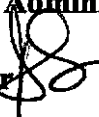


**JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REGULAR AGENDA REQUEST**

**TO:** Board of County Commissioners  
Philip Morley, County Administrator

**FROM:** Al Scalf, DCD Director 

**DATE:** May 24, 2010

**SUBJECT: MYSTERY BAY MOORING BUOY MORATORIUM**

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**STATEMENT OF ISSUE:**

This Agenda Request is for a second six month moratorium on accepting applications for mooring buoys in Mystery Bay. This moratorium is needed in view of the pending adoption of the Locally Approved Shoreline Master Program which includes policies and regulations consistent with the National Shellfish Sanitation Program

**ANALYSIS/STRATEGIC GOALS:**

The legislature amended the shoreline management act last year to recognize the fundamental role and value of properly exercised moratoria while recognizing the legitimate interests of existing shoreline related development. In using a moratorium the local government shall provide a work plan outlining the goals for remedying the issues and circumstances necessitating the moratoria. During the past year a management plan has been developed as a unique model to help resolve multiple use conflicts in a manner that may have a broad application throughout Puget Sound.

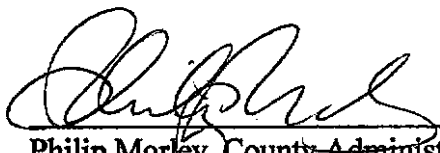
**FISCAL IMPACT:**

The Jefferson County costs associated with this program including developing the moratorium, participation in the formation of the management plan and the on going monitoring of the activities within Mystery Bay are accounted for in the adopted 2010 budget at the Department of Community Development.

**RECOMMENDATION:**

Staff recommends the BOCC approve the moratorium.

**REVIEWED BY:**

  
Philip Morley, County Administrator

5/19/10  
Date



8. The Mystery Bay Management Plan provides various benchmarks to measure the effectiveness of the plan and provides for adaptive management techniques should the plan be unsuccessful.

9. The Washington State Department of Health reclassified part of the Mystery Bay commercial shellfish growing area from *Conditionally Approved to Approved* on March 25, 2010.

10. On May 17, 2010 the Jefferson County Marine Resource Committee was issued a Jefferson County shoreline substantial development permit exemption to install seven marker buoys to identify the voluntary "no anchor zone" and to manage transient vessel moorage called for in the management plan.

WHEREAS, Jefferson County continues to participate in the stakeholders' group of agencies, tribes and shellfish growers in order to prevent any commercial shellfish closures of Mystery Bay; and

WHEREAS, the Mystery Bay Management Plan is one element of the work plan for the stakeholders group; and

WHEREAS, the Mystery Bay Management Plan has weighted the competing interests for using Mystery Bay including the evaluation of mooring buoy placements; and

WHEREAS, permitting additional mooring buoys in Mystery Bay may exacerbate problems associated with over use of the bay and lead to potential shellfish closures pending adoption of a new Shoreline Management Master Program which incorporates the National Shellfish Sanitation Standards; and

WHEREAS, it is in the public interest to protect commercial shellfish harvesting in Mystery Bay;

***NOW, THEREFORE, BE IT ORDAINED*** by the Board of County Commissioners of Jefferson County as follows:

**SECTION 1.** A moratorium is placed on submittals of shoreline permit applications to the Jefferson County Department of Community Development for placement of mooring buoys in Mystery Bay, except when: 1) the state Department of Health notifies the Jefferson County Shoreline Administrator that movement or placement of a mooring buoy would contribute to preventing or lifting a shellfish harvesting closure; or 2) the Jefferson County Shoreline Administrator determines that an application for the movement or placement of a mooring buoy must be accepted and reviewed by Jefferson County in furtherance of an adopted Mystery Bay Management Plan.

**SECTION 2.** Pursuant to the provisions of ESHB 1379 which amends and adds sections to Ch. 90.58 RCW, the Shoreline Management Act, this moratorium does not

affect any lawful mooring buoys in place at Mystery Bay on or before the date this Ordinance becomes effective.

**SECTION 3.** Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

**SECTION 4.** The work plan is hereby incorporated by reference, see Attachment A.

**SECTION 5.** Effective date.

This ordinance shall take effect immediately after passage and shall remain effective for six months or until repealed by the BOCC.

APPROVED AND ADOPTED this 24<sup>th</sup> day of May, 2010

SEAL:

JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS

David Sullivan, Chair

Phil Johnson, Member

ATTEST:

John Austin, Member

Erin Lundgren  
Deputy Clerk of the Board

APPROVED AS TO FORM:

David Alvarez  
Deputy Prosecuting Attorney

## **Attachment A Workplan**

**Issue:** The issue is the threat of closure of shellfish harvesting in Mystery Bay because of too many boats anchored or moored near shellfish beds.

**Strategy:** Continue collaborative efforts between tribal, federal, state and local governments, including the public that implements the objectives of the Mystery Bay Management Plan.

### **Calendar of events:**

November 23, 2009	Six-month Moratorium on mooring buoys was placed by BOCC for a period of 6 months.
March 1, 2010	Jefferson County formally submits the Locally Approved Shoreline Master Program (SMP) to Washington State Department of Ecology (DOE).
March 25, 2010	The State Department of Health reclassified the commercial shellfish growing areas in Mystery Bay from conditionally approved to approved.
April 20, 2010	Washington State Department of Ecology (DOE) conducted a public hearing on Locally Approved Shoreline Master Program at Fort Worden State Park.
May 23, 2010	Six-month Moratorium expired.
May 24, 2010	Second six-month Moratorium is placed by the BOCC for a period of 6 months.
June 17, 2010	Stakeholder's group meeting at the Point No Point Treaty Council conference room in Hansville.
July 2010	Board of County Commissioners adopts the Mystery Bay Management Plan.
November 24, 2010	Second Moratorium is lifted or extended depending on status of SMP.

### **The remedy of the issues and circumstances:**

The moratorium is effective from May 24, 2010 through November 24, 2010 and could be extended for a final six month period and/or to the date that Ecology approves the SMP. Once Ecology approves the new SMP and Jefferson County enacts the SMP locally, the moratorium would be lifted and applications for mooring buoys would be processed under the new SMP to a decision point of approval or denial.