

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

REGULAR AGENDA REQUEST

TO: Board of County Commissioners
Philip Morley, County Administrator

FROM: Stacie Hoskins, Interim DCD Director *SH*

DATE: January 3, 2012

SUBJECT: Port Townsend Bay Mooring Buoy Moratorium Public Hearing

STATEMENT OF ISSUE:

On November 7, 2011, the Board passed Ordinance No. 04-1107-11, enacting a six month moratorium placed on submittals of shoreline permit applications to the Jefferson County Department of Community Development for placement of mooring buoys in the southern portion of Port Townsend Bay (as defined in the attached management plan area map), 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 the planning being conducted during the development of the Port Townsend Bay Management Plan.

Per RCW 90.58.590, the Board shall conduct a public hearing within sixty days of the adoption of a moratorium.

BACKGROUND/ANALYSIS/STRATEGIC GOALS:

This moratorium on new mooring buoys is the starting point as interested parties, local tribes, state agencies and Jefferson County prepare a management plan for this area. The Lower Hadlock area is subject to competing interests of the boating public as well as upland land uses. These water and land uses have the potential to adversely affect commercial shellfish harvesting within the southern portion of Port Townsend Bay. A mooring buoy moratorium will provide a period of time where existing buoys whether authorized or unauthorized can be inventoried and evaluated for compliance with applicable county and state legal requirements. Transient boat locations can be monitored to verify if boaters are adversely impacting the commercial shellfish beds. Finally, various land uses will be examined to promote a coordinated effort for protection, use, development and restoration opportunities through a management plan process. The management plan process will include a public outreach program facilitated by the state Office of Regulatory Assistance.

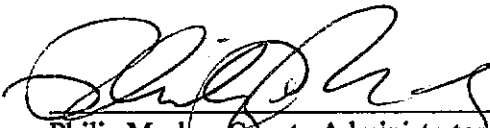
FISCAL IMPACT:

The Jefferson county costs associated with developing the moratorium, participation in the formation of the management plan and the ongoing monitoring of the activities within Port Townsend Bay are included in the 2012 annual budget approved for DCD.

RECOMMENDATIONS:

Staff recommends the Board hold a public hearing to solicit testimony regarding Ordinance No. 04-1107-11, enacting a six month moratorium placed on submittals of shoreline permit applications to the Jefferson County Department of Community Development for placement of mooring buoys in the southern portion of Port Townsend Bay. No action is required by the Board subsequent to the public hearing.

REVIEWED BY:


Philip Morley, County Administrator

12/28/11

Date

CC: Code }
DCD } 11-8-11
FA }
Sheriff }

STATE OF WASHINGTON
County of Jefferson

In the matter of a }
Moratorium on new Mooring }
Buoy's in the southern portion of }
Port Townsend Bay }

Ordinance # 04-1107-11

The Jefferson County Board of County Commissioners enters the following findings of fact:

1. Jefferson County has committed to planning under the provisions of the Growth Management Act, codified as RCW 36.70A.
2. Jefferson County implements the Growth Management Act through a comprehensive plan adopted in 1998 and updated in 2004.
3. The Comprehensive Plan of Jefferson County provides goals and polices on page 8-36 of the Comprehensive Plan to implement the provisions of the Shoreline Management Act found at RCW 90.58.
4. The Shoreline Management Act development regulations are implemented in Jefferson County through the Jefferson County Code (JCC) in section 18.25.
5. Mooring Buoys are regulated by provisions of Jefferson County Code found at JCC18.25. 380.
6. The Shoreline Management Act found at RCW 90.58.590 grants counties moratoria authority as an important aspect of complying with environmental stewardship and protection requirements when implementing that legislation.
7. This state law provides that local governments may adopt moratoria provided that all lawfully existing uses, structures and other development shall continue to be deemed lawful.
9. A moratorium may be effective for up to six months if a detailed work plan is prepared for remedying the issues and circumstances necessitating the moratorium, and may be renewed for two six month periods.

WHEREAS, Port Townsend Bay is near the entrance to Admiralty Inlet being part of the Strait of Juan de Fuca, all being marine waters of the State of Washington;

WHEREAS, this southern portion of Port Townsend Bay includes areas locally known as the Chimacum Creek Beach Park, Lower Hadlock, Skunk Island, and the Old Alcohol Plant;

WHEREAS, these areas are in proximity to the Irondale/Port Hadlock Urban Growth Area;

WHEREAS, until a sewer system is installed and available to serve the Urban Growth Area, transitional zoning is in place, which allows rural commercial and rural residential uses to take place;

WHEREAS, under the existing Shoreline Master Program the area has a mixture of shoreline environmental designations including conservancy, urban, and suburban;

WHEREAS, these shoreline areas include feeder bluffs and drifts cells such as the Hadlock Bluffs that created depositional beaches and accretionary beaches such as the Hadlock Lagoon and Chimacum Creek Beach;

WHEREAS, this marine water body includes eel grass beds which accommodate sand lance and surf smelt, provide overwintering habitat for waterfowl and are hosting coho salmon, cutthroat trout, and the endangered species of steelhead trout and summer chum salmon;

WHEREAS, this southern area of Port Townsend Bay has a wooden boat school, one commercial shellfish bed, a mix of residential development with docks, bulkheads and mooring buoys, a public boat launch, a marina and has active use by the boating public;

WHEREAS, there are competing interests in this southern portion of Port Townsend Bay between boaters, near shore residential uses, commercial uses and shellfish harvesting both recreationally and commercially;

WHEREAS, Washington State Department of Health issued a news release on June 1, 2011 indicating that the southern portion of Port Townsend Bay was threatened with closure this year;

WHEREAS, the Washington State Department of Health (DOH) Office of Shellfish and Water Protection issued their annual growing area review report stating that Port Townsend Bay meets water quality standards but is threatened with a downgrade in classification due to the amount of boating activity and potential pollution associated with transient boat anchoring;

WHEREAS, an increase in the number of boats within the southern and westerly portions of Port Townsend Bay, and particularly the area near Lower Hadlock may adversely impact commercial and recreational shellfish harvesting operations;

WHEREAS, a commercial shellfish closure has adverse economic impacts on local business;

WHEREAS, the Jefferson County Public Health Department will be monitoring water quality in Port Townsend Bay through the Northeast Jefferson County Clean Water Project beginning in 2012;

WHEREAS, Jefferson County is near final adoption of their Shoreline Master Program through the State Department of Ecology including provisions for permitting and placement of mooring buoys;

WHEREAS, the new shoreline master program has provisions that are consistent with the standards outlined in the National Shellfish Sanitation Program (NSSP);

WHEREAS, Jefferson County is in a partnership with state agencies and local tribes seeking to create a management plan for the aforementioned portions of Port Townsend Bay in order to prevent any adverse impacts to commercial shellfish harvesting and/or downgrading of the area by DOH;

WHEREAS, a bay management plan is one element of the work plan for the stakeholders group;

WHEREAS, a bay management plan would examine the competing interests for using the southern and western portions of Port Townsend Bay and would include evaluation of mooring buoy placements;

WHEREAS, permitting additional mooring buoys in the southern and western portions of Port Townsend Bay may exacerbate problems associated with over use of the bay and lead to potential shellfish closures;

WHEREAS, it is in the public interest to protect commercial shellfish harvesting in Port Townsend 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 the southern portion of Port Townsend Bay (as defined in the attached management plan area map), 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 the planning being conducted during the development of the Port Townsend Bay Management Plan.

SECTION 2. Pursuant to the provisions of Ch. 90.58 RCW, the Shoreline Management Act, this moratorium does not affect any lawful mooring buoys in place in the southern area of Port Townsend Bay (as defined above) 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 and management plan area map are hereby incorporated by reference, see Attachments A and B.

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 1th day of November, 2011



JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS


Phil Johnson, Member


David Sullivan, Member

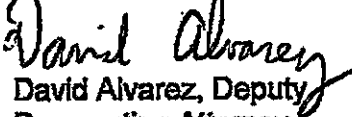

John Austin, Chair

ATTEST:



Beth Hill 
Clerk of the Board, Deputy

APPROVED AS TO FORM:


David Alvarez, Deputy
Prosecuting Attorney

Port Townsend Bay Work Plan

Issue: The issue is the threat of closure of shellfish harvesting in the southern portion of Port Townsend Bay due to the presence of too many vessels anchored or moored near commercial shellfish beds. Issue also involves concerns over presence of derelict vessels and the use of vessels by people living aboard.

Solution: Considering all uses, develop a plan or strategy to manage vessels in a manner that will avoid future closures of commercial shellfish harvesting in the southern portion of Port Townsend Bay.

Strategy: Through facilitation by the Governor's Office of Regulatory Assistance, undertake a collaborative process with stakeholders, government agencies, tribal governments and interest groups (see list below); engage the public throughout the decision-making process; and prepare a plan for Port Hadlock in partnership with stakeholders that achieves the following:

- a. Reduces the number and proximity of vessels in relationship to the commercial shellfish beds through enforcement action to avoid shellfish harvest closures by Department of Health. This may involve removing mooring buoys and vessels not properly permitted or authorized.
- b. Establishes a voluntary "No Anchor Zone" in the southern portion of Port Townsend Bay, similar to that in place in Mystery Bay, to direct transient boaters away from commercial shellfish beds in order to prevent emergency closures due to number of transient moorages.
- c. Identifies a mooring area in a portion of the southern portion of Port Townsend Bay in the area appropriate to authorize mooring buoys for use by recreational and/or commercial vessels
- d. Identifies an appropriate area in the southern portion of Port Townsend Bay for transient moorage and navigation.
- e. Establishes a Community Monitoring/Education effort -- Establish monitoring and reporting process to maintain levels of use consistent with shellfish harvest regulations.
- f. Consider other factors and strategies necessary to address the issue and achieve the desired solution.

Stakeholder List: The following list identifies potential stakeholder, government agencies, tribal governments and interest groups, to invite to the collaborative process, other stakeholders may also be included as necessary:

- Government Agencies
 - Jefferson County
 - Washington Department of Health
 - Washington Department of Natural Resources
 - Washington Department of Fish and Wildlife
 - Jefferson County Marine Resources Committee
 - United States Army Corp of Engineers
 - United States Navy
 - Port of Port Townsend
- Tribes
 - Jamestown S'Kallam
 - Port Gamble S'Kallam Tribe
 - Lower Elwha Klallam Tribe
 - Suquamish Tribe
 - Northwest Indian Fisheries Commission
 - Point No Point Treaty Council
- Interest Groups
 - Port Hadlock Yacht Club
 - Port Hadlock Marina
 - Northwest School of Wooden Boatbuilding
 - Broder's Clam Farm
 - Megan McCrary
 - Pacific Coast Shellfish Growers Association
 - Friends' of Chimacum Creek
 - North Olympic Salmon Coalition

o Residential Owners

o Other

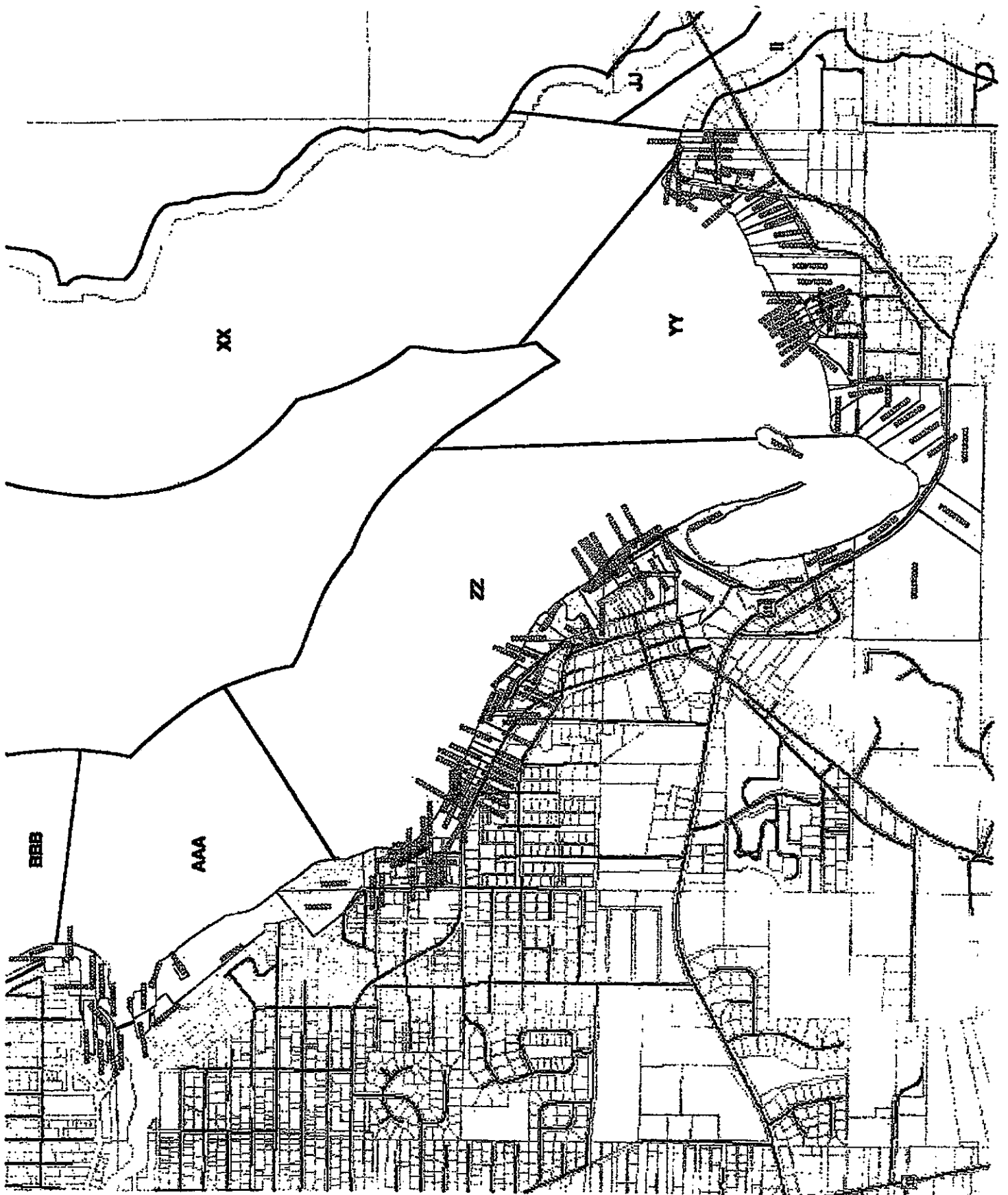
Geographic extent: The area of particular concern for commercial shellfish closure is limited to the tidelands located west of Skunk Island and south of the Port of Port Townsend boat launch and dock. However, because the strategy considers vessel uses in the general Port Hadlock vicinity, the geographic extent proposed for the management area includes other areas in view of boating activities and land uses that may effect the management plan (See Appendix B – map of management area).

Calendar of events:

November 7, 2011	Moratorium on mooring buoys placed by BOCC
Nov/Dec- 2011	Agencies begin enforcement efforts by tagging and/or notifying unauthorized vessels
Nov/Dec- 2011	Agencies conduct inventory and gather information from the field on vessel use
Nov/Dec 2011	Office of Regulatory Assistance establishes the Stakeholder group
January 2011	1 st Stakeholder's group meeting: review issue, solution and begin process
February 2012	2 nd Stakeholder group meeting: discuss details of strategy; form subcommittee to draft plan
March 2012	1 st Sub-committee meeting to develop draft management plan
April 2012	3 rd Stakeholder meeting: Stakeholder's group meeting to review draft management plan finalize and release draft plan for public review (two weeks before public meeting)
April 2012	Final draft management plan prepared
May 2012	Extend Moratorium for six additional month with updated Work Plan
May 2012	Hold Public Meeting to solicit comments on the draft management plan
June 2012	4 th Stakeholder's group meeting: discuss public comments identify changes
June 2012	2 nd Subcommittee meeting to incorporate changes to management plan
July 2012	Final draft of the management plan is released for public comment period.
August 2012	Adopt Management Plan
August 2012	End Moratorium
September 2012	Agency action begins to implement plan and achieve solution
September 2012	Final Stakeholder's group meeting: review and identify needs for follow up if any.
September 2012	DOH public notice on the Port Townsend Bay growing area classification

The remedy of the issues and circumstances:

The moratorium(s) on mooring buoys would allow adequate time for interested parties and the general public to be engaged in the development and final adoption of a management plan. The moratorium period will allow for field identification of existing activities and uses, allow a time period for voluntary compliance and enforcement as needed in parallel with a program to gain public participation and involvement in solving management issues identified in the management plan process.



Appendix B

Management Plan Area Map

Within the southern portion Port Townsend Bay, those waters lying westerly of a line drawn between the SE corner of parcel number 980-100-019 and the SE corner of parcel number 001-353-003.

Port Townsend Bay

