

# Geoduck Aquaculture Local Planning Subcommittee



Robert Fink, Planning Manager, Mason County

Cinde Donaghue, Planner, Thurston County

Roger Giebelhaus, Planner, Thurston County

Lisa Lewis, Planner, Kitsap County

Michelle McConnell, Planner, Jefferson County

Dave Risvold, Environmental Biologist, Pierce County

Facilitator - Rick Mraz, Department of Ecology, Wetlands and  
Shoreline Specialist

## Context and overview

- Group of five or six planners met twice for a total of four hours.
- Discussion occurred within the context of their experience with the Shoreline Management Act and in developing and implementing Shoreline Master Programs.
- We met to support SARC's second task in SSHB 2220: **Advising Ecology on new geoduck aquaculture guidelines to assist local Shoreline Master Program updates.**
- Our purposes were to discuss:
  - permit pathways (Exemption, SDP/CUP., etc).
  - addressing geoduck aquaculture in different shoreline environments
  - policies and use regulations for geoduck aquaculture (BMPs?),
  - building in adaptive management language
  - current SMP contents, the new guideline language and "best possible" outcomes from the local government perspective
- Any recommendations arising from our discussion would then be forwarded as suggestions to SARC.

# General regulatory approach

- Shoreline Master Programs (SMPs) updated under the SARC-advised Guidelines would serve as the primary mechanism for managing geoduck aquaculture in local jurisdictions through policies and regulations.



# THE SMA- Use Preference

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
- 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.

# SMP structure

- Shoreline master programs are both planning and regulatory tools.
- SMPs:
  1. balance and integrate the objectives and interests of local citizens.
  2. address the full variety of conditions on the shoreline.
  3. consider and, where necessary to achieve the objectives of the SMA, influence planning and regulatory measures for adjacent land.
  4. address conditions and opportunities of specific shoreline segments by classifying the shorelines into "environment designations".

# SMP structure

...(iii) **Management policies.** These policies shall be in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter [36.70A](#) RCW, to evaluate consistency with the local comprehensive plan.

(iv) **Regulations.** Environment-specific regulations shall address the following where necessary to account for different shoreline conditions:

(A) Types of shoreline uses permitted, conditionally permitted, and prohibited;

(B) Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and

(C) Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

What the group discussed...



- Ecology's current guidance
- SMP policy and use regulation language to address environmental issues
- SMP language to address land use issues
- SMP permitting structure and procedures
- How specific should the new guidance be?

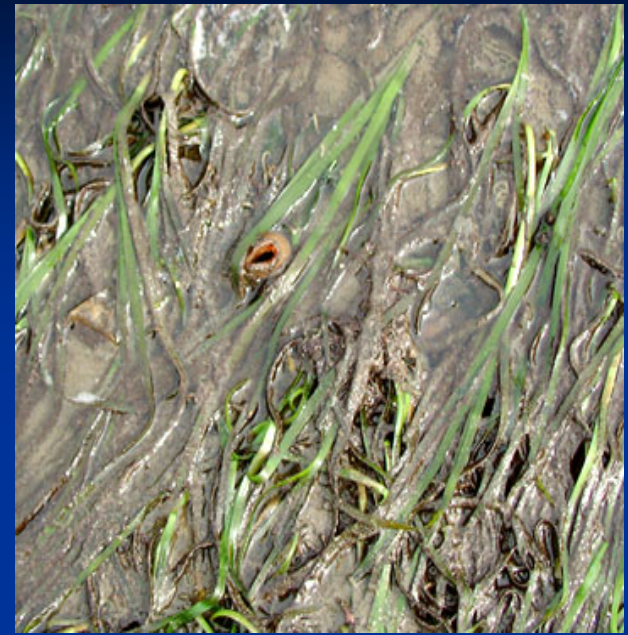


## Here's what Ecology's current guidance (WAC 173-26-241) says about aquaculture

- Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions.
- Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Local shoreline master programs should therefore recognize the necessity for some latitude in the development of this use as well as its potential impact on existing uses and natural systems.
- Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.

# Two primary aspects of regulatory concern

- Environmental impacts
- Conflicts w/ adjacent land uses.



- These two concerns are not unique to geoduck aquaculture. They are aspects to consider in policy and regulation language for just about every kind of shoreline development. Docks, bulkheads, dredging, commercial, industrial, etc.

# Group suggestions on SMP language to protect the natural environment

- Preference was expressed for broader statements on policy rather than specific detail. For example, referencing a SARC-sanctioned BMP document (as amended or revised) rather than writing individual recommendations in the guidelines or SMP.
- It was acknowledged that the science regarding impacts on this activity is incomplete. This may result in a bottleneck in permitting.
- We discussed whether local governments felt comfortable making a judgment call on whether available information was adequate to approve a permit (vs. denial). The consensus was that this process would “play itself out” through the actual SEPA/hearing/testimony phase.
- Consensus recommendation - All agreed that an EIS or HCP approach for geoduck aquaculture would be a desirable product, which could then inform SMP policies and regulations. The EIS approach also considers other (non-biological) environmental impacts such as noise, lights, transportation, land and shoreline use, etc.

## Group discussion and suggestions on permitting

- Permit timing – SDPs have normally have a five-year expiration (with a one-year extension).
- There are provisions in RCW to expand this period (90.58.143), but the local SMP should reflect this. Ecology could provide guidance here, but should avoid precise recommendations. i.e. “Geoduck aquaculture shall receive a ten-year permit”. May need flexibility to adapt to industry practices and needs.
- To facilitate an adaptive management approach and avoid confusing application of permit requirements, conditions should be applied that recognize the nature and timing of the use. E.g., replanting, phased planting under single permit may need to confer with jurisdiction prior to action.
- This approach allows local governments the opportunity to consider new science findings=adaptive management.

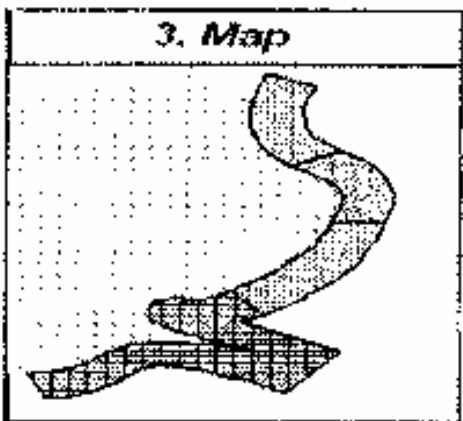
# Conflicts with the built environment and adjacent land uses



- SMA guidance suggest land use designations – environments where certain areas are “zoned” for preferred uses and other uses are disallowed or conditional.
- These designation also imply a certain level of environmental protection

<b>1. List of Designations</b>
Aquatic
Shoreline Residential
Rural Conservancy
Natural
Others

<b>2. Common Legal Descriptions</b>
_____
_____
_____
_____
_____
_____
_____



<b>4. For Each Designation</b>
Purpose of Designation
Designation Criteria
Management Policies

<b>5. Matrices (Optional)</b>	
	<b>Environment</b>
	<b>Public</b>
	<b>Private</b>
<b>Use Category</b>	
	P C
	P C
	X P
<b>Activities</b>	
	P P
	C P
	C P
<b>Height</b>	20' 30'
<b>Setback</b>	100' 120'
<b>Etc.</b>	

<b>6. Environment Specific Regulations</b>
Site Development
Vegetation Management
Public Access
Etc.

Diagram summarizing the components of the environment designation provisions.

(This is for illustration purposes only and does not supplement or add to the language in the chapter text.)

# Recommendation regarding land use-related guidelines

- Local governments will be diverging from Ecology recommendation and creating more detailed environment designations.
- Guidance should not be too prescriptive. As in, “Allow geoduck aquaculture ONLY adjacent to Rural residential or Conservancy-designated lands.” Local control is preferred by all in the planning group.
- Consensus recommendation to SARC - Allow local SMPs to prescribe the various shoreline environments where the activity should be allowed. Complementary to this, local governments will not necessarily be using Ecology’s environment guidance verbatim. Some will be adding environments to provide greater clarity and specificity for land use locations.

# Summary

- EIS or equivalent may be necessary to craft adequate regulations to protect natural environment. In the interim, project applications will necessarily “test the waters”. Issues will include the “absence of demonstrated harm” vs. precautionary principle, cumulative effects, burden of proof, etc.
- Local control of regulatory specifics is viewed as preferable to detailed prescriptive guidelines or programmatic permitting. This is especially true in consideration of land use conflicts.
- Permitting framework is feasible and can be consistent with adaptive management approach. Timelines and conditions can be adjusted to allow jurisdictions to insert review. Guidelines should provide clarification on this approach.