



**Clallam County**  
**Department of Community Development**  
 223 East 4<sup>th</sup> Street, Suite 5, Port Angeles, WA 98362  
 (v) 360-417-2420 ✦ (f) 360-417-2443  
 email: [dcdplan@co.clallam.wa.us](mailto:dcdplan@co.clallam.wa.us)



**SHORELINE APPLICATION**

SHR 2017 - 00011

APPLICANT INFORMATION

Name Jamestown S'Klallam Tribe

Mailing Address 1033 Old Blyn Hwy

City Sequim St. WA Zip 98382

Phone Number 360-460-3240 Business Phone 360-681-4630

AGENT INFORMATION (If applicable)

I, Ron Allen, (applicant) do hereby authorize Ralph Riccio (agent) to act on my behalf for this land division pursuant to Title 29, CCC.

Mailing Address 1033 Old Blyn Hwy

City Sequim St. WA Zip 98382

Phone Number 360-460-3240 Contact Person Ralph Riccio

Applicant Signature \_\_\_\_\_

PROJECT INFORMATION

Tax Parcel Number 20-A013012 Size of Parcel 50 acres Zoning Not applicable

Directions to site Take US-101 W into Sequim, WA 98382. Take the Sequim-Dungeness Way to Clark Rd. Follow Clark Rd to Cline Spit Rd which dead ends at Dungeness Bay.

Current Land Use Aquaculture Existing Improvements Aquaculture

Brief Description of Request Reestablish oyster aquaculture subsequent to resolution of water quality impairments in Dungeness Bay.

Environmental designation according to County Shoreline Master Program \_\_\_\_\_

Is the property or project located within a floodplain? No Estimated fair market value of project \$70,000-450,000

Amount and type of fill material None

By making this application, you are hereby granting consent to the Clallam County Director of Community Development and his/her designee to enter and inspect the property, structure(s) or geophysical feature related thereto which is the subject of this application, in order that the County may verify actual physical site issues, as well as compliance with proposed conditions or conditions imposed pursuant to the application. Unless otherwise further granted, the consent to enter established by this application is terminated upon the final action on the application or resulting permit.

I certify, under penalty of perjury of the Laws of the State of Washington, that I am the owner or authorized agent\* of the property that is the subject of this application.

Ron Allen 12/28/2017 Ralph U. Riccio 12/28/2017  
 Applicant Date Agent Date

For additional information regarding the shoreline permit process, refer to the Clallam County Shoreline Master Program and Shoreline Permit Ordinance CCC 35.



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**TYPES OF PERMITS (Check all that apply)**



**SHORELINE SUBSTANTIAL DEVELOPMENT**

Substantial Development Permits are needed when the proposal is not exempt and involves all construction, dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, pile driving, placing of obstructions; with a total cost or fair market value exceeding \$7047 or any development that materially interferes with the normal public use of water or shorelines.



**SHORELINE CONDITIONAL USE**

The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Clallam County Master Program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policies enumerated in RCW 90.58.020 and the Clallam County Shoreline Master Program. The applicant must address the approval criteria contained in WAC 173-27-160 (including a discussion of the cumulative impact of the proposed project) and demonstrate consistency with other relevant Clallam County Code sections (Critical Area, Zoning, etc.). A conditional use cannot be granted for a prohibited use under the relevant shoreline designation. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use. Permits for a conditional use must be submitted to the Department of Ecology for approval or disapproval.



**SHORELINE VARIANCE**

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. The applicant must address the approval criteria contained in WAC 173-27-170 (including a discussion of the cumulative impact of the proposed project) and demonstrate consistency with other relevant Clallam County Code sections (Critical Area, Zoning, etc.). A variance cannot be granted for a prohibited use under the relevant shoreline designation. In authorizing a variance, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed variance. Permits for a variance must be submitted to the Department of Ecology for approval or disapproval.



**REVISION TO AN APPROVED SHORELINE PERMIT**

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.



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## **SHORELINE SUBSTANTIAL DEVELOPMENT CRITERIA AND JUSTIFICATION**

(REQUIRED SUPPLEMENTAL INFORMATION *Shoreline Substantial Development: WAC 173-27-150*)  
Please submit an electronic copy as well.

(1) How does your proposal comply with the policies and regulations of Chapter 5 of the Clallam County Shoreline Master Program?

The Jamestown S’Klallam Tribe’s proposal is “aquaculture” as defined in Chapter 5.02 of the Clallam County Shoreline Master Program (SMP). The proposed oyster farming operation is in compliance with the policies (section B) and regulations (section C) as follows.

Chapter 5.02 B.2 encourages cautious approaches to "experimentation" and "new aquaculture methods." This project will produce oysters by employing the on-bottom bag culture method, which is commonly employed by shellfish growers in Washington State. There will not be any "experimentation" in production methods. On-bottom bags will be firmly secured to the substrate within the intertidal zone and have low vertical relief of (< 1 ft.), and therefore, will not restrict vessel navigation within Dungeness Bay.

The project is located on a DNR-managed tideland parcel that has historically been leased for aquaculture. The Jamestown Tribe previously engaged in oyster cultivation at this site but had to cease operations due to the water quality impairments in Dungeness Bay. Consistent with Chap. 5.02 B.4 and 6, the Tribe is focused on retaining the water quality standards and furthering the goals of the Clean Water District in Dungeness Bay, and to that extent, the Tribe has and will continue to invest significant resources and effort to assist in improving the water quality standards. Jamestown supports Washington’s Department of Health (DOH) monthly marine water quality sampling of Dungeness Bay stations. In April 2011, the DOH upgraded approximately 500 acres of the Dungeness Bay growing area from Prohibited to Conditionally Approved for commercial shellfish harvest. In 2015 DOH upgraded approximately 688 acres of the Dungeness Bay Shellfish Growing Area from Conditionally Approved to Approved and 40 acres from Prohibited to Conditionally Approved. This project seeks to practice oyster cultivation in that updated area within Dungeness Bay.

Further, the SMP states that projects "should be designed to not significantly degrade unique scenic aspects of the area" Chap. 5.02 B.7. This project is located on DNR aquatic lands within the boundaries of USFWS Dungeness Wildlife Refuge. The Tribe recognizes that this area is particularly scenic because of those related restraints on development. The Tribe will employ the on-bottom culture method of cultivation in an effort to minimize the effect on the scenic aspects of the Refuge. The Tribe also recognizes the critical ecosystem services provided by eelgrass and the goals of the Dungeness Wildlife Refuge in protecting critical habitat of migratory birds in Dungeness Bay. It is with conservation in mind that farming will not take place within 25 feet of eelgrass observed within the project site. In addition, this project is employing an alternate method of cultivation than what the Tribe employed before the water quality impairments required the Tribe to cease its production efforts at this site. During that period, there were no obvious concerns regarding the scenic aspect or impacts to critical habitat of both the Refuge and Dungeness Bay.

This project will be the cultivation of naturally occurring stocks, in accordance with Chap. 5.02 C.4.a.1. All requisite shoreline permits will be acquired.





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## **SHORELINE CONDITIONAL USE CRITERIA AND JUSTIFICATION**

(REQUIRED SUPPLEMENTAL INFORMATION)

*Shoreline Conditional Use: WAC 173-27-160*

Please submit an electronic copy as well.

(1) How is your proposal reasonable and an appropriate use on the shoreline?

The proposed project in Dungeness Bay is a reasonable and appropriate use of the shoreline because the project site has been leased from DNR by the Jamestown S'Klallam Tribe for cultivating oysters for 27 years and has historically be used for oyster aquaculture for over 60 years. Hence, this proposal is consistent with prior use of the shoreline that successfully co-existed with the USFWS Wildlife Refuge since the 1950's.

With recent improvement in water quality in Dungeness Bay, the Tribe will continue oyster cultivation at the project site, but has proposed to use an alternate cultivation method - the "on-bottom bag" cultivation method – from what was used before water quality impairments throughout Bay required the Tribe to cease operations at this site in 2005. This alternate "on-bottom bag" method has commonly been employed by shellfish growers in Washington State, has low visual impact (vertical relief of < 1ft.) and the dark-colored mesh bags blend in with the substrate (see project drawings). Therefore, the proposed oyster cultivation activities will not result in functional or aesthetic impacts to the shoreline.

(2) Will the proposal limit or reduce the rights of the public in the navigable water and will it promote public interest?

This project will not limit or reduce the rights of the public. On-bottom bag oyster cultivation activities will occur within the lower elevations of the leased parcel. Given the shallow, intertidal location of the site, and low profile of the "on-bottom bag" method, the proposed farming activities will not limit or reduce the right of the public in the navigable waters of Dungeness Bay.

This project will promote public interest given that shellfish aquaculture is a designated "preferred use" of Washington State waters as part of Gov. Inslee's Shellfish Initiative. Cultivation of oysters on the lease site also has the potential to enhance recruitment, and hence growth, of oysters for recreational harvest within the Wildlife Refuge which will also serve public interest.

(3) How does the proposal protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life while protecting public rights?

This project explicitly protects against adverse effects by buffering eelgrass from farming activities, employing a low profile, on-bottom bag cultivation method and non-interference with the USFWS Refuge functions related to migratory birds (see details under "compliance with the policies and regulations of Chapter 5 of Clallam County SNP" section). Further, oysters are "filters feeders" and known to have remarkable water filtration capabilities, clearing the water of sediment, nutrient pollution, etc. Therefore, cultivation of oysters at this site has the potential to benefit water quality in Dungeness Bay.



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- (4) How is the proposal consistent with the Clallam County Master Program?

The Tribe recognizes the importance of managing Clallam County's shorelines in a way that maximizes public interest and preserves the scenic, aesthetic and ecological qualities of shorelines in Clallam County. To balance the Tribe's right to lease this parcel of DNR aquatic land for shellfish cultivation and the interests of the Clallam County Master Program, low profile, on-bottom culture methods will be employed so as not to disrupt public access to, the ecological health, or scenic nature of Dungeness Bay (see details provided under "compliance with the policies and regulations of Chapter 5 of Clallam County SNP" section).

- (5) Does the proposal interfere with the normal public use of a public shoreline?

The proposed project activities are restricted to the intertidal DNR-leased parcel and will not interfere with normal public use of the shoreline (see site map). The public will still have full access to all recreational activities provided by the Refuge, along Dungeness Spit and in the Bay.

- (6) Is the proposed use and design on the project compatible with other authorized uses within the area and with uses planned for under the comprehensive plan and shoreline master program?

Yes. As discuss prior, the Jamestown S'Klallam Tribe has cultivated oysters at this site for 27 years. Hence this proposal is compatible with authorized uses within this area. Oyster aquaculture at this site has successfully co-existed with the USFWS Wildlife Refuge since the 1950's and has worked closely with the refuge to survey the project site for critical eelgrass habitat. The compatibility of this proposal and the shoreline master program was discussed in detail under "compliance with the policies and regulations of Chapter 5 of the SNP".

- (7) Will the proposal cause significant adverse effects to the shoreline environment?

The proposal will not cause significant adverse effects to the shoreline environment. All critical eelgrass habitat has been mapped and will be protected from all shellfish farming activities by a  $\geq 25$  ft. buffer. The impact of proposed shellfish farming activities on the site will be minimal and temporary (structures are removable). The on-bottom bag density is estimated to be approximately 6000 bags per acre with a maximum number of bags ranging from 75,000 – 150,000 throughout the 34 acres of farming area. Given their low profile and dark mesh material, the on-bottom bags will only be visible from a close proximity ( $< 100$  yards) during negative low tides. Access to the site will occur by small marine vessel ( $\sim 30$ ft), and the number of on-site workers (4-15 individuals) will be limited to around low tides series and anticipated to range between 50-90 days per year.

Also see detailed responses provided in the SEPA Environmental Checklist for this proposal.



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(8) Will the public interest suffer substantial detrimental effect?

No the public interest will not suffer any detrimental effect. Please see responses above regarding the advancement of the public interest due to "prefer use" of Washington waters, ecosystem water filtration services provided by oysters, low profile culture methods, limited personnel and marine vessel activity on project site, and unrestricted access of the public to the surrounding Dungeness Wildlife Refuge. Also see detailed responses provided in the SEPA Environmental Checklist sections for this proposal.

(9) Are there other conditional uses granted for other developments that are similar to your circumstances? Will the accumulation of these developments cause adverse effects?

No other developments similar to the circumstances of this proposal are located in Clallam County.