existing wetland. The wetland therefore is subject to applicable regulations. In addition, the wetland may have become larger over time due to the stormwater inputs. The regulations apply to the wetland as it exists currently, not its original boundaries.

The wetland is shoreline associated due to its proximity (within 200 feet) to Lacamas Lake, a shoreline of statewide significance. This brings the wetland under the jurisdiction of the state Shoreline Management Act (SMA) and the Camas Shoreline Master Program (SMP). If a portion of a wetland is within shoreline jurisdiction, the entire wetland is within shoreline jurisdiction.

The 6-15-88 shoreline permits allow manipulation of the wetland “should future monitoring show such a need.” The allowed manipulation techniques are focused on slowing drainage from the wetland to the lake. They do not include removal of native vegetation.

Tree removal would not qualify for the exemption for maintenance under the SMP. The Lacamas Shores HOA pre-application draft proposal, dated July 26, 2017 (“HOA pre-app”), states that “The LSHOA wishes to properly manage the vegetation of the Project Area for more efficient functioning. To improve biofiltration, the vegetation would be restored to the original widespread grassy wetland plants from the current forested channeled runoff.” The suggestion that removing trees from the wetland will improve stormwater treatment is unsupported.

Vertical plant structure slows and filters pollutants. Live stems (whether herbaceous or woody) and roots are also important due to their capacity to uptake and modify contaminants. The major processes by which wetlands reduce metals and toxic organic loading to downstream receiving waters are through sedimentation of particulate metals, adsorption, chemical precipitation, and plant uptake.

The canopy offers trapping and filtering of airborne contaminants, and the canopy is also an indicator of the extent of root growth in the system. Even in systems where the water moves quickly (e.g., in riverine wetlands), significant removal of contaminants occurs through the action of tree roots. An assumption that deciduous trees in wetlands would be less chemically active or be of less value than a non-forested wetland would be premature without addressing specific nutrients/metals of concern and/or providing specific data for a site.

The HOA pre-app cites “Managing Stormwater: an introduction to maintaining stormwater facilities – for private property owner and HOAs,” a manual by Stormwater Partners of SW Washington. In the manual, one of the tips for fixing problems and general maintenance for ponds is to remove all unplanned trees or saplings that block parts of the facility or hinder maintenance. What the HOA pre-app fails to acknowledge is that: (a) the wetland is not a pond; and, (b) the wetland trees are not blocking the facility or hindering maintenance.

The HOA pre-app cites the Clark County 2015 Stormwater Manual in recommending controlling trees in filter strips. However, the wetland itself is not a filter strip. The HOA pre-app also references the section of the 2015 Clark County Stormwater manual that states that “Bioretention facilities need maintenance when less than 75% of planted vegetation is healthy with a generally good appearance.” Not only has the HOA not made the case that less than 75% of the planted vegetation is healthy, but when I visited the site in 2015, I observed a wide array of healthy native wetland vegetation.

The assertion that the wetland is not a critical area is baseless. Wetlands are critical areas, and because it is a shoreline-associated wetland, the regulations in the Critical Areas Ordinance of the SMP (Appendix C) apply to the wetland. Specific requirements in the SMP's CAO include the following:

16.53.010 - Purpose, applicability and exemptions

B. Applicability.

1. **The provisions of this chapter apply to all lands, all land uses and development activity, and all structures and facilities in the City, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this chapter (emphasis added).**

16.51.150 - Mitigation requirements

A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas.

In addition, section 5.8 of the SMP, Vegetation Conservation states the following:

1. Removal of native vegetation **shall** be avoided (emphasis added).

Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions.

Certain residents of the Lacamas Shores housing development have repeatedly made it clear to Ecology and the City that their primary purpose in pursuing removal of trees from the wetland is to improve their views of the lake. This is explicit in the 8-10-17 Camas Pre-Application Meeting Notes for the Lacamas Shores HOA – Park Development. It is also stated in the HOA pre-app: “This will also allow for over one-third of the LSHOA members to have a better view(s) of Lacamas Lake, the Pittock-Leadbetter House, and/or Mt. Hood and thereby help to improve both the individual lot and subdivision property values and home enjoyment.” Reframing the goal as “maintenance” of a stormwater facility does not obscure the original purpose.

Tree removal would trigger the City's regulatory authority and would require authorization. I understand that the City would process the application as a shoreline conditional use permit (CUP). Ecology has the authority under the SMA to approve, approve with conditions, or deny shoreline CUPs. **In this case, Ecology is unlikely to approve the CUP because the proposal is inconsistent with the vegetation management and wetland criteria in the Camas SMP.**

The City may want to advise the HOA that removal of trees from the wetland without authorization may necessitate enforcement action based on the following provision of the SMP's CAO:

Mr. Robert Maul  
Mr. Shawn MacPherson  
February 22, 2018  
Page 4 of 4

16.51.190 - Unauthorized critical area alterations and enforcement

A. When a critical area or its management zone has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.

If you have any questions, please don't hesitate to contact me at 360-407-7273 or [rebecca.rothwell@ecy.wa.gov](mailto:rebecca.rothwell@ecy.wa.gov).

Sincerely,



*jr* Rebecca Rothwell  
Wetlands and Shorelands Specialist