

FILE COPY



John Hutchings
District One
Gary Edwards
District Two
Tye Menser
District Three

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Creating Solutions for Our Future

Joshua Cummings, Director

MITIGATED DETERMINATION OF NONSIGNIFICANCE

State Environmental Policy Act (SEPA)

PROJECT NUMBER

2022103702

September 8, 2023

Applicant: Taylor Shellfish
130 SE Lynch Rd
Shelton WA 98584
360 790-7913

POC: Erin Ewald -Taylor Shellfish
130 SE Lynch Rd
Shelton WA 98584
360 432-3348 / 253 606-2585 or email ErinE@TaylorShellfish.com

Owner: Kyle Mazanti
PO Box 1416
Silverthorne CO 80498
360 790-7913

Description of Proposal: An application for the project listed above was submitted to Thurston County on July 22, 2022, for the Taylor Shellfish geoduck farm. The application was deemed to be complete for the purpose of beginning the project review on August 20, 2022. The request is for a Shoreline Substantial Development Permit (SSDP) for an approximately 3.6 acre Geoduck farm located generally in the southern portion of the subject property.

This application and any related documents are available for public review during normal business hours at the Building and Development Center at 3000 Pacific Ave SE, Ste. 100, Olympia WA 98501. For additional information, please contact **Scott McCormick, MES, Associate Planner** by calling 360 867-2116 Office or 360-999-8210 Cell. Email address is scott.mccormick@co.thurston.wa.

The zoning is Residential LAMIRD R/L 1/1 and 1/2. The Shoreline designation is Conservancy. The project will require a shoreline substantial development permit (SSDP). Other State and Federal permits are required. The Community Planning and Economic Development Dept. (CPED) is the issuing authority for the SEPA threshold determination and the County Hearing Examiner will be the approval authority for the SSDP and for any appeal of the SEPA threshold determination.

Location of Proposal: No address assigned. Tidelands survey (attached)

Section/Township/Range: Section 5 Township 19 Range 1W; Legal Descrip. OL 5-19-1W COM N MC S 22DEG W 9.17 CH SLY ALG ML 11.75 CH W .75CH W

Tax Parcel Numbers: #93000100000

Threshold Determination: The lead agency for this proposal has determined that the attached mitigating conditions, along with required compliance with applicable County, State and Federal codes will mitigate all probable significant adverse impacts upon the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(C). This decision was made after review by the Lead Agency of a completed Environmental Checklist and other information on file with the Lead Agency. This information is available to the public on request.

Mitigating Conditions: See Attachment

Jurisdiction: Thurston County
Lead Agency: Community Planning & Economic Development (CPED)
Responsible Official: Brett Bures, Manager/Environmental Review Officer

Date Issuance: September 8, 2023
Comment Deadline: September 22, 2023
Appeal Deadline: September 29, 2023

Scott McCormick September 8, 2023
 Scott McCormick, MES Date

A site map depicting the property is attached.

Appeals: Threshold determinations may be appealed pursuant to TCC 17.09.160 if a written notice of appeal, meeting the requirements of TCC 17.09.160(D), and the appropriate appeal fee are received by the Thurston County Community Planning & Economic Development Department prior to 4:00 p.m. on the appeal deadline date shown above. Per TCC 17.09.160(B), only aggrieved parties who submit written comments during the comment period may appeal.

Note: The issuance of this Mitigated Determination of Nonsignificance does not constitute project approval. The applicant must comply with all applicable requirements of the Shoreline Master Program for the Thurston Region, as well as applicable State and Federal requirements prior to project initiation.

Thurston County Community Planning & Economic Development
 3000 Pacific Ave SE, Ste. 100
 Olympia WA 98501
 (360) 999-8210
 Email: scott.mccormick@co.thurston.wa.us

cc: WA Department of Ecology (SEPA and Shoreline Sections)
 WA Dept of Fish & Wildlife
 U.S. Fish and Wildlife Service
 WA Department of Natural Resources (Aquatics)
 Thurston Regional Planning Council (TRPC)
 Adjacent Property Owners within 500 feet
 Tribes - Chehalis, Nisqually and Squaxin Island Tribe
 US Army Corps of Engineers (Seattle)
 Project 2022103702

**MDNS Attachments
SEPA Project # 2022103702**

Information Reviewed

The environmental threshold determination and conditions are substantially based on analysis of information obtained from the following documents. Documents and other related information are available for public review from 8:00 a.m. to 4:00 p.m. at the Building and Development Center located at 3000 Pacific Ave SE, Ste. 100, Olympia WA 98501. Please contact Thurston County Community Planning & Economic Development Dept. at (360) 867-2116, (360) 999-8210 or email scott.mccormick@co.thurston.wa.us with questions.

List of Documents reviewed:

1. Master Application
2. SEPA Environmental Checklist
3. JARPA Application
4. Site Plans, aerial photos and surveys
5. Project overview; **Note:** Only the Geoduck portion of the project requires a shoreline permit). The oyster farm on the northern portion of the property which was discussed does not need a permit from Thurston County Community Planning and Economic Development though it does require permits from other agencies such as the WA Dept. of Health and others.
6. Eelgrass survey
7. Comment emails and letters from adjacent property owners
8. Comments from Thurston County Floodplain Mgr.
9. Comments from WA Dept. of Ecology
10. Letter from the Nisqually Tribe
11. Approval memo from Thurston County Environmental Health
12. Pacific Coast Shellfish Growers Association Environmental Policies
13. Sea Grant Washington, Geoduck Aquaculture Research Program, Final Report to the Washington Legislature dated November 2013
14. Effects of Geoduck Aquaculture on the Environment: A Synthesis of Current Knowledge, by Washington Sea Grant, University of Washington dated November 2013.
15. WA DNR's Geoduck Aquaculture Best Management Practices dated October 15, 2007.

Mitigation Discussion

Based on analysis of the project application package for the site and on the Sea Grant Washington, Geoduck Aquaculture Research Program, Final Report to the Washington Legislature dated November 2013, as well as review of the other documents listed above, the Community Planning & Economic Development Department finds that the project may cause some impacts, but with implementation of the below-listed mitigating conditions, in conjunction with conditions related to the various other permits required, such impacts will be of short duration and of limited intensity in a manner that does not rise to the "significant" level as defined in WAC 197-11-794.

A primary concern with geoduck beds is the potential impact on native eelgrass. Eelgrass provides valuable nearshore habitat for forage fish including surf smelt, sand lance and herring. These fish in turn provide the base prey for many salmonids including listed species such as Steelhead and Chinook salmon. The proposed geoduck beds do not contain eelgrass, and therefore should not significantly disturb feeding grounds for listed species.

Further, the various conditions and permitting requirements will adequately address all elements of the environment as listed in WAC 197-11-444. The Community Planning & Economic Development Department finds that there will be no significant impact to any specific element of the environment as a result of the proposed project. The directly applicable environmental elements are erosion, water quality, habitat for plants and animals, unique species, fish migration routes, noise, toxic releases, light and glare, aesthetics, recreation, and cultural preservation. Each has been satisfactorily addressed based on current science and in the conditions and notes listed below. A more specific discussion of each these elements may be included in the staff report if this SEPA determination is appealed.

Mitigating Conditions

1. The preparation, planting, maintenance and harvesting at the subject site shall be in compliance with the most current version of the Washington State Geoduck Growers Environmental Codes of Practice for Pacific Coast Shellfish Aquaculture.
2. Prior to moving forward to a public hearing, the applicant shall provide either a FEMA Habitat Assessment, a biological evaluation / biological assessment addressing ESA listed species in the vicinity or provide documentation (letter, email etc.) from FEMA indicating that a Habitat Assessment is not required for the project.
3. An unobtrusive but visible sign shall be placed at each aquaculture bed listing the name and contact information for a person designated to immediately address problems associated with the aquaculture bed when discovered by citizens or agency representatives.
4. Shellfish culturing shall not occur within 10 horizontal feet of eelgrass (*Zostera marina*) or kelp.
5. All protective tubes and netting related to the proposed Geoduck aquaculture shall be removed from the shoreline as soon as they are no longer needed to perform protective functions, and in no case later than two and one-half (2.5) years from installation.
6. Shellfish culturing shall not be placed above the tidal elevation of +5 MLLW¹ in order to minimize potential impacts to forage fish habitat.
7. Vehicles and equipment shall not be washed, stored, fueled, or maintained within 150 feet of any waterbody. All vehicles will be inspected for fluid leaks daily within 150 feet of any waterbody.

¹ Mean Lower Low Water.

8. When possible, harvest activities should occur during low tides where the least amount of turbidity will occur.
9. Permanent lighting of the aquaculture beds shall not be permitted. Any temporary lighting shall be directed such that off-site glare is minimized to the extent possible.
10. All individual screens placed on tubes shall be secured with UV-resistant fasteners.
11. If archaeological artifacts are observed during any phase of the aquaculture operation, all work shall be immediately halted. The State Department of Archaeology and Historic Preservation, the Thurston County Community Planning & Economic Development Department and affected Tribes shall be contacted to assess the situation prior to resumption of work.
12. No physical work on the beds shall be initiated until the applicant obtains all required local, State and Federal permits and/or approvals.
13. All tubes, mesh bags, and area nets used on the tidelands below the ordinary high water mark (OHWM) shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address and mailing address). On area nets, if used, identification markers will be placed with a minimum of one identification marker for each 100 square feet of net.
14. Boundary Markers. Leasehold boundary corners will be assigned GPS coordinates during the land survey. Corner markers shall be in place during site preparation and planting. They may be removed during the grow out period, but the corner marker positions must be replaced at the GPS coordinates recorded by the land survey prior to any harvest activities. They must remain in place during harvest activities. Rebar will not be used for markers.
15. Install pipe or other predator exclusion devices in straight rows or blocks that are appealing to upland observers.
16. Whenever and wherever possible, use pipe colored to blend into the surrounding environment.
17. No seeding, culture or other operations are to be done in biologically sensitive areas of the beach such as herring or smelt spawning grounds.
18. No materials should escape from the farm. Every effort must be made that tubes, nets, and fasteners should not wash off the farm area. Patrol area beaches on a regular basis to retrieve debris that does escape the farm as well as other non-natural debris. Due to wave, current or wind action, debris tends to accumulate in certain areas. These areas should be identified early in the growing cycle and crews shall patrol these areas after weather events to pick up debris.
19. Noise from equipment or personnel engaged in the operation shall not rise to the level of persistently annoying as reported by any nearby property owner. Although this level of noise is subjective, the County will investigate and may require appropriate mitigations. Additionally, noise from machinery and equipment shall not exceed 60 decibels at the

property line during daylight hours and 50 decibels from 10:00 PM to 7:00 AM as limited by WAC 173-60-040.

Notes

- In addition to a Shoreline Substantial Development Permit by the County, the following State and Federal permits may also be required prior to commencement of the proposed aquaculture operation. Each will stipulate specific mitigations to address public health, safety and general welfare. The permits include:
 - a) US Army Corps of Engineers NWP 48 Permit or Individual Permit under Section 10, US Rivers and Harbors Act;
 - b) Washington State Department of Ecology Section 401 Water Quality Certification;
 - c) Washington State Department of Ecology Coastal Zone Management Certification;
 - d) Washington State Department of Health Harvest Site Certification;
 - e) Washington State Department of Health Shellfish Operation License; and
 - f) Washington State Department of Fish and Wildlife Aquatic Farm Permit/Registration
- The US Army Corps of Engineers may require a Section 404 Clean Water Act Permit because the project is located on the beach within the floodplain. Through this permit, the Corps and the US Fish and Wildlife Service will provide consultation with the applicant as required under Section 7 of the Endangered Species Act and the Essential Fish Habitat provisions of the Magnuson Stevens Fishery Conservation and Management Act. This consultation satisfies the requirements of the Biological Opinion issued by the National Marine Fisheries Service on September 22, 2008. This Opinion requires that a Habitat Assessment be conducted for any non-exempt project located within a floodplain anywhere in the United States. This project cannot proceed until the Corps permit is issued or a finding of exemption is made by the Corps. It is the responsibility of the applicant to ascertain if a permit is required.
- Washington State Water Quality Laws, Chapter 90.48 RCW, Water Pollution Control and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, define quality of state waters. Any discharge of sediment-laden runoff or of other pollutants to waters of the state is in violation of these state laws and may be subject to enforcement action.
- The proposed project must be consistent with all applicable policies and other provisions of the Shoreline Management Act, its rules, and the Shoreline Master Program for the Thurston Region. The review by Thurston County staff to make a recommendation on that finding will occur prior to the Shoreline Substantial Development Permit hearing (not yet scheduled). **The final decision will be rendered by the Hearing Examiner.**

Summary

The Thurston County Community Planning & Economic Development Department has determined that the requirements for environmental analysis, protection, and mitigation have been adequately addressed in the above conditions and notes, in conjunction with the requirements of the Shoreline Master Program for the Thurston Region and the Comprehensive Plan adopted under chapter 36.70A RCW, and in other applicable local, State, or Federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Other than the conditions listed above, this Department will not require additional mitigation measures under SEPA.

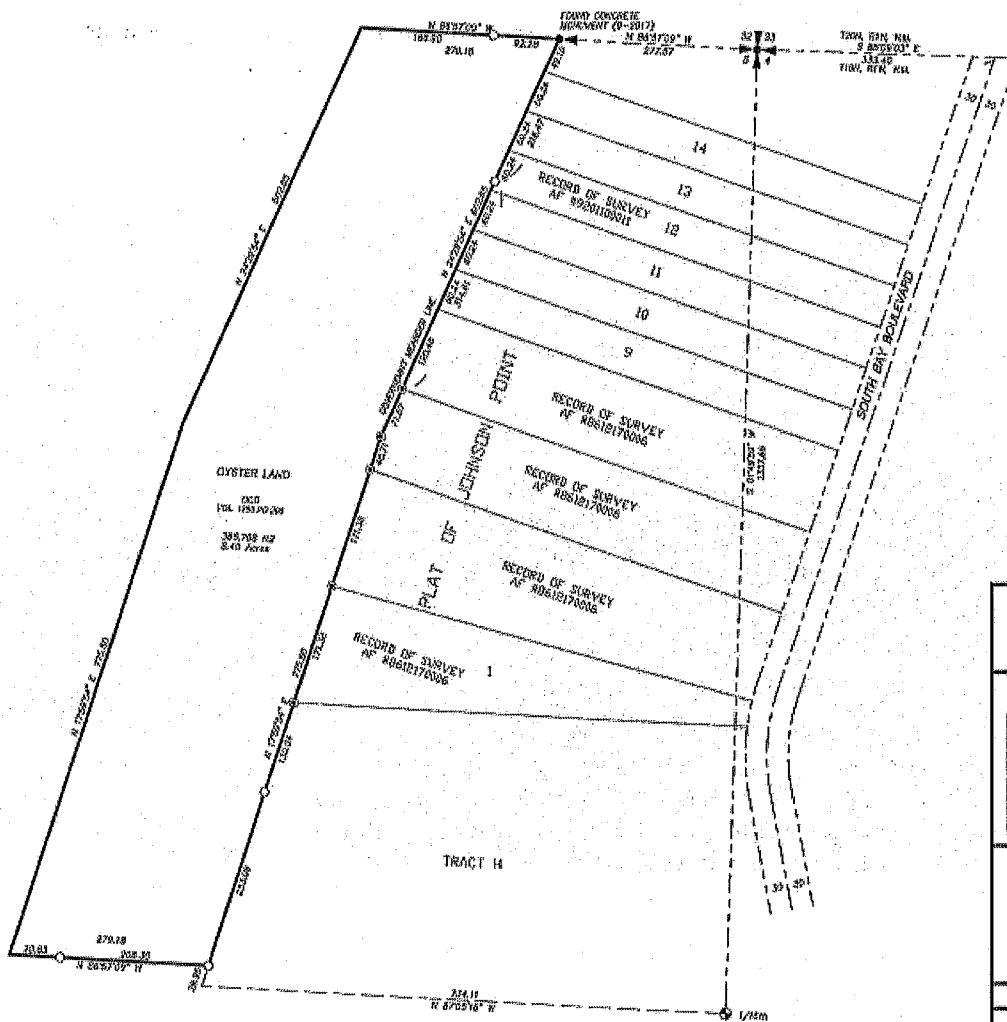
q:\planning\amanda save file\environmental checklist xa\decisions\mdns\2022103702.taylor.geoduck.mdns.sm.docx

Vicinity / Zoning Map



SITE PLANS

RECORD OF SURVEY



BASE OF MEASUREMENT
 THURSTON COUNTY PUBLIC RECORDS AUTHORITY

- ⊗ FOUND CARVED 5/8" IRON BAR LS 3608 ON PLAIN 5/8" EAK
- SET CARVED IRON BAR LS 3318

DESCRIPTION:
 OYSTER LAND IN SECTION 8, TOWNSHIP 16 NORTH, RANGE 1 WEST OF THE
 ALLIANCE MERIDIAN COMMENCED AT THE NORTH MEASUREMENT CORNER, SOUTH
 27° 31' 17" CHANG, SOUTHERLY ALONG MEASUREMENT LINE 11.75 CHAINS, WEST 4.03
 CHAINS, SOUTHERLY ALONG MEASUREMENT LINE 11.75 CHAINS, WEST 4.03
 CHAINS, WEST OF THE POINT OF BEGINNING EAST 4.23 CHAINS.

BRACY & THOMAS

LAND SURVEYORS
 1520 W. 10TH ST. SUITE 10
 THURSTON, WASHINGTON 98561
 (360) 357-5502

CERTIFICATE OF SURVEYOR



THIS MAP CORRECTLY REPRESENTS A SURVEY
 MADE BY ME OR UNDER MY DIRECTION IN
 CONFORMANCE WITH THE REQUIREMENTS OF
 THE SURVEY RECORDING ACT AT THE REQUEST
 OF KOBK, INC. IN JUNE, 2017.

Bracy & Thomas DATE: 7/21/17
 REGISTERED PROFESSIONAL LAND SURVEYOR
 CERTIFICATE NUMBER LS 33120

CERTIFICATE OF AUDITOR

FILED FOR RECORD THIS ____ DAY OF ____, 20 __, AT ____
 MINUTES PAST ____ O'CLOCK ____ M., AND RECORDED UNDER AUDITOR'S
 FILE NUMBER ____, AT THE REQUEST OF BRACY AND THOMAS.

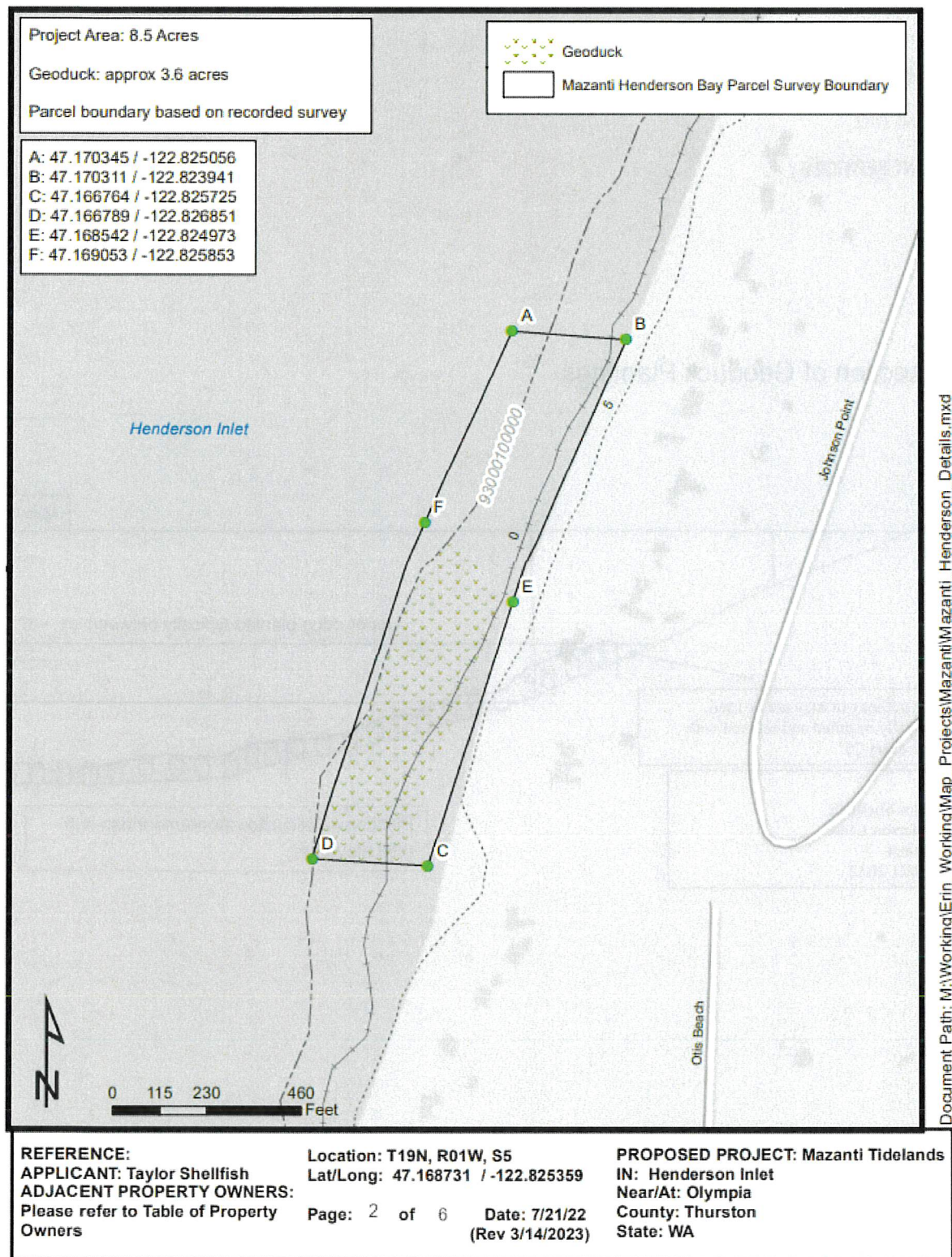
BY ____
 THURSTON COUNTY AUDITOR DEPUTY

AUDITOR'S INDEXING DATA

NE 1/4 OF THE NE 1/4	SECTION 5	TOWNSHIP 19 NORTH	RANGE 1 WEST W.M.
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BT 15818

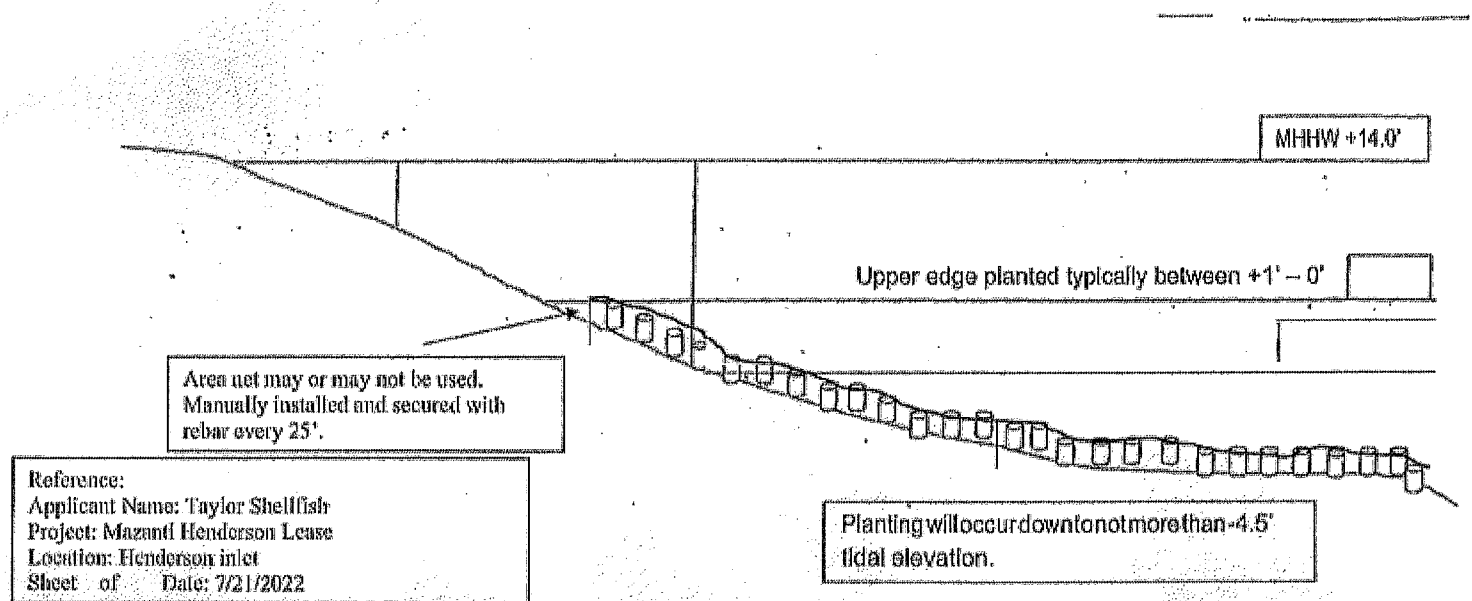
Site Plans Continued:



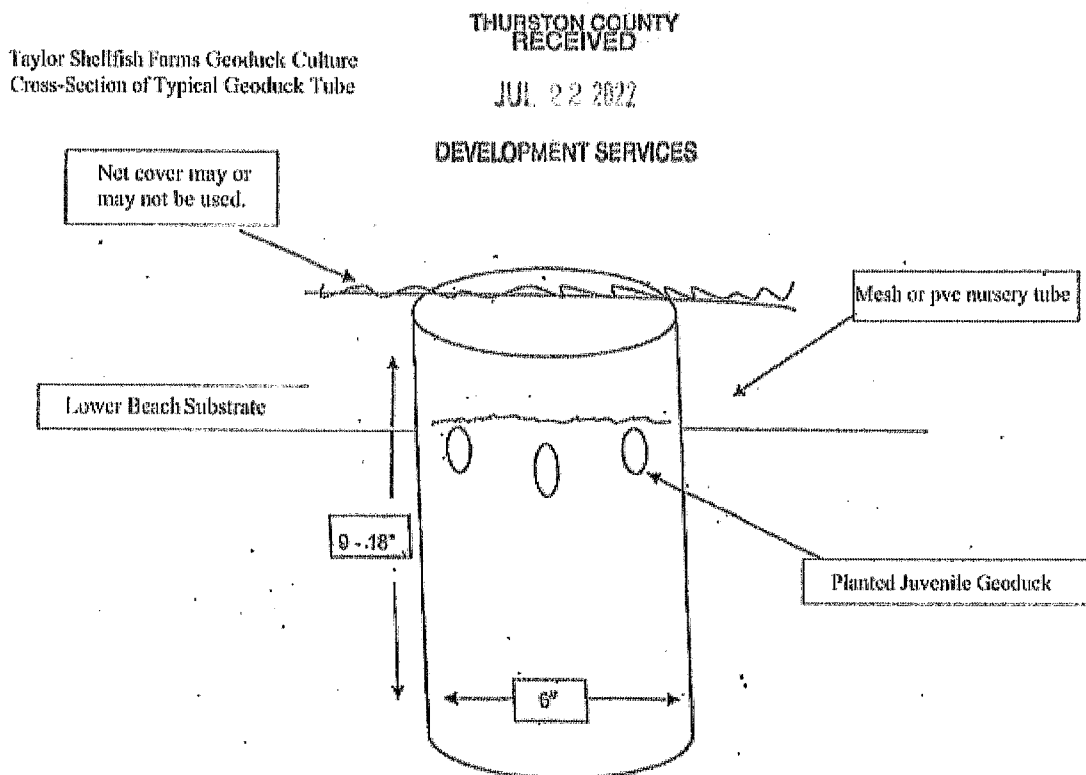
Site plans continued:

RECEIVED
JUL 22 2022
DEVELOPMENT SERVICES

Typical cross section of Geoduck Plantings



Geoduck Planting Example



Reference:
Applicant Name: Taylor Shellfish
Project: Mazanti Henderson Lease
Location: Henderson Inlet
Sheet of Date: 7/21/2022

Delicia Durden

From: Delicia Durden
Sent: Friday, September 8, 2023 2:46 PM
To: erine@taylorshellfish.com; Carp, Lizzie (ECY); Curtis Tanner (curtis_tanner@fws.gov); WDFW, Region 6 - South Sound; DNRREAQLEASINGSHORELINE@dnr.wa.gov; TRPC, Michael Ambrogio; US Army Corp of Engineers, Brandon Clinton; US Army Corp of Engineers, Matt Bennett; Chehalis Tribe; Chehalis Tribe, Amy Loudermilk; Nisqually Tribe, Annette Bullchild; Nisqually Tribe, Brad Beach; Squaxin Tribe, Scott Steltzner; Squaxin Tribe, Melissa Puhn; Squaxin Tribe, Shaun Dinubilo; Squaxin Tribe, Eric Marbet; Eva Barber (evba461@ECY.WA.GOV); Opal Smitherman (odav461@ECY.WA.GOV); sasm461@ECY.WA.GOV
Cc: Scott McCormick
Subject: SEPA Mitigated Determination of Nonsignificance - 2022103702 (Taylor Shellfish)
Attachments: 2022103702 MDNS.pdf; 2022103702 SEPA.pdf

Please see the attached SEPA (MDNS) Mitigated Determination of Nonsignificance

Project: 2022103702 – Taylor Shellfish
Located at: Parcel 93000100000
Lead Project Planner: Scott McCormick, Associate Planner
scott.mccormick@co.thurston.wa.us / 360-867-2116

Comment Deadline: September 22, 2023
Appeal Deadline: September 29, 2023

Description: An application for the project listed above was submitted to Thurston County on July 22, 2022, for the Taylor Shellfish geoduck farm. The application was deemed to be complete for the purpose of beginning the project review on August 20, 2022. The request is for a Shoreline Substantial Development Permit (SSDP) for an approximately 3.6 acre Geoduck farm located generally in the southern portion of the subject property.

Delicia Durden | Administrative Assistant
Thurston County Community Planning & Economic Development
3000 Pacific Avenue SE, Suite 100, Olympia, Washington 98501
Phone (360) 867-2110 | Fax (360) 754-2939 | TDD (800) 833-6388
delicia.durden@co.thurston.wa.us | www.thurstoncountybdc.com

Adjacent Property Owners
2022103702 – Taylor Shellfish
November 2, 2022
500' mail radius

BUTCHER, MARK
4840 92ND AVE NE
OLYMPIA, WA 98516

ANDREWS, BRUCE
9210 OTIS BEACH ST NE
OLYMPIA, WA 98516

IDE, WILLIAM D
9213 OTIS BEACH ST NE
OLYMPIA, WA 98516

MCCONKEY, ROD
9225 OTIS BEACH ST NE
OLYMPIA, WA 98506

ATKINS, TRISTAN K & TERESA G
9247 OTIS BEACH ST NE
OLYMPIA, WA 98506

SCHWARMANN, CARL A
9301 OTIS BCH RD NE
OLYMPIA, WA 98516

DETLEFSEN, DEAN M & MELINDA L
9303 OTIS BEACH ST NE
OLYMPIA, WA 98516

HALL, DAVID L
9505 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

WITTGOW, WILLIAM J
9511 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

CANNON, VIRGINIA R
9519 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

MARCHAND REVOCABLE TRUST 12-11-
1980
261 W MARQUITA AVE # 4
SAN CLEMENTE, CA 92672

HEARN PAPASIAN, KRISTIN
9529 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

HAYWOOD, TYLER & BETHANY
9531 JOHNSON POINT LOOP NE
OLYMPIA, WA 98506

ODANO, JAN
9535 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

JUSTINEN, BRUCE D & NOREEN G
9545 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

POSCH TRUSTEES, CHARLES C & BARBARA
9547 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

GRAVER BHULLAR REVOCABLE LIVING
TRUST
9601 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

REUS II TRUSTEES, WILLIAM F & SHERYL
LYN
9611 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

HURLEY, JOHN T
9629 JOHNSON PT LOOP NE
OLYMPIA, WA 98516

FOERSTEL, NICKOLAS
9420 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

MC BRIDE, ROBERT B
9641 JOHNSON POINT RD NE
OLYMPIA, WA 98516

~~MCBRIDE, ROBERT~~
~~9641 JOHNSON POINT RD NE~~
~~OLYMPIA, WA 98516~~

MARK A MCBRIDE LIVING TRUST
9420 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

SANDY, DAN & WENDY
9447 JOHNSON PT LOOP NE
OLYMPIA, WA 98516

JOHNSON POINT HOMEOWNERS
9713 JOHNSON PT LOOP NE
OLYMPIA, WA 98516

BLUME, JANET R
9421 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

JOHNSON POINT HOMEOWNERS
9809 JOHNSON POINT LOOP NE
OLYMPIA, WA 98516

ERIN EWALD
TAYLOR SHELLFISH
130 SE LYNCH ROAD
SHELTON, WA 98584

KYLE MANZANTI
PO BOX 1416
SILVERTHORNE, CO 80498

