

[Subsection (1)(b) highlighted below:

(1) Policies.

(a) Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Jefferson County.

(b) The county should support aquaculture uses and developments that:

(i) Protect and improve water quality; and

(ii) Minimize damage to important nearshore habitats; and

(iii) Minimize interference with navigation and normal public use of surface waters; and

(iv) Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, land-based facilities, and substrate disturbance/modification (including rate, frequency, and spatial extent).

(e) Aquaculture activities not listed in subsection (4)(c) of this section and listed activities that fail to meet any of the criteria in subsection (1)(b) of this section shall require a shoreline substantial development permit (SDP) or conditional use permit (CUP), and shall be subject to all of the following regulations:

(i) Subtidal, intertidal, floating, and upland structures and apparatus associated with aquaculture use shall be located, designed and maintained to avoid adverse effects on ecological functions and processes.

(ii) The county shall consider the location of proposed aquaculture facilities/farms to prevent adverse cumulative effects on ecological functions and processes and adjoining land uses. The county shall determine what constitutes acceptable placement and concentration of commercial aquaculture in consultation with state and federal agencies and tribes based on the specific characteristics of the waterbody, reach, drift cell, and uplands in the vicinity of the farm/facility.

(iii) Upland structures accessory to aquaculture use that do not require a waterside location or have a functional relationship to the water shall be located landward of shoreline buffers required by this program.

(iv) Overwater work shelters and sleeping quarters accessory to aquaculture use/development shall be prohibited.

(v) Floating/hanging aquaculture structures and associated equipment shall not exceed 10 feet in height above the water's surface. The administrator may approve hoists and similar structures greater than 10 feet in height when there is a clear demonstration of need. The 10-foot height limit shall not apply to vessels.

(vi) Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.

(vii) Aquaculture use and development shall not materially interfere with navigation, or access to adjacent waterfront properties, public recreation areas, or tribal harvest areas. Mitigation shall be provided to offset such impacts where there is high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland owners.

(viii) Aquaculture uses and developments, except in-water finfish aquaculture, shall be located at least 600 feet from any National Wildlife Refuge, seal and sea lion haulouts, seabird nesting colonies, or other areas identified as critical feeding or migration areas for birds and mammals. In-water finfish facilities, including net pens, shall be located 1,500 feet or more from such areas. The county may approve lesser distances based upon written documentation that U.S. Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW) and affected tribes support the

proposed location.

(ix) Aquaculture use and development shall be sited so that shading and other adverse impacts to existing red/brown macro algae (kelp), and eelgrass beds are avoided.

(x) Aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, that minimize disturbance to substrate.

(xi) Where aquaculture use and development are authorized to use public facilities, such as boat launches or docks, the county shall reserve the right to require the applicant/proponent to pay a portion of the maintenance costs and any required improvements commensurate with the applicant's/proponent's use.

(xii) Aquaculture use and development shall employ nonlethal, nonharmful measures to control birds and mammals. Control methods shall comply with existing federal and state regulations.

(xiii) Aquaculture use and development shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.

(xiv) Non-navigational directional lighting associated with aquaculture use and development shall be used wherever possible and area lighting shall be avoided and minimized to the extent necessary to conduct safe operations. Non-navigational lighting shall not adversely affect vessel traffic.

(xv) Aquaculture waste materials and by-products shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (Chapter 90.48 RCW).

(f) Prior to approving a permit for floating/hanging aquaculture use and development or bottom culture involving structures, the county may require a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline. The analysis shall demonstrate that adverse impacts on the character of those areas are effectively mitigated.