

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

COUNTY ADMINISTRATOR BRIEFING AGENDA REQUEST

TO: Board of County Commissioners

FROM: Philip Morley, County Administrator

DATE: September 24, 2012

RE: Draft Response to Washington State Department of Ecology Letter re: Shoreline Master Program



STATEMENT OF ISSUE: Review and finalize a response to the Washington State Department of Ecology's (DOE's) August 31 letter requesting the County to communicate by October 1 its path forward for completing the Jefferson County Shoreline Master Program update.

ANALYSIS: DOE Director Ted Sturdevant sent a letter to Jefferson County on August 31, 2012 asking the County to communicate by October 1 its path forward for completing the Jefferson County Shoreline Master Program update.

The Board of County Commissioners have discussed options for responding with DCD staff and the Prosecutor's Office on September 10 and September 17. The attached draft letter attempts to capture the Board's views.

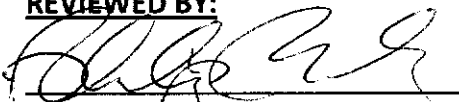
FISCAL IMPACT: Not measurable.


RECOMMENDATION: Review the draft letter and pass a motion giving direction for finalizing a letter to DOE Director Ted Sturdevant, and authorize the BoCC Chair to sign and send the letter.

Enclosures:

- Draft Letter to Ecology
- 8/31/12 Letter from Ecology Director Ted Sturdevant

REVIEWED BY:


Philip Morley, County Administrator


Date

September 24, 2012

Mr. Ted Sturdevant, Director
Washington State Department of Ecology
P.O. Box 477600
Olympia, WA 98504-7600

RE: Jefferson County Shoreline Master Program Update

Dear Mr. Sturdevant:

This letter responds to your letter of August 31, 2012 requesting the County to communicate its path forward for completing the Jefferson County Shoreline Master Program update.

Ecology has taken the stance that in-water finfish aquaculture is a separate water-dependent use from water-dependent finfish aquaculture on-shore. As a consequence, Ecology asserts in-water finfish aquaculture must be allowed in Jefferson County's Shoreline Master Program update (SMP). We respectfully disagree with your interpretation of the law, an interpretation that divides water-dependent finfish aquaculture into two uses (in-water versus on-shore), and are concerned about the precedent it sets for requiring all in-water uses to be allowed even when related on-shore water dependent uses exist. In particular we are concerned that requiring the County to allow in-water finfish aquaculture will jeopardize threatened and endangered native species as well as other marine resources by placing them at risk from disease, parasites and untreated pollutants released by concentrated net pen finfish populations. Recent documented events involving in-water finfish aquaculture in Puget Sound, British Columbia and other countries underscore the reality of these risks.

Ecology's position on in-water finfish aquaculture puts at risk the wild salmon populations that have been the object of tens of millions of dollars invested in restoration and many thousands of hours of volunteer time to recover our native salmonid stocks. Protecting and restoring wild salmon runs is a matter of great importance to our citizens and to our environment.

Unfortunately Ecology's stance on net pens was expressed very late in the SMP update process, well after our technical committees and Planning Commission had completed their work. As a result, Jefferson County's staff and elected officials have had to delay final action on adopting the great work that had been completed on the rest of the SMP and expend hundreds of additional hours on the net pen issue searching for agreement with Ecology while honoring our commitment to protect our waters and marine resources from the impacts and risks posed by net pens. In the face of County budget and staff reductions over the last few years, this extra work load has severely burdened our staff, and prevented the timely completion not only of the SMP update but of other projects as well. It has also had a chilling effect on local development waiting to use the new tools contained in the update, and creates uncertainty of when and if the new update will apply.

None of the three options spelled out in Ecology's earlier letter of July 23, 2012 are desirable to us. However, in the interest of retaining local control of updating the SMP, protecting our shoreline resources, and avoiding further delay in completing the SMP update, the Jefferson County Board of County Commissioners has made the difficult choice to pursue the "adopt with a conditional use" approach of allowing for in-water finfish aquaculture in our SMP, what you referred to as Option 1. Initial work has already been done by our staff on drafting CUP criteria based on established environmental standards and widely accepted science. However, protecting against disease and parasites that may be carried and transmitted by net pen fish to wild populations remains a particular concern. We are actively seeking technical support from the Washington Department of Fish and Wildlife and other agencies to help us adequately address this issue. We will pursue developing additional CUP criteria with the goal of making our criteria comprehensive and thorough and provide the greatest protection to our shoreline resources from the documented risks from in-water net pen aquaculture.

Outside this one issue, we have enjoyed and appreciated the collaborative and supportive relationship with the Department of Ecology and its staff. We especially appreciate the work of Jeffrey Stewart, and look forward to working with Mr. Stewart and the rest of Ecology's staff to bring the Jefferson County Shoreline Master Program update to a successful conclusion.

Sincerely,

John Austin, Chair
Jefferson County Board of County Commissioners



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 877-833-6344

August 31, 2012

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

RE: Jefferson County Shoreline Master Program Update

Dear Commissioner Austin:

Thank you for your August 15, 2012 letter regarding completing the Jefferson County Shoreline Master Program update.

We understand and respect your need for a modest, additional amount of time to resolve the marine salmon net pen aquaculture issue. In particular, we recognize the logistical challenges posed during the summer season.

We are still very interested in bringing the outstanding marine salmon net pen aquaculture issue to resolution. A deadline seems like a vital measure to ensure timely progress toward action.

Please provide us with your decision on the County's path forward by October 1, 2012. If there is any additional information we can provide or questions we can answer, please contact Paula Ehlers at Paula.Ehlers@ecy.wa.gov or (360) 407-0271. Thank you for your diligent work in managing shorelines in Jefferson County.

Sincerely,

Ted Sturdevant
Director

cc: Michelle McConnell, Jefferson County DCD
Tom Clingman, Ecology
Paula Ehlers, Ecology
Brian Lynn, Ecology
Peter Skowlund, Ecology
Jeffree Stewart, Ecology

sent by certified mail: 7010 2780 0000 2503 4119

