STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 22, 2011

The Honorable John Austin
Jefferson County Commissioners
PO Box 1220
Port Townsend, WA 98368

RE: Jefferson County Shoreline Comprehensive Shoreline Master Program Update – Findings and Conclusions Addendum

Dear Commissioner Austin:

Thank you for your letter of April 25, 2011. This letter deals with two required changes to the Shoreline Master Program. One was included in my letter of January 26, 2011, about net-pen aquaculture provisions. The second is about shoreline jurisdiction in the Glen Cove area, and is being added to the list of required changes, as explained below.

First of all, we appreciate the careful consideration Jefferson County (County) is presently giving to the matter of finfish net-pen aquaculture. There has been relatively little activity of this sort in Washington marine waters in recent years, while the potential remains for future applications. The statutory preference for water-dependent industries needs to be factored into how the industry is regulated, as does the required protection of ecological resources.

We understand and support the Board of County Commissioner's (BOCC) intention for holding an additional public hearing before making a final decision on the net-pen aquaculture matter, continuing the County's consistent practice of transparently and openly engaging citizens. We recognize the challenges inherent in finding a county-wide solution that will offer adequate ecological protection, while fairly allowing for economic activity consistent with resource protection. As you note, similar concerns are shared by many other local governments.

Your suggestion about a statewide effort to clarify the current science about finfish and marine net-pens is a sensible one. I am working to coordinate with other state agencies and programs to ensure that we are up-to-date and aware of one another's roles and positions. The Washington State Department of Ecology (Ecology) currently does not have the resources to conduct a broader effort with regard to scientific research updates. We will alert you to any further statewide guidance as it becomes available.

Secondly, the Port Townsend Paper Company has requested their Aerated Stabilization Basin Treatment Pond not to be included in shoreline jurisdiction. I want to emphasize our recognition that Jefferson County previously asked our advice on the mill pond jurisdiction issue in 2009 and 2010. Ecology had not reached a conclusion for how these requests should be handled statewide. The new guidance about industrial water bodies came into effect just recently (March 2011). Similar issues were raised in other jurisdictions with similar fact patterns.

Ecology has determined that Shoreline Master Program (SMP) updates are the right venue for making changes when warranted. Policy guidance was developed and posted online, with criteria for discerning when various kinds of treatment facilities would be in or out of jurisdiction. The attached Findings and Conclusions explain the matter in detail. The required change should be a fairly simple correction to one of the shoreline maps, as indicated.

We have discussed this matter with your staff and they understand our position and rationale for the change. We are adding this clarification as a required change so that all the County needs to do is change the maps accordingly.

We appreciate your attention to these matters, and look forward to receiving the County's formal response to these changes.

Sincerely,

Ted Sturdevant
Director

Enclosures

By certified mail [7003 1010 0005 0569 1574]

cc: Paula Ehlers, Ecology Southwest Regional Office
Peter Skowlund, Ecology HQ
Jeffree Stewart, Ecology Southwest Regional Office