

transmittal memo

Date: June 8, 1994
To: Mayor Janet K. West
Members of the City Council
From: Kathy James
Associate Planner
Re: Geoduck Harvest
fn: SSDP09-03-92-1

Background.

The planning commission met in regular session on February 24, 1994, and discussed the above-referenced shoreline substantial development permit application submitted by the State Department of Natural Resources. Formal recommendation of the planning commission were transmitted to the hearing examiner March 28, 1994 (See Attachment 4).

A public hearing was conducted April 26, 1994, at the Bainbridge High School Library. The hearing examiner allowed proposal presentations by the city and applicant, represented by Steve Jennison and Ron Teissere, and entertained questions from the audience prior to sworn public comments being received.

The hearing examiner's Findings of Fact, Conclusions of Law and Recommendation was filed with the city clerk June 6, 1994.

Options (BIMC16.12.860(M)).

1. The city council may conduct additional public hearings.
2. Accept the findings, conclusions and recommendations of the hearing examiner and by reference adopt them as its final order;
3. Modify or reject the findings, conclusions and recommendations and prepare its own written findings and conclusions in support of its decision. In cases where the city council rejects or modifies the hearing examiner's decision, a public hearing may be conducted.

Recommendation of the hearing examiner.

Approval with conditions (please see Attachment 3). The hearing examiner adopted all of the recommendations from the planning commission and added four:

15. MANZANITA BAY. No commercial geoduck harvesting will occur inside Manzanita Bay.
16. STUDY OF EAGLES. The State Department of Fish and Wildlife shall continue a study of the geoduck harvest effect on the bald eagle population. In the event that geoduck harvesting is suspected to be adverse to the eagle population, geoduck harvesting in those areas affected will be immediately suspended and the DNR and the City shall determine whether or not the matter needs to come before the Hearing Examiner or City council for a change of conditions.
17. RESURVEY. If the resurveys of geoduck beds prior to harvest disclose probable significant detrimental impact to marine life (other than the geoducks to be harvested), then the DNR shall inform the City and make appropriate adjustments to the harvest plans.

18. HARVEST CONTRACTS. DNR lease contracts with commercial geoduck harvesters shall incorporate by reference these conditions and shall include a provision that DNR reserves the right to alter or revoke the lease when any of these conditions are triggered or violated.

Additional staff report attachments.

- M. Letter dated February 14, 1994, from Steve Jennison of DNR to Kathy James of the city, requesting a public hearing.
- N. Excerpts concerning Bainbridge Island from the *Washington Department of Fisheries Geoduck Tract Atlas*, prepared by Lynn Goodwin, November, 1993, which was presented at the February 24, 1994, planning commission meeting.
- O. *The Transport and Fate of Suspended Sediment Plumes Associated with Commercial Geoduck Harvesting*, final report by Ebasco Environmental, April, 1992, which was presented at the February 24, 1994, planning commission meeting. (Includes a review of the 1985 EIS.)
- P. Letter dated February 18, 1994, from Lynn Goodwin, Fish Biologist with the Marine Fish and Shellfish Program of the Washington State Department of Fisheries, to Kathy James, Associate Planner, which was presented at the February 24, 1994, planning commission meeting.
- Q. Progress Report 1, *Responses of Nesting Bald Eagles to the Harvest of Geoduck Clams (Panope generosa) on Hood Canal*, Washington, Department of [Fish and] Wildlife, November 1, 1993.

Attachments.

1. Resolution approving proposal.
2. Shoreline Substantial Development Permit.
3. Hearing examiner's report.
4. Transmittal memo from planning commission to hearing examiner.
5. Staff report with attachments. (Please note: attachment L is updated to include all written public comments received to June 6, 1994.)