

Thurston County

Shoreline Master Program

(NOT YET ADOPTED—OPEN FOR PUBLIC COMMENT)

If adopted, the new SMP will increase flexibility and efficiency for citizens.



November 2019

FACT SHEET #5

Aquaculture in the SMP

FIND IT ONLINE

<https://www.thurstoncounty.wa.gov/planning/Pages/shorelines.aspx>

ASK STAFF

A County SMP covers most shoreline building projects. [Ask staff about yours.](#)

READ THE CODE

Title 19

https://library.municode.com/wa/thurston_county/codes/code_of_ordinances?nodeId=TIT19SHMAPR

Aquaculture

AQUACULTURE IN WASHINGTON STATE LAW

- Definition: Culture or farming of fish, shellfish, or other aquatic plants and animals. WAC 173-26-020(6). Local examples include geoducks, clams, and oysters.
- The Wa. Department of Ecology (Ecology) lays the framework for how aquaculture is regulated. WAC 173-26.
- Washington law considers aquaculture an activity of statewide interest, that with proper management can result in long-term benefits to the resources and ecology of shorelines. Aquaculture is considered a preferred use. WAC 173-26-241(3)(b).
- Counties cannot outright prohibit aquaculture or geoduck production, but under a local Shoreline Master Program may regulate where and how operations occur. WAC 173-26-241.

AQUACULTURE UNDER THE SHORELINE MASTER PROGRAM

- Thurston County is updating its SMP to comply with state law, using guidance from the Department of Ecology's [Shoreline Master Programs Handbook](#).
- Ecology's Handbook details how local jurisdictions must develop their SMPs, and Ecology itself approves all SMPs.
- The Ecology SMP Handbook draws on research and findings from the Washington Governor's office, the National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, the State Noxious Weeds Control Board, the federal National Pollutant Discharge Elimination System, Washington Department of Natural Resources, Puget Sound Restoration Fund and Pacific Shellfish Institute.

REGULATIONS ON AQUACULTURE

- Aquaculture is regulated by many agencies. Each producer is required to obtain federal, state and County permits that may include health certifications, aquatic farm permits, federal clean water permits, aquatic land leases, fish transfer permits, tribal harvest notifications, Endangered Species Act consultations, food processing permits and more (See SMP Handbook, Appendix 1, Page 1 of Chapter 16).
- Regulations and permit requirements include standards related to managing noise, light, aesthetics, plastic debris, public access and water quality.
- Producers found to be out of compliance with County, state, federal law or specific permit conditions must take corrective actions to return to compliance.

RECENT CASE LAW ON AQUACULTURE

- The Growth Management Hearings Boards of Thurston and Pierce counties, the Shorelines Hearings Board, and the Washington Attorney General's office upheld the right of aquaculture operators to operate, and validated aquaculture as a preferred use of shorelines in Washington.
- The County is monitoring the ongoing court case involving the blanket shellfish aquaculture permit issued by the U.S. Army Corps of Engineers (U.S. District Court Case No. C16-0950RSL).
- Thurston County is reviewing and integrating case law into its draft SMP where appropriate.

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