



COUNTY COMMISSIONERS

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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

**Thurston County Community Planning & Economic
Development Department Staff Report**

HEARING EXAMINER HEARING

JANUARY 9, 2024

PROJECT NO.: 2022103702

APPLICANT: Taylor Shellfish

REQUEST

Shoreline Substantial Development Permit for a commercial intertidal geoduck farming operation within a 3.6-acres area of tidelands.

GENERAL INFORMATION

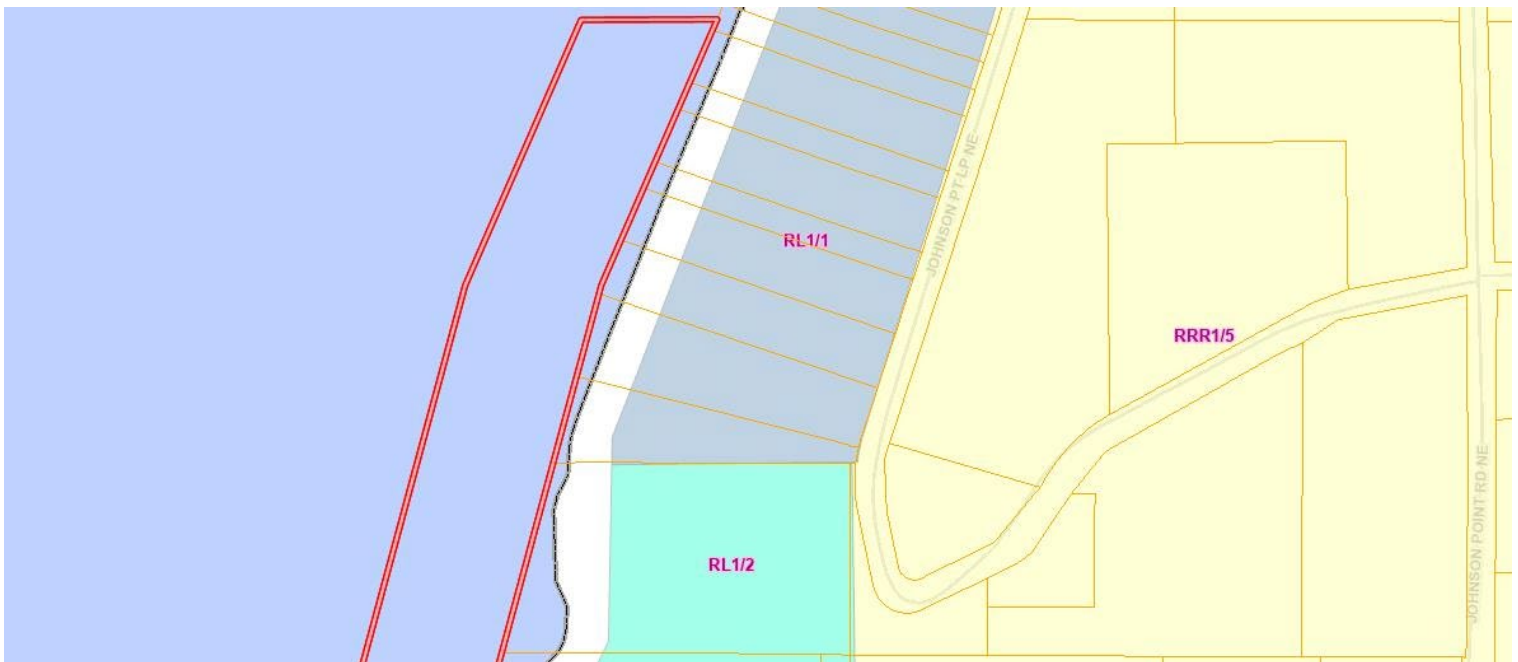
- A. Applicant:** Taylor Shellfish
130 SE Lynch Rd
Shelton WA 98584
360 790-7913
- B. POC:** Erin Ewald -Taylor Shellfish
130 SE Lynch Rd
Shelton WA 98584
360 432-3348 / 253 606-2585 or email ErinE@TaylorShellfish.com
- C. Owner:** Kyle Mazanti
PO Box 1416
Silverthorne CO 80498
360 790-7913
- D. Location:** no address assigned. Tidelands survey (attached)
- E. Legal Description:** OL 5-19-1W COM N MC S 22DEG W 9.17 CH SLY ALG
ML 11.75 CH W .75CH W
- F. Tax Parcels:** 93000100000

Project Description:

Shoreline Substantial Development Permit for a commercial intertidal geoduck operation on 3.6 acre of a 8.5 total acre parcel area of tidelands. Juvenile geoduck will be planted in HDPE mesh tubes by hand. No PVC tubes will be used. Approximately 28,000 tubes per acre will be installed, totaling approximately 101,000 tubes within the proposed 3.6 acre cultivation area. The tubes are planted at a density of 4 geoduck per tube. No netting is used when tubes are present, however cover net may be deployed after tube removal if predation levels are high. Net is then removed as soon as predation is reduced. Planting will occur between -4.5 to plus 1 Mean Lower Low Water (MLLW). After approximately 24 months the tubes are removed. The geoducks are then harvested at between 5 – 7 years after planting. Gear installation and planting are completed at low tide when the beach is accessible. Harvesting will use divers and dry harvesting when tides permit. Harvesting uses low pressure pumps with a hand-held wand with an inside diameter of 5/8" or less. Pressure is limited to 40 psi. Water pump intake lines are screened to avoid entrainment of small fish or other small marine animals.

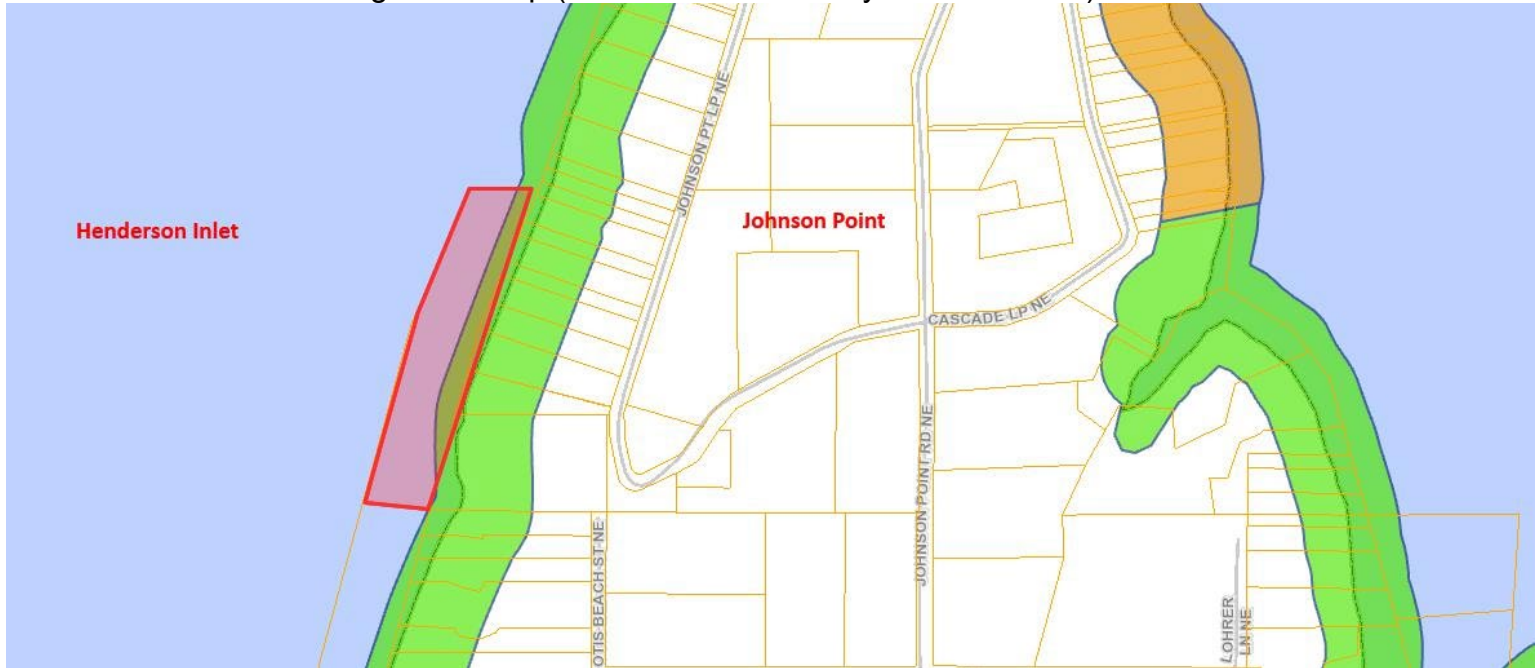
Background:

The project is on the east side of Henderson Inlet.



The property and adjacent shoreline properties are zoned Residential LAMIRD 1/1 (RL 1/1) and RL 1/2 per the above map. The property is within unincorporated, rural Thurston County. The Shoreline Master Program designation for the site is Conservancy. Surrounding land uses are primarily single-family homes on shoreline lots.

Shoreline Designation Map (Green = Conservancy / Gold = Rural)



The project requires a shoreline substantial development permit (SSDP) as a result to the project not meeting the criteria of WAC 173-27-040 to be considered a shoreline exemption.

Notification:

Written notice of the public hearing was sent to all property owners within 500 feet of the site on December 21, 2023 and notice was published in The Olympian December 29, 2023, at least ten (10) days prior to the hearing. A notice of application (NOA) was mailed to all property owners within 500-feet of the site on November 4, 2022 (Attachment j). The application was submitted on July 22, 2022, and became complete on August 19, 2022.

Environmental Evaluation:

The Thurston County Community Planning and Economic Development Department is the issuing authority for the State Environmental Policy Act (SEPA) threshold determination and the County Hearing Examiner is the approval authority for the SSDP (TCC 2.06.010) and for any appeal of the SEPA threshold determination (TCC 17.09.160).

The application was reviewed pursuant to SEPA requirements. A Mitigated

Determination of Non-Significance (MDNS) was issued on September 8, 2023 (Attachment k). This determination was not appealed and became final on September 29, 2023. The MDNS included mitigating conditions for the project.

Applicable Sections of the Thurston County Land Use Regulatory Codes

Thurston County Zoning Ordinance: Chapter 20.10A and 20.11A

Thurston County Critical Areas Ordinance: Title 24

Shoreline Master Program: Section 1--Administration, II. Permits

Section 3--Policies and Regulations for Use Activities, II. Aquacultural Activities,

Section 4--Definitions

Department Analysis:

A. Zoning (Title 20):

Per TCC 20.11A.020 and 20.10A.020 - Primary uses within the RL 1/1 and RL 1/2 zoning district includes agriculture. TCC 20.03.040(3) defines agriculture to include shellfish or fish farming; raising, harvesting, and processing of clams, oysters, and mussels. Therefore, the proposed geoduck aquaculture operation for the subject site is allowed by right as an agricultural use within the RL 1/1 and RL 1/2 zoning district. No land use permit is required by the Zoning Code (Title 20). However, per TCC 20.05.020, "(no) land or structure (shall) be used in any manner contrary to any other requirements specified in this title." Therefore, although a special use permit or other land use permit is not required, certain potential impacts to nearby property owners must be mitigated. These would include glare from lighting, noise and safety for beach users. Recommended conditions relating to these concerns are included below in this report and within the SEPA MDNS conditions.

B. Critical Areas (Title 24):

There are no known critical areas to consider aside from the beach itself. An eel grass survey was done of the site and eel grass was not found on site (Attachment g).

C. Shoreline Master Program (Title 19):

1. The proposed shoreline development is not exempt from a shoreline substantial development permit (SSDP). The SSDP is required when the non-exempt development has a fair market value that is greater than \$8,504.

Review criteria:

Review criteria for all development (WAC 173-27-140)

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or

development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

Staff comments: Staff finds the project to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

Staff comments: There will be no structures over 35 feet in height or other structures which would impact views aside from the proposed PVC tubes.

Review criteria for substantial development permits (WAC 173-27-150)

(1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
 - (b) The provisions of this regulation; and
 - (c) The applicable master program adopted or approved for the area.
- Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter [173-26](#) WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

Staff comments: Staff finds the project to be consistent with the above criteria, the Shoreline Management Act and SMPTR. Consistency with applicable policies is discussed below.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

Staff comments: Noted. Conditions are attached.

2. Per the Shoreline Master Program (SMP) in Section 4--Definitions, the location of the proposed aquaculture bed on a marine beach is within the shoreline jurisdiction and is therefore subject to the requirements of the SMP. The subject shoreline has been designated as a Conservancy Shoreline Environment in the SMP. The shoreline requirements are discussed below.

3. Subject to the policies and general regulations of the SMP, the Aquacultural Use Chapter allows all types of aquaculture within the Conservancy Shoreline Environment. The applicable SMP sections are shown below with staff analysis.

TC Geodata Shellfish and Geoduck Area Mapping



4. AQUACULTURAL ACTIVITIES

A. Scope and Definition (Page 39)

Aquaculture involves the culture and farming of food fish, shellfish, and other aquatic plants and animals in lakes, streams, inlets, bays and estuaries. Aquacultural practices include the hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings and growing areas. Methods of aquaculture include but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas.

Staff Comments: The proposed geoduck bed is an aquacultural operation. Therefore, the proposed geoduck bed is an allowable shoreline use. The Shoreline Master Program for the Thurston Region (SMPTR) in Section One, part II specifies the approval process for allowable uses. For any project within a shoreline that is classified as non-exempt development and that exceeds a specified fair market value a Shoreline Substantial Development Permit (SSDP) is required. Additionally, per WAC 173-27-150(2) "Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master

program.” The Department has recommended conditions to attain consistency with the SMPTR which are listed in the “Department Recommendations” section below.

B. Policies (SMP pg. 39-40)

1. The Region should strengthen and diversify the local economy by encouraging aquacultural uses.

Staff comments: The proposed project is a commercial geoduck bed. Thus, by definition the policy is met. Pursuant to RCW 15.85.010:

"The legislature finds that many areas of the State of Washington are scientifically and biologically suitable for aquaculture development, and therefore the legislature encourages promotion of aquacultural activities, programs, and development with the same status as other agricultural activities, programs, and development within the state."

This declaration by the Legislature makes it clear to local jurisdictions that aquaculture has a preferred status similar to agriculture and is a desirable land use.

2. Aquacultural use of areas with high aquacultural potential should be encouraged.

Staff comments: Puget Sound beaches with the appropriate shallow slope and soft sediment, including the subject beach, are highly productive for shellfish aquaculture. The Washington State Department of Ecology has stated that Puget Sound has the highest concentration of geoducks in the contiguous United States, with the most abundant concentrations in southern Puget Sound.

3. Flexibility to experiment with new aquaculture techniques should be allowed.

Staff comments: The ability to incorporate new science through experimentation is key to successfully and sustainably moving the industry forward. The commercial geoduck aquaculture industry in its current state is just 20 years old (approx.). The process and techniques used are evolving on a continuous basis. The proposed operation would incorporate the new techniques learned over time.

4. Aquacultural enterprises should be operated in a manner that allows navigational access of shoreline owners and commercial traffic.

Staff comments: No evidence has been presented to show that the proposed bed will interfere with commercial fishing or other commercial traffic. There are no public boat docks in the vicinity to attract boaters to the subject beach. The

project will not involve the placement of bouys, concrete markers or other potentially dangerous objects on the beach to interfere with access.

5. Aquacultural development should consider and minimize the detrimental impact it might have on views from upland property.

Staff comments: The operation would only be visible during daylight hours and low tides while the tubes are in place and when workers are on-site for maintenance and harvesting activities. The tubes and nets will only be in place for up to 24 months out of a 5 – 7 year culture cycle.

The SEPA MDNS contains several conditions to ensure the geoduck operation is properly managed by means of routine inspections and patrols; all equipment to be tagged and colored to blend in with the surrounding environment; removal of aquaculture gear within two years of planting; and to provide contact signage to immediately address problems associated with the geoduck operation.

6. Proposed surface installations should be reviewed for conflicts with other uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Such surface installations should incorporate features to reduce use conflicts. Unlimited recreational boating should not be construed as normal public use.

Staff comments: The aquaculture site would be leased from the property owner. The project will be in front of other adjacent landowners. However, the proposed bed would begin a significant distance waterward of the shoreline. As a result, the upper beach would not be obstructed for walking or other recreational activities.

The tubes would only be present for approximately 24 months of the five to seven years the geoducks would be present. Even when the tubes are present, there would be minimal interruption to the recreational use or navigation of the overlying water.

7. Areas with high potential for aquacultural activities should be protected from degradation by other types of uses which may locate on the adjacent upland.

Staff comments: The adjacent upland is zoned for residential use at a density of one dwelling per acre and one dwelling unit per 2 acres. The existing shoreline parcels average approximately one - 7 acres in size. The parcels in the area are already developed with single family homes. Staff believes this finding can be made with the expectation that all future development in the area will be in compliance with current County code.

8. Proposed aquacultural activities should be reviewed for impacts on the existing plants, animals and physical characteristics of the shorelines.

Staff comments: The environmental impact of the proposed geoduck bed was reviewed through the State Environmental Policy Act (SEPA). A SEPA mitigated determination of non-significance was issued September 8, 2023 (Attachment k).

The applicant is going through a federal aquaculture permit which will evaluate impacts to endangered species. In part, this is in lieu of a FEMA Habitat Assessment. FEMA has previously agreed that if an applicant is going through this federal permitting process that a Habitat Assessment is not required. FEMA has agreed that because projects like this are within Army Corps jurisdiction that a Habitat Assessment is not necessary. One proposed condition is that the applicant obtain and provide written verification from FEMA that this is still applicable as policies can change over time.

Even though existing biological analyses generally have found that no long-term significant impacts are associated with geoduck aquaculture, there are areas of ongoing research related to geoduck growing and harvesting. Additionally, the Washington Sea Grant program issued a Final Report to the Washington State Legislature in December 2016. This final report, in general, found that geoduck farming is an important form of aquaculture and contributes economically to the region. The report found that geoduck farming can be done in a sustainable manner if using the best available science, best management practices, and avoiding habitat impacts.

9. Proposed uses located adjacent to existing aquaculture areas which are found to be incompatible should not be allowed.

Staff comments: The County is not aware of any near-by development proposals that would be incompatible to the proposed geoduck farm.

C. General Regulations (SMP pg. 40-41)

1. Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelines.

Staff comments: Erosion and accretion do not appear to be significant issues in geoduck operations. Some erosion of beach sand occurs during harvest but returns to the pre-harvest levels after several tide cycles. Accretion occurs in a small way when the tubes and netting are in place. Sand may accumulate between the tubes. When the tubes are removed, the accreted sand is dispersed by tides. In this case PVC tubes are not being used so impacts may somewhat lessened with the use of mesh tubes.

- 2. Aquacultural structures and activities that are not shoreline dependent (e.g. warehouses for storage of products, parking lots) shall be located to minimize the detrimental impact to the shoreline.**

Staff comments: There will be no upland structures or activities associated with the proposed aquaculture bed. All structures and activities associated with the aquaculture bed will be on the beach and will consist only of the mesh tubes.

- 3. Proposed aquaculture processing plants shall provide adequate buffers to screen operations from adjacent residential uses.**

Staff comments: No processing plant is proposed in association with the subject bed. Processing occurs off-site in an upland area outside of shoreline jurisdiction.

- 4. Proposed residential and other developments in the vicinity of aquaculture operations shall install drainage and waste water treatment facilities to prevent any adverse water quality impacts to aquaculture operations.**

Staff comments: There are no new proposed developments in the vicinity. If any are subsequently proposed, the County's Drainage Design and Erosion Control Manual and the Sewerage General Plan would require mitigation to prevent adverse water quality impacts.

- 5. Land clearing in the vicinity of aquaculture operations shall not result in offsite erosion, siltation or other reductions in water quality.**

Staff comments: This project will not result in land clearing activity. Additionally, no known land clearing activity is proposed in the vicinity of the subject bed. If any are subsequently proposed, the County's Drainage Design and Erosion Control Manual, Critical Areas Ordinance, and the Shoreline Master Program would require mitigations to prevent adverse water quality impacts from erosion or siltation.

- 6. For nonaquacultural development or uses proposed within or adjacent to an Aquacultural District, or which may be adversely affected by the aquaculture operation, restrictive covenants shall be filed which will inform prospective buyers of the proximity of the Aquacultural District.**

Staff comments: not applicable

C. Commenting Agencies:

The application was routed to all applicable Thurston County departments, tribes, state and federal agencies for review in accordance with the codes they

administer.

The Environmental Health Section of the Public Health and Social Services Department reviewed the project for compliance with health codes. Based upon review of the application, Environmental Health recommends approval of the application (Attachment u2).

The Development Review Services Section of the Public Works Department reviewed the project for access and storm water control requirements. The project is exempt from the standards in the Thurston County Drainage and Erosion Control Manual because it is considered commercial agriculture. Therefore, the Public Works Department has stated they have no comment.

The Nisqually Tribe commented (Attachment v2) and had no specific concerns. The Squaxin Tribe did not provide comments. The WA Dept. of Ecology provided comments (Attachment j1). These comments primarily related to water quality, toxic cleanup and solid waste. There should be no water quality issues with the project if permit conditions from Thurston County and other state and federal agencies are followed. There are no known issues related to toxic cleanup or solid waste in relation to the proposed project.

D. Public Comment:

Public comments were directed to the County of the County was cc'd on approximately 57 public comments from a number of individuals and private groups such as Protect Henderson Inlet. Taylor Shellfish provided responses to public comments dated January 31, 2023. Additional public comments were received after this date. Many of the comments seem to be copies of one another so separate responses are not provided for each of the 57 comment letters and emails.

The many comments are roughly broken into the following issues below with comments from staff in parentheses:

- Water quality (The WA Dept. of Ecology and federal agencies implement water quality regulations which will be part of their review and approval of the project.)
- Impacts to endangered species (The project requires review by federal agencies such as the Army Corps and NOAA Fisheries who have expertise and are responsible for reviewing for ESA impacts. Thurston County does not have that level of scientific expertise in relation to ESA species.)
- Impacts to forage fish (Conditions are suggested regarding the minimum depth of the project in order to protect the upper beach typically used by forage fish. Other agencies will have additional conditions related to forage fish.)
- Use and enjoyment of the beach (The upper beach will be available for

- walking and recreating.)
- Nighttime operations (conditions are attached addressing nighttime noise.)
 - Microplastics (If this is to be addressed it would be by the state and federal agencies who have more expertise on this subject. Commentors contended that the PVC tubes used in Geoduck cultivation have not been looked at closely enough and that other more environmentally friendly alternatives should be explored. As the industry moves forward there will be opportunity to adjust planting procedures, such as use of mesh tubes or other methods yet to be tried.)
 - Public Trust Doctrine (A legal principal derived from English common law which intends to protect public ownership interests in certain navigable waters and underlying lands. The applicability can only be determined by state court decisions per WA Dept. of Ecology website¹)
 - Property values (No evidence that staff is aware of has been supplied which supports the idea that the project will impact property values.)
 - Trespass (the farm area must be surveyed to ensure no encroachment occurs. If it occurs Taylor will work with affected property owners per their statements in Attachment m.)
 - Species and habitat impacts (Habitat issues are in part addressed by the recommended conditions and will also be addressed by requirements of other state and federal agencies.)
 - SEPA EIS (A SEPA Mitigated Determination of Nonsignificance has been issued for the project and SEPA was not appealed and is final.)
 - Navigational impacts (The protective PVC tubes will only be in place for roughly 2 years. They do not protrude more than a few inches above the substrate per Taylor's response to comments, Attachment m.)
 - Shoreline Master Program (At this point it appears likely that the project is consistent with the Shoreline Master Program.)
 - Arsenic (per Taylor's Attachment m, testing for hazards including arsenic is conducted regularly and test indicate acceptable levels.)
 - Federal NWP 48 (The applicant is going through an individual permit with the federal agencies so NWP 48 is not a concern per Attachment m.)
 - Impacts to recreational shell fishing and educational outreach. (Taylor contends that they will not have any substantive off-site impacts and that they are happy to show and explain their operations to interested parties per Attachment m.)
 - Geoduck genetics (There are concerns that imported Geoduck seed may compete or influence the genetics of native Geoduck populations. This is beyond the scope of what the County has any expertise in. It is possible this is a substantive issue, but staff does not have information to make a decision in relation to this concern.)
 - Sales taxes were discussed by Protect Henderson Inlet (PHI) in Attachment q. (Sales taxes are not a criteria or environmental impact

¹ <https://ecology.wa.gov/water-shorelines/shoreline-coastal-management/shoreline-coastal-planning/shoreline-laws-rules-and-cases/public-trust-doctrine>

that would be reviewed through this process.)

- Cumulative impacts. (The federal agencies have the expertise to study cumulative impacts. An individual applicant would likely not be able to conduct a large scale cumulative impact study.)
- Photo of a Bald eagle stuck in Geoduck net. (This rather old photo is submitted with comments on nearly every Geoduck project. It is a striking photo. However, this is in no way a common occurrence.)
- Eel grass (The Eel grass survey for the project found that there is no eel grass in the area of the proposed Geoduck farm. Staff does not believe evidence has been provided that indicate that this is false. Staff does not believe another Eel grass survey is necessary.)
- There are references to information put out by the WA Dept. of Natural Resources. (This is a separate agency and not involved in permitting Geoduck on private property. The information they have put out and that was provided in Attachment f1 has to do with WA DNRs proposed studies for state owned submerged lands. It does not relate to private property.)
- There were comments related to the fact that Taylors Geoduck are largely exported and not substantially used as food locally. (There are no County or SMP prohibitions from exporting oysters or other shellfish from private tidelands.)
- Non-renewable resources (Geoduck farming is a renewable resource. The same plots are planted and harvested successfully many times over. As this is still a relatively recent practice (Geoduck farming) it is not known whether there are limits to this or not.)
- Non-consumptive uses. (Many commentor's stated essentially that consumptive uses are not allowed by the SMPTR. If this were the case oyster and other shellfish production would not be permitted on Puget Sound shorelines. It is not clear why Geoduck farming would be more consumptive than other forms of shell fishing.)

Many comments related to potential impacts to forage fish, plastics pollution and general environmental concerns. In response, the applicant is going through a federal permitting process which involves reviewing for impacts to endangered species such as Orca whales and other species. There must be a finding that the project will not harm endangered species in order for federal permits to be approved. There are recommended conditions regarding loss of tubes and other equipment so plastics pollution has been mitigated to the extent possible.

E. SEPA:

In compliance with County Code (TCC 17.09), the project was reviewed through a SEPA application. The MDNS (Attachment k) includes mitigating conditions regarding timelines, clean-up, and aesthetics. A condition of the MDNS is intended to ensure the applicant patrols the area on a regular basis to pick up geoduck debris when it's observed.

F. Washington Sea Grant:

The study which began in 2007 has now concluded, although additional work and research will continue through the Washington Sea Grant and within the shellfish industry. The final report to the Washington State Legislature indicated that the Geoduck and aquaculture industry in Washington State and South Puget Sound are of significant economic and environmental importance and can be a part of a sustainably managed shoreline environment.²

G. Thurston County Comprehensive Plan:

Pages 3-9 and 3-10 of the Thurston County Comprehensive Plan recognizes the importance of aquaculture resources in Thurston County. The comprehensive plan further states that “aquaculture practices should not be considered a nuisance unless they threaten the public health and safety”.

H. Determination of Consistency:

As proposed and conditioned, the proposed Shoreline Substantial Development Permit is consistent with the Thurston County Comprehensive Plan, Shoreline Master Program for the Thurston Region, and Zoning Ordinance for an aquaculture operation.

Department Recommendation:

If the examiner finds that the criteria for approval are satisfied, Staff recommends the following conditions to ensure compliance with applicable development standards and regulations:

1. 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.
2. Prior to planting, the applicant shall provide to Thurston County CPED written confirmation from FEMA that a FEMA Habitat Assessment is not required for the project.
3. 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 Growers Association.
4. An unobtrusive but visible sign shall be placed at each aquaculture bed listing the name and contact information for a person designated to immediately

² <https://www.sciencelawenvironment.com/2013/12/washington-sea-grant-releases-final-report-to-the-washington-state-legislature-on-geoduck-aquaculture-research/>

address problems associated with the aquaculture bed when discovered by a citizen or agency representatives.

5. Shellfish culturing shall not occur within 10 horizontal feet of eelgrass (*Zostera marina*) or kelp.
6. 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.
7. Shellfish culturing shall not be place above the tidal elevation of +5 MLLW³ in order to minimize potential impacts to forage fish habitat.
8. 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.
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. Any 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 Dept. 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

³ Mean Lower Low Water

- by the land surveyor 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 block 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 strong 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.
 20. 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.
 21. Bed preparation must commence within two years and all tubes and netting must be installed within five years of the effective date of this permit. The effective date is the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed.
 22. Sand dollars shall not be negatively impacted by preparation or planting of Geoduck.
 23. All activities related to the proposed geoduck bed shall be in substantial compliance with the site plans submitted and made part of this staff report, including modifications as required by this approval. Any expansion or alteration of this use will require approval of a new or amended Shoreline Substantial

Development Permit as determined by the Community Planning & Economic Development Department.

24. Any revision to the shoreline permit must be in compliance with WAC 173-27-100.
25. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at:
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html> . It is the applicant's responsibility to obtain this permit if required.

Scott McCormick, Associate Planner

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LIST OF EXHIBITS

EXHIBIT 1 Community Planning & Economic Development Department Report including the following exhibits:

- | | |
|--------------|--|
| Attachment a | Notice of Hearing |
| Attachment b | Zoning / Vicinity Map |
| Attachment c | Master Application submitted on July 22, 2022 |
| Attachment d | JARPA Application (revised) signed April 3, 2023 |
| Attachment e | Revised Narrative description (undated) |
| Attachment f | Site plans and sketches / cross section received July 22, 2022 |
| Attachment g | Eelgrass Survey by Audrey Lamb, Taylor Shellfish Farms dated July 2019 |
| Attachment h | Tidelands Lease Agreement received July 22, 2022 |
| Attachment i | Geoduck Aquaculture Research Program (final report) dated November 2013 |
| Attachment j | Notice of Application dated November 4, 2022 with adjacent property owners list dated November 2, 2022 |
| Attachment k | SEPA MDNS dated September 8, 2023 with adjacent property owners list dated November 2, 2022 |
| Attachment l | SEPA Environmental Checklist signed April 5, 2023 (revised) |
| Attachment m | Taylor Shellfish response to public comments dated January 31, 2023 |
| Attachment n | Email from Erin Ewald with Taylor Shellfish regarding public comments dated January 17, 2023 |
| Attachment o | Letter from Protect Henderson Inlet to the WA Dept. of Ecology dated July 27, 2023 |
| Attachment p | Email from Tonni Johnson to Scott McCormick, Associate Planner (CPED) dated September 22, 2023 |
| Attachment q | Letter from Protect Henderson Inlet to the US Army Corp of Engineers dated July 24, 2023 |

Attachment r	Letter from Protect Henderson Inlet to Andrew Deffobis, Thurston County Senior Planner re: Shoreline Master Program updates dated May 30, 2023
Attachment s	Document titled "The Impact of Microplastics on Health by Ronald Smith, MD (undated).
Attachment t	Letter from Protect Henderson Inlet to Abbie Adams and Brett Bures with Thurston County Community Planning and Economic Development dated July 20, 2023
Attachment u	Letter from Protect Henderson Inlet to Kraig Chalem, Senior Planner (CPED) dated March 21, 2023
Attachment v	Letter from Protect Henderson Inlet to Kraig Chalem, Senior Planner (CPED) dated March 21, 2023
Attachment w	Letter from Protect Henderson Inlet to Kraig Chalem, Senior Planner (CPED) dated March 21, 2023
Attachment x	Letter from Protect Henderson Inlet to Kraig Chalem, Senior Planner (CPED) dated March 21, 2023
Attachment y	Email from Bruce Justinen to Ron Buckholt Senior Planner - CPED dated December 5, 2022
Attachment z	Email from Michael Mason to Ron Smith, TC BoCC, Ron Buckholt (CPED) et. al. dated December 5, 2022
Attachment a1	Email from William Reus to TC Bocc, Ron Buckholt et. al. dated December 5, 2022
Attachment b1	Email from Kristin Hearn to Ron Buckholt et. al. dated December 5, 2022
Attachment c1	Letter from David Hall to Ron Buckholt (CPED) dated December 5, 2022
Attachment d1	Email from Christopher Papasian to Ron Buckholt (CPED) dated December 5, 2022
Attachment e1	Email from Sara Develle with TC BoCC with attached comments to Ron Buckholt (CPED) from George Johnston dated December 3, 2022
Attachment f1	Email with WA DNR attachments from Michael Mason to Ron Buckholt (CPED) and TC BoCC et. al. dated December 5, 2022
Attachment g1	Email from Becky Beswick to Ron Buckholt (CPED) dated December 5, 2022

- Attachment h1 Email from Ron Smith to Ron Buckholt dated December 5, 2022 with attachment dated December 2, 2022
- Attachment i1 Email from Laura Hendricks to Ron Buckholt (CPED) dated December 5, 2022 with the following sub-attachments
- i1.1 US Dist. Court, Western Dist. of Washington at Seattle Case No. C16-0950RSL regarding US Army Corps and Taylor Shellfish, Order Holding NWP 48 Unlawful in the State of Washington and Requesting Additional Briefing.
 - i1.2 US Court of Appeals for the ninth circuit no. 20-35546, D.C. No. 2:16-cv-00950-RSL (US Army Corps and Taylor Shellfish)
 - i1.3 Acres Innovative Country Living, Winter 2015
 - i1.4 This isn't your Grandfather's Oyster Farm (article-undated)
 - i1.5 Coalition to Protect Puget Sound – Scientific Evidence that Industrial Shellfish Aquaculture Adversely Affects Iconic Washington State Marine Life (undated)
 - i1.6 Coalition to Protect Puget Sound – Scientific Evidence that Industrial Shellfish Aquaculture “Is Poisoning our Shoreline” (undated)
- Attachment j1 Letter from the WA Dept. of Ecology dated December 5, 2022
- Attachment k1 Letter from Sam Smith to Ron Buckholt (CPED) dated December 4, 2022
- Attachment l1 Email from Evan Smith to Ron Buckholt (CPED) dated December 4, 2022
- Attachment m1 letter from Holly Hulst to Ron Buckholt (CPED) dated December 4, 2022
- Attachment n1 Email from Pyke Johnson to Ron Buckholt (CPED) dated December 4, 2022
- Attachment o1 Letter from William and Sherry Reus to Ron Buckholt (CPED) dated December 3, 2022
- Attachment p1 Email from David Hall to Lon Sullivan and Ron Buckholt (CPED) dated December 3, 2022
- Attachment q1 Letter from George Johnston to Ron Buckholt dated December 3, 2022

Attachment r1	Email from William Reus to Ron Buckholt (CPED) et. al. with link to Shoreline Master Program (SMP) info.
Attachment s1	Email from Lon Sullivan to Ron Buckholt (CPED) dated December 3, 2022
Attachment t1	Email and attachments from Kevin Vandehey – Case Inspections to Ron Buckholt (CPED) et. al. dated December 3, 2022
Attachment u1	Letter from Ron Smith and Deb Hall to Ron Buckholt dated December 2, 2022
Attachment v1	Email from Bill and Sherry Reus and Stephanie Bishop (South Sound Green Program Mgr.) to Ron Buckholt (CPED) and Taylor Shellfish dated December 2, 2022
Attachment w1	Email from Tristan Atkins to Ron Buckholt (CPED) dated December 1, 2022
Attachment x1	Email from Ron Smith and Deb Hall to Ron Buckholt (CPED) dated December 2, 2022
Attachment y1	Letter from Pyke Johnson to Mr. Buckholt (CPED) dated December 2, 2022
Attachment z1	Email from Michael Mason to Ron Buckholt (CPED) and TC BoCC dated December 2, 2022
Attachment a2	Email from Rich Hattrup to Ron Buckholt (CPED) dated December 2, 2022
Attachment b2	Email from Lanny Carpenter to Ron Buckholt (CPED) dated December 1, 2022
Attachment c2	Email from Ron Smith & Deb Hall to Ron Buckholt (CPED) dated November 30, 2022
Attachment d2	Email from Michael Mason to TC BoCC and Ron Buckholt (CPED) dated November 30, 2022
Attachment e2	Email from Michael Mason to Ron Buckholt (CPED) dated November 28, 2022
Attachment f2	Email from Jerry Blaser to Ron Buckholt (CPED) dated November 28, 2022
Attachment g2	Email from Tonni Johnston to Ron Buckholt (CPED) dated November 28, 2022

Attachment h2	Letter from William and Sherry Reus to Ron Buckholt (CPED) dated November 26, 2022
Attachment i2	Email from Darcy Eggeman to Ron Buckholt (CPED) dated November 25, 2022
Attachment j2	Email from Bill & Sherry Reus to Ron Buckholt (CPED) et. al. dated November 21, 2022
Attachment k2	Email from Jim Brazil to Ron Buckholt (CPED) et. al. dated November 21, 2022 referencing an email from Bill and Sherry Reus dated November 19, 2022
Attachment l2	Email from Ron Smith to Ron Buckholt (CPED) et. al. dated November 21, 2022
Attachment m2	Letter from William & Sherry Reus to Ron Buckholt (CPED) dated November 21, 2022
Attachment n2	Letter from William and Sherry Reus to Ron Buckholt (CPED) dated November 21, 2022
Attachment o2	Email from William and Sherry Reus to Ron Buckholt (CPED) et. al. dated November 21, 2022
Attachment p2	Letter from William and Sherry Reus to Ron Buckholt (CPED) et. al. dated November 19, 2022
Attachment q2	Left Blank
Attachment r2	Email from Christopher Papasian to Bill and Sherry Reus, Ron Buckholt (CPED) et. al. dated November 19, 2022
Attachment s2	Email from Christopher Papasian dated November 19, 2022 regarding an email from William and Sherry Reus dated November 19, 2022 to Ron Buckholt (CPED)
Attachment t2	Letter from Tonni Johnston to Ron Buckholt (CPED) (undated)
Attachment u2	Approval memo from Dawn Peebles with Thurston County Environmental Health dated June 5, 2023
Attachment v2	Comment letter from the Nisqually Tribe dated November 10, 2022
Attachment w2	Email from Erin Ewald with Taylor Shellfish to Scott McCormick, TC CPED dated December 19, 2023
Attachment x2	Email from Erin Ewald with Taylor Shellfish to Scott McCormick, TC CPED dated December 20, 2023