

Chapter 5 General Policies and Regulations

Note to Users: The policies and regulations in this chapter apply to all uses and developments in all shoreline environment designations. The policies and regulations are not listed in order of priority.

5.1 Existing (Grandfathered) Uses and Developments

5.1.0 Applicability

1. Existing uses and developments that were lawfully established prior to the effective date of this Program shall comply with the applicable policies and regulations of this Program.

5.1.1 Policies

1. Existing uses and developments that were lawfully established should continue to exist along shorelines regardless of whether the use/development fully conforms to the standards set forth in this Program. If use/development is located in a hazardous area or is creating a serious environmental impact, the County should encourage and ensure timely permitting of the relocation or reconstruction of the use/development to ameliorate the hazard/impact.

5.1.2 Regulations – Existing Uses

1. Lawfully established uses occurring as of the effective date of this Program shall be considered grandfathered (conforming to this Program, with the exception of existing over-water residences and existing non-water-oriented commercial or industrial uses, which shall be considered nonconforming.
2. All lawfully established uses, both conforming and nonconforming, may continue and may be repaired, maintained, expanded or modified consistent with this Program.
3. Changing an Existing Grandfathered Use:
 - a. A grandfathered structure that is being or has been used for a use that does not conform to this Program may be used for a different non-conforming use only upon the approval of a conditional use permit in accordance with Section 10.2.2. Conditions may be imposed to assure that the use will not become a nuisance or a hazard, and to assure that the use will not result in a net loss of the ecological function of the shoreline. In addition, all the following criteria shall be met:
 - i. The configuration and/or location of property would not support a conforming use;
 - ii. The proposed use will be at least as consistent with RCW 90.58 and this Program and as compatible with the uses in the area as the preexisting use;
 - iii. The use or activity is enlarged, intensified, increased or altered only to the minimum amount necessary to achieve the intended functional purpose;
 - iv. The structure(s) associated shall not be expanded in a manner that increases the encroachment into buffers established by this Program, or other areas where new structures, development or use would not be allowed;
 - v. The change in use, remodel or expansion will not create adverse impacts to shoreline ecological functions and/or processes;

- vi. Commercial or mixed-use developments may be expanded or enlarged within the existing building footprint as a conditional use.
4. If a use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use, if allowed, shall comply with this Program.

5.1.3 Regulations – Existing Structures

1. Legally established buildings, structures and/or lots of record that do not meet the specific standards of this Program are considered legal, grandfathered (conforming) uses/developments. Grandfathered structures are classified as follows:
 - a. Existing, Permitted, or Vested: The building, structure, or lot was existing on the effective date of initial adoption of the Program (August 5, 1976), or any subsequent amendment thereto, or was authorized under a permit or approval issued, or is otherwise vested to the Program; or
 - b. Variance: A structure for which a variance has been issued; or
 - c. Conditional: The existing structure is designated as a conditional use under this Program and existed prior to the adoption of this Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit.
2. Grandfathered structures may continue as long as they remain otherwise lawful, and meet all of the requirements of this section.
3. Except for single-family residential developments, any grandfathered structures that are expanded, enlarged or relocated, must obtain a variance or be brought into conformance with this Program and RCW 90.58. Any grandfathered structure that is moved any distance must be moved to comply with the bulk and dimensional requirements of this Program.
4. If a legal, grandfathered structure is abandoned for a period of more than eighteen (18) months, the grandfathered rights shall expire and any subsequent use shall be conforming.
5. Normal maintenance and repair of a grandfathered structure may be allowed in accordance with this chapter, other provisions of this Program, and Clallam County Code Chapter 33.43. For structures within floodplains, if the normal repair/routine maintenance exceeds fifty percent (50%) of the fair market value of the structure it shall be considered substantial improvement and subject to the standards for new floodplain development in Section 7.16.
6. Rebuilding After Damage: If a grandfathered residential structure or accessory structure sustains structural damage due to fire, flood or other natural casualty the structure may be reconstructed upon its original site and to the configuration existing immediately prior to the damage, provided that:
 - a. The structure is located outside of geologically hazardous areas as defined in this Program. If the structure is within a geologically hazardous area, the Administrator may allow the reconstruction if the proponent provides a geotechnical or geological evaluation by a qualified professional which indicates the structure will be safe for a period of 75 years. The geotechnical/geological study shall conform to the applicable provisions in Section 7.14;

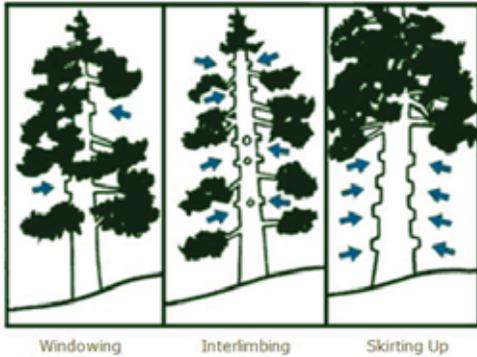
- b. The structure is located outside the floodway. If a structure located within the floodway sustains major damage whereby the cost of restoring the structure to its “before damaged” condition would equal or exceed 50 percent of the market value of the structure before the damage occurred, it shall be reconstructed outside the floodway according to the floodplain regulations in Section 7.16 and other applicable National Flood Insurance Program requirements. Improvements and repairs must be protected against occurrence of the one percent annual chance flood through elevation or other measures. Structures located within the floodway shall not be rebuilt within the floodway;
 - c. The structure may not be expanded, horizontally or vertically, except that the Administrator may allow vertical expansion for commercial and recreational developments up to 40 feet in exchange for a ten percent (10%) reduction in the structure footprint;
 - d. No degree of relocation will occur, except that move of the structure further landward from the ordinary high water mark is allowed and encouraged;
 - e. The submittal of applications for permits necessary to restore the development is begun within six (6) months of the damage. The Administrator may waive this requirement in situations with extenuating circumstances such as resolution of an estate, or widespread economic or natural disaster;
 - f. The reconstruction is commenced within two (2) years of the issuance of permits. Administrator may allow a one (1) year extension.
7. Expansion/Enlargement without a Conditional Use Permit or Shoreline Variance – Single-family Residential:
- a. The Administrator may allow a one-time enlargement, expansion or addition that increases the total footprint of an existing grandfathered residence and/or accessory structure(s) by up to ten percent (10%) as long as all of the following are met:
 - i. The expansion or addition does not adversely affect critical areas or significantly impair the ability of a substantial number of people to view the shoreline; and
 - ii. The structure is located landward of the ordinary high water mark; and
 - iii. No waterward enlargement or expansion beyond the existing structure’s foundation walls will occur.
8. A one-time enlargement, expansion or addition that increase the total footprint of an existing grandfathered residence or accessory structure(s) more than ten percent (10%) but no more than twenty-five percent (25%) or increase the structure height up to the limits allowed by this Program shall be allowed provided that:
- a. The expansion or addition does not adversely affect critical areas or significantly impair the ability of a substantial number of people to view the shoreline; and
 - b. The structure is located landward of the ordinary high water mark; and
 - c. No waterward enlargement or expansion beyond the existing structure’s foundation walls will occur; and

- d. An equivalent area of shoreline buffer is enhanced through planting of native vegetation. The Administrator shall require a planting plan to ensure this standard is implemented.
9. Expansion/Enlargement with a Conditional Use Permit – Single-family Residential:
 - a. Enlargements, expansions or additions that increase the total footprint of an existing grandfathered residence or accessory structure(s) more than twenty-five percent (25%), or an expansion/enlargement occurs laterally or landward, but not waterward, may be allowed as a conditional use if the conditional use permit criteria are met.
10. Expansion/Enlargement with a Shoreline Variance – Single-family Residential:
 - a. Enlargement or expansion of single-family residences that extends waterward beyond the existing residential foundation walls, further into a buffer or critical area, or that increases the structure height above the limits established by this Program shall require a variance.
11. Expansion/Enlargement within Floodplains:
 - a. Substantial expansion, enlargement, or improvements of existing residential structures defined as more than 50 percent of the present fair market value of the structure within the one percent annual chance floodplain must have the lowest floor, including basement, elevated to or above the one percent annual chance flood level.
 - b. Substantial expansion, enlargement, or improvements of existing non-residential structures shall have the option of elevating the lowest floor, including basement, to be at least one foot above the one percent annual chance flood level, or together with accessory utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

5.1.4 Regulations – Conservation of Existing Vegetation

1. A lawfully established development shall be allowed to maintain the vegetation conditions that existed on the lot at the time the development was proposed. Residential landscaping, lawn and gardens, may be maintained in their current condition. The following vegetation conservation regulations shall apply to existing uses/developments:
 - a. Mowing lawns and non-destructive limbing and/or pruning of trees and shrubs, using the techniques depicted in Figure 5-1, shall be allowed. Such mowing, limbing and/or pruning, in and of itself, is not considered development according to RCW 90.58.030(3)(a) and shall not require a substantial development permit.
 - b. If the exterior dimensions of the existing use/development are expanded or enlarged, the buffer and vegetation conservation provisions of Section 6.3 shall apply and the County shall require enhancement of the buffer to achieve the vegetation cover and density thresholds set forth therein.

Figure 5-1. Preferred techniques for non-destructive thinning and pruning to maintain shoreline views



5.2 Clearing, Grading and Filling

This section contains stormwater management and clearing and grading regulations that would apply to any/all development within shoreline jurisdiction.

5.2.0 Applicability

All new uses and developments shall comply with the applicable policies and regulations for clearing and grading as defined in Chapter 11.

5.2.1 Policies

1. Clearing, grading and filling activities within shoreline jurisdiction should be proactively controlled to address the problem of stormwater pollution.
2. Clearing, grading and filling should only occur in conjunction with an allowed use or development, unless otherwise allowed in this Program.
3. When allowed, clearing, grading and filling should be conducted so that water quality, habitat, hydrology, natural erosion rates, and runoff/drainage patterns are not adversely affected.

5.2.2 Regulations

1. Clearing, grading and filling shall only be allowed as part of an approved shoreline use/development and shall be subject to the requirements of the primary use/development.
2. When allowed, clearing and/or grading shall be located, designed, and carried out in a manner that:
 - a. Minimizes land disturbance to the minimum necessary for the intended development; and
 - b. Utilizes mulch, vegetation, or other best management practices to minimize erosion from exposed soils during construction; and
 - c. Includes plans to revegetate or otherwise stabilize areas of exposed soil following construction; and

- d. Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline; and
 - e. Does not impede net shore-drift toward sensitive marine environments such as spits, estuaries, and river deltas; and
 - f. Does not require shoreline armoring or stabilization to protect materials placed unless it is part of an approved shoreline restoration project and shoreline armoring or stabilization measures are needed to keep the material in place.
3. Fill materials placed within shoreline jurisdiction shall be from an approved source and shall consist of clean sand, gravel, soil, rock or similar material. The use of contaminated material or construction debris shall be prohibited.
 4. Fill placed waterward of the ordinary high water mark of any water body shall only be permitted when alternatives are infeasible and when the filling/excavation is necessary to support one or more of the following activities:
 - a. Approved marinas, ports, and other water-dependent industries where upland alternatives or structural solutions including pile or pier supports are infeasible.
 - b. Development or maintenance of essential public infrastructure and facilities.
 - c. Federally mandated environmental cleanup activities required by the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act.
 - d. Maintenance of a lawfully established use or development.
 - e. Ecological restoration and enhancement projects benefitting water quality and/or fish and wildlife habitat.
 - f. Public access and public water-oriented recreation projects benefitting substantial numbers of people.
 - g. Part of an approved shoreline stabilization, flood control, or in-stream structure project when consistent with this Program.
 5. Excavation below the ordinary high water mark shall be considered dredging and shall be subject to the regulations in Section 4.3 of this Program.
 6. The following information shall be required for all proposals involving fill unless the Administrator determines that issues are adequately addressed via another regulatory review process:
 - a. A description of the proposed use of the fill area; and
 - b. A description of the fill material, including its source and characteristics; and
 - c. A description of the method of placement and compaction; and
 - d. A description of the location of the fill relative to natural and/or existing drainage patterns; and

- e. A description and map of the fill area and depth relative to the ordinary high water mark; and
- f. A description of proposed means to control surface runoff; and
- g. A temporary erosion and sediment control (TESC) plan.

5.3 Public Access

This section describes the policies and regulations for providing public access to public shorelines.

5.3.0 Applicability

Public access includes the ability of the general public to reach and enjoy the water's edge, to travel on the waters of the state, and to view water and the shoreline from adjacent locations. Physical public access means having the ability to physically touch or reach the water. Visual public access means having the ability to view the shoreline or water, but does not necessarily include physical access to the water's edge.

5.3.1 Policies

1. The goal of providing public access should be balanced with the need to protect ecological functions and preserve the rights of private property owners.
2. Existing physical and visual access sites/areas should be maintained to ensure the public's continued ability to enjoy the recreational and aesthetic qualities of the shoreline, unless the maintenance of such existing sites is inconsistent with the policies and regulations of this Program.
3. The County should work with State Parks, and other appropriate agencies and individuals to acquire lands that can provide physical and visual access to public waters for public use and to provide, promote and accommodate public access on parks and other state owned land, where no access currently exists.
4. Public entities and private landowners should not be required to provide public access when such access is shown to be inappropriate due to reasons of safety, security, or adverse impacts to shoreline functions and processes.
5. Pursue opportunities to implement the Clallam County Park and Recreation MasterPlan, as amended, to increase and improve public access and enjoyment of County shorelines.

5.3.2 Regulations

1. Single family residential developments and developments of nine (9) or fewer lots shall not be required to provide public access to the shoreline.
2. Subdivisions of more than nine (9) lots shall include physical and/or visual public access to public waters unless:
 - a. There is existing physical public access within a 5 mile radius of the property;
 - b. There are unavoidable public health or safety hazards on the property that cannot be prevented through reasonable means;

- c. The public access is likely to cause unacceptable environmental impacts that cannot be mitigated; or
 - d. The access would create significant, undue, and unavoidable conflicts with adjacent uses that cannot be mitigated.
3. Commercial and industrial development and development by public entities, such as local governments, port districts, state agencies, and public utility districts, shall include physical and/or visual public access to public waters unless:
- a. Unavoidable public health or safety hazards exist and cannot be prevented through reasonable means;
 - b. The use/development has inherent security needs that cannot be mitigated through reasonable design measures or other solutions;
 - c. The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed development;
 - d. The public access will cause unacceptable environmental impacts that cannot be mitigated; or
 - e. The access would create significant, undue, and unavoidable conflicts with adjacent uses that cannot be mitigated.
4. To be exempt from the public access requirements in this section, the project proponent must demonstrate that all feasible alternatives have been considered, including:
- a. Regulating access through means such as maintaining a gate or limiting hours of use; and
 - b. Separating uses and activities (using fences, hedges, landscaping, etc).
5. Public shoreline access provided by public road ends, public roads rights-of-way, public utilities and rights-of-way shall not be diminished by the County or neighboring property owners in accordance with RCW Chapter 36.87.130.4.

5.4 Water Quality and Water Management

5.4.0 Applicability

Water quality means the physical, chemical, and biological characteristics of water. Water quality is a measure of the condition of water relative to the requirements of humans and other species. Water quality is typically assessed in terms of specific standards for drinking water, shellfish harvest, recreation, fish production, and other beneficial uses.

Water management refers to the set of practices that are required to ensure there is adequate water to maintain stream flows and support domestic uses.

5.4.1 Policies

1. Shoreline uses and developments should incorporate best management practices, low impact development techniques, shoreline and critical area buffers, vegetation conservation, and other appropriate measures to achieve all of the following:

- a. Prevent the direct discharge of pollutants to surface and ground waters, including stormwater ditches.
 - b. Meet water quality standards and designated beneficial uses of surface waters.
 - c. Improve the quality of stormwater runoff, and thereby minimize impacts to surface and groundwater, protect human health, improve salmonid and other aquatic habitat, and reopen shellfish beds to harvest.
 - d. Reduce the speed and volume of stormwater flows to reduce flooding, prevent erosion, and maintain groundwater recharge.
 - e. Implement stormwater standards to mimic the natural hydrology as much as possible and reduce high flows resulting from future development/redevelopment.
 - f. Operate and maintain stormwater ditches, culverts, and ponds in a manner that ensures their longevity and effectiveness.
 - g. Raise public awareness of the societal value of water resources to encourage behavior that improves water quality.
 - h. Encourage removal of wood structures treated with creosote, copper, chromium arsenate or other hazardous substances.
2. Shoreline use and development should be designed to minimize the long-term need for chemical fertilizers, pesticides, herbicides, or other similar chemical treatments that could contaminate surface or groundwater or cause adverse effects on shoreline ecological functions and values.

5.4.2 Regulations

1. All shoreline uses and developments shall use effective temporary erosion and sediment control (TESC) methods during project construction. Project proponents shall submit a TESC plan for Administrator review and approval prior if they meet any of the following criteria:
 - a. Disturb seven thousand (7,000) square feet or more of land;
 - b. Result in slopes over twenty five percent (25%) and greater than five (5) feet in height;
 - c. Impound water exceeding a volume of one (1) acre-foot;
 - d. Result in the diversion of existing drainage courses; or
 - e. Involve clearing and grading in an erosion hazard area or on slopes steeper than twenty five percent (25%).
2. To protect water quality, shoreline uses and developments shall comply with the following standards based on the type and scale of the proposed development:
 - a. Tier 1 Developments – Residential development with up to two thousand (2,000) square feet of new or replaced impervious surface:
 - i. All new, replaced, and disturbed topsoil must be amended with organic matter, which shall not include biosolids (industrial, human, and/or hospital wastes) and shall be from a source approved by the Administrator.

- ii. Roof runoff must be routed to a drywell or, if a dry well is not appropriate for site conditions, runoff must be dispersed to a vegetated area, a rain garden or bioswale, an infiltration system or permeable pavement.
 - iii. Project proponents must submit a one page drainage plan showing how stormwater runoff will be controlled and design standards implemented.
 - b. Tier 2 Developments – Single-family residential development with more than 2,000 square feet of new or replaced impervious surface, other residential development which disturbs more than seven thousand (7,000) square feet of land or generates two thousand (2,000) to five thousand (5,000) square feet of impervious surface, and all commercial development smaller than five thousand (5,000) square feet in size that do not use hazardous substances:
 - i. All Tier 2 developments shall provide for on-site stormwater management controls, in accordance with best management practices identified by the County and/or Washington Department of Ecology.
 - ii. In addition to other requirements, all new, replaced, and disturbed topsoil must be amended with organic matter, which shall not include biosolids (industrial, human, and/or hospital wastes) and shall be from a source approved by the Administrator.
 - c. Tier 3 Developments - All industrial development; commercial and residential development which generates more new or replaced impervious surface than is allowed in Tier 2, converts three-quarters acre or more of native vegetation to lawn or landscaped areas, or converts 2.5 acres or more of native vegetation to pasture; and all commercial projects that use hazardous substances:
 - i. A stormwater management site plan prepared by a licensed engineer must be prepared in accordance with the most current edition of the Ecology Stormwater Management Manual for Western Washington.
 - ii. In addition to other requirements, all new, replaced, and disturbed topsoil must be amended with organic matter, which shall not include biosolids (industrial, human, and/or hospital wastes) and shall be from a source approved by the Administrator.
- 3. To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards. On-site sewage systems shall comply with the shoreline and critical area buffer requirements of this Program, and shall be a minimum of 100 feet landward of the ordinary high water mark and any waterbody. On shorelines which, according to the state's water quality assessment, exceed allowances for nitrogen contamination, the County shall require new septic systems to provide denitrification.
- 4. All building materials that may come in contact with surface waters shall be composed of non-toxic materials, such as wood, concrete, approved plastic composites, or steel that will not adversely affect water quality or aquatic plants or animals. Materials used for docks or similar structures shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenate, or pentachlorophenol is prohibited in shoreline water bodies.
- 5. Solid and liquid wastes and untreated effluents shall not be allowed to enter any groundwater or surface water or to be discharged onto land. The release of oil, chemicals, genetically modified organisms, or hazardous materials onto land or into the water is prohibited.

6. Illicit non-stormwater discharges to the stormwater system are prohibited. This includes direct discharges of wastewater (e.g., from sinks, washing machines) to stormwater conveyance systems such as drainage ditches, and discharge of wastes from incidental sources such as spills from road accidents into stormwater drainage.

5.5 Archaeological, Historical, and Cultural Resources

5.5.0 Applicability

1. All new uses and developments shall comply with the applicable policies and regulations for protection of archaeological, historical, and cultural resources as defined in Chapter 11.

5.5.1 Policies

1. Sites and resources having known or suspected archaeological, historic, or cultural value should be protected. These sites/resources are important, non-renewable resources and many are in danger of being damaged or lost because of ongoing development. Wherever possible, sites should be permanently preserved for scientific study and/or public observation consistent with 36 CFR 800 and RCW 27.53. If the presence of an archeological site is unknown then a survey should be conducted by an archeologist.
2. Proposed development on or adjacent to an identified archaeological, historic, or cultural site should be designed and operated to be compatible with continued protection of the archaeological, historic, or cultural site.
3. The location of historic, cultural, and/or archaeological sites/resources should not be disclosed to the general public unless adequate provisions can be put in place to ensure long-term protection and preservation of such sites/resources.

5.5.2 Regulations

1. All shoreline use and development proposals shall be reviewed to determine if they have the potential to impact historic, cultural, and/or archaeological sites/resources. The Administrator shall consult with the Washington State Department of Archeological and Historic Preservation and if there is evidence that the proposed project is located within five hundred (500) feet of such a site/resource or if the site has not been surveyed or evaluated for presence/absence of cultural resources, the Administrator shall:
 - a. Notify and inform potential affected Tribes and the Washington State Department of Archaeology and Historic Preservation of the proposed activity including timing, location, scope, and resources affected; and
 - b. Require the proponent to provide a Cultural Resource Site Assessment prior to development to determine the presence/absence of archaeological, historic, or cultural resources. The Assessment shall include a survey to determine presence/absence of cultural resources. The Administrator can waive this requirement if the proposed development activities do not include any ground disturbance and will not impact a known archaeological, historic, or cultural site/resource.
2. When a Cultural Resource Site Assessment required by this section identifies the presence of archaeological, historic, or cultural resources, a Cultural Resource Management Plan shall be required. The plan shall assess the archaeological, historic, or cultural site/resource; analyze

- potential adverse impacts caused by the proposed activity; and recommend measures to prevent adverse impacts.
3. Cultural Resource Site Assessments and Cultural Resource Management Plans required by this section shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The project proponent shall be responsible for any professional service fees associated with the assessment or plan.
 4. The Administrator may reject or request revision of the conclusions reached in a Cultural Resource Site Assessment or Cultural Resource Management Plan when it can demonstrate that the assessment is inaccurate or does not fully achieve the policies of this section.
 5. Excavation for archaeological investigations or data recovery may be permitted when conducted by a professional archaeologist or qualified historic preservation professional in accordance with applicable state laws.
 6. Where public access is provided to any private or publicly owned building or structure of archaeological, historic, or cultural significance, a Public Access Management Plan shall be developed in consultation with the Washington State Department of Archaeology and Historic Preservation and affected Tribes. The project proponent shall be responsible for any professional service fees associated with the access plan.
 7. If any site/object of possible archaeological, historic, or cultural interest is inadvertently discovered during any new shoreline use or development, the project proponent shall immediately stop work and comply with all of the following measures:
 - a. Notify the County Community Development Department and the Washington State Department of Archaeology and Historic Preservation; and
 - b. Prepare a Cultural Resource Site Assessment to determine the significance of the discovery and the extent of damage to the resource; and
 - c. Distribute the Cultural Resource Site Assessment to the Washington State Department of Archaeology and Historic Preservation and affected Tribes for a 30-day review to determine the significance of the discovery; and
 - d. Maintain the work stoppage until the Administrator and above-listed agencies or governments have reviewed the site assessment and determined that work can proceed; and
 - e. Prepare a Cultural Resource Management Plan pursuant to this section if the Administrator determines that the site is significant; and
 - f. If an archeological resource is damaged, an archeological damage assessment shall be completed pursuant to WAC 25-48-043 and the National Park Service Technical Brief 20.
 8. Upon inadvertent discovery of human remains, the project proponent must immediately notify the County Sheriff, Coroner, and Washington State Department of Archaeology and Historic Preservation.
 9. In the event that unforeseen factors constituting an emergency, as defined in RCW 90.58.030, necessitate rapid action to retrieve or preserve archaeological, historic, or cultural resources,

the Administrator shall notify the State Department of Ecology, the State Attorney General's Office, potentially affected Tribes, and the State Department of Archaeology and Historic Preservation within 10 days of such action.

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