



COUNTY COMMISSIONERS

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**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	Project No. 2016103745
	)	
<b>Carl Iverson</b>	)	
	)	
	)	
For Approval of a	)	
Shoreline Substantial Development Permit	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION

**SUMMARY OF DECISION**

The requested shoreline substantial development permit to develop a commercial intertidal geoduck farm on approximately 1.4 acres of private tidelands at 6526 79<sup>th</sup> Avenue NE is **GRANTED** with conditions.

**SUMMARY OF RECORD**

**Request:**

Carl Iverson (Applicant) requested approval of a shoreline substantial development permit (SSDP) to develop a commercial intertidal geoduck farm on approximately 1.4 acres of private tidelands at 6526 - 79<sup>th</sup> Avenue NE. The subject property, which is on the Nisqually Reach of Puget Sound, is designated as a Rural shoreline environment by the Shoreline Master Program for the Thurston Region.

**Hearing Date:**

The Thurston County Hearing Examiner held an open record hearing on the request on November 7, 2017. At the hearing the Applicant agreed to extend the decision issuance deadline to December 1, 2017.

**Testimony:**

At the hearing the following individuals presented testimony under oath:

Tony Kantas, Associate Planner, Thurston County

Dawn Peebles, Thurston County Environmental Health Division

Carl Iverson, Applicant/Owner

Catherine Gyls, Vice President/General Manager, National Fish and Oyster  
Hans Hurn, Confluence Environmental

Attorney Jesse De Nike represented the Applicant at the hearing.

**Exhibits:**

At the hearing the following exhibits were admitted into the record:

EXHIBIT 1 Resource Stewardship Department Report, including the following exhibits:

Attachment a	Notice of Hearing
Attachment b	Master Applications submitted July 29, 2016
Attachment c	JARPA Application
Attachment d	Vicinity Map
Attachment e	Site Plan (2 pages)
Attachment f	Notice of application mailed on December 28, 2016.
Attachment g	Mitigated determination of non-significance, issued on July 18, 2017
Attachment h	Comment letter from Washington State Department of Ecology, dated August 18, 2016
Attachment i	Comment Letter from Washington State Department of Ecology, dated July 3, 2017
Attachment j	Comment letter from Nisqually Tribe, dated July 7, 2017
Attachment k	Comment letters received by neighboring property owners: Letter from Phillip & Donna Price, dated January 10, 2017 Email from Carolyn Logue, dated January 2, 2017 Letter from Susan Francis, dated January 19, 2017 Letter from Betty Tabler, dated January 11, 2017 Email from Mike Miyao, dated January 17, 2017
Attachment l	Iverson Shellfish Farm Habitat Assessment Report, submitted January 3, 2017
Attachment m	Washington Sea Grant Final Report

EXHIBIT 2 Applicant's consistency analysis dated November 7, 2017, with attachments

EXHIBIT 3 Aerial photo of site

EXHIBIT 4 Applicant's PowerPoint presentation, with reference materials

EXHIBIT 5 Hans Hurn Curriculum Vitae

## EXHIBIT 6 Aquatic Farm Registration Permit

Based on the record developed at hearing, the following findings and conclusions are entered:

### FINDINGS

1. Carl Iverson (Applicant) requested approval of a shoreline substantial development permit (SSDP) to develop a commercial intertidal geoduck farm on approximately 1.4 acres of private tidelands at 6526 - 79<sup>th</sup> Avenue NE.<sup>1</sup> The subject property, which is on the Nisqually Reach of Puget Sound, is designated as a Rural shoreline environment by the Shoreline Master Program for the Thurston Region. *Exhibit 1, page 1; Exhibit 1, Attachments B, C, and D.*
2. Each of the three parcels comprising the subject property is zoned Rural Residential Resource One Dwelling Unit Per Five Acres (RRR 1/5) and is developed with a single-family residence. The Applicant owns the three parcels. Primary permitted uses in the RRR 1/5 zone include agriculture. *TCC 20.09A.020*. The zoning ordinance defines "agriculture" as including raising, harvesting, and processing clams. *TCC 20.03.040(3)*. Consequently, the proposed use is allowed in the RRR 1/5 zone. *Exhibit 1, page 3; Carl Iverson Testimony.*
3. Surrounding land uses include single-family residences, a private park owned by the Odd Fellows immediately south of the subject property, and a private marina/boat sales and repair business (Puget Marina) north of the subject property. There is an existing shellfish farm approximately 1,900 feet to the south. Other than that shellfish farm, there are no other shellfish operations within one mile of the subject property. *Exhibit 1, page 2; Exhibit 1, Attachments D and K; Exhibit 1, Attachment L, page 13; Exhibit 2, page 14; Exhibit 4.*
4. As intertidal lands in the Nisqually Reach, the project site is subject to the jurisdiction of the Shoreline Master Program for the Thurston Region (SMPTR). *SMPTR, Section 4, Definitions*. The SMPTR designates the site as Rural Shoreline Environment. Aquaculture is allowed in this environment. The proposed geoduck operation requires the installation of equipment on the tidelands that constitutes a "structure" and is considered "development" for the purposes of the SMPTR. Non-exempt development in the shoreline jurisdiction that exceeds \$6,412.00 in fair market value requires a shoreline substantial development permit (SSDP). The fair market value of the project would be approximately \$100,000. *Exhibit 1, Attachment C; SMPTR, Section 1.II.A; Exhibit 1, pages 3-4; Washington State Register (WSR) 12-16-035.*<sup>2</sup>

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<sup>1</sup> The subject tidelands are located on Tax Parcels 11910310101, 11910310102, and 11910310103. *Exhibit 1.*

<sup>2</sup> The cost threshold for the SSDP requirement is adjusted every five years. The \$6,412.00 threshold was in effect at the time the subject application was deemed complete on August 26, 2016 (Exhibit 1, Attachment F). Effective September 2, 2017, the threshold increased to \$7,047.00. *WSR 17-17-007.*

5. The existing environmental conditions of the subject property have been documented through multiple field surveys, including three conducted in November 2008, June 2016, and April 2017. Based on U.S. Fish & Wildlife Service (USFWS) and Washington Department of Fish and Wildlife (WDFW) mapping, the project area is classified as estuarine intertidal unconsolidated shore. At the top of the intertidal area, there is a concrete bulkhead installed along most of the length of the beach from the south, continuing as a riprap bulkhead in the northern section of the beach. The upper beach declines at about a 10 to 15% gradient from the toe of the bulkhead to a sediment transition boundary at a tidal elevation of approximately +5 feet Mean Lower Low Water (MLLW). This boundary is where the substrate transitions from a 10% gravel/cobble substrate to a less than 5% gravel/cobble substrate dominated by sand and shell material. *Exhibit 1, Attachment L, pages 13-15.*
6. The upper extent of the proposed project area (+3.0 feet MLLW) would be approximately 120 feet horizontal distance and two feet vertical distance from the sediment transition boundary. Given this distance, it is unlikely that any geoduck aquaculture activities (even walking) would occur above the sediment transition boundary. *Exhibit 1, Attachment L, page 15.*
7. Patchy macrophyte cover occurs below approximately +3 feet MLLW, with a four- to six-foot-wide band of dense coverage at +3 feet MLLW (70%-80% coverage). Of the upper beach habitat observed, most of the substrate would facilitate surf smelt and sand lance spawning. However, survival of any eggs deposited would be very low in warm weather, due to the lack of overhanging vegetation. *Exhibit 1, Attachment L, page 15.*
8. Substrate within the lower intertidal area is typical of sandflat habitat in that it is relatively homogenous and composed primarily of sand and trace shell material. The beach could be described as bare in terms of vegetative cover, with pockets of macroalgae ranging up to 50% coverage within a 10 square foot area. Macroalgae within the project area includes unattached *Ulva* sp., drift *Saccharina latissima* (attached to small rock holdfasts), and *Fucus* sp. (attached to the bulkhead). No rooted macrophytes have been observed within or near the project area. Public data from the Washington Department of Natural Resources (DNR) shows an absence of eelgrass at the site and within three miles of the site. Biologists confirmed the absence of eelgrass during a site survey. *Exhibit 1, Attachment L, page 16.*
9. The proposed geoduck culture area is the portion of the tidelands between -4.5 feet MLLW to +3.0 feet MLLW. The geoducks would be planted in eight to ten-inch lengths of four to six-inch diameter PVC pipe, placed on end and pushed into substrate by hand or foot, leaving approximately three to four inches exposed. The tubes would be placed approximately 12 inches on center. The purpose of the tubes is to exclude predators, as the geoduck seed are vulnerable due to their small size and shallow depth. There would be no active predator removal at the site. A predator exclusion net would be placed over the tubes. *Exhibit 1, Attachment L, pages 5-6.*

10. The tubes would be in place for approximately two years. After tube removal, predator exclusion nets may be placed over the bed for up to six months. These nets would be placed directly on the sediment surface (i.e., no vertical relief) and secured every eight to ten feet along the perimeter with U-shaped rebar. *Exhibit 1, Attachment L, page 6.*
11. Tube placement and seeding would occur during a low tide by beach crews or during a high tide by divers, over four to eight-hour work days. Once the gear is present, regular routine maintenance would include monitoring shellfish weight and health, and debris removal. This work would involve a two-person crew over a period of approximately four hours, and would require walking on the shellfish beds and adjacent areas. *Exhibit 1, Attachment L, page 6.*
12. Geoduck harvest would occur approximately four to seven years after planting, using either dry or wet (i.e., diving) methods. Both methods would employ low-pressure water that is pumped from offshore through a one to two-inch-diameter, hand-operated hose and infused through a 0.5- to 0.6-inch-diameter PVC probe. The probe would be inserted into the sediment directly adjacent to the visible geoduck siphons of the clams to be harvested. The pressure at the nozzle would be approximately 40 pounds per square inch and the volume would be approximately 20 gallons per minute, which is approximately equivalent to a garden hose. This method would allow for the extraction of geoducks without the removal of large quantities of overlying sediments. Pumps for the hoses would be run by small, boat-based, internal combustion engines located adjacent to the harvest site. Water intake lines on the pumps would be fitted with screens that meet National Marine Fisheries Service (NMFS) screening criteria to prevent fish entrapment. *Exhibit 1, Attachment L, page 6.*
13. Harvesting, either dry or wet, would be accomplished by two- to four-person teams. Dry harvesting would occur during a minus tide series (typically lasting 3 to 4 hours), and wet harvesting would occur during a high tide series. Because approximately 0.1 acre could be harvested in a day, the harvest phase of the project might take 14 days. *Exhibit 1, Attachment L, pages 6-7.*
14. The project's Habitat Assessment Report (HAR) submitted on January 3, 2017 (Confluence Environmental Company, 2016) contains an extensive analysis, referencing a large body of scientific studies, of potential project effects on the following environmental parameters:
  - Noise
  - Water Quality
  - Sediment Quality
  - Sediment Transport and Bathymetry
  - Migration, Access, and Refugia
  - Forage Fish

## Benthic Fauna and Community and Fish Use

### Aquatic Vegetation

The conclusion of the HAR was that the effects of the project on the studied environmental parameters would be insignificant, and likely even beneficial with respect to certain aspects of water quality (due to filtration effects and potential for increased foraging). With respect to sediment transport and bathymetry, a minor accretion of sediments within the tube area and under nets is expected during grow-out, but there would be a return to baseline conditions within one to two tidal cycles. *Exhibit 1, Attachment L, page 54.*

15. There are several species of wildlife that are listed as threatened or endangered under the Endangered Species Act that may occur in the project area, including bull trout, Chinook salmon, steelhead, bocaccio rockfish, canary rockfish, yelloweye rockfish, marbled murrelets, and southern resident killer whales. *Exhibit 1, Attachment L, page 4.* The HAR concluded as follows with respect to effect on these listed species, as well as non-listed species that were also evaluated (including Pacific herring, surf smelt, and Pacific Sand Lance), which conclusion the Hearing Examiner finds credible:

The proposed action will not influence the viability, persistence, or distribution of fish, birds, and marine mammals. The effects of the proposed action are unlikely to injure or kill individual listed fish or marine mammals, and are therefore unlikely to impact the continuing status of the populations. The proposed action will not reduce the foraging success, nesting success, or fitness of birds that may be found in Nisqually Reach. There may be temporary avoidance of the action area during harvest operations, but there are no anticipated reductions in numbers, reproduction, or distribution of the species. Therefore, the proposed action avoids impacts to many species considered in this report, while minimizing effects to the remaining species.

*Exhibit 1, Attachment L, page 56.*

16. The HAR analyzed the potential effect of the project on forage fish (surf smelt, Pacific sand lance, and Pacific herring), as these fish are an important dietary resource for fish and marine mammals. While the project area is considered potential spawning habitat for surf smelt and Pacific sand lance, the proposed geoduck culture area would be below the elevation at which spawning occurs. The highest elevation the culture area would be +3 MLLW, whereas spawning habitat starts at +5 MLLW. The two-foot separation in elevation complies with Washington DNR standards for protecting forage fish spawning habitat. With respect to Pacific herring, the nearest documented spawning area is approximately five miles west of the subject property. Despite the unlikely occurrence of spawning activity in the area, the Applicant would be required to comply with a conservation measure adopted by the United States Army Corps of Engineers (USACOE), requiring a spawn survey to be conducted prior to commencing placement of tubes, and if herring spawn are present, activities would be prohibited until such as that the eggs have hatched and the spawn are no longer present. *Exhibit 1, Attachment L, pages 48-49.*

17. The conclusions of the HAR regarding environmental effects are consistent with the findings of Washington Sea Grant's geoduck research program. In 2007, the Legislature directed Washington Sea Grant to review existing scientific information and commission research studies related to geoduck aquaculture according to six priorities. Washington Sea Grant issued its final report resulting from this research program in November 2013. The findings included:
- Geoduck harvest practices have minimal impacts on benthic communities of infaunal invertebrates, with no observed "spillover effect" in habitats adjacent to cultured plots, suggesting that disturbance is within the range of natural variation experienced by benthic communities in Puget Sound.
  - Differences in the structure of mobile macrofauna communities between planted areas with nets and tubes and nearby reference beaches do not persist once nets and tubes are removed during the grow-out culture phase.
  - Nutrients released from a typical commercial geoduck operation are low and localized effects are likely to be negligible.
  - Geoduck aquaculture practices do not make culture sites unsuitable for later colonization by eelgrass.

*Exhibit 2, page 7 and Appendix D.*

18. The visual (aesthetic) impact of tubes would be limited in duration. The tubes would only be in place up to 24 months of the entire five to seven year culture cycle. While in place, the tubes would be entirely underwater during the majority of daylight hours. Over the course of one year, they would be visible for 21.1% of the daylight hours. When the entire culture cycle is considered, this percentage is much lower. If the culture cycle were six years, the tubes would only be visible for 7.0% of daylight hours. Aesthetics associated with debris (loose tubes) would be addressed by the conditions contained in the mitigated determination of non-significance, which require in relevant part that the tidelands within one-half mile of the site be patrolled to collect geoduck farming debris on a weekly basis and after severe storms, and remove such debris regardless of source. This condition exceeds the recommendation contained in the HAR (which was designed to be consistent with shellfish conservation measures adopted by the USACOE from its programmatic consultation with the NMFS and USFWS), which only requires the project area to be patrolled for debris once per month and directly following storms. *Exhibit 1, Attachment L, page 11; Exhibit 1, Attachment G; Exhibit 4.*
19. The subject property is located in a "Prohibited" shellfish growing area, according to the 2015 Annual Growing Area Review by Washington Department of Health (DOH) for Nisqually Reach. The area has tested high for bacteria levels associated with nonpoint pollution. However, DOH is currently retesting the waters of Nisqually Reach, and reclassification of the area is expected within two to three years (and possibly as early as next year). Efforts by Thurston County to improve water quality by reducing nonpoint pollution are underway, including the Nisqually Reach Watershed Septic System Operation & Maintenance Program (established January 1, 2013) and the formation of

the Henderson-Nisqually Shellfish Protection District (February 14, 2012). The programs include septic system inspection and monitoring requirements, incentives, funding mechanisms, and enforcement elements. It is expected that these efforts will lead to a reduction in bacteria levels and allow for opening the area to shellfish harvest within the span of the geoduck growth cycle. (The standards apply at shellfish harvest, not at time of planting). *Exhibit 1, Attachment L, page 32; Testimony of Mr. Hurn.*

20. The project would not degrade water quality. Filtering provided by the geoducks would have a localized beneficial effect during the grow-out period. The turbidity associated with harvest activities would be localized and limited in duration. The temporarily increased suspended sediment would be comparable in intensity to that from a small storm event. *Exhibit 1, Attachment L, page 54; Exhibit 4.*
21. No waters within the action area are listed on the 2008 Federal Clean Water Act Section 303(d) list. There are Section 303(d) listings farther offshore of the site with exceedances due to low dissolved oxygen. Due to the distance from the subject property, these listings are unlikely to influence water quality conditions near the harvest site. *Exhibit 1, Attachment L, page 32.*
22. The residences on the upland parcels are or would be served by single-family wells and on-site sewage disposal systems. The County Environmental Health Division reviewed the proposal and determined that it meets the requirements of the Thurston County Sanitary Code. Staff recommended SSDP approval subject to a condition that vehicles and equipment not be driven or parked over the sewage system, or near the wells. *Exhibit 1, Attachment N.*
23. The State of Washington launched the Washington Shellfish Initiative in 2011 with the goal of protecting and enhancing shellfish resources. The initiative calls for creating a public/private partnership for shellfish aquaculture, promoting native shellfish restoration and recreational shellfish harvest, and ensuring clean water to protect and enhance shellfish beds. The State's initiative document describes shellfish as "critical to the health of Washington's marine waters and the state's economy." *Exhibit 2, Appendix A.*
24. Thurston County acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA). In making its environmental determination, the County considered the following:
  1. Master Applications, submitted July 29, 2016
  2. SEPA Environmental Checklist, submitted July 29, 2016
  3. JARPA Applications submitted July 29, 2016
  4. Site Plans submitted July 29, 2016
  5. Notice of Application mailed out on December 28, 2016
  6. Comment Letters received from near-by property owners in response to the Notice of Application
  7. Confluence Environmental Company Habitat Assessment Report, submitted on



January 3, 2017

8. Wetland Study Report, dated February 20, 2011
9. August 18, 2016 Comment Letter from Washington State Department of Ecology
10. Assessing Potential Benthic Impacts of Subtidal Geoduck Clam Harvesting, by Wenshan Liv and Chris Pearce of Fisheries and Oceans Canada, research completed October 2010
11. Final Report Geoduck Aquaculture Research Program, by University of Washington through the Sea Grant Program dated December 2015
12. Interim Progress Report Geoduck Aquaculture Research Program, by University of Washington through the Sea Grant Program dated December 1, 2014
13. Geoduck Aquaculture Research Program Report to the Washington State Legislature through the Sea Grant Program dated November 2013
14. Interim Progress Report Geoduck Aquaculture Research Program, by University of Washington through the Sea Grant Program dated February 2012
15. Interim Progress Report Geoduck Aquaculture Research Program, by University of Washington through the Sea Grant Program dated March 2011
16. Effects of Geoduck Aquaculture on the Environment: A Synthesis of Current Knowledge, by Washington Sea Grant, University of Washington dated October 27, 2009
17. Marine Forage Fishes in Puget Sound, by Dan Pentilla WDFW dated 2007
18. Requirements and conditions that are brought on by State and Federal permits for geoduck farms
19. MDNS Comment letter from Jesse G. DeNike, Plauche & Carr LLP, dated July 3, 2017

The County determined that with mitigation and compliance with applicable county, state, and federal laws, the project would not have a probable, significant adverse effect on the environment. The SEPA Responsible Official issued a mitigated determination of non-significance (MDNS) on July 18, 2017.<sup>3</sup> The MDNS was not appealed and became final after the close of the appeal period on August 8, 2017. *Exhibit 1, Attachment G.*

25. The MDNS contains 17 mitigation measures which require the Applicant perform the following: comply with the Washington State Geoduck Growers Environmental Codes of Practice for Pacific Coast Shellfish Aquaculture; install unobtrusive signage providing notice of the contact person for the operation; label gear with contact information; inspect the project area at least twice per month, and document entangled fish and wildlife and removal of debris; remove all tubes within two years of installation and nets within two and a half years of installation; patrol the tidelands within one-half mile of the geoduck farm when gear is present, on a weekly basis and after storms, for removal of debris; record all gear placed on site and removed during farming practices or patrols; use gear that blends with the environment; place tubes below +3 MLLW, and avoid areas where

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<sup>3</sup> An MDNS was originally issued on June 19, 2017, but was withdrawn and reissued with a new comment and appeal period to reflect changes in the project description and in the mitigating measures. *Exhibit 1, Attachment G.*

herring spawn are observed; maintain a minimum distance of 150 feet from the shoreline for washing, storing, fueling, or maintaining land vehicles; minimize glare for temporary lighting (permanent lighting not allowed); minimize noise through use of fully enclosed and insulated motors with approved muffled exhaust systems; use UV-resistant fasteners for individual screens placed on tubes; stop work if archaeological resources are observed; use only washed gravel for shellfish bed preparation; and wait for all required state and federal approvals prior to commencing work. *Exhibit 1, Attachment G.*

26. Notice of the open record hearing was mailed to owners of properties within 500 feet of the subject property on October 20, 2017, published in *The Olympian* on October 27, 2017, and posted on site on October 27, 2017. *Exhibit 1, Attachment A; Exhibit 1, page 2.*
27. Public comment was submitted on the application by neighboring property owners. The comments expressed the following concerns: that the proposal would conflict with recreational opportunities afforded by the adjacent Oddfellows Park and Puget Marina; that the proposal would result in additional scrutiny/liability for upstream septic systems; that the currents in the area would cause nets and pipes to loosen, to the detriment of the environment; that the proposal would limit beach access; and that the use would have aesthetic effects. *Exhibit 1, Attachment K.*
28. Oddfellows Park and Puget Marina are privately owned. The owners of the two recreational facilities did not comment on the application. There is not a high volume of boating activity in the area. No evidence was submitted that the project would conflict with navigation or commercial boat traffic. *Tony Kantas Testimony; Carl Iverson Testimony; Exhibit 2.*

## **CONCLUSIONS**

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide substantial shoreline development applications pursuant to TCC 2.06.010(C), RCW Chapter 36.70, WAC 173-27, and Section One, Part V of the Thurston County Shoreline Master Program.

### **Criteria for Review**

#### *Shoreline Substantial Development Permit*

Pursuant to WAC 173-27-150, in order to be approved by the Hearing Examiner, an SSDP application must demonstrate compliance with the following:

1. The policies and procedures of the Shoreline Management Act;
2. The provisions of applicable regulations; and
3. The Shoreline Master Program for the Thurston Region.

#### *(a) Shoreline Management Act*

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Act. The Thurston County Shoreline Master Program (SMPTR) provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The SMA mandates that local governments adopt shoreline management programs that give preference to uses that (in the following order of preference): recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline, are to be given preference.

*(b) Applicable regulations from the Washington Administrative Code*

WAC 173-27-140 Review criteria for all development.

- (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.
- (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.

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.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

*(c) Shoreline Master Program for the Thurston Region*  
SMPTR Section Two, V, Regional Criteria

- A. Public access to the shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existing prior to establishment 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.
- C. Future water-dependent or water-related industrial uses shall be ....
- D. Residential development shall be undertaken in a manner that will maintain existing public access....
- E. Governmental units shall be bound by the same requirements as private interests.
- F. Applicants for permits shall have the burden of proving 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.
- 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.
- H. Protection of public health is recognized as a primary goal. All applications for development of use of shorelines shall be closely analyzed for their effect on the public health.

SMPTR Section Three, 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.

B. Policies

- 1. The Region should strengthen and diversify the local economy by encouraging aquacultural uses.
- 2. Aquacultural use of areas with high aquacultural potential should be encouraged.
- 3. Flexibility to experiment with new aquaculture techniques should be allowed.

4. Aquacultural enterprises should be operated in a manner that allows navigational access of shoreline owners and commercial traffic.
5. Aquacultural development should consider and minimize the detrimental impact it might have on views from upland property.
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.
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.
8. Proposed aquacultural activities should be reviewed for impacts on the existing plants, animals and physical characteristics of the shorelines.
9. Proposed uses located adjacent to existing aquaculture areas which are found to be incompatible should not be allowed.

#### C. General Regulations

1. Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelines.
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.
3. Proposed aquaculture processing plants shall provide adequate buffers to screen operations from adjacent residential uses.
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.
5. Land clearing in the vicinity of aquaculture operations shall not result in offsite erosion, siltation or other reductions in water quality.

#### **Conclusions Based on Findings**

1. As conditioned, the project would comply with the policies and procedures of the Shoreline Management Act. As the Shoreline Hearings Board has acknowledged, the Washington State Legislature has identified aquaculture as an activity of statewide interest that is a preferred, water-dependent use of the shoreline, which when properly managed can result in long-term over short-term benefits and protect the ecology of the shoreline. Aquaculture is allowed outright in the underlying zoning district and in the Rural shoreline environment upon review for compliance with applicable provisions in the Shoreline Master Program for the Thurston Region. With the conditions contained in the MDNS and in this decision, and those required by other agencies with jurisdiction, the proposal would be consistent with the policies of the SMA and would be a reasonable and appropriate use of the shoreline. *Findings 2, 4, 14, 15, 16, 17, 23, 24, and 25; WAC*

*173-27-241(3)(b); Cruver v. San Juan County and Webb, SHB No. 202 (1976); Penn Cover Seafarms v. Island County, SHB No. 84-4(1984); Marnin and Cook v. Mason County and Ecology, SHB No. 07-021 (Modified Findings, Conclusions, and Order, February 6, 2008).*

2. As conditioned, the project would comply with applicable shoreline regulations. A condition of approval is included to ensure that project activities do not commence until 21 days after filing or until after all review proceedings have terminated. No residence would have its view obstructed by the proposal and no structure taller than 35 feet would be built. *Findings 2, 3, 9, and 18.*
3. As conditioned, the proposed aquaculture activities would comply with all applicable policies and regulations of the SMPTR.
  - A. With regard to regional criteria, the project would not hinder existing nor create new public access to shorelines, as the site is comprised of privately-owned tidelands. The site-specific HAR concluded that the potential effects of the project on water quality and aquatic habitat would be insignificant, and impacts to ESA-listed and other species would be avoided or minimized. These findings are consistent with the scientific literature on the effects of geoduck farming. The aesthetic impacts of the project would be of short duration, and would be minimized by conditions requiring the Applicant to patrol the project area for debris. Consistent with protection of public health, water quality improvement programs have been established for the Nisqually Reach, including septic system inspection and monitoring requirements. The condition of approval recommended by the Environmental Health Division has been incorporated into the conditions of this decision. *Findings 1, 2, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 25.*
  - B. With regard to the use-specific policies, approval of the requested permit would support the SMPTR's stated policy of encouraging aquacultural uses for the sake of strengthening the local economy. The record demonstrates that the site is an area with high aquaculture potential. The project would not interfere with navigation of shoreline owners or commercial traffic, and would not conflict with uses in areas utilized for moorage, recreational boating, etc. The tubes would only protrude approximately three inches above the sand, and would be underwater much of the time. The tubes would be placed on private tidelands. As proposed and conditioned, the project would minimize visual impacts to surrounding properties because the Applicant would be required to cleanup escaped gear and debris on a regular basis (including debris in the area that is generated by other uses), and because the tubes would not be visible most of the time. There is existing residential development on the upland portion of the parcels, and the condition of the Environmental Health Division would protect the on-site septic systems, thereby protecting the project from water quality degradation. The proposal was reviewed in a site-specific study that considered impacts to endangered and threatened species and critical habitats. The site-specific study concluded that impacts to the existing natural environment would be insignificant. The culture area would be at a lower elevation than the sand lance

and surf smelt spawning habitat, and a spawn survey would be conducted for Pacific herring prior to commencing tube placement. *Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28.*

- C. As conditioned, the project is consistent with the shoreline regulations. The project would not cause extensive erosion or accretion along the shoreline. No warehouse, processing plant, residential development, or land clearing is proposed. *Findings 1, 6, 7, 8, 9, and 14.*

### DECISION

Based upon the preceding findings and conclusions, the request for a shoreline substantial development permit to develop a commercial intertidal geoduck farm on 1.4 acres of private tidelands at 6526 - 79<sup>th</sup> Avenue NE (Tax Parcel Numbers 11910310101, 11910310102, and 11910310103) is **GRANTED** subject to the following conditions:

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. Comply with all conditions of the Mitigated Determination of Non-Significance dated July 18, 2017 (Exhibit 1, Attachment g). These conditions are as follows:
  1. The preparation, planting, maintenance and harvesting at the subject sites 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. An unobtrusive but visible sign shall be placed at the 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.
  3. [Stricken subsequent to original issuance]
  4. All tubes, mesh bags, and 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.
  5. The applicant / operator shall routinely inspect, document, and report any fish or wildlife found entangled in anti-predator nets or other culturing equipment. At least twice a month during the time the nets are installed, they shall be inspected and a record of observations maintained. Live entangled fish and wildlife shall be released upon observation. During the required bi-monthly site visits the applicant / operator shall remove from the beach or secure any loose nets, tubing or aquaculture related debris.

6. All protective tubes related to the proposed Geoduck aquaculture shall be removed from the shoreline within two (2) years of installation and all protective netting shall be removed within two and one half (2.5) years.
7. Weekly patrols of tidelands within a half mile of the geoduck farm shall be conducted when gear is present. During those patrols, all geoduck debris must be collected regardless of its source.
8. Patrols to search for and collect geoduck debris must also be conducted within a day following a severe storm event.
9. The applicant / operator must keep a record of the total number of PVC tubes, net caps, mesh tubes, and canopy nets they place of the site, and how many of those pieces of geoduck gear they remove through farming practices or collect from beach patrols.
10. Gear that blends into the surrounding environment (e.g., neutral colors or black) shall be used at the most extent possible to reduce any potential aesthetic impacts.
11. Shellfish culturing shall not be placed above the tidal elevation of +3 MLLW in order to minimize potential impacts to forage fish habitat. If herring spawn is observed, then those areas shall be avoided until the eggs have hatched.
12. Land 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.
13. 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. When tides force nighttime operations, crews shall only use headlamps, and shall be trained to limit light pollution.
14. Noise impacts shall be minimized by using fully-enclosed and insulated motors with approved muffled exhaust systems.
15. All individual screens placed on tubes shall be secured with UV-resistant fasteners.
16. 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 Resource Stewardship Department and affected Tribes shall be contacted to assess the situation prior to resumption of work.
17. Only washed gravel shall be used for shellfish bed preparation. Unsuitable material (e.g., trash, debris, concrete, asphalt, tires) shall not be discharged or used as fill (e.g., to secure nets, create berms or provide nurseries).



18. No physical work on the beds shall be initiated until the applicant provides evidence that required State and Federal permits and approvals have been granted. A listing of the known State and Federal requirements is provided in the Notes "A" and "B" below.
3. Aquaculture preparation, planting, maintenance and harvesting shall be in compliance with the most current version of the Washington State Geoduck Growers Environmental Codes of Practice for Pacific Coast Shellfish Aquaculture except as otherwise conditioned or required by Thurston County Resource Stewardship or any other required government permits.
4. 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.
5. No physical work on the aquaculture beds shall be initiated until all required State and Federal permits and approvals have been granted.
6. The Applicant shall ensure that all anti-predator nets and tubes are secured in place to prevent them from escaping from the project area.
7. Physical activities on the beach pursuant to this permit shall not begin and are not authorized until 21 days from the date of filing of the Hearing Examiner decision with the Department of Ecology as required in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of filings have been terminated, except as provided in RCW 90.58.140(5)(a) and (b).
8. All activities related to the proposed geoduck bed shall be in substantial compliance with the site plan submitted January 2017 (indicating culture area of 1.4 acres extending from +3 feet MLLW to -4.5 feet MLLW), 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.
9. If access to the beach for planting geoduck tubes, netting, pumps or any other equipment will be over the upland portion of this property, it will need to be done so as to prevent any vehicle or equipment travel or parking of any portion of the septic system or system components or near the well. Staging of equipment and materials for this project also shall not be done on any portion of the septic system or system components.
10. Prior to commencement of the geoduck operation, an easement describing the 1.4 acre tideland area shall be recorded with the Thurston County Auditor. The intent of the easement is to prevent disruption of compliance with all geoduck related conditions, if one of the upland properties is sold.

11. Any revision to the shoreline permit must be in compliance with WAC 173-27-100.
12. 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.
13. The project shall comply with the avoidance, conservation, and minimization measures set forth in the Confluence Environmental Company Fish and Wildlife Habitat Assessment Report submitted January 3, 2017 (Exhibit 1, Attachment L). In the event that there is a conflict between these measures and measures required by other agencies with jurisdiction over the project or other conditions of this SSDP decision, the more restrictive measures shall apply. The avoidance, conservation, and minimization measures are as follows:

### **5.1 Maintenance, Repair, and Work**

1. Damage to aquatic vegetation and substrates from boats or barges must be minimized/avoided through the following practices:
  - Measures shall be implemented to prevent anchors, chains, and ropes from dragging on the bottom. Avoid anchoring over known native eelgrass beds (none found on or near the site).
  - Boats and barges shall be moored and operated in deeper water and away from aquatic vegetation to prevent potential impacts from propeller scour or anchors. If boats need to come into the project area for personnel or gear access, then vessels shall not ground in native eelgrass or attached kelp beds.
  - Intertidal areas must not be used to store materials such as tools, bags, marker stakes, rebar, or nets. Materials that are not in use or immediately needed must be removed to an off-site storage area and the site kept clean of litter.
  - All excess or unsecured materials and trash must be removed from the beach prior to the next incoming tide.
  - Moving large substrate materials (e.g., logs, rocks) during aquaculture operations shall be avoided to the extent feasible. Where the relocation of such features is required for feasibility reasons, they shall be relocated as minimally as possible, and no farther than another section of the beach within the same parcel and at the same (or similar) tidal elevation.
  - There shall be no modification of substrate in an effort to improve conditions for geoduck clam aquaculture.
2. Operators of vehicles or machinery must reduce contamination from vehicles and equipment through the following practices:
  - Pump intakes (e.g., geoduck harvest) that use seawater shall be screened in accordance with NMFS and WDFW criteria.

- Unsuitable material (e.g., trash, debris, asphalt, or tires) shall not be discharged or used as fill (e.g., used to secure nets, create berms, or provide nurseries).
  - All vessels operated within 150 ft of any stream, waterbody, or wetland shall be inspected daily for fluid leaks before leaving the staging area. Repair any leaks detected in the staging area before resuming operation.
3. At least once a month and directly following storm events, beaches in the project vicinity shall be patrolled by crews who will retrieve aquaculture debris (e.g., predator exclusion nets, tubes) or unnatural debris (e.g., bottles, cans) that escapes from the project area. Within the project vicinity, locations shall be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of debris appropriately. The grower shall maintain a record with the following information and the record shall be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, and other pertinent information. **[See condition 2 (7), requiring weekly patrols for debris when gear is present.]**
  4. The grower shall not use tidelands waterward from the line of MHHW for the storage of aquaculture gear. All aquaculture gear shall be stored and sorted at an upland facility and transported to the project area by boat at the time of deployment.
  5. The grower shall ensure that predator exclusion nets are secured to prevent them from escaping from the project area.
  6. Employees shall be trained in meeting environmental objectives.

## 5.2 Species-Specific Activities

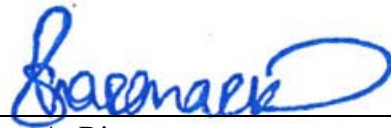
1. A Pacific herring spawn survey shall be conducted prior to undertaking the activities listed below if any of these activities occur outside the Tidal Reference Area 3 work window, which is April 1 through January 14 (Washington Administrative Code [WAC] 220-110-271). Activities requiring a spawn survey include: (1) culture tube placement, (2) harvesting, (3) predator exclusion net placement or removal, and (4) culture tube removal. Vegetation, substrate, and aquaculture materials (e.g., nets, tubes) shall be inspected for Pacific herring spawn. If herring spawn is present, these activities are prohibited in the areas where spawning has occurred until the eggs have hatched and spawn is no longer present (typically 2 weeks). Records shall be maintained, including the date and time of surveys; the area, materials, and equipment surveyed; results from the survey; etc. The record of Pacific herring spawn surveys shall be made available to the Corps, NMFS, and USFWS, upon request.
2. Shellfish culturing shall not be placed above the tidal elevation of +7 ft MLLW if the area is documented as surf smelt spawning habitat by WDFW. **[This decision authorizes culturing only to +3 ft MLLW.]**
3. Shellfish culturing shall not be placed above the tidal elevation of +5 ft MLLW if the area is documented as Pacific sand lance spawning habitat by WDFW. **[This decision authorizes culturing only to +3 ft MLLW.]**

4. Adaptive management measures shall be applied wherein operations will be modified using best available science, where appropriate, and scientifically supported resource management objectives. These measures include avoidance of Southern Resident Killer Whales (SRKWs). This would involve maintaining a safe distance during vessel operations and reducing noise when SRKWs are sighted. Vessel noise would be reduced to 50 decibels at a distance of 60 ft from each vessel.

### **5.3 Farm Plan Record-Keeping Log**

1. Pacific herring spawn surveys.
2. Spills or cleanups conducted on the beach.

**Decided** November 29, 2017.



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Sharon A. Rice  
Thurston County Hearing Examiner

**THURSTON COUNTY**  
**PROCEDURE FOR RECONSIDERATION AND APPEAL**  
**OF HEARING EXAMINER DECISION TO THE BOARD**

<b>NOTE:</b> THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).
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If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.\* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

**A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)**

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

**B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)**

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Resource Stewardship Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

**C. STANDING** All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

**D. FILING FEES AND DEADLINE** If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$669.00** for a Request for Reconsideration or **\$890.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

\* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. \_\_\_\_\_  
Appeal Sequence No.: \_\_\_\_\_

☐ Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

☐ Check here for: APPEAL OF HEARING EXAMINER DECISION

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, as an APPELLANT in the matter of a Hearing Examiner's decision  
rendered on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ relating to \_\_\_\_\_

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance \_\_\_\_\_
2. Platting and Subdivision Ordinance \_\_\_\_\_
3. Comprehensive Plan \_\_\_\_\_
4. Critical Areas Ordinance \_\_\_\_\_
5. Shoreline Master Program \_\_\_\_\_
6. Other: \_\_\_\_\_

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

### STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

\_\_\_\_\_  
APPELLANT NAME PRINTED

\_\_\_\_\_  
SIGNATURE OF APPELLANT

Address \_\_\_\_\_

\_\_\_\_\_  
Phone \_\_\_\_\_

Please do not write below - for Staff Use Only:

Fee of ☐ \$669.00 for Reconsideration or \$890.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_

Filed with the Resource Stewardship Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Q:\Planning\FORMS\Current Appeal Forms\2016.Appeal-Recon-form.he.doc