



COUNTY COMMISSIONERS

Cathy Wolfe  
District One  
Sandra Romero  
District Two  
Karen Valenzuela  
District Three

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**RESOURCE STEWARDSHIP DEPARTMENT**

*Creating Solutions for Our Future*

Cliff Moore  
Director


**MEMORANDUM**

**CERTIFIED**

TO: Shorelands Permit Coordinator  
Shorelands and Environmental Assistance Program  
Department of Ecology – Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775

AND TO: Washington State Attorney General  
Ecology Division  
1125 Washington St. SE  
Olympia, WA 98504-0100

AND TO: Parties of Record

FROM: Cami Petersen   
Land Use Clerk

DATE: March 26, 2013

SUBJECT: **Project No. 2011104210, Sequence No. 11-113112 XC, Taylor Shellfish, Inc. - Lockhart**

Attached is a copy of the Decision of the Board of Thurston County Commissioners regarding Shoreline Substantial Development Permit (SSDP) # 2011104210.

Any person aggrieved by this decision may seek review from the shorelines hearings board by filing a petition for review pursuant to RCW 90.58.180.

Please contact me at (360) 754-3355 extension 6348 if you have questions regarding this Decision.



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
THURSTON COUNTY, WASHINGTON

In Re the Matter of,

Taylor Shellfish, Inc./Lockhart

Project No. 2011-104210

DECISION

THIS MATTER came before the Board of County Commissioners (Board) on March 19, 2013 as a result of an appeal filed by the Coalition to Protect Puget Sound Habitat, and members Susan Macomson and Laura Hendricks, (Coalition), of the hearing examiner's decision dated January 25, 2013. This decision granted a shoreline substantial development permit (SSDP) to Taylor Shellfish Inc. to develop a 0.9 acre geoduck bed, in Henderson Inlet, on tidelands leased from the owners (Lockharts).

The Coalition argues the hearing examiner erred because she failed to consider the inherent harm in the cumulative impacts of the proposed sites of three different geoduck farm applications, one of which is Taylor Shellfish, Inc., and the existing geoduck farms in the area. In addition, the Coalition argues the hearing examiner erred when she concluded (1) the proposed geoduck farm would *not* result in a net loss to the ecological function of the shoreline; (2) the project would only have localized impacts of a short duration and would *not* adversely impact the existing aquatic plants, animals and physical characteristics of the shoreline and intertidal sediments; (3) the industrialization of 0.9 acres of shoreline would *not* harm the shoreline environment; (4) the project would *not* interfere with public recreational use of the shorelines; and (5) the weight of scientific evidence favored the development of geoduck aquaculture despite the fact that this type of farmed aquaculture is still in its infancy.

The Board reviewed the hearing examiner's decision, and the evidence presented to the hearing examiner. In addition, each Board member made a declaration, pursuant to the Appearance of Fairness Doctrine, that since the time this appeal was filed with the Board, that they have had no ex-parte contact with any of the parties about this case and that they could fairly and impartially judge this case on the record and pursuant to applicable law. No party challenged any of the Board members' participation in this case.

The Board shares many of the Coalition's concerns, outlined above, about the impacts of geoduck aquaculture on the shorelines of Thurston County. The Board is also concerned about the existing and continued growth of this aquaculture, given that the science demonstrating the long term effects of this practice on the shoreline ecology is relatively new. The Board is further concerned about the carrying capacity of our shorelines to absorb the cumulative impacts of existing unpermitted geoduck farms, the newly permitted geoduck farms, and the anticipated applications for more geoduck farms in Thurston County.

While the Board has these concerns, it recognizes that the Board must examine the hearing examiner's approval of the substantial development permit based only on the record in this case. A review of this record reflects that the findings made by the hearing examiner are supported by substantial evidence in the record. Further the conclusions of law are supported by the findings, the evidence and the applicable law. The Board believes that condition 10 of the hearing examiner's decision does provide some assurances to the public that the County will continue to thoughtfully and carefully assess the approved geoduck farm. This condition provides:

The subject operation shall be reviewed by the Resources Stewardship Department through an open record review hearing in front of the Thurston County Hearing Examiner prior to subsequent replanting or within seven years, whichever occurs first. Review shall assess emerging environmental research and environmental issues arising from the approved operation, if any. If facts at the time of the review warrant cumulative impact analysis under then-applicable law, it shall be conducted during the review. . . .

Hearing Examiner's Decision on Reconsideration, Project No. 2011-104210, condition 10. For these reasons, the Board affirms the hearing examiner's decision.

**IT IS HEREBY ORDERED AS FOLLOWS:**

The hearing examiner's decision is affirmed.

DATE:

March 26, 2013

ATTEST:

Cami S. Petasen  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

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Sandra Romero, Chair

Karen Valenzuela  
Karen Valenzuela, Vice Chair

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