



Hearing Examiner Staff Report and Recommendation

Report Date: 03/06/2019
Hearing Date: 03/14/2019

Application Submittal Date: 03/30/2018
Application Complete Date: 04/18/2018

Project Name: Suquamish Seafood Enterprises Saltwater Intake
Type of Application: Shoreline Substantial Development Permit
Permit Number: 18-05121

Project Location

State Owned Tidelands abutting
15836 Sandy Hood Rd. NE
Poulsbo, WA 98370

Assessor's Account

322602-2-005-2007

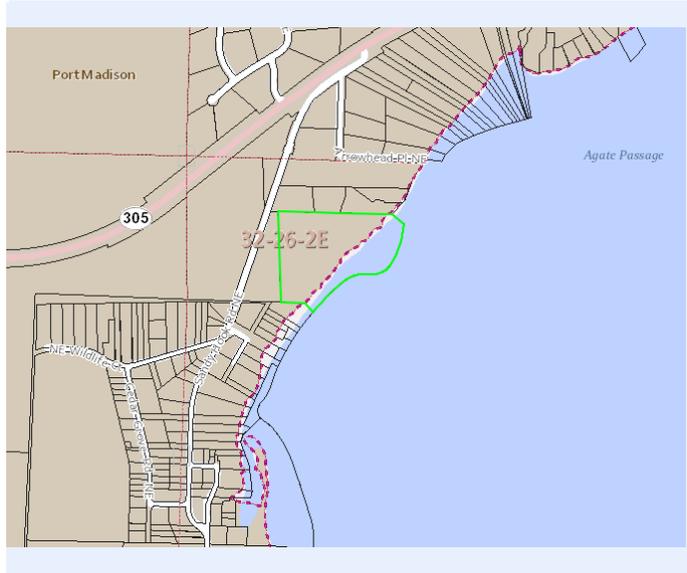
Applicant/Owner of Record

Suquamish Seafood Enterprises /
Suquamish Tribe
c/o Anthony Forsman

Recommendation Summary

Approved subject to conditions listed
under section 13 of this report.

VICINITY MAP



1. Background

Suquamish Seafood Enterprises is a business entity of the Suquamish Tribe. The commercial entity markets and sells locally harvested seafoods, which are also available to the public. The seafood plant facility operates from their location at 15836 Sandy Hood Rd, which is on the Port Madison Indian Reservation. The proposal is located on both the USA In-Trust Lands and state-owned aquatic lands, but only those portions of the project located on state-owned aquatic lands are subject to review under this permit.

2. Project Request

The proposal includes the replacement and expansion of an existing saltwater intake system to support upland wet-storage of seafood. The new intake will follow the same alignments of the existing single pipe system (various diameters). The new system will consist of a concrete pad and pump manifold (upland and not subject to review), and a dual 8-inch PVC pipe intake of 610-feet in total length. 450-feet of the pipe will be buried under state-owned tidelands (24-inch depth), daylighting at approximately -4 feet Mean Higher High Water and extending

an additional 160-linear feet. The intake will lie at the seabed or slightly elevated via suspension from a system of helical anchors. The intake will include a series of 1/16-inch slots spaced at 1-inch off-center to minimize fish entrainment and are removable for maintenance purposes. After circulation at the upland facility, the water is discharged back to Port Orchard Bay via an existing outfall. An appropriately located and designed marking buoy is included in the project (to be coordinated with the US Coast Guard). A total of 408 square feet of permanent and temporary eelgrass impacts are expected. An Eelgrass Mitigation and Monitoring Plan as been provided, with plans also including removal of additional intertidal debris to mitigate for temporary impacts from trenching.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of “major” environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated May 11, 2018 (Exhibit 13). A Determination of Nonsignificance (DNS) was issued on February 1, 2019 (Exhibit 27). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions at the end of this report:

Comments: The SEPA comment period previously occurred concurrent with the Notice of Application dated May 11, 2018. No specific comments were received during the 14-day comment period, but one call was received from a neighbor requesting to be an interested party of record. A staff consultation (17-03722) was held prior to application in conjunction with the Washington Departments of Fish and Wildlife, Ecology, and Natural Resources. Coordination and comment from these resource agencies has been taken into consideration throughout project review and is reflected in the determination.

Conditions:

1) This project shall be constructed, mitigated and monitored as provided in the Biological Evaluation Addendum (Anchor QEA, 3/20/2018) and subsequent Eelgrass Mitigation and Monitoring Plan (Anchor QEA, 11/2018).

- 2) A mitigation bond of 1.5 times the estimated cost of mitigation will be required.
- 3) Other regulatory agencies may require additional or varied mitigation or project design. Changes in project design or mitigation shall be submitted to Kitsap County for review consideration. Amendments or addendums may be required to the Shoreline Substantial Development Permit and/or this SEPA determination.

The SEPA appeal period expired February 15, 2019. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The upland portion of the project will be located just above Ordinary High Water on a gently sloping marine shoreline along Agate Passage. The intake pipes will be buried under tidal and subtidal sediments consisting of sand, gravel, cobble, rocks and shell. Substrate through the proposed extension was observed to be sand with some shell material. Red and green macroalgae were present at the deeper extents, with dense beds of eelgrass (*Z. Marina*) up to -4 feet Mean Lower Low Water.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Unincorporated Rural Zone: Tribal Land / None	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	NA	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	NA	NA
Maximum Impervious Surface Coverage	NA	None
Maximum Lot Coverage	NA	NA

Applicable footnotes:
None.

Staff Comment: Project is located on Tribal Lands, not subject to Kitsap County or Shoreline Master Program jurisdiction; project is located on state-owned aquatic lands and does not have a zoning designation.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front	NA	NA

Side	NA	NA
Side	NA	NA
Rear	NA	NA

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Residential	Rural Residential (RR)
South	Residential	Rural Residential (RR)
East	Aquatic	Puget Sound, Agate Passage
West	Residential	Tribal Land

Table 4 - Public Utilities and Services

	Provider
Water	Private well
Power	Puget Sound Energy
Sewer	OSS
Police	Suquamish Police /Kitsap County Sherriff
Fire	North Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

Access is from Sandy Hood Rd NE, a paved county-maintained right-of-way. Paved driveway and parking areas provide continued access to the upland facilities. Pedestrian and vehicle access to the beach (separately approved for harvest purposes) provide further access to the project location.

6. Site Design

Not applicable.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted **June 30, 2016**

The following Comprehensive Plan goals and policies are most relevant to this application:

Chapter 3- Environment, incorporates by reference the goals and policies of the Kitsap County Shoreline Master Program.

Policy SH-4. Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition and prevents or mitigates adverse impacts. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
4. Reduce or eliminate the impact over time by preservation and maintenance operations;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
6. Monitor the impact and the mitigation projects and take appropriate corrective measures.

Staff Comment: With mitigation for temporary and permanent impacts, the proposed saltwater intake system will not impact the associated critical saltwater habitats and will not result in a net loss of shoreline ecological functions. Through continuous consultation with state resource agencies, the initial proposal has been revised to minimize impacts. Such minimization measures have included the use of anchor screws to secure the intake pipe, rather than using ecology blocks, and thereby reducing the permanent impacts to eelgrass beds. The project was going to be revised to anchor beyond the photic zone to avoid impacts to eelgrass. However, it was determined that redesigning the intake to daylight in deeper waters was not feasible due to the presence of a geoduck bed, which would result in a more significant adverse effect. An Eelgrass Mitigation and Monitoring Plan has been provided. The cost of mitigation is estimated at \$145,000. A performance and mitigation bond of 1.5 times is required.

Policy SH-5. Shoreline ecological functions that should be protected include, but are not limited to:

1. Habitat (space or conditions for reproduction; resting, hiding, migration; and food production and delivery).
2. Water quality maintenance; and
3. Water quantity maintenance.

Policy SH-6. Shoreline processes, both freshwater and marine, that should be protected to support the above functions include, but are not limited to the delivery, loss and movement of:

1. Sediment;
2. Water;
3. Nutrients;
4. Toxins;
5. Pathogens; and
6. Large woody material.

Staff Comment: Eelgrass beds provide important habitat in the intertidal and subtidal areas. This proposal includes minimization and mitigation for the proposed actions. The return saltwater discharge will continue to occur subject to existing state permits.

Policy SH-7. In assessing the potential for new uses and developments to impact ecological functions and processes, the following should be taken into account:

1. On-site and off-site impacts;
2. Immediate and long-term impacts;
3. Cumulative impacts, from both current and reasonably foreseeable future actions, resulting from the project; and
4. Any mitigation measures or beneficial effects of established regulatory programs to offset impacts.

Staff Comment: Implementation of the mitigation plan along with the required monitoring and maintenance of the project itself and the mitigation will assure no net loss of ecological functions and processes. Mitigation addresses both temporary and permanent impacts. (Exhibit 22).

Policy SH-16. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Kitsap County Comprehensive Plan, or areas appropriate for water-oriented recreation.

Staff Comment: This use is water-dependent.

Policy SH-17. Water-oriented economic development, such as those aquaculture activities encouraged under the Washington Shellfish Initiative, should be encouraged and shall be carried out in such a way as to minimize adverse effects and mitigate unavoidable adverse impacts to achieve no net loss of shoreline ecological functions.

Staff Comment: The proposal for the redevelopment and expansion of an existing saltwater intake is to promote the continued use and expansion of a water-oriented

business. The project will allow for greater reliability of the intake system, allowing for continued operations during maintenance, and supporting the growth of the current business. The proposal is compatible with the Washington Shellfish Initiative.

Policy SH-24. Aquaculture is of statewide interest. Properly managed, it can result in long-term, over short-term, benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with the control of pollution and prevention of damage to the environment, is a preferred use of the water area.

Policy SH-26. Aquaculture activities should be located, designed and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

Policy SH-27. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses. Aquaculture is not required to protect state-listed noxious weed species when control methods are conducted within applicable agency standards. In general, the following preferences apply when considering new aquaculture activities:

1. Projects that are not likely to negatively impact critical saltwater habitats.
2. Projects that involve little or no substrate modification.
3. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application.

Policy SH-28. Aquaculture facilities should be designed and located to avoid:

- A. the spread of disease to native aquatic life;
- B. the establishment of new non-native species, which cause significant ecological impacts; and
- C. significant impact to the aesthetic qualities of the shoreline.

Staff Comment: This project supports a water-dependent use and is designed to minimize and mitigate impacts to shoreline ecological functions and processes. No chemical anti-fouling agents will be applied in the project area or be allowed to enter the water. The intake pipe will be constructed such that the intake screen meets applicable agency standards to minimize fish entrapment and can be maintained by removing the fouled screen and replacing with a clean screen. Cleaning will be done upland and stored for the next maintenance cycle (Exhibit 20).

Shorelines of Statewide Significance (22.300.145)

Those areas that have been designated as shorelines of statewide significance (RCW 90.58.030) in Kitsap County include those areas of Puget Sound lying seaward from the line of extreme low tide and Hood Canal. The stated goal is:

To ensure that the statewide interest is recognized and protected over the local interest in shorelines of statewide significance, the County shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 and the following policies in order of preference:

Policy SH-47. Recognize and protect the statewide interest over local interest.

Policy SH-48. Preserve the natural character of the shoreline.

Policy SH-49. Result in the long term over short term benefit.

Policy SH-50. Protect the resources and ecology of the shoreline.

Policy SH-51. Increase public access to publicly owned areas of the shorelines.

Policy SH-52. Increase recreational opportunities for the public in the shoreline.

Staff Comment: The proposal is in support of a preferred use under the Shoreline Management Act and is compatible with the statewide interest of aquaculture. No significant changes will be visible from the upland or surface of the water, preserving the natural character of the shoreline. Ecological impacts have been minimized and mitigated according the 'no net loss' standard of the Shoreline Management Act.

Land Use Goal 14

Foster rural business and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.

Staff Comment: The Suquamish Seafood Enterprises facility is located on Tribal land, but surrounded by unincorporated Kitsap County, zoned Rural Residential. This proposal supports an existing commercial / industrial use that is compatible with the surrounding community in its current capacity.

Economic Development Goal 1

Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.

Economic Development Policy 3

Provide a diverse mix and appropriate range of commercial, industrial and business and uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

Staff Comment: The proposal supports the continued use of an existing, rural commercial and retail business which provides local jobs.

Economic Development Policy 18

Recognize the value of water-related activities as designated by the Shoreline Master Program.

Staff Comment: The proposal is in support of a water-dependent activity supported by the Shoreline Master Program.

Economic Development Goal 5. Support the local food Economy.

Economic Development Policy 29

Expand the county's capacity to produce, process, distribute and access local foods.

Staff Comment: The proposal supports the continued and reliable operation of a local seafood business which harvests, stores and sells to the local community.

Shoreline Environment Designation-

22.200.135 Aquatic

A. Purpose. To protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. Designation Criteria. Lands waterward of the OHWM, which include tidelands, bedlands, and lands beneath freshwater shorelines of the state.

C. Management Policies.

1. New overwater structures.... (NA).

2. When new over-water structures... (NA).

3. Development should be compatible with the adjoining upland designation.

Staff Comment: The use is water-dependent and in support of the upland live-storage of seafood.

4. Existing overwater residences...(NA).

5. Applicants for any use or modification should schedule a staff consultation to review the site conditions, and potential habitats and species. This consult should result in a general understanding of applicable development standards for the proposal.

Staff Comment: The applicant applied for a Staff Consultation (17-03722). Kitsap County met on-site with the applicant, the Washington Department of Ecology, Washington Department Fish and Wildlife, and Washington Department of Natural Resources. (Exhibit 1).

6. Development over or in critical freshwater or saltwater habitats should be limited to those which mitigate impacts according to mitigation sequencing, and development standards for that development activity.

The County's development regulations are contained within the Kitsap County Code.

The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-30.

Exhibit #	Document	Dated	Date Received
1	Project Narrative		04/04/18
2	Project Photos		04/04/18
3	Biological Survey – Saltwater Intake Survey Map		04/04/18
4	Saltwater Intake Mitigation Plan		04/04/18
5	Project Application		04/18/18
6	Project Application		04/18/18
7	Joint Aquatic Resources Permit Application		04/18/18
8	State Environmental Protection Act (SEPA) Checklist		04/18/18
9	SEPA Checklist – Revised		04/18/18
10	Site Plan		04/18/18
11	Biological Evaluation	09/22/16	04/18/18
12	Biological Evaluation-Addendum	03/15/18	04/18/18
13	Notice of Application	05/11/18	
14	Information Request	06/27/18	
15	EMAIL from K. Barnhart – RE Info Question Response	06/28/18	
16	EMAIL from K. Barnhart – RE Photic Zone Info Request	07/19/18	
17	EMAIL from K. Barnhart – RE Further Clarification Photic Zone Req	07/27/18	
18	EMAIL from K. Barnhart- RE Authorization	11/28/18	
19	Authorization Form		11/30/18
20	Biological Survey – Project Modification Memo	11/26/18	12/18/18
21	Response to Info Request		12/19/18
22	Saltwater Intake Eelgrass Mitigation & Monitoring Plan	11/26/18	12/19/18
23	Site Plans – Existing Beds & Old Tribal Center		12/19/18
24	Site Plans – Revised		12/19/18
25	EMAIL_WDFW_Applicant Communication – RE Ratios		12/19/18
26	EMAIL_V. Oster – RE Site Plan Update		01/31/19
27	SEPA Mitigated Determination of Non-Significance (MDNS)		02/01/19
28	Notice of Public Hearing	03/05/19	
29	Certification of Public Notice	03/07/19	
30	Staff Report	03/07/19	
	Staff Presentation		

9. Public Outreach and Comments

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1	One call received- No comments or concerns but wished to be added to Interested Parties list. (Timothy McMahon)	NA

Issue Ref. No.	Issue	Staff Response
1	NA	Noted and added to Interested Parties.

10. Analysis

a. Planning/Zoning

Not applicable to this proposal. The proposal is located on Tribal Trust lands (not under Kitsap County jurisdiction) and state-owned aquatic lands (no zoning).

b. Lighting

Not applicable to this proposal.

c. Off-Street Parking

Not applicable to this proposal.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
NA	NA	NA	NA
Total	NA	NA	NA

d. Signage

Not applicable to this proposal.

e. Landscaping

Not applicable to this proposal.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s)		
North	NA	NA
South	NA	NA
East	NA	NA
West	NA	NA
Street Trees	NA	NA

f. Frontage Improvements

Not applicable to this proposal.

g. Design Districts/Requirements

Not applicable to this proposal.

h. Development Engineering/Stormwater

Not applicable to this proposal.

i. Environmental

Policies: See the previous Policies section for general policy analysis.

Regulations:

22.400.100(B) Existing Structures

1(c). Lawfully constructed conforming structures may be expanded or redeveloped in accordance with the mitigation standards of Appendix B (Mitigation Options to Achieve No Net Loss for New or Re-Development Activities) and all other applicable regulations. Such expanded or redeveloped structures shall be considered conforming.

Staff comment: The salt-water intake is an existing structure that is proposing to be rebuilt and expanded. The existing pipe has been in place since at least 1990, possibly longer (Exhibit 1). Mitigation is proposed to achieve the 'no net loss' standard for both temporary and permanent impacts (Exhibit 22).

22.400.105(B) Standards for Work Waterward of OHWM

1. Water-dependent in-water structures, activities, and uses are not subject to the shoreline buffers established in this Program.

2. Projects involving in-water work must obtain all applicable state and federal permits or approvals, including those from the U.S. Army Corps of Engineers, Ecology, Washington

Department of Fish and Wildlife (WDFW), and/or the Washington Department of Natural Resources.

3. Projects involving in-water work must comply with timing restrictions as set forth by state and federal project approvals.

4. Protection of bank and vegetation.

a. Alteration or disturbance of the bank and bank vegetation must be limited to that necessary to perform the in-water work.

b. All disturbed areas must be restored and protected from erosion using vegetation or other means.

5. If at any time, water quality problems develop as a result of in-water work, immediate notification must be made to any appropriate state or federal agency, e.g., Ecology, WDFW, National Marine Fisheries Service, U.S. Fish and Wildlife Service, etc. Affected tribes shall also be notified.

Staff comment: All upland components of this project will be on USA In-Trust Lands (Suquamish Tribe) and not subject to the Shoreline Management Act or this permit. Significant coordination has occurred to-date with other state and federal agencies, with necessary permits completed, underway or proposed. This includes the U.S Army Corps of Engineers, the U.S. Coast Guard, Washington Department of Fish and Wildlife and Washington Department of Natural Resources.

22.400.110 Mitigation

Staff comment: The proposed replacement and expansion of the saltwater in-take proposes mitigation through incorporation and implementation of the Eelgrass Mitigation and Monitoring Plan (Exhibit 22) and Biological Evaluation (Exhibit 11) and Addendum (Exhibit 12).

22.400.115(D) Critical Saltwater Habitats

Staff Comment: The project location will require temporary and permanent impacts to critical saltwater habitats (eelgrass beds). Biological Evaluations and surveys have been conducted to identify the areas of impact. Avoidance has been demonstrated to the greatest extent feasible. The anchoring system was modified from ecology block anchors to helical tie-downs to reduce the footprint. A proposal to extend the anchors beyond the elevation of eelgrass growth was determined to be of greater impact due to the presence of geoduck in that subtidal area. The project has demonstrated it will result in 'no net loss' of ecological functions through an eelgrass transplant and mitigation plan (Exhibit 22).

22.500.100(B) Substantial Development Permit

Staff Comment: After review and consideration during an on-site Staff Consultation (17-03722) (Exhibit 1), including the Washington Department of Ecology, it was determined that this project was a best-fit for review under the Aquaculture use (see analysis below). Under that use, the project requires a Shoreline Substantial Development Permit. This

application demonstrates meeting the requirements of Kitsap County Code Title 22, Shoreline Master Program and the Shoreline Management Act.

22.600.115 Aquaculture

A. Environment Designations Permit Requirements

High Intensity, Shoreline Residential, Urban Conservancy, Rural Conservancy, and Natural:
Except as otherwise stated in this section, an SDP shall be required for new aquaculture activities that meet the definition of substantial development under the Shoreline Management Act and this Shoreline Master Program.

B. Application Requirements

1. A site plan

Staff Comment: See Exhibit 22, Appendix A for the final site plan.

2. A baseline description of existing and seasonal conditions, including best available information.

Staff Comment: Baseline surveys of submerged aquatic vegetation (SAV) from a previous 2016 request for a shellfish growing operation on the same beach (Exhibit 11), has been supplemented by updated SAV surveys (Exhibit 12). The locations and condition of eelgrass and macroalgae have been delineated and elevations provided.

3. An operational plan...

Staff Comment: See Exhibit 20 for the operational plan, including methods for maintenance.

4. Other applications and reports, when applicable or requested...

Staff Comment: This proposal has undergone significant coordination with other permitting agencies both prior to and after this application was received by Kitsap County. This particular use has, and will continue to have, significant oversight by multiple state and federal agencies.

C. Development Standards.

1. General Standards.

a. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, shall be a preferred use.

b. NA

c. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater or freshwater habitats cannot be mitigated according to the mitigation sequencing requirements of this Program.

Staff Comment: The saltwater intake is a necessary appurtenance to the immediately adjacent upland live-storage of seafood. The minimization and mitigation of environmental impacts make this a preferred use of the shoreline. See goal and policy analysis above.

d. Aquaculture shall not significantly conflict with navigation and other water-dependent uses.

Staff Comment: The applicant will be coordinating with the U.S. Coast Guard to determine a suitable location of a buoy location and marking system. See Condition #3 below.

j. Access, Traffic and Roads

Not applicable to this proposal.

k. Fire Safety

Not applicable to this proposal.

l. Solid Waste

Not applicable to this proposal.

m. Water/Sewer

Not applicable to this proposal.

n. Kitsap Public Health District

Not applicable to this proposal.

11. Review Authority

The Hearing Examiner has review authority for this Shoreline Substantial Development Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Shoreline Substantial Development Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10. Once the Hearing Examiner Decision is made, the proposal is forwarded to the Washington Department of Ecology pursuant to WAC 173-27-020.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 22 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 22.500.100.B and 21.04, the Department of Community Development recommends that the Shoreline Substantial Development Permit request for Project Name be **approved**, subject to the following 5 conditions:

a. Planning/Zoning

None.

b. Development Engineering

None.

c. Environmental

1. Permit approval subject to conditions in the Hearing Examiner Decision.
2. Permit approval is subject to the approval and conditions of the Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife.
3. Permit approval is subject to the approval and conditions from the Washington Department of Natural Resources, the U.S. Army Corps of Engineers, and the U.S. Coast Guard.
4. Any changes to the plans as approved in this permit shall be provided to the Kitsap County Department of Community Development for review. Revisions to this permit approval may be required if substantial changes are made which will increase the impacts to shoreline ecological functions.
5. This project shall follow the Biological Evaluation (Anchor QEA, LLC; 9/2016), Biological Evaluation Addendum (Anchor QEA, LLC; 3/2018), Memorandum: Project Modification (Anchor QEA, LLC; 11/26/2018), and the Eelgrass Mitigation and Monitoring Plan (Anchor QEA, LLC; 11/2018).
6. Permit approval is subject to the applicant providing a Mitigation Bond at 1.5 times the estimate for the eelgrass mitigation project as proposed in the Eelgrass Mitigation and Monitoring Plan (Anchor QEA, LLC; 11/26/18). This bond is required to be provided prior to the Hearing, or as conditioned in the Hearing Examiner Decision.

d. Traffic and Roads

None

e. Fire Safety

None.

f. Solid Waste

None.

g. Kitsap Public Health District

None.

Report prepared by:



Kathlene Barnhart, Staff Planner / Project Lead

03/06/19

Date

Report approved by:



Shawn Alire, Division Supervisor

3/6/19

Date

Attachments:

Attachment A – Shoreline Designation Map

Attachment B – Existing Eelgrass Beds and Mitigation Site (Fig. 3 of Exhibit X)

Attachment C – Zoning Map

CC: Suquamish Seafood Enterprises, Suquamish Tribe c/o Anthony Forsman
Anchor QEA c/o Valerie Oster (voster@anchorqea.com)

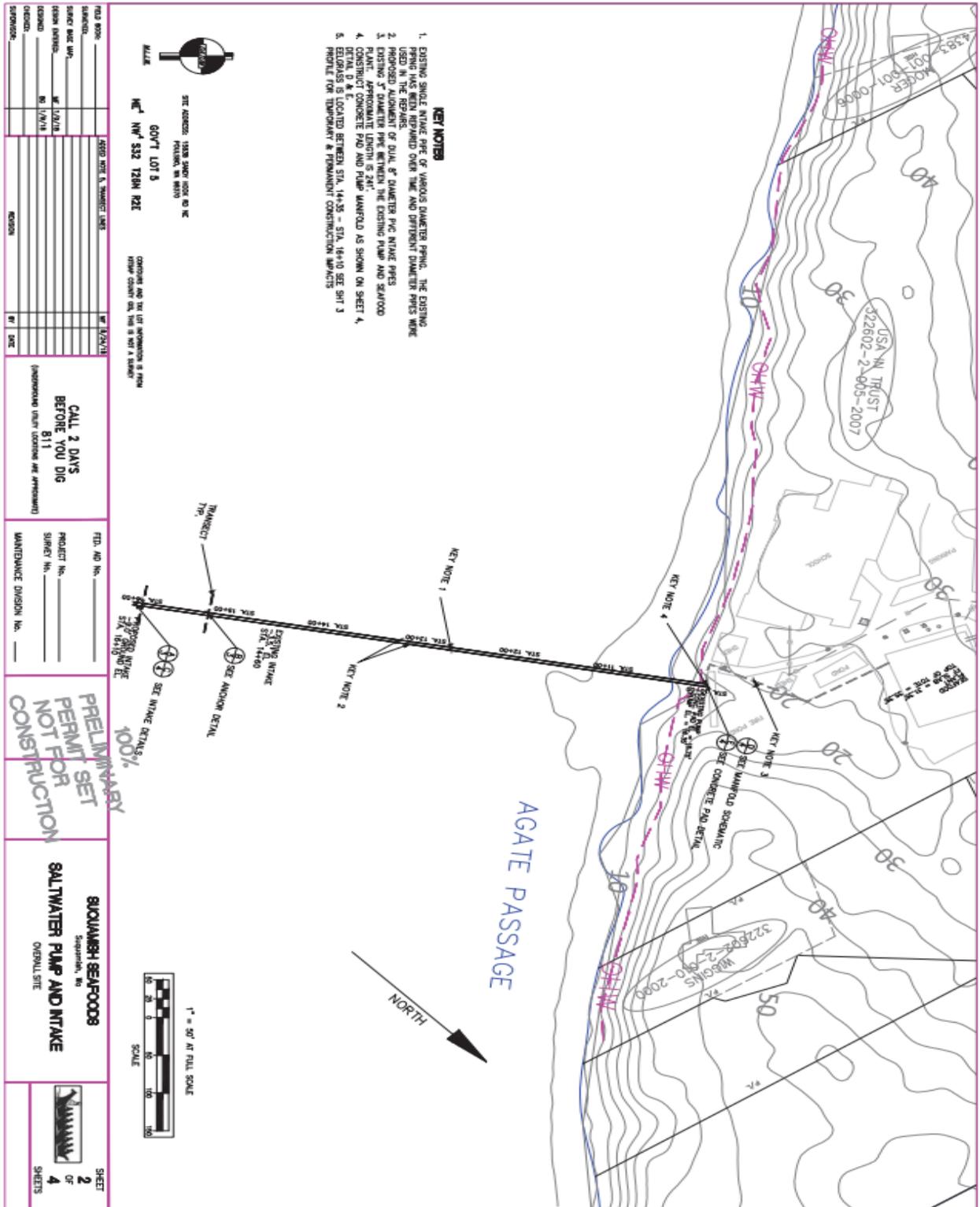
Interested Parties:

Timothy McMahon and Cynthia Montagne

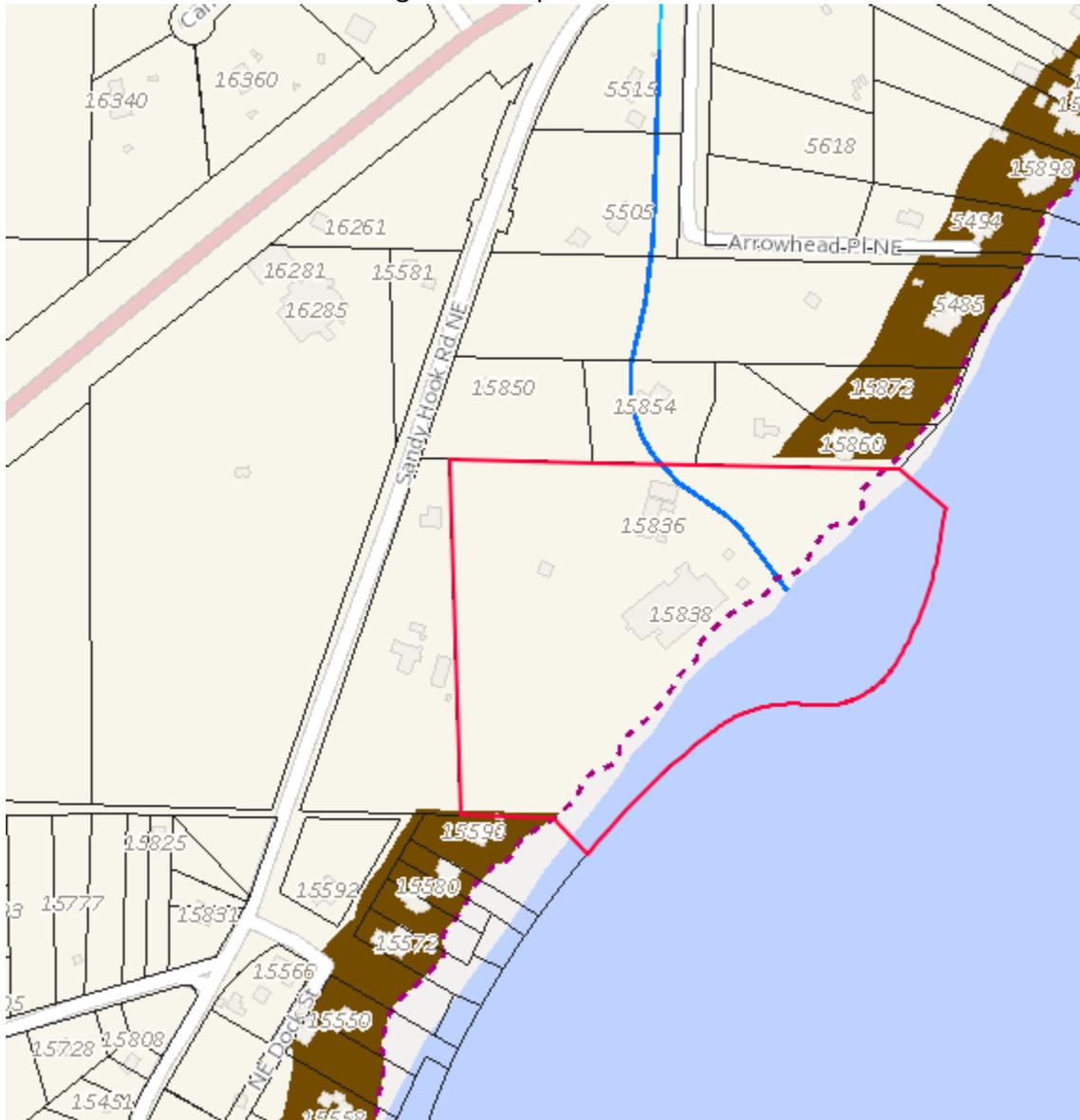
Kitsap County Health District, MS-30

DCD Staff Planner: Candace Vickery, Stormwater

Site Plan



ATTACHMENT A- Shoreline Designation Map



Tribal lands, no shoreline designation
Surrounding shoreline is designated "Shoreline Residential" with area below Ordinary High Water in the "Aquatic" Designation

