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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 PUBLIC HEARING

April 23, 2024

**PROJECT NO.:** 2023103926

**APPLICANT:** Steamboat Island Shellfish Operation

#### **REQUEST**

Applicant seeks approval of a Shoreline Substantial Development Permit to operate a commercial intertidal geoduck farm within the tidelands.

#### **GENERAL INFORMATION**

- A. Owners: Same as Applicant
- B. Applicant: Steven and Heather Zimmerman  
6308 Boardman Road NW  
Olympia, WA 98502  
Email: [steve@bluesky-nw.com](mailto:steve@bluesky-nw.com)
- C. Point of Contact: Same as Applicant
- D. Location: Tidelands of 9625 Steamboat Island Road NW
- E. Legal Description: Section 33 Township 20 Range 2W Quarter SE SW Plat CARLYON BEACH  
DIV 1 LT 6 Document 012/009 TOGW 1972 LAMPLIGHTER 48/1
- F. Tax Parcels: 39000000600 (tidelands)

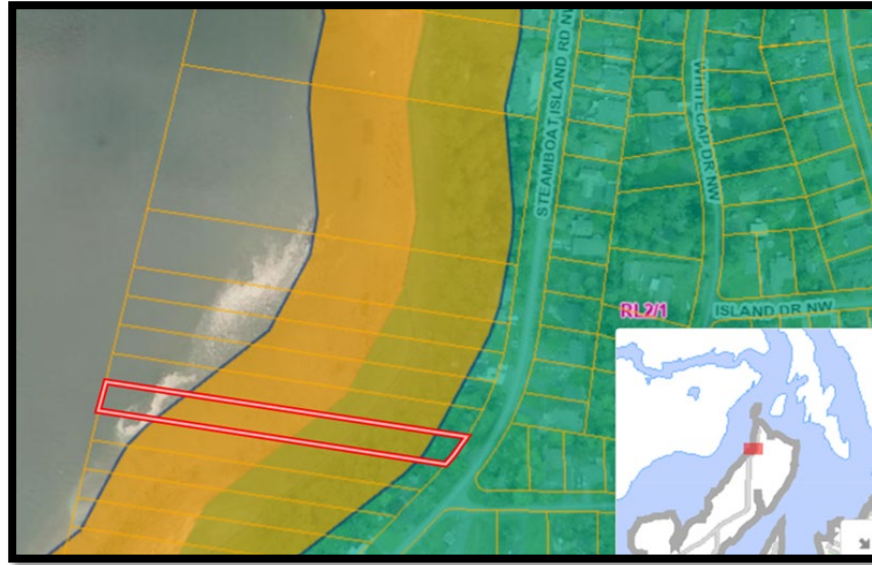


#### **Project Description:**

This project will commercially cultivate geoduck clams on private tidelands between -3.5ft. to + 0.5 ft. Mean Lower Low Water (MLLW) tidal elevations. The proposed project area is -.42 acres with about the same area as fallow. Access to the project area occurs by foot or by boat. No nursery structures exist on the project site and all geoduck seed is planted immediately. The only prep work is to clear the beach of sticks and large shells with a rake, where possible. Geoduck Aquaculture is achieved through the intertidal planting of geoducks and protecting them using 12-inch segments of 4-inch diameter PVC tubing, 2-millimeter nets and rubber bands. An area net is then staked down, covering all tubes in the cultivation

area The 2-millimeter nets and bands are removed after 6 to 12 months and the tubes are removed after 12 to 24 months. All the equipment is stored for reuse.

### **ZONING & VICINITY MAP**



#### **Background:**

The property is situated within the unincorporated territory of Thurston County and zoned Residential Lamird—Two Dwelling Units Per Acre (RL 2/1). The Shoreline Master Program (SMP) designation for the site is “Rural” and surrounding land uses are single-family.

A Master, JARPA and SEPA Applications were received and deemed complete August 10, 2023. The project requires a shoreline substantial development permit (SSDP) as a result of the project not meeting the criteria of WAC 173-27-040 to be considered exempt from the SMP.

#### **Notification:**

A notice of application (NOA) was mailed to all property owners within 500-feet of the site on January 26, 2024 (Attachment g). Written notice of the public hearing was sent to all property owners within 500-feet of the site and notice was published in The Olympian, on April 12, 2024, at least ten (10) days prior to the hearing (Attachment a).

#### **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 (Thurston County Code (TCC) 2.06.010).

The application was reviewed pursuant to SEPA requirements. A Determination of Non-Significance (DNS) was issued on February 23, 2024 (Attachment j). No appeals were filed.

#### **Applicable Sections of the Thurston County Land Use Regulatory Codes:**

Thurston County Zoning Ordinance: Chapter 20.09A

Thurston County Critical Areas Ordinance: Title 24

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

Section 2--General Goals and Policies, V. Regional Criteria

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

Section 4--Definitions

**Department Analysis:**

**A. Zoning (Title 20):**

Per Ch. 20.13A.020 (TCC) Primary uses, agriculture is an allowed use within the RL 2/1 zoning district. 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 2/1 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 provided in this report.

**B. Critical Areas (Title 24):**

The subject shoreline is mapped within the 100-year FEMA Flood Zone, Sand Lance Spawning habitat, and Smelt Spawning Area. Per TCC 24.20, Table 24.20-1, new agricultural activities are an allowed use within the 100-year flood zone, and agricultural structures shall comply with the general standards of TCC 24.20.080. Per TCC 24.25, Table 24.25-3, new agriculture activities are an allowed use within marine and important species and habitat areas and shall comply with the general standards of TCC 24.25.090.

TCC 24.25.090(F): Intertidal/Saltwater Submerged Lands:

All uses and activities occurring in marine intertidal and submerged lands shall avoid impacts to eelgrass and kelp beds; commercial and recreational shellfish harvesting areas; and herring, surf smelt and sand lance spawning areas. If eelgrass or kelp is known or suspected to be present on the site proposed for development or where it would likely be affected by the proposed development, as determined by the approval authority in consultation with WDFW, the applicant shall submit an aquatic vegetation survey that identifies the location of the eelgrass and/or kelp. Applicants for uses that the approval authority determines could adversely impact kelp or eelgrass beds shall submit a critical area report identifying any unavoidable impacts to these beds and proposed mitigation measures for review and approval by Thurston County.

**Staff comments:** The applicant has stated in the JARPA Application [pg. 6 of 16] (Attachment c) that, “no part of the property is within a 100-year floodplain.” Tim Rubert, Building Services Supervisor in his role as Floodplain Manager has requested a Biological Opinion / Habitat Assessment (Attachment o).

**C. Shoreline Master Program (Title 19):**

The Shoreline Management Act currently defines “substantial development” as any development of which the total cost or fair market value exceeds \$8,504.00. The Act lists several activities that are exempt from the permit process. The geoduck farm has a fair market value over \$8,504.00; therefore, a SSDP is required to be reviewed by the Hearing Examiner. The SMPTR specifically allows aquaculture within the Rural Shoreline Environment with an approved shoreline permit. The applicant has stated in the JARPA Application [pg. 6 of 16; line 6g.] (Attachment c) that the project value is \$10,000.00 for project equipment, and exceeds the value set by statute.

**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 master program.

**Staff comments:** Staff is unable to find 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 at ground level.

**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 is unable to find the project to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(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.

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 Rural Shoreline Environment in the SMP. The shoreline requirements are discussed below.

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

**SMP, Section 2, Part V: REGIONAL CRITERIA**

All development within the jurisdiction of this Master Program shall demonstrate compliance with the following policies:

- A. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.

**Staff Comments:** No new public shoreline access is included with the proposal, nor will the proposal alter existing means of public access.

B. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.

**Staff Comments:** The proposal is not supported by extensive analysis or Programmatic Consultation. One document was submitted which is apparently meant to function as a habitat assessment report for the proposal (Attachment t). Additional project specific assessments for the proposal have need to be conducted and supplied to the County, including a Biological Opinion and Habitat Assessment per Tim Rubert.

C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.

**Staff Comments:** No industrial uses are proposed.

D. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.

**Staff Comments:** No residential development is proposed.

E. Governmental units shall be bound by the same requirements as private interests.

**Staff Comments:** This is a private proposal, not a proposal by a governmental unit.

F. Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.

**Staff Comments:** As noted above, staff is unable to determine that the proposal is consistent with the applicable criteria for SSDP approval.

G. Shorelines of this Region which are notable for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor-quality shoreline conditions shall be eliminated when a new shoreline development or activity is authorized.

**Staff Comments:** Geoduck farming practices are reasonably common and have little impact by their nature having a five to six year growing cycle. However, as discussed above, without information from additional studies to evaluate for SSDP recommendation, but the proposal is expected to have minimal environmental impacts, to and including aesthetic, scenic, historic, and ecological qualities. The proposal's geoduck tubes and netting will only be visible for a small percentage of daylight hours. Geoduck nets and tubes will be secured in place to prevent them from escaping. No permanent or temporary lighting is proposed. The proposal will be required to employ best practices and would be consistent with this policy.

H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

**Staff Comments:** The goal of the proposal is to cultivate geoduck clams for harvest, sale, and distribution. Market studies indicate a high demand for additional geoduck clams grown in Washington State, and the proposal will help meet this demand.

### **SMP, Section 3, Part II: AQUACULTURAL ACTIVITIES**

#### **A. Scope and Definition**

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 SMP 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 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 SMP which are listed in the “Department Recommendations” section below.

#### **B. Policies**

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

**Staff comments:** The proposed project is a commercial geoduck bed and 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. The applicant notes the proposal advances this goal. It strengthens and diversifies the local economy by helping to support a local shellfish farming company, providing revenue for upland property owners, and increasing tax revenue.

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. However, a Habitat Assessment will be needed to determine if the property has high aquaculture potential.

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

**Staff comments:** The proposal will utilize aquacultural techniques that is described in the SEPA checklist on page 3 of 16 in response to question #11 (Attachment e)

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 buoys, concrete markers or other potentially dangerous objects on the beach to interfere with access. The proposal does not include permanent lighting, and any temporary lighting will be directed in a manner to minimize off-site glare. The applicant has stated that the site and area will regularly be patrol for escaped gear, and the company will comply with the Environmental Codes of Practice for shellfish aquaculture. Geoduck aquaculture gear is only visible for a small percentage of daylight hours.

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

**Staff comments:** As proposed, no detrimental impact to neighboring views is anticipated.

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 proposal has minimal potential for use conflicts. It is located on private tidelands, utilizes gear for a limited period of the cultivation cycle, and the gear will protrude only a few inches above the substrate. There are no established commercial navigation channels over the property and there are no established public recreational uses in the immediate vicinity. Finally, the geoduck tubes will be submerged for the vast majority of the time they are present on the beach, causing no obstruction to use of the waters over which the geoduck bed will be located.

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 two dwelling per acre. 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 follow current County code. The area is approved for shellfish harvesting by the Washington State Department of Health. If approved, the proposal will help ensure actions are taken in the future to ensure water quality remains high.

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 SEPA. No offsite impacts for this type of activity were identified for mitigation and SEPA determination of non-significance was issued on February 23, 2024. (Attachment e).

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. If approved, the proposal must be consistent and compatible with other like shellfish farms in the area.

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

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

**Staff comments:** According to the applicant, geoduck aquaculture helps to reduce erosion (Attachment e; B.1.h.).

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:** No upland structures or activities associated with the aquaculture bed have been proposed. All structures and activities associated with the bed will be on the beach and will consist only of the PVC tubes, area netting, and necessary installation, maintenance, and harvesting. The proposal is shoreline dependent.

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

**Staff comments:** No new processing plants are proposed. All processing of geoduck clams from the proposal will occur off-site.

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

**Staff comments:** No residential or other developments are proposed. 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:** No land clearing is proposed.

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



**D. 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 (Attachment h and k)

The Environmental Health Section of the Public Health and Social Services Department reviewed the project for compliance with health codes and has requested the applicant clarify how waste will be handled for workers when on site. (Attachment p).

The Development Review Services Section of the Public Works Department reviewed the project and stated they have no comment (Attachment l)

The Nisqually Indian Tribe commented (Attachment n). The Squaxin Island Tribe also commented and had no concerns (Attachment m).

**E. Public Comment:**

Email from Jill Skok, neighboring property, received February 8, 2024 (Attachment r)

Email from Mike Haskett, Vantage Community Management, received February 13, 2024 (Attachment s)

**F. SEPA:**

In compliance with County Code (TCC 17.09), the project was reviewed through a SEPA application. The DNS (Attachment j) was issued February 23, 2024.

**G. Thurston County Comprehensive Plan:**

Pages 3-13 through 3-15 of the Thurston County Comprehensive Plan recognizes the importance of aquaculture resources in Thurston County. The comprehensive plan further states that “County policies discourage encroachment from incompatible uses to avoid nuisance conflicts and water quality degradation. The policies also provide that normal aquaculture practices should not be considered a nuisance unless they threaten the public health and safety.”

**H. Determination of Consistency:**

As 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:**

As noted in the body of this report, staff is unable to determine the proposals consistency with the Shoreline Management Program for Thurston County or requisite WACs and RCWs.

The applicant has stated in response to the Communication Matrix (Attachment i) that Attachment t, meets the Thurston County’s regulatory requirements for a Bi-Op and noted in the SEPA Checklist that “[T]his farm site is situated below the spawning elevations of sand lance and surf smelt (i.e., +5.0 and +7.0 ft MLLW tidal elevations, respectively)” ... “There is no native eelgrass or other rooted vegetation on this site. The neighboring tidelands have been farmed by various farmers for decades and neither eelgrass nor rooted kelp beds are present.”

Furthermore, in the same document, where asks, if there are environmental information known by the applicant to have been or will be prepared, the applicant notes the following:

- Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U. S. Army Corps of Engineers Regulatory Program, Seattle District, October 2015.

Section 401 Water Quality Certification was submitted to Washington State Department of Ecology Reference Number: NWS-2023-0129-AQ; Dept of Ecology Aquatics ID Number: 142558) in May 2023.

- Federal: Army Corps of Engineers Individual Permit (or 2021 NWP 48)
- Department of Ecology, Section 401 Water Quality Certification and Coastal Zone Management Consistency/ Management Plan
- Department of Fish & Wildlife, Aquatic Farm Registration
- Department of Health, Harvest Site Certification

Staff recommends the following conditions to ensure compliance with applicable development standards and regulations:

1. No physical work on the beds shall be initiated until the applicant obtains all required local, state, and federal permits and/or approvals to include but not limited to the bulleted list shown immediately above, and provides staff with a favorable Biological Opinion / Habitat Assessment and meets any recommended measures described there in.
2. At all times 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.
3. The preparation, planting, maintenance and harvesting at the subject site shall follow the most current version of the Washington State Geoduck Growers Environmental Codes of Practice for Pacific Coast Shellfish Aquaculture.
4. Project shall comply with all conservation measures and applicable terms and conditions from the Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters (US Army Corp of Engineers: Enclosure 1. Conservation Measures and applicable terms and conditions from the Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters (US Fish and Wildlife Service (USFWS) Reference Number 01EWF00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502)
5. 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.
6. The Applicant and subsequent property owners must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation.
7. The applicant must indicate how sanitation facilities will be provided to workers.
8. All removed debris resulting from this project must be disposed of at an approved site. Contact the Department of Ecology or the local jurisdictional health department for proper management of these materials
9. Boundary Markers. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. Any revision to the shoreline permit must follow WAC 173-27-100.
15. 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.



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Kraig Chalem, Senior Planner

**LIST OF EXHIBITS**

- EXHIBIT 1** Community Planning & Economic Development Department Report including the following exhibits:
- Attachment a Notice of Hearing
- Attachment b Affidavit of Posting, Returned 04.16.2024
- Attachment c Master and JARPA Application submitted, 08.18.2023
- Attachment d Site Plan, Geoduck Tubes, and photos of the site submitted, 08.18.2023
- Attachment e SEPA Environmental Checklist submitted, 08.18.2023
- Attachment f Request for Section 401 Water Quality Certification, dated signed by applicant 05.14.2023
- Attachment g Notice of Application dated, 01.26.2024
- Attachment h Email Notice of Application for Prjct #2023103926 sent, 01.26.2024
- Attachment i Applicant Response to Communication (02.19.2024) Matrix with received, 04.08.2024
- Attachment j SEPA MDNS issued, 02.23.2024
- Attachment k Email Notice of SEPA Determination for Prjct #2023103926 sent, 02.23.2024
- Attachment l Agency Comments - T.C.P.W. Project #2023103926 - dated, 08.23.2023
- Attachment m Agency Comments - Squaxin Island Tribe \_ 2023103926 - dated, 01.21.2024
- Attachment n Agency Comments - Nisqually Indian Tribe - 2023103926 - dated, 02.02.2024
- Attachment o Agency Comments - Building Dept. 2023103926 XA - 01.24.2024
- Attachment p Agency Comments - 2023103926\_Zimmerman\_JARPA SSD\_EH Matrix
- Attachment q Agency Comment - Squaxin Island Tribe, dated - 05.10.2023
- Attachment r Email from Jill Skok, neighboring property, received February 8, 2024
- Attachment s Email from Mike Haskett, Vantage Community Management, received February 13, 2024
- Attachment t Letter dated, September 2, 2016 and sent to Michelle Walker, U.S. Army Corps of Engineers, Seattle District, Re: Endangered Species Act Section 7 Formal Biological Programmatic Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Shellfish Aquaculture Activities in Washington State (COE Reference Number NWS-2014-12) –AND—attached document from, William W. Stelle, Jr., Regional Administrator of the, UNITED STATES DEPARTMENT OF COMMERCE, National Oceanic and Atmospheric Administration, NATIONAL MARINE FISHERIES SERVICE, West Coast Region