

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS, AND DECISION

Applicant(s):	YMCA Camp Orkila c/o Dimitri Stankevich P.O. Box 1149 Eastsound, WA 98245	S.J.C. DEPARTMENT OF JUN 06 2017 COMMUNITY DEVELOPMENT
Agent:	JenJay Inc. P.O. Box 278 Deer Harbor, WA 98243	
File No.:	PSJ000-17-0002	
Request:	Shoreline Substantial Development Permit	
Parcel No:	271522001 and 472144001	
Location:	279 Camp Orkila Road, Orcas Island and Satellite Island	
Summary of Proposal:	Application for a shoreline substantial development permit to create three mooring buoy fields	
Land Use Designation:	Rural Farm Forest, Orcas Island Conservancy, Satellite Island	
Public Hearing:	May 18, 2017	
Application Policies and Regulations	SJCC 18.30.110 Critical areas SJCC 18.35.130 Fish and wildlife habitat conservation areas SJCC 18.50.050 Archaeological and historic resources SJCC 18.50.190 Boating facilities SJCC 18.80.020 Project permit applications—procedures SJCC 18.80.030 Notice of project permit applications SJCC 18.80.110 Shoreline permit and exemption procedures	
Decision:	Approved subject to conditions	

3. Mitigated Determination of Non-Significance, issued March 22, 2017
4. SEPA Environmental Checklist
5. Biological Evaluation, entitled *YMCA Buoy Field Placement Project: Camp Orkila and Satellite Island*, NWS2015-1093, January 2017, prepared by Jen-Jay, Inc., with the following attachments:
 - a) Aerial photo vicinity maps depicting locations of mooring buoy fields
 - b) Preliminary Eelgrass and Macroalgae habitat survey including text analysis and graphics depicting extent of eelgrass at the Orcas Island site and depicting location of bull kelp in relation to proposed mooring buoys at Satellite Island
 - c) Schematic of two types of anchor: embedded and concrete block base
6. Legal advertisement
7. Posting and Notification affidavit
8. UW Friday Harbor Labs comment letter, dated March 27, 2017
9. US Army Corps of Engineers letter of permission, issued March 9, 2017

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested a shoreline substantial development permit (SSDP) to create three mooring buoy fields for YMCA Camp Orkila located at Orcas and Satellite Islands.¹ The project would serve youth programs through the YMCA of Greater Seattle and the general public. *Exhibits A and I; Jennie Rose Testimony.*
2. YMCA Camp Orkila maintains and operates camp facilities on the northwestern shore of Orcas Island in President Channel. The YMCA of Greater Seattle set up its first permanent camping home on Orcas Island in 1906. In 1947, additional surrounding land was donated to make what is now Moran State Park, and in that same year, Camp Orkila purchased 107-acre Satellite Island, located off the northeastern shore of Stuart Island in Boundary Pass.² YMCA youth programs use 24- to 27-foot sailboats, which spend the majority of their time at Satellite Island. Periodically, camp sailboats are moored at Orkila for rigging and maintenance, as are the camp's motorized boats: a 40-foot passenger boat, 24-foot skiff-style boats, and 10-foot tenders. Parents, guests, and visitors to Orkila also frequently bring private boats to the Orkila shoreline; these boats

¹ The parcels are known as parcel numbers 271522001 and 472144001. *Exhibit A.*

² The Hearing Examiner takes judicial notice of background information from the YMCA of Greater Seattle website.

are typically under 40 feet in length and are either docked or anchored off-shore. The YMCA intends to expand its sailing programs in the future. *Exhibit 5; Jennie Rose Testimony.*

3. The Camp Orkila shoreline is a gravel/sand beach that contains documented surf smelt spawning habitat. Upland portions of the shoreline are vegetated with native species and developed with residences and camp structures. The aquatic area is inhabited by light to medium patchy eelgrass (*Zostera marina*) in a large bed extending off-shore to approximately -20 mean lower low water (MLLW). *Exhibits 5 and 5b.*
4. Two coves at Satellite Island are proposed for development in the instant project. At the western site (Satellite west), the shoreline is comprised of solid rock with a small pocket beach ; there is mud substrate vegetated with 10% red algae (*Gracilaria*). No eelgrass is present. The upland area is undeveloped and vegetated with native species. The shoreline at the eastern site (Satellite east) is characterized by solid rock, rock outcroppings, and small pocket beaches. Again the upland area is vegetated and undeveloped. The aquatic area contains no eelgrass and no macroalgae; however, there is an area of bull kelp (*Nereocystis luetkeana*) approximately 25 feet from one of the proposed buoy locations separated from the floor of the cove by a rock bluff. There are three existing buoys at Satellite east and one at Satellite west, with timber floats attached. *Exhibits 5 and 5b; Jay Betcher Testimony; Beth Tate Testimony.*
5. The proposal would develop three mooring buoy fields: one with 12 total buoys at Camp Orkila (adding eight new buoys and replacing four existing) and two separate fields at Satellite Island, with ten buoys at Satellite east and four buoys at Satellite west, replacing the four existing buoys and timber floats. Because of the presence of eelgrass at Orkila, the Applicant has proposed to install an embedded anchor system at that location. The embedded anchors are made of engineered plastic and driven into the substrate to a maximum depth of 20 feet. The bottom portion of the line attached to the anchor sticking out of the substrate is a one-inch double braided nylon rope with an eye. A bowline attaches to the eye with a mid-line float attached to additional one-inch nylon rope. At the top of the line, a repairable thimble connects six feet of long link galvanized steel chain to a pendent type buoy made of a galvanized steel ring surrounded by plastic. Permit numbers would be welded onto each buoy. Concrete block moorings are proposed at Satellite east and west, due to rocky substrate and the lack of eelgrass presence. The proposed buoy locations were selected based on maximum safety of moored vessels, efficiency of use and of installation, and protection of the environment. Moorings would be inspected annually after installation. *Exhibits A, 5, 5a, and 5c; Beth Tate Testimony.*
6. Buoys would be installed from a floating work boat; all staging would be onboard the boat and no equipment washouts are needed. Installation of the embedded buoys at Orkila is expected to take four days, while the ten concrete buoys at Satellite east would take two days and the four concrete buoys at Satellite west would take one day. Timing would be dependent on tides and weather. Any installation debris would be removed and

stored on the boat prior to proper upland disposal. The project involves no piles and no construction is proposed aside from installation of the buoys. The boat and water pump used in installation of the embedded anchors would be consistent with Army Corps of Engineers (ACOE) Programmatic Biological Evaluation for mooring buoys. *Exhibit 5; Beth Tate Testimony.*

7. Areas within 200 feet of the ordinary high water mark on both Orcas and Satellite Islands are considered shorelines of the state regulated by the Shoreline Management Act as implemented through the San Juan County shoreline master program (SMP). All three project sites are designated as Aquatic shoreline environments by the SMP. Mooring buoys are allowed in the Aquatic shoreline environment pursuant to San Juan County Code (SJCC) 18.50.190.J. *Exhibit A; SJCC Title 18.50.*
8. The Applicant commissioned a professionally prepared biological evaluation (BE) addressing the proposal's impacts to the affected fish and wildlife habitat conservation areas (FWHCAs) regulated pursuant to the County's critical areas ordinance (CAO) in all three locations. *SJCC 18.35.130.* According to the BE, adult and juvenile forage fish species, including Pacific herring, Pacific sand lance, and surf smelt, are typically found occupying or transiting through nearshore habitat throughout northern Puget Sound, which means that forage fish could forage, rest, or move through the proposed development areas. At the Camp Orkila location, there is Washington Department of Fish and Wildlife (WDFW)-documented surf smelt spawning habitat present in the upper intertidal zone. The eelgrass at this location is known potential spawning habitat for Pacific herring. There is no documented forage fish spawning habitat in the project areas at Satellite Island; the nearest recorded forage fish spawning habitat is smelt spawning habitat located 1.05 miles southeast of the Satellite East project site on the west shore of John's Pass. Both Satellite Island buoy fields are composed of mud bottoms with solid rock surrounding the proposed buoy fields. No eelgrass is present at either location. *Exhibit 5; Beth Tate Testimony.*
9. The BE noted that the proposed embedded anchor system is intended to protect the long-term health of forage fish accessing Camp Orkila aquatic areas for spawning. Embedded anchors significantly reduce long-term shade impacts in the nearshore environment because they prevent the incidental colonization of hard surfaces (concrete) with large macroalgae and allow eelgrass to continue growing at the mooring site rather than be torn up by anchors deployed by mooring boats. Temporary increased suspended sediments could occur during anchor installation, but they would be expected to dissipate not later than the next tidal cycle. The area of disturbance is approximately 25 feet in radius from the point of entry of the embedded anchor. In the long term, the proposal should improve eelgrass habitat by reducing the occurrence of anchoring. *Exhibit 5.*
10. According to the BE, the buoys proposed at Satellite west are unlikely to impact forage fish (Pacific herring), due to the limited macroalgae presence (10% *Gracilaria*); however, the proposed in-water work window was selected to avoid spawning Pacific herring. If forage fish are in the area, they would likely be transiting to other locations. The area of

bull kelp at Satellite east may be used by various life stages of protected fish species; however, the kelp habitat is defined by a rock bluff and all kelp is set back at least 25 feet from the buoys. Kelp is expected to be unaffected during buoy installation and is not expected to colonize the areas within the mooring field. No adverse impacts to forage fish are expected based on the proposed buoys at Satellite Island. *Exhibit 5; Beth Tate Testimony.*

11. The BE reviewed the proposal's potential to affect the following federally listed species and areas of associated critical habitat protected pursuant to the Endangered Species Act including marbled murrelets, leatherback sea turtles, humpback whales, southern resident killer whales, Chinook salmon, Hood Canal summer-run chum salmon, coastal Puget Sound bull trout, Puget Sound steelhead, bocaccio, canary rockfish, yelloweye rockfish, southern distinct population segment (DPS) of eulachon, and southern DPS of North American green sturgeon. The BE concluded (paraphrased/abbreviated) as follows:

Regarding Puget Sound Chinook salmon critical habitat, moderate quality food and shelter could be affected by temporary and localized sediment disturbance and water turbidity during buoy installation; however, the project was designed to avoid and minimize negative impacts to the nearshore environment over the short-term and long-term. The proposed project may affect, but is not likely to adversely affect Puget Sound salmonids or their critical habitat.

Regarding Puget Sound rockfish (juvenile canary rockfish and Bocaccio) and associated critical habitat, benthic habitat, water quality, and juvenile and adult prey availability may be affected by temporary and localized sediment disturbance and increased water turbidity during the proposed mooring installations; however, adult rockfish are not expected to be found in the project area, and critical habitat for adult rockfish is not present in the project location. The proposed project may affect but is not likely to adversely affect listed species of rockfish or their critical habitat.

Regarding eulachon, southern DPS, critical habitat for eulachon designated in 2011 does not include any areas within Puget Sound. Although eulachon may use Puget Sound for migratory or foraging purposes, activities in the project locations would be expected to, at most, temporarily alter their behaviors. The proposed project may affect, but is not likely to adversely affect eulachon, and it would have no effect on eulachon critical habitat.

Regarding North American Green Sturgeon, Southern DPS, the likelihood of encountering this species at the project location is highly unlikely due to the shallow depth of the project site. Temporary turbidity and noise associated with project activities may affect movement and behavior of sturgeon in the vicinity, but it is expected that project activities would not adversely affect North American green sturgeon and would have no effect on its critical habitat.

Regarding southern resident killer whales and associated critical habitat, temporary and localized sediment disturbance, sound disturbance due to the work boat in the action area, and water turbidity during installation are not expected to negatively impact the behavior of killer whales. The proposed project may affect, but is not likely to adversely affect

southern resident killer whales or their critical habitat.

Regarding humpback whales, boats from project activities in the action area would not generate a significant amount of sound pressure and would not be anticipated to disturb humpback whales; any impacts are expected to be minor and temporary in nature, resulting in possible temporary alteration of movement patterns. Project activities may affect, but are not likely to adversely affect humpback whales.

Regarding marbled murrelet, no marbled murrelet nesting sites occur within 200 feet of the project areas, although foraging marbled murrelets may occur within the project area year round. If there are marbled murrelets in the area, it is expected that they would continue to forage, rest, or move through the area during the proposed mooring field installations. No long-term direct or indirect effects are expected. The proposed project would have no effect on the critical habitat of marbled murrelets, and may affect, but is not likely to adversely affect feeding or traveling marbled murrelets.

Regarding leatherback sea turtle, there is no critical habitat for the species in Puget Sound. Due to the lack of documented observations in the waters in and adjacent to San Juan County of leatherback turtle, the chance of an encounter in the project area is extremely low. Therefore, the proposed project would have no effect on the leatherback sea turtles or their critical habitat.

Exhibit 5.

12. The best management practices, recommendations, and project assumptions upon which the BE was based were made conditions of the project's State Environmental Policy Act review decision document (mitigated determination of non-significance, see Finding 16 below) and were also made into recommended conditions of approval for the instant shoreline permit. *Exhibits A (see page 12), 3, and 5; Julie Thompson Testimony.*
13. The National Marine Fisheries Service concurred with the BE's finding of "may affect but not likely to adversely affect" on February 22, 2017 (NMFS reference number WCR-2017-6252). The US Fish and Wildlife Service concurred on February 17, 2017 (USFWS reference number 01EWF00-2017-I-0401). *Exhibit 9.*
14. The Applicant applied for authorization from the US Army Corps of Engineers (ACOE) for the installation of the proposed buoy fields. Concluding that the project would comply as conditioned with the requirements of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act, the ACOE issued a letter of permission on March 9, 2017 approving installation of the buoy fields as depicted on submitted plans dated February 7, 2017. Conditions imposed on the ACOE approval included (but were not limited to) an in-water work window of July 16 through October 14 of a given year while the permit is valid. The permit expires three years from issuance. *Exhibit 9.*
15. Community Development Department Staff noted that there are archeological resource buffers that affect portions of the upland property, but that these buffers do not extend

into the Aquatic shoreline environment. Staff determined that the buoy fields would have no affect on archaeological resources. *Exhibit A.*

16. Consistent with the State Environmental Policy Act (SEPA), San Juan County acted as lead agency for review of the proposal's probable, significant adverse environmental impacts. After review of the complete application, including the SEPA environmental checklist and the Applicant's professionally prepared biological opinion, a mitigated determination of non-significance (MDNS) was issued on March 22, 2017. No comments were received and no appeal filed on the MDNS. *Exhibits A and 3; Julie Thompson Testimony.*
17. The application was submitted January 30, 2017 and determined to be complete on February 13, 2017. Notice of the application was posted on-site on March 20, 2017 and published on March 22, 2017. Mailing to adjacent property owners on Orcas Island occurred on March 21, 2017. There are no adjacent property owners on Satellite Island. *Exhibit A, 6, and 7; Julie Thompson Testimony.*
18. Notice of the application was sent to two public agencies for comment: Washington State Department of Ecology (DOE) and University of Washington Friday Harbor Laboratories. *Exhibit A.*
19. The University of Washington Friday Harbor Laboratories submitted comments dated March 27, 2017, expressing concern that there isn't justification for the large project, that there is no evidence of current anchoring damage, and that the biological opinion does not consider the impacts of shading on eelgrass below the proposed mooring buoy fields. Other concerns related to whether the buoy fields spread over small coves would create navigation hazards, and questioning whether the boys would be allowed to be used by other boaters, the increased impacts of which were not analyzed. *Exhibit 8.* There were no other comments on the application or the MDNS. *Exhibit A.*
20. Responding to UW Friday Harbor Labs comments, an Applicant representative testified that both YMCA program boats and boats owned by guests and visitors to the YMCA facilities are currently using the four existing buoys offshore at Camp Orkila and are anchoring at Orkila in the eelgrass bed. While Satellite Island is privately owned by the YMCA, members of the public can also anchor at both sites there. These anchoring activities at Orkila are disturbing the eelgrass bed. The existing concrete block buoys at Orkila are causing additional shading of the eelgrass bed due to providing structures for macroalgae to colonize. Replacement of the existing four buoys and provision of the additional eight embedded buoys would reduce anchoring damage and shading, resulting in an improvement over the existing condition. While there might be an increase in buoy use at all three locations as a result of better moorings being available, and while the YMCA does intend to increase its boating programs at Satellite Island in the future, the instant permit is intended to address existing ongoing impacts from current levels of use. Boats are already present at all three sites, and boats are already shading the eelgrass at Orkila, frequently anchoring in it. Providing embedded buoys for visiting private boats is

also expected to reduce the use of the dock for these larger vessels, which should reduce prop scour of the shallower substrate at the dock. The BE demonstrates that there would be no net loss of habitat functions and values at Satellite east and west primarily because there are no sensitive habitats and the proposed moorings would be at depths that conform to regulatory requirements. At Orkila, the impacts to habitat functions and values already exist and the proposal should reduce those impacts by reducing anchoring in the eelgrass and removing structures that can be colonized by large macroalgae, resulting in shading. With regard to concerns for navigation impacts, the ACOE has issued authorization and the project would only be able to proceed with approval from the Washington Department of Natural Resources (DNR) of a new/revised aquatic lease. *Beth Tate Testimony; Jay Betcher Testimony; Exhibit 5.*

21. Planning Staff agreed that SSDP approval should be conditioned on successful amendment of the DNR aquatic lease. *Julie Thompson Testimony.*
22. Upon review of the complete application materials and consideration of testimony at hearing, Planning Staff determined that the proposal would enhance public access to waterways and would, as conditioned, comply with all applicable criteria in the Unified Development Code, the Comprehensive Plan, and the Shoreline Master Program with the recommended conditions. *Julie Thompson Testimony; Exhibit 1.* Applicant representatives waived objection to the recommended conditions. *Testimony of Jennie Rose.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for shoreline substantial development permit pursuant to Chapter 36.70.970 of the Revised Code of Washington and Chapters 2.22 and 18.80 of the San Juan County Code.

Criteria for Review

Pursuant to SJCC 18.80.110.H, a shoreline substantial development permit shall be granted only when the applicant meets the burden of proving that the proposal is:

1. Consistent with the policies of the Shoreline Management Act and its implementing regulations, Chapter 90.58 RCW and Chapter 173-27 WAC, as amended;
2. Consistent with the policies and regulations of the Shoreline Master Program in Chapter 18.50 SJCC;
3. Consistent with this chapter;
4. Consistent with the applicable sections of this code (e.g., Chapter 18.60 SJCC); and
5. Consistent with the goals and policies of the Comprehensive Plan.

Applicable Provisions of the San Juan County Code

SJCC 18.35.130, Table -3: Structures, Uses and Activities Allowed in and over Aquatic FWHCAs and Their Water Quality Buffers

Activity	Aquatic FWHCA (the area within the water)	Buffer
a. Outdoor uses and activities that do not involve modifying the land or vegetation, and that will not adversely affect the functions and values of FWHCAs.	YES	YES

SJCC 18.50.190 Boating facilities

...

J. Mooring buoys.

1. Buoys shall not interfere with navigation and shall be visible in daylight 100 yards away. Buoys shall have reflectors for night visibility.
2. Mooring buoys shall be installed so as not to interfere with or obstruct legally existing piers, docks, floats, or other buoys.

K. Regulations by Environment.

...

6. Aquatic. Marina facilities, docks, and boat launches which are shoreline dependent shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment applicable to the abutting shoreline area. Where a proposed boating facility abuts more than one shoreline environment, the policies and regulations for the most restrictive abutting environment shall govern.

SJCC 18.50.070 Environmental impacts

- A. The location, design, construction, and management of all shoreline uses and activities must protect the quality and quantity of surface and ground water adjacent to the site and must adhere to the policies, standards, and regulations of applicable water quality management programs and related regulatory agencies.
- B. Solid waste disposal and liquid waste treatment facilities are prohibited on shorelines. Solid and liquid wastes, biosolids, and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.
- C. The release of oil, chemicals or hazardous materials onto land or into the water contrary to state or federal law is prohibited. Equipment for the transportation, storage, handling or application of such materials in association with a lawful shoreline use must be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- D. All shoreline uses and activities shall be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and must be aesthetically compatible with the affected area.

- E. All shoreline uses and activities must utilize effective erosion control methods during construction and operation. Proposed methods must be included in the project description submitted with any permit application.
- F. All shoreline uses and activities must be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes.
- G. All shoreline uses and activities must be located, designed, constructed, and managed to minimize interference with natural shoreline processes such as water circulation, sand and gravel movement, erosion, and accretion.
- H. Land clearing, grading, filling, and alteration of natural drainage features and land forms must be designed to prevent maintenance problems or adverse impacts to adjacent properties or shoreline features.
- I. All shoreline developments must be located, constructed, and operated so as not to be a hazard to public health and safety.
- J. All shoreline uses and activities must be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works, such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties, or substantial site regrades.
- K. Herbicides and pesticides may not be applied to or allowed to directly enter water bodies or wetland unless approved for such use by the appropriate agencies.

Conclusions Based on Findings

1. As conditioned, the proposed mooring buoy fields would be consistent with the Shoreline Management Act (SMA). The policy of the SMA, as set forth in RCW 90.58.020, is to “provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” This policy “contemplates protecting 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 generally public rights of navigation and corollary rights incidental thereto.” *RCW 90.58.020*. Compliance with the recommendations of the BE, the mitigation measures imposed in the approved ACOE letter of approval, any mitigation imposed through approval of the amended DNR lease and the WDFW approval, and mitigation measures adopted by the instant decision would ensure that adverse effects to the waters of the state and to federally listed species and their critical habitat are avoided. Approval would remediate an existing and ongoing source of adverse impacts to the waters of the state and to the eelgrass beds beneath the existing facility. *Findings 1, 2, 3, 4, 5, 7, 12, 13, 14, and 20.*
2. The proposal is consistent with the applicable SMP provisions relating to moorage facilities. The proposed improvements to existing mooring buoy facilities would reduce historic and prevent ongoing environmental impacts from boat anchoring while increasing public access to shoreline areas. The mooring buoy fields are allowed in the

Aquatic shoreline environment. No upland work, no clearing, grading, or vegetation removal, and no permanent over water structures aside from the 26 buoys are proposed. The USACOE issued a letter of authorization. A condition would ensure that construction does not proceed without approval of an amended DNR aquatic lease. No impacts to cultural resources are expected from the aquatic development. Both NMFS and USFWS concurred in the BE's finding of may affect but not likely to adversely affect endangered or threatened species and critical habitats. Implementation of the conservation measures in the BE would ensure that the project would not adversely impact fish and wildlife habitat conservation areas, forage fish spawning habitat, or federally listed species and their critical habitats. All potential effects to the marine environment would be minimized by the installation of pre-constructed mooring components from a boat. Installation activities would occur during approved work windows. The record submitted demonstrates that, as conditioned, the project would result in no net loss of shoreline ecological functions. *Findings 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, and 22.*

3. Notice and other procedural requirements were satisfied consistent with the requirements of SJCC 18.80. Planning Staff indicated the proposal is consistent with Element 3 of the Comprehensive Plan in that it complies with applicable boating facilities regulations of the shoreline master program. The proposal was reviewed for compliance with SEPA and an MDNS was issued. *Findings 16, 17, 18, 19, 20, and 22.*

DECISION

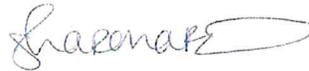
Based on the preceding findings and conclusions, the requested shoreline substantial development permit to create three mooring buoy fields at YMCA Camp Orkila at Orcas and Satellite Islands is **APPROVED** subject to the following conditions:

1. No deleterious material shall be allowed to enter state waters. All construction debris and removed mooring components shall be properly disposed of at approved upland facilities.
2. Equipment used for the installation of the mooring buoys shall be kept in good running order. Boat engines shall be run only when needed.
3. Installation activities shall take place at compatible tides during daylight hours to ensure that equipment does not ground out.
4. Army Corps of Engineers approved in-water work windows shall be implemented. Development shall be consistent with the plans reviewed and approved by the ACOE in its review of the proposal (reference Exhibit 9).
5. Spill prevention and clean-up plans must be in place for this activity as a safeguard against unexpected accidental contamination. If a spill does occur that causes fish or other wildlife to be in obvious distress, project activity will immediately be halted and a WDFW Area Habitat Biologist will be notified.

6. Common saltwater technical provisions (WAC 220-110-270) shall be strictly adhered to during the project.
7. Development shall be consistent with all applicable provisions of the Unified Development Code, Title 18 San Juan County code.
8. County permission to proceed with the shoreline substantial development is contingent upon approval of an amended DNR aquatic lease.

Dated June 5, 2017.

By:



Sharon A. Rice
San Juan County Hearing Examiner

Effective Date, Appeal Right, and Valuation Notices

Hearing examiner decisions become effective when mailed or such later date in accordance with the laws and ordinance requirements governing the matter under consideration. SJCC 2.22.170. Before becoming effective, shoreline permits may be subject to review and approval by the Washington Department of Ecology pursuant to RCW 90.58.140, WAC 173-27-130 and SJCC 18.80.110.

This land use decision is final and in accordance with Section 3.70 of the San Juan County Charter. Such decisions are not subject to administrative appeal to the San Juan County Council. See also, SJCC 2.22.100.

Depending on the subject matter, this decision may be appealable to the San Juan County Superior Court or to the Washington State Shorelines Hearings Board. State law provides short deadlines and strict procedures for appeals and failure to timely comply with filing and service requirements may result in dismissal of the appeal. See RCW 36.70C and RCW 90.58. Persons seeking to file an appeal are encouraged to promptly review appeal deadlines and procedural requirements and consult with a private attorney.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.