

STAFF REPORT

*City of Bainbridge Island
Department of Planning
and Community Development*

Project: Geoduck Harvest
File number: SSDP09-03-92-1

Date: February 16, 1994

To: Lois Curtis, Planning Commission Chair
Members, Bainbridge Island Planning Commission

Project Manager: Kathy James
Associate Planner

Applicant: Washington State Department of Natural Resources
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Request: To obtain a shoreline substantial development permit for commercial harvest of geoduck clams in approximately 750 acres of state-owned subtidal bedlands around Bainbridge Island. (See Attachment A.)

Location: Certain subtidal bedlands that lie between -18 feet at 0 tide or 200 yards from the mean high water line, whichever is a greater distance waterward to a point no greater than -60 feet from 0 tide, which measures about 70 feet below the surface of the water unadjusted for tides. The bedlands extend from Fay Bainbridge State Park south to Skiff Point, from Murden Cove south to Yeomalt Point, and from the Agate Pass Bridge south to Manzanita Bay. (See Attachment B.)

Zoning Designation: Property landward of the proposed harvest areas is zoned R-2 from the Little Manzanita Bay north to Agate Pass Bridge and along the east side of the island. The area around Manzanita Bay is zoned R-1.

Comprehensive Plan Designation: All landward property is designated Semi-Rural, except that land on the west side of Manzanita Bay is designated Rural One Acre.

Shoreline Environment: Property landward of extreme low tide is designated Semi-Rural, except for approximately 2,300 feet of shoreline north of Manzanita Bay that is

5. LOG COMPLAINTS AND COMPLIANCE. DNR shall keep a log of all complaints and compliance activity regarding harvest activities in the City of Bainbridge Island and make such information available to the City.
 6. EELGRASS. DNR shall not sell harvest rights to take geoduck clams from any land that WDF has identified as an eelgrass bed.
 - a. In geoduck areas with adjacent eelgrass beds, the shoreward boundary of the area will be no shallower than that set by RCW 75.24.100 and no shallower than 2 vertical feet seaward of the deepest eelgrass present.
 - b. Because eelgrass exists in the Agate Pass area, the shoreward harvest area boundary in this area shall be no shallower than the -20 foot contour (MLLW).
 - c. Because eelgrass exists between Skiff Point and Fay Bainbridge State Park, the shoreward harvest boundary in this area shall be no shallower than the -22 foot contour (MLLW).
 7. HERRING SPAWNING.
 - a. DNR shall not allow geoduck harvesting to occur during herring spawning season in an area identified as herring spawning ground in WAC 220-110-260, or if identified as a herring spawning ground by WDF.
 - b. No geoduck harvesting shall be permitted in the Agate Pass area between December 1 and April 30 due to rock sole, Pacific cod and herring spawning seasons.
 8. STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS). No harvesting shall occur in any area not duly certified by DSHS or the State Department of Health.
 9. NOISE CONTROL. DNR shall include contract requirements that geoduck harvesting vessels not exceed 50 dBA measured 600 feet from the vessel.
 10. TIME OF HARVEST. Harvest shall not exceed seven working hours per day, and those seven hours per day will be between 9 a.m. and 4 p.m. In addition, harvest will occur between a half hour before sunset and a half hour after sunrise. No harvesting will be allowed on Saturdays, Sundays or State holidays.
 11. STUDY OF CRAB. WDF shall finish its current study to compare the Dungeness Crab and red rock crab on a harvested geoduck bed to the crab on an unharvested geoduck bed, and to investigate the effects of geoduck harvesting on these crab. It is anticipated that this study will be completed between two and three years after the harvest of the studied bed. The data shall be made available to the City of Bainbridge Island and for public inspection. The finished report of the investigation shall be transmitted to the City of Bainbridge Island.
 12. EXPIRATION. The shoreline substantial development permit shall expire five years from issuance. A new permit shall be required for continued geoduck harvesting.
 13. MAXIMUM NUMBER OF HARVEST VESSELS ON THE HARVEST AREAS.
 - a. No more than 15 harvest vessels shall be permitted on the combined Kitsap County and Bainbridge Island harvest areas in Agate Pass at any one time.
 - b. No more than 10 harvest vessels shall be permitted on the combined harvest areas on the east side of Bainbridge Island at any one time.
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- i. The first survey identifies subtidal bedlands suitable for geoduck harvest, including eelgrass beds.
 - ii. The second survey is performed about a year before harvest and inventories the geoduck population, studies the substrate, identifies plants and animals living within the geoduck population, locates sensitive biological organisms, and quantifies the size and quality of geoduck samples. WDF uses the information from the first two surveys to set fishing boundaries and harvest times.
 - iii. Each area is resurveyed after each harvest is completed. In this survey, the geoduck population is again inventoried, the substrate studied and the plants and animals are identified. A short-term reduction in the amount of plants and animals is usual, and is usually back to normal within a year.
 - iv. See Attachment F, page 15, for details on management procedures and policies or Attachment D for answers to common questions about the geoduck program.
 - d. These harvest areas will be leased to commercial harvesters, who use boats that are usually about 30 to 40 feet long and have a crew of two divers and a tender. Compressor engines on board supply oxygen to the divers and power water jets. The water jets are approximately 18 inches long with a 5/8 inch diameter nozzle. The divers utilize these jets to liquify the substrate surrounding a geoduck and then grasp the geoducks exposed neck. See Attachment F, pages 11 and 107, for a complete description of the process and the effects of this method of harvesting, as well as a description of alternative methods.
 - e. The geoduck management plan identifies a maximum average of one boat for every 20 acres of harvest area. The proposal is to use fewer boats per 20 acres, as follows:
 - i. In the Agate Pass area, including the area under Kitsap County jurisdiction, the harvest will be conducted by two to 15 boats operating at one time between May and November over the five-year permit duration. One harvest period is planned for 1995, but several harvest periods may be necessary to complete harvesting.
 - ii. In the harvest areas off Skip and Yeomalt points on the east side of the island, harvesting could occur any time of the year, but is proposed to be between December, 1995, and April, 1996. Although one harvest period is planned, several harvest periods may be necessary to complete the harvesting project.
 - f. Harvesting will take place between 9 a.m. and 4 p.m., Monday through Friday, except on state holidays, when no harvesting will be allowed.
2. AREA AND DIMENSIONS
- a. Tax Lot Numbers: None
 - b. Assessor's Record Information
 - Owner of record: State of Washington
 - Project size: a total of about 750 acres
 - Land use: Undeveloped subtidal lands

expressed concern over the impacts of harvesting on salmon runs. WDF has not identified any substantial adverse impacts to salmon or their habitat. (See Attachment I.)

- c. **Infauna.** Infauna are animals that live within the substrate. The most common infauna on geoduck harvest sites are the polychaete tubeworm and the orange sea pen. Horse clams and several other small clams are also common, as well as ghost and mud shrimp. Although small infauna are likely to be destroyed or disturbed by the harvest, these animals repopulate the harvest areas rapidly (Attachment F, page 118). The harvest is expected to have little or no effect on the larger organisms (Attachment F, page 119).

6. **SITE DEVELOPMENT**

- a. Most uplands adjacent to the harvest areas are developed with single-family residences.
- b. All areas are in navigable waters.

7. **SURROUNDING ZONING**

- a. Uplands adjacent to the harvest areas are zoned R-2, except that the land on the west side of Manzanita Bay is zoned R-1.

8. **SURROUNDING COMPREHENSIVE PLAN DESIGNATIONS**

- a. Uplands adjacent to the harvest areas are designated Semi-Rural, except that land on the west side of Manzanita Bay is designated Rural One Acre.

9. **SHORELINE DESIGNATIONS**

- a. Areas from Agate Pass Bridge to just north of Manzanita Bay, from Fay Bainbridge State Park, which is designated as conservancy, to Murden Cove and from Murden Cove to Yeomalt Point are designated Semi-Rural.
- b. Manzanita Bay together with an area north of the bay is designated Rural and is surrounded by semi-rural designations.
- c. Part of Murden Cove is designated conservancy.

10. **ACCESS**

- a. Moorage for harvest vessels will be at locations other than the harvest areas.
- b. Location of moorage is part of the plan of operation, which is submitted by harvesters prior to DNR approving individual contracts. See Attachment F, page 132, for more information.

11. **PUBLIC UTILITIES**

- a. City water. Not applicable.
- b. City sewer. Not applicable.
- c. Storm drainage basin. Not applicable.

12. **PUBLIC SERVICES**

- a. Police. Bainbridge Island Police Department. DNR's compliance vessels *Dawn Breaker* and *Almar* will be available during active harvesting times and may assist the BIPD if needed.
- b. Fire. Bainbridge Island Fire District #2.

700 acres at Lofall, Vinland and the portion of Agate Pass that is in county jurisdiction.

5. Timing for the harvesting is limited as follows:
 - a. Lofall/Vinland. Between January and May, 1994.
 - b. The Kitsap County portion of Agate Pass. Between May and November, 1995.
 - c. Hours are from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.
6. For more details on the history of the settlement, please see the official file at the office of the Department of Planning and Community Development.
7. Agate Pass was fished in the 1970s, Skiff Point was fished in 1976 and 1977.

C. Comprehensive Plan Goals and Policies

1. Economics Policy EP-4. The comprehensive plan encourages retention and growth of locally-oriented marine industry, including aquaculture, as well as local agriculture and forest products management, if significant adverse impacts to the environment are avoided.
2. Natural Systems Policy NS-6. Shorelines should be developed to pose no hazards to life and property, to preserve views and water quality, and to minimize harm to natural systems. Applicant states shorelines will not be physically affected by the proposed activity because whatever sediment is disturbed during the harvesting process will settle long before it reaches the shoreline 600 feet away.
3. Natural Systems Policy NS-11. Sensitive biological areas should be preserved and enhanced. Information submitted in the EIS and in the information generated during the hearings before the Shoreline Hearings Board address this issue.
4. Land Use Guideline LG-17. Noise levels, both on site and on adjacent properties, should be compatible with the land uses found in each designated area type and should support the intent of and be in conformance with standards adopted pursuant to the Washington State Noise Control legislation (RCW 70.107 and WAC 173-60). The proposal will stay five decibels below maximum allowed by the aforementioned state laws.
5. Recreation Policy RO-3. Public access to waterfront, including public docks and marinas, parks, fishing and swimming areas, should be acquired and developed to ensure such access for both present and future residents of Bainbridge Island. Approximately one-half of the state's revenue generated from geoduck harvesting is the largest income source for the Aquatic Lands Enhancement Account, which distributes funds to local governments for waterfront access and recreation projects.

D. Kitsap County Shoreline Management Master Program (SMP) Requirements

1. SMP Part 3, Goals
 - a. Master Goal. It is the intent of this program to provide for the management of the shorelines of Kitsap County, which gives preference to water dependent and water related uses while encouraging development and activities to co-exist in harmony with the natural conditions.
 - b. Shoreline Use Goal. To provide for a pattern of diverse land and water uses on the shoreline.
 - c. Conservation - Resource Protection Goal. To achieve production and utilization of renewable resources. To provide for the conservation of natural shoreline resources.

- c. Aquaculture activities shall be located so as to provide reasonable navigation access to waterfront property owners.
 - d. Aquaculture structures shall be placed, when practicable, so as to minimize interference with surface navigation.
 - e. Aquaculture development shall be designed and constructed to harmonize insofar as possible with the local environment, and shall be maintained in a neat and orderly manner.
 - f. Aquaculture development shall make reasonable provisions to control nuisance factors such as noise or odor.
 - g. Aquacultural wastes shall be disposed of in a manner that will prevent degradation of associated uplands. Wastes shall be disposed of inland, away from the shoreline proper, when practicable.
 - h. Structures or activities associated with aquaculture that are not shoreline dependent shall be located inland, away from the shoreline proper.
 - i. Equipment, structures and material shall not be abandoned in the shoreline or wetland area. Buoys and markers will be located just prior to harvest activities and removed after the harvest is completed. Boats will not remain on site after hours.
 - j. Aquaculture facilities or structures which are hazards to navigation shall be suitably marked for day and night visibility.
 - k. Special precautionary measures shall be taken to minimize the risk of oil or other toxic materials from entering the water or shoreline area.
 - l. Mechanical and/or hydraulic clam harvesting operations, which use a hydraulic harvester or similar floating equipment, shall be required to obtain a substantial development permit. Such a permit shall only be issued if the applicant can show (i) that the proposed operation will not harm fish or shellfish resources, other than those being harvested; (ii) will not lead to an increase in turbidity or siltation of surrounding property; (iii) will be conducted so as to immediately fill back any trenches it digs up to a depth not to exceed three inches; and (iv) noise of the proposed operation does not unduly disturb the residents of nearby areas.
5. Criteria to consider under Bainbridge Island Procedures. BIMC16.12.860(K)
- a. The development is consistent with the goals and policies of the Shoreline Management Master Program.
 - b. The development is permitted by the general regulations set forth for the use or activity.
 - c. The use or activity is permitted by the regulations set forth for the specific environment in which it is to be located.
 - d. The development will not cause a use or activity to the major use or activity which is not consistent with the goals, policies and regulations in the shoreline management master program.

E. SEPA Determination

- 1. A determination of significance was issued by DNR on February 19, 1991. DNR adopted the existing EIS entitled The Puget Sound Commercial Geoduck Fishery Management Plan and Environmental Impact Statement, 1985, (Attachment F); 1987 Washington State Department of Fisheries Technical Report 102 on the distribution of geoduck (*Panope abrupta*) size, density and quality in relation to habitat

- b. Shoreline Use Goal. Geoduck harvesting falls within the shoreline use goal of providing for diverse water uses.
- c. Conservation -- Resource Protection Goal. With conditions of approval, the proposal will allow for the utilization of a renewable resource while providing for the conservation of the geoduck clam and other shoreline resources.
- d. Economic Development Goal. The proposal is a water-dependent economic activity that, being located a minimum of 600 feet waterward of the shoreline, will be suitably located.
- e. Recreation Goal. See Recreation Policy RO-3 conclusion.
- 2. SMP Part 4 - Shoreline Environments
 - a. The proposal will produce slight to no modification of natural shoreline characteristics and will meet the requirements for rural and semi-rural environments.
 - b. Existing character will remain after the harvesting is completed.
 - c. The project will not reduce any opportunities for future uses of resources in the area.
 - d. The proposal will not degrade the character of any of the shoreline environments.
 - e. The two pre-harvest surveys are designed to substantially reduce risks of long-term environmental damage to each area.
 - f. Aquaculture is a permitted use within the Rural, Semi-Rural and Conservancy environments and meets the goals and policies for each environment.
- 3. SMP Part 6 - Shorelines of State-Wide Significance.
 - a. It is in the state-wide interest to generate funds from the harvest of a state resource for the creation of waterfront access and recreation projects.
 - b. Because harvest activities will be conducted at a minimum distance of 600 feet waterward of the shoreline, the proposal will not affect the natural character of the shoreline.
 - c. With conditions of approval, benefits will be long-term by the provision of jobs and revenue.
 - d. With conditions of approval, the resources and ecology of the shoreline will be protected.
 - e. Because a portion of the state funds generated from this proposal are used for the creation of waterfront access and recreation projects, the proposal will indirectly increase public access to the shoreline.
 - f. See "e" above.
- 4. SMP Part 7 - Use Activities (Aquaculture).
 - a. The use is allowed in all environments adjacent to the location of the proposed harvesting areas. Also see Conclusion D.2.
 - b. Because the harvest boats will be a minimum of 600 feet from the mean high water line and a maximum of 15 boats will be utilized at one time, reasonable navigation access to waterfront property owners will be maintained.
 - c. This criterion is not relevant because no structures will be built as a part of this proposal.
 - d. This criterion is not relevant because no structures will be built as a part of this proposal.
 - e. Minimal odor will be created by vessel exhaust and conditions of approval will limit noise production; therefore nuisance factors will be reasonably controlled.

(Panope abrupta) size, density and quality in relation to habitat characteristics such as geographic area, water depth, sediment type, and associated flora and fauna in Puget Sound Washington was not included. These documents are available for review upon request at the Department of Planning and Community Development.

- G. Species Profiles: Life Histories and Environmental Requirements of Coastal Fishes and Invertebrates (Pacific Northwest), Pacific Geoduck Clam, United States Fish and Wildlife Service Biological Report 82(11.120).
- H. Packet dated February 17, 1993, from Ron Teissere to Stephanie Warren regarding additional information about proposed geoduck harvest areas, including the following:
 - H.1. Assessment of site specific diver survey data for Agate Passage, Skiff Point and Yeomalt Point geoduck beds.
 - H.2. Memo dated June 3, 1992 from Lynn Goodwin of WDF to Neil Rickard listing WDF's policies regarding geoduck fishing in and around eelgrass beds..
 - H.3. Study of coincidental crab and geoduck habitat around Bainbridge Island prepared by Lynn Goodwin and Dwight Herren of WDF in June 1992.
 - H.4. WDF eelgrass surveys for Agate Pass, Skiff Point, Yeomalt Point geoduck beds.
 - H.5. Memo dated April 3, 1992 from Greg Bargmann of WDF to Lynn Goodwin concerning proposed geoduck harvest areas near Bainbridge Island.
 - H.5. Memo dated May 1, 1992, from Dwane Day from Lynn Goodwin concerning proposed geoduck harvest areas near Bainbridge Island.
- I. Memo dated August 3, 1993 from Tim Flint to Lynn Goodwin and Dick Burge concerning the impact of geoduck harvesting on salmon.
- J. Kitsap County and the State Department of Natural Resources Settlement Agreement.
- K. SHB No. 91-51, appeal of Kitsap County's shoreline substantial development permit denial.
- L. Written public comments.