

Preliminary Comments  
on the  
Draft Thurston County Master Program Update  
Chapter 19.200  
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# Chapter 19.200 Shoreline Jurisdiction and Environment Designation

## 19.200.100 Shoreline Jurisdiction

- A. The Shoreline Master Program jurisdiction applies to all shorelines of the state in Thurston County and their associated shorelands. This includes:
1. All marine waters;
  2. Rivers and streams with more than 20 cubic feet per second (cfs) mean annual flow;
  3. Lakes and reservoirs 20 acres and greater in area;
  4. Associated wetlands;
  5. Shorelands adjacent to these waterbodies, typically within 200 feet of the ordinary high water mark (OHWM);
  6. Buffers necessary to protect critical areas that are located within shoreline jurisdiction as described in this program.\*
- \*- *optional jurisdiction*

There is no mention of “buffers necessary to protect critical areas” in any section except the Mining section as cited in the following:

### **19.200.100 Shoreline Jurisdiction**

Buffers necessary to protect critical areas that are located within shoreline jurisdiction as described in this program.\*

\*- *optional jurisdiction*

There is no mention of “buffers” on the tidelands related to commercial/industrial shellfish aquaculture and the consequent worker trampling, sediment transport, moorage of boats and barges on neighboring tidelands and on the tideland in question.

- B. Associated estuarine wetlands: the jurisdictional boundary shall extend 200 feet landward of the delineated edge of the wetland.
- C. Associated wetlands that extend greater than 200 feet landward of the OHWM of the shoreline: the jurisdictional boundary shall extend to the delineated edge of the wetland.
- D. Critical areas designated pursuant to Chapter 36.70A RCW and located within shoreline jurisdiction shall be subject to the regulations of this Program.

Overall, in this document, there is an emphasis on the shoreline as a resource. “Resource,” as defined by the Oxford Dictionary, means, “a stock or supply of money, materials, staff, and other assets that can be drawn on by a person or organization in order to function effectively,” or “local authorities complained that they lacked resources”. *Synonyms*: assets, funds, wealth, money, capital.

We would hope that the emphasis related to the Thurston County SMP update would be on preservation of the natural character and ecology of the shoreline, not on the shoreline as a resource. Words do matter, and anyone reading this draft document could easily take the meaning to be a deference to utilization of the shoreline for profit rather than to protect it. At odds with this utilization of the shoreline are the new restrictions on upland shoreline home owners in order to “protect” the shoreline. We would therefore

suggest caution in using the word “resource” to make sure whatever meaning is intended is perfectly clear and is not misconstrued. And we would suggest making protection of the tidelands as restrictive as the rules for the uplands. In other words, re-think your policy of unlimited commercial/industrial aquaculture development on the tidelands. There is an obvious double-standard that is insupportable.

## 19.200.105 Shoreline Environment Designations

In order to plan and manage shoreline resources effectively and to provide a uniform basis for applying policies and regulations within distinctively different shoreline areas, a system of categorizing shoreline areas is necessary. Under the following system, shoreline environment designations are given to specific areas based on the existing development pattern, the biophysical capabilities and limitations of the shoreline being considered for development, the provisions of WAC 173-26-211 and the goals and aspirations of the citizens of Thurston County as expressed in the Comprehensive Plan. The existing development pattern and the biophysical information of the shoreline was compiled in a *Thurston County Shoreline Master Program Update Inventory and Characterization Report* (Thurston County 2013) and was included as the basis for the environment designations.

The term “resources” related to the shoreline is inadequate because “resources” in this context implies a commodity to be used for personal or corporate financial gain. The SMA specifically states that we must **protect** the resources and ecology of the shoreline.

RCW 90.58.020 states:

(4) Protect the resources and ecology of the shoreline;

Change the sentence “Uses should be limited to those which sustain the shoreline area’s physical and biological resources” to “Uses should be limited to those which preserve the natural character and ecology of the shoreline.”

Environment designation assignment to shoreline reaches must assure the protection of existing shoreline ecological functions with the proposed pattern and intensity of development as well as be consistent with policies for restoration of degraded shorelines [WAC 173-26-211 (4) (b)].

Please define the phrase “assure the protection of existing shoreline ecological functions.”

Thurston County is using five of the six Ecology recommended Shoreline Environment Designations (SED’s) and criteria consistent with Ecology’s provided criteria for each of the environment designations:

Aquatic, Natural, Urban Conservancy, Rural Conservancy, and Shoreline Residential [WAC 173-26-211(5)]. Thurston County does not have any “High Intensity” shorelines within its jurisdiction. In addition to the five Ecology recommended SEDs, Thurston County is proposing to use one additional SED: Mining (*Shoreline and Environmental Designations Report*, Thurston County 2013). A map of the environment designations can be found in Appendix A.

This Program is designed to encourage, in each environment, uses which enhance the character of that environment. At the same time, the Program imposes reasonable standards and restrictions on development so that such development does not disrupt or destroy the character of the environment or result in a net loss of shoreline ecosystem functions.

In fact, this program apparently allows in many if not most areas, commercial/industrial shellfish aquaculture on the tidelands without restriction, particularly in the most sensitive areas—estuaries.

Estuaries are the nurseries of Puget Sound. Scraping the beach/estuary to get rid of sand dollars, crabs and other species (this is photo documented) that interfere with the commercial/industrial geoduck monoculture, as well as harvesting old time geoducks which live up to 168 years (since before statehood) and thus changing the balance of species, along with 43,560 PVC tubes (approximately 7 miles/16 tons), covered with plastic nets and utilizing rebar, DOES disrupt/destroy “the character of the environment” and DOES “result in a net loss of shoreline ecosystem functions.” Any idea that this can be mitigated with a few rules is fallacious.

The shoreline environment designations are not intended to be land use designations. They do not imply development densities, nor are they intended to mirror the Comprehensive Plan designations. The system of categorizing shoreline environment designations is derived from Chapter 173-26 WAC.

The basic intent of this system is to utilize performance standards that regulate activities in accordance with goals and objectives defined locally rather than to exclude any use from any one environment. Thus, the particular use or type of developments placed in each environment must be designed and located so that there are no effects detrimental to achieving the objectives of the shoreline environment designations and local development criteria.

This approach provides an “umbrella” environment class over local planning and zoning on the shorelines. Since every area is endowed with different resources, has different intensities of development and attaches different social values to these physical and economic characteristics, the environment designations should not be regarded as a substitute for local planning and land-use regulations.

We assume that “local planning” involves citizen/neighborhood collaboration as to “land-use regulations.” This is currently lacking and the involvement of the public should be spelled out related to implementation of the approach in this section.

In the phrase “Since every area is endowed with different resources,” the word “resources” should be changed to “characteristics.” The term “resources” applied to “every area” implies that every area is primarily for utilization for financial gain.

The Oxford Dictionary: Resource(s)

plural noun: **resources**

**Main definition:**

1. A stock or supply of money, materials, staff, and other assets that can be drawn on by a person or organization in order to function effectively. "local authorities complained that they lacked resources". *Synonyms:* assets, funds, wealth, money, capital;

See also:

<http://www.learnersdictionary.com/definition/resource>

## 19.200.110 Mining

- A. Purpose. To protect shoreline ecological functions in areas with mining activities within shoreline jurisdiction. To provide sustained resource use, and protect the economic base of those lands and limit incompatible uses.

Mining should be defined as to all types of mining that this section refers to, i.e., coal, oil, sand and gravel, etc.

- B. Designation Criteria.

1. Outside incorporated municipalities and outside urban growth areas, AND:

2. Contains shorelines created from mining activity in areas where no previous naturally occurring SMA shoreline existed.

C. Management Policies.

1. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.

Examples of mining related to water-dependent, water-related and water-enjoyment uses need to be stated. Is this in reference to pools of water caused by mining that kids may swim in? Is this in reference to hazards created by mining on the shorelines? This section requires more explanation about what it is specifically referring to. As it is now, it is simply a words without context.

2. Non-water-oriented uses should not be allowed except:
  - a. As part of mixed used development;
  - b. In limited situations where they do not conflict with or limit opportunities for water-oriented uses; or
  - c. On sites where there is no direct access to the shoreline.

Same problem as in #1. Examples of mining related to water-dependent, water-related and water-enjoyment uses need to be stated.

3. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
4. Where feasible, visual and physical public access should be required.

Visual and physical public access to what? Old mines? Or is this meant to say that mining should not interfere with visual and physical public access to lakes, rivers, streams and salt water? This needs to be clearly stated.

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

- What are the specific “aesthetic objectives?” This need to be defined.
- How will “sign control regulations” help to implement “aesthetic objectives?”
- What would be an example of “appropriate development siting and screening?”
- What are the “architectural standards?”
- Define more clearly the meaning of “maintenance of natural vegetative buffers.” What is the definition of “maintenance” in this context and who will provide the “maintenance?”

6. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Consideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

This paragraph is gobbledygook, i.e., “language that is meaningless or is made unintelligible by excessive use of abstruse technical terms; nonsense.”

<https://en.oxforddictionaries.com/definition/gobbledygook>

Please rephrase.

## 19.200.115 Shoreline Residential

Industrial/commercial aquaculture should be limited/restricted in residential and natural shorelines.

“Water enjoyment uses” must be distinguished from industrial/commercial development such as industrial/commercial aquaculture.

Throughout Chapter 19.200, water enjoyment uses are lumped in with broad water related uses. Water related uses include aquaculture which in fact competes with water enjoyment uses. “Water related” should be separated out from “water enjoyment” as aquaculture is a competing use that has significant impacts to the shoreline, both recreationally and aesthetically.

No fence can preclude the impacts of commercial/industrial shellfish operations on neighboring tideland properties. It would not be acceptable for one upland neighbor to dump a load of sediment on his/her neighbor’s yard.

Following is for informational purposes for anyone reading this document and our comments:

Definitions for water enjoyment, water related, water dependent are found in:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-26-020>

(41) "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

(42) "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

(43) "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

(45) "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

- A. Purpose. To accommodate residential development and appurtenant structures that are consistent with this Program, and to provide appropriate public access and recreational uses.

B. Designation Criteria.

1. Does not meet the criteria for the Natural or Rural Conservancy Environments.
2. Predominantly single-family or multifamily residential development or are planned and platted for residential development.
3. Majority of the lot area is within the shoreline jurisdiction.
4. Ecological functions have been impacted by more intense modification and use.

C. Management Policies.

1. Standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be set to assure no net loss of shoreline ecological functions.

The term “no net loss” occurs frequently in the SMP update draft. Since “no net loss” is defined in Appendix B and the County has not provided us with a copy of Appendix B, it is impossible to fully comment on this.

However, “No Net Loss”, based on Chapter 100 and usage in this document, is actually a euphemism for “No Net Gain.” The definition of “compensatory mitigation” allows for mitigation in unrelated areas. For example, a development on an acre of tideland is mitigated by a restoration project in another part of the County. There is no gain in ecological function

Additionally, if one of the main compensatory mitigation strategies is restoration in an area of Puget Sound in Thurston County, this would mean that taxpayers would be paying for “No net loss.” While the shoreline development that causes impact is for an individual/entity’s financial or personal benefit, taxpayers would be subsidizing that financial or personal benefit. “No Net Loss” is a technical term for the long understood expression: “Robbing Peter to pay Paul.” This aspect of “No Net Loss” should be specifically detailed. The public and environmental organizations have a right to complete clarity on the concept of “No Net Loss,” especially when they are funding restoration projects with the idea of “improving and restoring” Puget Sound. The County must be “up-front” about the facts of “No Net Loss” (robbing Peter to pay Paul), so that individuals and groups who willingly give funds for restoration projects for Puget Sound are not misled and are made aware of the fact that they are not donating to improve Puget Sound but to maintain the status quo for someone else’s financial or personal benefit.

We would advocate for an overarching “Net Gain” policy rather than a “No Net Loss” policy.

2. Multi-family and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. If public access is not feasible on site, off-site options such as an in-lieu fee may be recommended.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses. Water-oriented includes water-dependent, water-related and water-enjoyment uses.

We suggest this policy be re-worded to be in compliance with the Shoreline Management Act. This policy is an over-simplification that appears to distort the meaning of the Act.

RCW 90.58.020 The Shoreline Management Act

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in

RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which 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. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Thus the SMA (Shoreline Management Act) includes a list of activities that involve "alterations of the natural condition of the shorelines of the state," from "single-family residences and their appurtenant structures" to "industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state". Both are, according to the SMP, activities that cause "alterations of the natural condition of the shorelines of the state."

So without question, based on the SMA itself, commercial/industrial shellfish aquaculture "alters the natural condition of the shorelines of the state." Although this is obvious to anyone who observes commercial/industrial shellfish aquaculture on the tidelands, there appears to be resistance on the part of the County to acknowledge this.

Rule #4 appears to be an open door for commercial/industrial development in shoreline residential areas.

## 19.200.120 Urban Conservancy

- A. Purpose. To protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.
- B. Designation Criteria. Shoreline areas within UGAs or LAMIRDs that are appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area and generally are not suitable for water-dependent uses. Such areas must also have any of the following characteristics:

“LAMIRD” (Limited Areas of More Intensive Rural Development) is an acronym defined in Chapter 100. Each acronym should be restated using the full terminology with the first instance in each subsequent Chapter.

“UGA” (Urban Growth Area) is acronym defined in Chapter 100. It should be restated using the full terminology with the first instance in each subsequent Chapter.

Every acronym and abbreviation in this document should follow the same re-statement in all chapters. See the following link for rationale for doing this.

[https://books.google.com/books?id=MOVxIFO\\_jqIC&pg=PA41&lpg=PA41&dq=acronyms+repeat+definition&source=bl&ots=pCg3kPI0CY&sig=h0sULKePzMeTv4OmEanH-R4fx3g&hl=en&sa=X&ved=0ahUKEwi36ev28dzXAhWow1QKHQFsAwcQ6AEIZTAJ#v=onepage&q=acronyms%20repeat%20definition&f=false](https://books.google.com/books?id=MOVxIFO_jqIC&pg=PA41&lpg=PA41&dq=acronyms+repeat+definition&source=bl&ots=pCg3kPI0CY&sig=h0sULKePzMeTv4OmEanH-R4fx3g&hl=en&sa=X&ved=0ahUKEwi36ev28dzXAhWow1QKHQFsAwcQ6AEIZTAJ#v=onepage&q=acronyms%20repeat%20definition&f=false)

Area suitable for low-intensity water-related or water-enjoyment uses without significant adverse impacts to shoreline functions or processes;

1. Open space, flood plain or other sensitive areas that should not be more intensively developed or supporting resource-based uses;
  3. Potential for ecological restoration;
  4. Retained important ecological functions, even though partially developed; or
  5. Potential for development that is compatible with ecological restoration or Low Impact Development techniques.
  6. Does not meet the designation criteria for the Natural Environment.
  7. Land having any of the above characteristics and currently supporting residential development may be Urban Conservancy, as may those areas into which a UGA boundary is expanded and thus has any of the above characteristics.
- C. Management Policies.
1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or other sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration or preservation of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
  2. Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications shall ensure that new development does not result in a net loss of shoreline ecological functions, or further degrade other shoreline values.
  3. Public access and public recreation objectives should be implemented whenever feasible and ecological impacts can be mitigated.
  4. Water-oriented uses should be given priority over non-water oriented uses. For shoreline

areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

5. Any development in the Urban Conservancy designation should implement Low Impact Development techniques, as much as is feasible, in order to maintain ecological functions.

## 19.200.125 Rural Conservancy

A. Purpose. Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources.

B. Designation Criteria. Shorelines outside the UGA or LAMIRD that have any of the following characteristics:

1. Currently support lesser-intensity resource-based uses, such as agriculture, aquaculture, forestry, or recreational uses, or are designated agriculture or forest lands;

We disagree that commercial/industrial aquaculture is a “lesser-intensity” use.

Commercial/industrial aquaculture is also antithetical to recreational uses.

The term “lesser-intensity” is not adequately defined.

2. Currently accommodate residential uses but are subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;
3. Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes;

The term “low-intensity” is not adequately defined.

The term “significant adverse impacts” to the shoreline is not adequately defined.

4. Private and/or publically owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access;
5. Does not meet the designation criteria for the Natural environment;
6. Land designated Urban Conservancy and from which a UGA boundary is retracted may be designated as Rural Conservancy, if any of the above characteristics are present.

C. Management Policies.

1. Uses should be limited to those which sustain the shoreline area’s physical and biological resources, and those of a non-permanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. Developments or uses that would substantially degrade or permanently deplete the physical and biological resources of the area should not be allowed.

Change the phrase: “should not be allowed”

To: “must not be allowed”

Please define “uses of a non-permanent nature.” We can infer that this refers to commercial/industrial geoduck aquaculture, which utilizes 43,560 PVC tubes

(approximately 7 miles/16 tons) per acre, in the first 2-3 years of a planting cycle that lasts 5-7 years. However it would be dishonest and unethical to categorize this as a use “of a non-permanent nature” because the cycle is repeated indefinitely. Once the native geoducks, some alive since statehood, are harvested, that alone represents a permanent alteration to the tideland, just as clear-cutting a forest is a permanent alteration of the ecosystem (give or take several centuries.) See [http://www.oregonwild.org/oregon\\_forests/old\\_growth\\_protection/what-is-an-old-growth-forest](http://www.oregonwild.org/oregon_forests/old_growth_protection/what-is-an-old-growth-forest). Since the County is issuing permits with no term of lease, when the harvest occurs, the tideland will go through the same cycle for an indefinite period of time, making commercial/industrial geoduck aquaculture a “permanent” event.

The term “physical and biological resources” is inadequate because “resources” in this context implies a commodity to be used for personal or corporate financial gain. The SMA specifically states that we must protect the resources and ecology of the shoreline.

RCW 90.58.020 states:

(4) Protect the resources and ecology of the shoreline;

Change the sentence “Uses should be limited to those which sustain the shoreline area’s physical and biological resources” to “Uses should be limited to those which preserve the natural character and ecology of the shoreline.”

The term “substantially degrade” is vague, nebulous and unclear.

2. New development should be designed and located to preclude the need for shoreline stabilization. New shoreline stabilization or flood control measures should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied.

How is “mitigation” defined and who decides if “mitigation” is appropriate or adequate?

3. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the “Rural Conservancy” environment.
4. Low-intensity, water-oriented commercial uses may be permitted in the limited instances where those uses have been located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.

What are “low-intensive, water-oriented commercial uses”? For example, industrial/commercial aquaculture is not a “low-intensive” use.

The commercial/industrial shellfish industry has falsely claimed “past use” in areas where there has been no “past use.” An example of this was in the Zangle Cove permit appeal. The historian of Boston Harbor stated under oath during that appeal that there has been no historic commercial aquaculture in Zangle Cove.

5. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline area are mitigated.

What is the meaning of “deplete the resource?” The term “resource” implies a commodity to be used for personal or corporate financial gain. See the above comment under the Shoreline Jurisdiction heading.

6. Agriculture, commercial forestry and aquaculture, when consistent with the Program, may be allowed.

“Aquaculture” is not defined. If what is meant is “commercial/industrial scale aquaculture,” we do not agree that this is consistent with the Program.

## 19.200.130 Natural

Areas designated as “Natural” should not allow the commercial/industrial shellfish industry. These areas have significant limitations as to upland shoreline property usage – specifically to protect the shoreline areas from human influence. The implementation of commercial/industrial shellfish aquaculture greatly impacts the natural state of these areas. The industry should be restricted from Natural areas.

- A. Purpose. To protect those shoreline areas that are relatively free of human influence, and/or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes. Restoration of degraded shorelines should be planned within this environment.
- B. Designation Criteria. Shorelines having a unique asset or feature considered valuable for its natural or original condition that is relatively intolerant of intensive human use. This includes shorelines both in and out of the UGA or LAMIRD when any of the following characteristics apply:
  1. The shoreline is ecologically intact and currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; or
  2. The shoreline is considered to represent ecosystems and geologic types that are of scientific and educational interest;
  3. The shoreline is unable to support new development or uses without adverse impacts to ecological functions or risk to human safety.
  4. The shoreline includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.
  5. Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.
  6. Generally free of structural shoreline modifications, structures, and intensive human uses.

The presence of endangered or threatened species should also be a part of this designation criteria. For example, a shoreline with spawning or migrating endangered, threatened or protected (herring, sand lance, etc.) species should be included.

- C. Management Policies.

1. Any use that would substantially degrade or result in a net loss of ecological functions or natural character of the shoreline area should not be allowed. The following new uses should not be allowed: commercial, industrial and non-water-oriented recreation.

Commercial/industrial geoduck operations and other intensive aquaculture methods using artificial bags and/or using 43,560 PVC tubes per acre along with canopy netting and dredging to 3 foot depth at harvest is a substantial degradation and net loss of ecological

functions. It also dramatically changes the character of the shoreline. It is a commercial/industrial use. It should thus not be allowed.

2. Any alteration should be designed with low impact development methods, or be capable of restoration to the natural condition, where feasible. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.

The harvest of geoducks on a commercial/industrial geoduck operation (43,560 PVC pipes planted with over 130,000 geoduck seeds per acre constitutes alteration of the said tideland because it includes harvest of any natively growing geoducks, which can live up to 168 years, before Washington statehood. These areas cannot be restored to their natural condition just as a clear-cut forest cannot be restored to its natural condition.

3. Single-family residences, roads, parking areas and utility corridors may be allowed as a conditional use only if they cannot be located outside the Natural Designation or shoreline jurisdiction, provided that the density and intensity of such use is limited to protect ecological functions and is consistent with the purpose of the designation.

Almost all shoreline areas already have single-family residences which were built according to County land use rules in force at the time of building. This paragraph must be changed to acknowledge, allow and grandfather in existing single-family residences thus built.

4. Low-intensity, water-oriented recreational access, scientific, historical, cultural, educational research uses may be allowed provided that no significant ecological impact on the area will result.

The restrictions on low intensity uses in the above paragraph, that “may be allowed” rather than simply “allowed,” are in complete contradiction to the unlimited use of the tidelands granted to the commercial shellfish aquaculture industry (dredging, plowing, rebar insertion, use of plastics, etc). Please understand what this looks like to the public, i.e., collusion, bias, preferential treatment, duplicity, etc. with and for the commercial shellfish industry. This is not in keeping with the meaning of the SMA, which was written before the advent of commercial/industrial geoduck operations and/or other shellfish operations that dramatically alter the tidelands and introduce literally tons of man-made plastics and monoculture into the environment. To borrow a phrase, “this isn’t your grandfather’s oyster farm.” <http://coalitiontoprotectpugetsoundhabitat.org/wp-content/uploads/2013/02/not-your-grandfathers-oyster-farm.pdf>

## 19.200.135 Aquatic

- A. Purpose. To protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM).

The terms “protect” and “restore” are not defined.

See Clallam County Aquatic Designation (2.3) for a slightly more definitive “purpose.” “Purpose: The purpose of the Aquatic designation is to protect and restore the quality and health of marine and fresh waters and the species that depend upon them, while allowing for limited modification for water-dependent uses and public access when located in appropriate areas and developed to avoid a net loss of shoreline functions.”

The term “manage the unique characteristics” is illogical. “Preserve the unique characteristics”

should be used.

The term “manage resources” implies a financial interest in the aquatic areas—that the aquatic areas are for commercial purposes. This appears to be an oblique reference to commercial/industrial aquaculture based on promotion of commercial/industrial aquaculture in this document.

Specifically what “resources” need to be “managed? The tideland, in its natural state, does not need to be “managed” by state agencies except for monitoring of illegal use. In this context the term “protect” is more appropriate than “manage.”

There is no mention of “limited modification” (as in the Clallam County SMP draft) of the aquatic area and/or under what circumstances “limited modification” would be allowed.

There is no mention of “buffers” in the Aquatic section as required by **19.200.100 Shoreline Jurisdiction**

Buffers necessary to protect critical areas that are located within shoreline jurisdiction as described in this program.\*

\*- *optional jurisdiction*

There is no mention of “buffers” on the tidelands related to commercial/industrial shellfish aquaculture and the consequent worker trampling, sediment transport, moorage of boats and barges on neighboring tidelands and on the tideland in question.

- B. Designation Criteria. Lands waterward of the OHWM, which include tidelands, bedlands, and lands beneath freshwater shorelines of the state (may also include wetlands).
- C. Management Policies.

This section should contain the same “management policy” found under Urban Conservancy. “Uses that preserve the natural character of the area or promote preservation of open space, floodplain or other sensitive lands either directly or over the long term should be the primary allowed uses.” Commercial/Industrial aquaculture utilizing 43,560 PVC pipes (approximately 7 miles/16 tons of PVC) per acre along with canopy netting, barges, boats, workers, etc. does NOT “preserve the natural character of the area or promote preservation of open space.)

1. New over-water structures and development on navigable waters and their beds should be allowed only for water-dependent uses, public access or ecological restoration, and when:
  - a. They do not preclude attainment of ecological restoration; and
  - b. The size of the new over-water structure is limited to the minimum necessary to support the structure’s intended use; and
  - c. Multiple use of the over-water facility has been encouraged; and
  - d. The structure or use is located and designed to minimize interference with surface navigation, to consider impacts to public views, to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration and to ensure that the project does not conflict with existing water dependent uses; and
  - e. The use or modification is designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
2. When new over-water structures are proposed for residential development of two or more dwellings, joint use or community dock facilities should be utilized rather than single-use facilities.
3. Development should be compatible with the adjoining upland designation.
4. Existing over-water residences may continue through normal maintenance and repair, but

- should not be enlarged or expanded. New over-water residences should be prohibited.
5. Applicants for any use or modification should schedule a staff consult to review the site conditions, and potential habitats and species. This consult should result in a general understanding of applicable development standards for the proposal.
  6. Development over or in critical freshwater or saltwater habitats should be limited to those which mitigate impacts according to mitigation sequencing, and development standards for that development activity.

This section addresses over-water structures and development, but does not address under-water or periodic under-water structures and development. There should be clear constraints or prohibition on new under-water structures and development especially in areas where endangered or threatened species are present. This would include any commercial/industrial aquaculture that utilizes PVC tubes, plastic mesh tubes or any other plastic and canopy nets that are on a daily basis under water and it also include uses of barges, tractors, etc. on the tidelands.

### 19.200.140 Official Shoreline Map

- A. As part of this Program, there is one official Thurston County Shoreline Environment Designations Map, which shall be in the custody of the Department of Resource Stewardship and available for public inspection during normal business hours and on the Thurston County website. Unofficial copies of the official map or portions thereof may be included or distributed with copies of this Program (see Appendix A).
- B. The purpose of the official Shoreline Environment Designations Map is to depict graphically those areas of Thurston County falling under the jurisdiction of this Program, and the shoreline environment designations of those areas.

### 19.200.145 Map Boundaries and Errors

- A. Mapping Boundaries. Where the exact location of a jurisdiction or environment designation boundary line is uncertain, the official Shoreline Environment Designations Map will be used to determine the location of such line. When resorting to the Shoreline Environment Designations Map does not resolve the conflict, the following rules will apply:
  1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines;
  2. Boundaries indicated as approximately following lot, fractional section or other subdivision lines shall be construed as following such subdivision lines;
  3. Boundaries indicated as approximately following any lines of corporate limits or other local government jurisdictional lines shall be construed as following such lines;
  4. Boundaries indicated as following railroad lines shall be construed as following the center line of the railroad right-of-way;
  5. Boundaries indicated as parallel to or extensions of features identified in subsections 1. through 4. above shall be so construed;
  6. Boundaries between parallel environment designations shall be construed as the top of the bluff or vegetation line that distinguishes existing development from the critical area abutting the shoreline;
  7. When not specifically indicated on the Shoreline Environment Designations Map, distances shall be determined by the scale of the map;
  8. Where existing physical or cultural features are at variance with those shown on the

Shoreline Environment Designations Map and cannot be determined with certainty by applying subsections one through six above, the Director shall determine the location or existence of such feature utilizing the provisions of WAC 173-27-211, the policies of RCW 90.58.020, TCC 24.01.040, and the corresponding Master Program provisions herein; and

9. Where a parcel within the shoreline jurisdiction is separated from the water by an existing developed road or an additional parcel that serves to create a distinct break in connectivity to the shoreline, the parcel on the landward side may not be required to meet certain development regulations for that designation (such as public access, water-oriented use, or vegetation conservation standards), provided all other applicable provisions of this Program are met, including no net loss of shoreline ecological functions.
- B. Mapping Errors. Some mapping errors may be adjusted prior to a Master Program amendment to assign the appropriate designation to that area by the following methods:
1. The common boundary descriptions and the criteria in RCW 90.58.030(2) and Chapter 173-22 WAC supersede the map when there are mapping error conflicts, other than those with a solution provided in this section.
  2. In the event that a jurisdictional area is not mapped, it will automatically be assigned a “Rural Conservancy” or “Urban Conservancy” designation depending on its location outside or inside of a UGA or LAMIRD. Such designation will apply until a Master Program amendment is approved that assigns the appropriate designation to the subject area.
  3. In the event that a parcel was inadvertently assigned more than one designation, the more restrictive designation shall apply.
  4. In the event that a parcel on the boundary between two designations appears to be a mapping error based on the criteria in this section, the County shall apply the most appropriate of the two designations, until such time as the map can be formally corrected consistent with WAC 173-26-100 and Section 19.500.105(I) (Shoreline Master Program Amendment).
  5. In the event of an environment designation mapping error where the Master Program update or amendment record, including the public hearing process, is unclear in term of the correct environment designation to apply to a property, the County shall apply the environment designation approved through the Master Program Update or Amendment process and correct the map.
  6. If the environment designation criteria were misapplied, but the update or amendment record, including the public hearing process, does not clearly show that a different designation was intended to be shown on the map, a Master Program amendment may be obtained consistent with WAC 173-26-100 and Section 19.500.105(I) (Shoreline Master Program Amendment). This process is intended to allow for reasonable corrections to the Shoreline Environment Designation process. Such process shall include early consultation with the Department of Ecology and other agencies with jurisdiction, affected tribes, and appropriate public notification prior to local approval. Current designations are reflected in the Shoreline Environment Designations Map (Appendix A).