

Shellfish Interagency Permitting Team
Phase I Report
May 5, 2016

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Shellfish Interagency Permitting Team

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Executive Summary

The Shellfish Interagency Permitting (SIP) Team has been meeting regularly since December 2011 to address issues around the permitting process in Washington. The SIP Team worked through the permit process for several pilot projects, which helped inform the development of products and recommendations. The products serve as guidance for shellfish aquaculture applicants to follow for a more efficient process. The recommendations are:

- Establish a State Shellfish Aquaculture Coordinator
- Create a Centralized Mapping and Data Tracking Portal
- Develop Consistent, Practicable, and Effective Best Management Practices (BMPs)
- Address Overall Permit Timeliness
 - Local and State Permit Timeliness
 - Federal Permit Timeliness
- Continue Outreach to Growers
- Provide Technical Assistance to Local Government
- Assess Permit Compliance
- Reduce Redundancies and Improve Interagency Coordination
- Devote Funding to Support Shellfish Aquaculture Permitting
- Designate a Lead State Agency to Manage Shellfish Aquaculture

The SIP Team has accomplished a lot but there is more work to be done. With adequate support and clear goals the SIP Team will continue to work to improve the permitting process and provide tangible results.

Background

The Shellfish Interagency Permitting (SIP) Team is a permitting coordination concept generated by national and state shellfish initiatives developed in 2011 by the National Oceanic and Atmospheric Administration (NOAA) and industry and agency representatives in Washington. The goal of permitting coordination is to make effective and efficient use of agency resources to facilitate timely and predictable delivery of quality decisions on shellfish aquaculture permit applications while protecting public health and the environment. In December 2011, the SIP Team was formed as part of the Washington Shellfish Initiative (WSI) with participation from numerous government entities that have direct and indirect regulatory or oversight roles in the permitting and licensing of shellfish aquaculture. The team consists of representatives from (see Appendix A for Phase I participants):

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- ④ Local Governments
- ④ Tribal Governments
- ④ Northwest Indian Fisheries Commission
- ④ Point No Point Treaty Council
- ④ Washington Department of Agriculture (WSDA)
- ④ Washington Department of Ecology (Ecology)
- ④ Washington Department of Fish and Wildlife (WDFW)
- ④ Washington Department of Health (DOH)
- ④ Washington Department of Natural Resources (DNR)
- ④ NOAA's National Marine Fisheries Service (NMFS)
- ④ United States Army Corps of Engineers (Corps)
- ④ United States Environmental Protection Agency (EPA)
- ④ United States Fish and Wildlife Service (USFWS)

Staff from NOAA and Ecology have shared responsibility for organizing and facilitating the SIP Team, acting as the SIP Team Leads, with support from the Governor's Office for Regulatory Innovation and Assistance (ORIA), and the Governor's Shellfish Policy Advisor. This report on Phase I activities summarizes the results of the SIP Team work to date and sets the stage for Phase II. The Phase I Report was prepared by the SIP Team Leads but all members of the Team were provided the opportunity to review and discuss the contents. This report does not reflect the policies and goals of individual agencies represented on the team. This report does not necessarily reflect the views and opinions nor represent a complete consensus of the SIP Team participants listed above.

Results

In addition to the call for improved efficiency of the permit process, the WSI asked for the development of a Model Permitting Program. The original intent of a Model Permitting Program was a programmatic or "one-stop-shop" approach to permitting shellfish aquaculture which would allow applicants to get all required permits and licenses from one entity. The SIP Team evaluated the potential for this type of Model Permitting Program, but determined it was not feasible at the time given the range of responsibilities and authorities covered by the agencies and entities currently involved in regulatory oversight of this industry.

The SIP Team held extensive discussions about the permit process and worked through a number of pilot projects to inform development of a suite of products to assist shellfish aquaculture applicants in navigating the complex permitting process. These products may be considered as guidance which, when followed as recommended, will lead to a more efficient process.

Both regulating entities and project applicants have provided feedback that by working collaboratively with the SIP Team the process was improved (increased coordination and timeliness of communication).

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Pilot Projects

The SIP Team convened a number of Working Groups to review specific projects, referred to as “pilot projects”. SIP Working Groups were made up of individuals with experience and authority related to the specific project area, including federal, state and local government staff who would work directly on the required permits, and tribes with potential Treaty Rights. The intent of the SIP Working Groups was to conduct a single multi-agency review of pilot project applications and inform the development of SIP Team products and recommendations. We worked on a total of three pilot projects.

1. Native Oyster Restoration - The Puget Sound Restoration Fund (PSRF) submitted permit applications for Olympia oyster restoration work in Kitsap County. Before engaging with the SIP Team the application had stalled. To help make progress a SIP Working Group was formed and Kitsap County staff graciously hosted a meeting in April 2013. Input was provided by staff from the Suquamish Tribe, Kitsap County, and multiple federal and state agencies about information requirements for processing the application. PSRF compiled the requested information, submitted a new Joint Aquatic Resources Permit Application (JARPA) and continued to work cooperatively with the SIP Working Group. This resulted in a timely issuance of all relevant permits and approvals in less than 150 days.
2. Commercial Shellfish - Arcadia Point Seafood submitted permit applications for three adjacent aquaculture proposals in Mason County to the SIP Team for review. The SIP Team formed a Working Group with representation from Mason County, the Squaxin Island Tribe, and federal and state agencies. The Wilson’s received all of the necessary approvals in 160 days. 160 days represents a relatively quick turnaround for the number of permits and approvals issued. It is important to note, however, that Mason County does not require a permit at this time for shellfish aquaculture. The requirements for local government permitting vary between jurisdictions and the time it takes to issue a permit can also vary as a result. For example, Arcadia Point Seafood noted that it took more than 500 days to complete the process for a shellfish aquaculture permit in Thurston County. This was due, in part, to two appeals at the county and state level (one from the public and one from the applicant) and extensive evaluation at the federal level which required additional information from the applicant.
3. Commercial Shellfish - Taylor Shellfish, one of the largest shellfish companies in the region, submitted a project to the SIP Team proposed in Burley Lagoon, Pierce County. This is a large project located in an area with extensive historic aquaculture. There are a number of factors that will make permitting more challenging at this location than the Arcadia Point projects. The SIP Team Working Group has had one meeting to date with several follow-up phone and email conversations related to issues raised at that meeting. The SIP Working Group is able to discuss these significant issues together, rather than encountering them individually through each entity’s process. This has resulted in a quicker response as issues arise. This application process is ongoing.

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Products

The SIP Team developed four products to guide applicants through the permit process. These include:

- **Table of Permits:** a condensed version of the existing permit process listing all required permits and licenses for shellfish aquaculture, with appropriate contact information, in a two-page table for easy reference.
- **Existing Permit Process Flowchart & Narrative:** a detailed diagram of the existing permit process at all levels (local, state, federal, tribal) with a supplemental narrative description of each step in the process. This includes recommendations for shellfish aquaculture applicants of steps to take prior to submitting applications. It also provides suggestions for places in the process that agencies can work together to reduce redundancies.
- **Uniform Map Specifications:** a list of things to include in maps and drawings submitted with permit applications that would be accepted by all agencies. This is a compilation of the requirements for all agencies. Examples are included to demonstrate effective and acceptable maps and drawings.
- **Joint Aquatic Resource Permit Application (JARPA) Guidance for Shellfish Growers:** advice about the specific information shellfish growers need to include in the JARPA. This includes details for areas frequently found insufficient in shellfish aquaculture applications.

The SIP Team Products may be viewed on Ecology's SIP Team website:
<http://www.ecy.wa.gov/programs/sea/aquaculture/sip.html>

Recommendations

The primary goal of the SIP Team is to develop a coordinated and consistent process for improved timeliness of permit decisions while ensuring regulatory compliance, including tribal notification and consultation. We also want to identify the obstacles and challenges we face in implementing those improvements. This work will also increase transparency in government and better serve the public's interests by improving the accessibility to and responsiveness of regulators. The recommendations section reflects the issues that have come up since the SIP Team began and our recommendations for addressing those issues and meeting our goals. The first three recommendations were consistently identified by SIP Team members and other stakeholders as the highest priorities. After the top three, all other recommendations received equivalent rankings and thus their ordering here does not reflect level of priority.

1. Establish a State Shellfish Aquaculture Coordinator

Issue: Much of the work on improving the permitting process by the SIP Team has been facilitated by individuals at the local, state and federal levels whose positions are not exclusively focused on shellfish aquaculture. It can be challenging for these individuals to be familiar with all rules and regulations pertaining to shellfish aquaculture at the

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various levels. They generally do not have time to track applications through the entire permit process from start to finish, but instead must focus only on the process for which their agency/entity is responsible. For applicants navigating the permit system, a State Shellfish Aquaculture Coordinator would create a central contact and point of entry into the process. In addition to permit process facilitation, this position could work with the shellfish aquaculture industry to address other issues that arise.

Recommendation:

- The state should fund a full-time, permanent Shellfish Aquaculture Coordinator position. This position could guide future efforts to improve the permit process, track individual projects, guide applicants through the process, and work with agencies and applicants to coordinate information requests for more timely responses. This would be a hands-on regulatory and policy position to comprehensively manage aquaculture and would likely be separate from the Governor's policy office. A dedicated position would be able to direct more time and energy to accomplishing the broader goals of the WSI in addition to those related to permitting and the regulatory process.
 - The position could be housed in the WSDA. Consistent with their statutorily established roles and responsibilities, WSDA can act to advocate for the industry and engage in improving regulatory efficiencies.
 - The position could be housed in ORIA. ORIA is focused on streamlining and facilitating permitting processes through work with stakeholders.
 - There may be other agencies where the position could be housed, where the staff would have both technical expertise and knowledge of various levels of regulatory and policy requirements.

2. Create a Centralized Mapping and Data Tracking Portal

Issue: Each entity – tribal, federal, state, and local – uses different methods and metrics to track projects. Thus, there is no single location to find information about shellfish aquaculture projects and other data on environmental conditions to help inform permit decision making. While this issue is not unique to shellfish aquaculture, having centralized mapping and data tracking is important to 1) facilitate visualization and tracking of farms, 2) better understand the scope of shellfish aquaculture and, 3) improve communications about the industry.

Recommendation:

- Establish a single source of complete information regarding shellfish aquaculture. The different data bases should talk to each other, or a single map/data base should be developed to allow all interested parties access to the same information.
 - This will require a significant effort from IT and permitting staff from all agencies.
 - This will require additional funding.
- Intermediate progress on this goal can be advanced by:

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- Growers submitting more complete information with their applications and reports – e.g., survey data with the specific location and species planted.
- Agencies sharing their data through their respective GIS departments and each agency creating an aquaculture data layer within their own mapping utilities.

3. Develop Consistent, Practicable, and Effective BMPs

Issue: BMPs are frequently required of shellfish growers as permit conditions to achieve specific conservation goals when issuing permits. However, the application of BMPs may be inconsistent among agencies, may not be practicable for shellfish growers to implement, or may not achieve the intended outcome. Although there may be legitimate rationale for inconsistencies, it is challenging for shellfish growers to implement incongruent BMPs. Further, if the BMPs can't be achieved they will not have the intended conservation/regulatory benefit.

Having consistent BMP's among the agencies would likely improve processes, reduce confusion, and provide better credibility. It may be challenging to come to consensus on all BMP's, however, because different regulating entities work through varying authorities and different geographical locations may require different permit requirements.

Gauging the effectiveness of any permitting program requires adequate monitoring and follow-up. Shellfish permits have been issued for a variety of activities in a variety of locations. It would be beneficial to have all monitoring information associated with permit requirements and BMPs available for review from these various sites. This would improve the transparency of monitoring results to help address public concern about potential impacts of shellfish operations, for example industry use of plastic in the marine environment. This would also provide a feedback loop to improve the regulatory review process over time.

Recommendation:

- Charge the SIP Team to review the various BMPs being required to determine where and why inconsistencies exist and provide recommendations to regulating entities. To the extent possible, develop a single set of BMPs, which achieve all conservation requirements, agreed upon by all regulating entities (this may require authority above the level of SIP Team members). This single set of BMPs would not be applied to all projects but would serve as a comprehensive list, consistent among agencies, which could be selected from as appropriate for individual projects. The list would include more than one BMP option for each conservation requirement to allow flexibility for varying culture methods and project location.
- Present BMPs to subject matter experts to insure they are achieving the desired outcome and implementable, and if not, the SIP Team should evaluate alternatives. This may require a public process.

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4. Address Overall Permit Timeliness

Issue: The permit process for shellfish aquaculture is extensive and complex. There are any number of factors that influence how long it takes for a permit to get issued. Foremost among these is the simple fact that so many entities and agencies are involved with all permitting in marine waters. The SIP Team has worked to reduce duplications and delays associated through improved coordination, but there are other factors that influence permit timelines that are beyond what the SIP Team can control.

At the local government level there are multiple opportunities for third-party appeals (see Appendices B and C). Appeals are a significant factor in why permits can take a long time to go from application to final approval. We want to protect the rights of interested parties to appeal permit decisions when and where appropriate. However, the same issues are often raised on appeal for each permit that is issued.

At the federal level one issue that was highlighted by the SIP Team as we mapped the existing permit process for the Flowchart product was the lack of consistent timelines (mandated or otherwise). There are many steps in the federal process and numerous entities that must be consulted, making an extended timeline understandable. However, inconsistencies between projects leads to uncertainty and frustration for applicants.

Recommendation:

- Establish non-mandated timelines for other agencies that are consistent with Corps statutory timelines set in federal regulations and implement through ‘Memorandums of Understanding’ with various entities.
- Encourage improved communication between federal agencies and applicants about timelines and when they officially start.
- Support local governments to find opportunities for process improvements. For example, convene a larger meeting of local government planners and officials for a Permitting Summit to define issues and find solutions.
- Continue the effort to look for places where the appeals process can be improved, not to lessen environmental protections in any way, but to create a decision path that is more predictable.
 - Consider consolidation of shoreline appeals for Conditional Use Permit (CUPs) with the Shoreline Hearings Board (SHB) and/or change the process so that each case isn’t heard de novo. This would require legislative action.
 - Support Ecology’s work with local governments during Shoreline Master Program (SMP) updates to clarify that appeals of Shoreline Permits must be consistent with the Shoreline Management Act (SMA). This could be accomplished with existing authorities.
- Develop an Aquaculture Permit Writer’s Handbook for agency staff, providing guidance and resources to address issues raised in permitting shellfish aquaculture activities.

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- Encourage the use of the four products developed by the SIP Team to guide shellfish aquaculture applicants through the permit process. Using the map specifications and JARPA guidance will help ensure a comprehensive permit package is submitted. This will prevent delays caused by requests for missing information.
- Continue to utilize the SIP Team to explore additional pathways to improve permitting processes. The SIP Team is a ready source of specialists who are in a position to provide assistance.
- Use SIP Team Working Groups for specific projects to improve the timeliness of the permit process. This would ensure consistency between regulating entities in the requirements for project information, conservation measures, permit conditions, and best management practices that may be required.

5. Continue Outreach to Growers

Issue: The SIP Team has made progress through pilot projects, Working Groups and the development of products. However, shellfish growers must be aware of these resources to benefit from them. To achieve success, outreach to shellfish growers about the SIP Team resources must be continued and expanded. As part of the SIP Team activities ORIA conducted a series of interviews with growers and staff from other agencies which can be used to inform future outreach efforts.

Recommendation:

- Provide a communications specialist to assist with outreach to shellfish growers about SIP Team resources. Outreach should include continued presentations at shellfish conferences, specialized workshops, and informational handouts.
- Continue to monitor and assess stakeholder needs and priorities. Building on the data collected via ORIA interviews, develop an Engagement and Effectiveness Plan.
- Promote use of the SIP Team Products currently available via Ecology’s website: <http://www.ecy.wa.gov/programs/sea/aquaculture/sip.html>
- Communicate BMPs and other technical information as developed.
- Make outreach a component of the State Aquaculture Coordinator position.

6. Provide Technical Assistance to Local Government

Issue: The permitting process typically starts at the permit counter of the respective local government. Applications for shellfish aquaculture can get complicated quickly and there may not be in-house technical expertise. The SIP Team structure provides an opportunity to generate support for all participating staff, but especially those from local government. The first opportunity for appeal, and the subsequent hearing, occurs at the local government level. Technical assistance to local government staff will support their permit decisions and promote consistency across varying levels of government. Additionally, it is not always apparent to local government leadership that shellfish aquaculture requires extra attention from staff and is a priority for the state through the

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WSI. It is important for the SIP Team to communicate WSI goals and actions to officials and administrators at local government so staff get the support they need to continue participating in SIP Team efforts.

Recommendation:

- Use the SIP Team as a source of information and technical assistance for local government staff. Look for opportunities to provide consistent information, training and other means of staff support for local governments.
- Conduct outreach meetings with local government officials and administrators to promote a better understanding of the SIP Team efforts.
- If a State Aquaculture Coordinator position is established this work should be a component of the job description.

7. Assess Permit Compliance

Issue: Regardless of BMP consistency, practicability, and effectiveness, BMPs are only successful if they are implemented. A systematic approach to assess compliance would allow agencies to answer basic questions about whether authorized projects comply with the terms of permits. The process of developing this approach will foster a “community of practice” around implementation that is responsive to new information and facilitates adaptive management. Creating a more transparent regulatory regime will build support for the regulations and confidence that regulations are being administered fairly and are achieving their goals. This approach will be invaluable in informing future Shoreline Master Program updates.

Recommendation:

- Develop and implement a systematic approach to assess compliance with permit conditions. The SIP Team can build on our cooperative permit program between partners. This will provide an empirical basis for evaluating permits, which is a key component to ensuring meaningful adaptive management.
- Ensure adequate staffing for compliance monitoring.

8. Reduce Redundancies and Improve Interagency Coordination

Issue: There is general agreement from SIP Team members that there is value in continuing to advance the goals of the SIP team. There is also a willingness to continue with this coordinated effort but only with clear goals, objectives and accountability.

Redundancy and inconsistencies associated with the various regulating entities continue to exist. An example is the Biological Assessment required by the USFWS and NMFS for the Corps and the Habitat Assessment required by Pierce County. These documents are likely similar enough to meet the requirements of each agency, and others. We should be able to find a way to make a single document meet both objectives. Reducing or eliminating redundancies such as this in the permitting process remains a fundamental purpose of the SIP Team and will guide future efforts.

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Recommendation:

- Continue SIP Team coordination.
- Set clear goals and objectives for the SIP Team with a method to evaluate progress and effectiveness as a means of accountability.
- Work to resolve redundancies and inconsistencies by continuing to look at existing practices for areas of improvement.
- Develop selection criteria for projects to be reviewed by SIP Team Working Groups. This will make Working Group meeting more effective and gives applicants information about what to prepare in advance.
- If a State Aquaculture Coordinator position is established this work should be a component of the job description.

9. Devote Funding to Support Shellfish Aquaculture Permitting

Issue: To date, there has been no funding directly associated with SIP Team activities. Considerable time has been spent by a number of federal, state, local government and tribal staff to be responsive to the tasks associated with implementation of the SIP Team. There are many issues that staff from all the agencies deal with, in addition to aquaculture. While attending quarterly meetings to discuss the shellfish aquaculture permitting process may be reasonable, increasing staff support to work collaboratively on actual projects is not likely under current circumstances. In addition, implementation of the recommendations made in this report will require supplemental funding. Increasing staff involvement to continue to improve the permitting process through current and recommended activities is not feasible without increasing resources.

Recommendation:

- Establish ongoing/regular funding for staff at the resource agencies to work directly on shellfish aquaculture issues.
- Fund SIP Team recommendations that can't be effectively implemented without additional resources
 - State Aquaculture Coordinator (Goal 1)
 - Mapping and Data Tracking (Goal 2)
 - BMPs (Goal 3)
 - Compliance (Goal 7)

10. Designate a Lead State Agency to Manage Shellfish Aquaculture

Issue: Clearly there are a lot of state agencies involved in regulating and managing shellfish aquaculture in Washington. Perhaps more significant is the fact that no single agency is in the position to be the lead in directing priorities for the state. This is evident to shellfish growers who must work with no fewer than four state agencies to permit and operate a new farm. It is also evident to other people who want to obtain information related to their concerns or questions related to shellfish aquaculture and experience challenges finding what they need. We recognize that each agency has specific delegated responsibilities and authorities, and do not suggest that those be compromised in any manner, however, some sort of leadership to oversee the process would be beneficial.

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This may be achievable through the designation of a State Aquaculture Coordinator but only if this position is given sufficient authority to oversee the permit process and facilitate better outcomes through tracking and accountability. Currently there is interest from the Corps and the state in the development of a State Programmatic General Permit, which would streamline the permit process, but without a lead state agency to administer the program this would not be feasible.

Recommendation:

- Convene a coalition of the regulating entities with authority to make decisions about standardized permit conditions. This coalition must be comprised of individuals who can speak for their respective agencies.
- Develop consistent permit requirements from each agency that can be administered through the State Aquaculture Coordinator at a single agency. These could be used to develop a State Programmatic General Permit.
- Achieve agreement by all shellfish aquaculture permitting entities to be overseen by the State Aquaculture Coordinator and the agency to which that position reports.

Conclusions

There are still opportunities for improving the permit review process and eliminating redundancies and inconsistencies between agencies. The SIP Team is a good place to achieve those goals. The more we work together, the better we will get at looking for and achieving efficiencies. The SIP Team should continue to evaluate their effectiveness and explore opportunities for continued process improvements with documentable results.

Since January, 2012 (one month after the implementation of the WSI) the majority of existing operations and a handful of new shellfish aquaculture applications have been processed by the Corps, Ecology, and/or local governments. This indicates that permits for shellfish aquaculture are moving forward. While these projects were not taken through SIP Team review, we believe that the increased level of communication between agencies through the SIP Team helped increase the general understanding of the issues associated with permitting shellfish aquaculture, resulting in an improved permit process.

The SIP Team has been successful through Phase I, and should continue to be successful with the implementation of Phase II of the WSI. Improved communication between agencies, a better understanding of information needs and processes, and guidance for preparing applications are results from Phase I. SIP Team Leads will take what they have learned from Phase I and use that to guide the Team into Phase II.

The SIP Team needs to produce tangible results that convince the growers that it's worth their time and effort to work with us. The Pilot Projects were a good start, and that success can be carried forward. SIP Team Leads will continue to work closely with other SIP Team members and growers to find ways to maximize our effectiveness.

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The SIP Team will continue to look for ways to improve the permitting process associated with aquaculture activities. This will include opportunities for policy, regulatory, and statutory changes as well as outreach and education to growers and regulators. New opportunities exist through information gathered by ORIA from interviews with growers and staff from other agencies. Additionally, the reissuance of Nationwide Permit 48 and Shoreline Master Program updates provide opportunities for improvement at the federal and local government level.

Permitting any in water work is a complex process. We believe it would benefit the state's interest to address these, and other aquaculture issues, comprehensively through a State Aquaculture Coordinator. This will help ensure that applicants get the best results possible, agency staff get the help they need, members of the public and other interested parties get greater accountability, and the natural resources of our state continue to be protected.

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Appendix A: Phase I SIP Team Participants

Tribes

Jamestown S’Klallum: Kelly Toy
Lummi: Alan Chapman
Makah: Gao Yongwen
Nisqually: Margaret Homerding
Northwest Indian Fish Commission: David Fyfe
Point No Point Treaty Council: Randy Hatch
Skokomish: Randy Lumper
Squaxin: Eric Sparkman

Federal

Army Corps of Engineers: Matt Bennett and Pam Sanguinetti
Environmental Protection Agency: Linda Storm
National Marine Fisheries Service: Scott Anderson and Laura Hoberecht
US Fish and Wildlife Service: Ryan McReynolds

Washington State

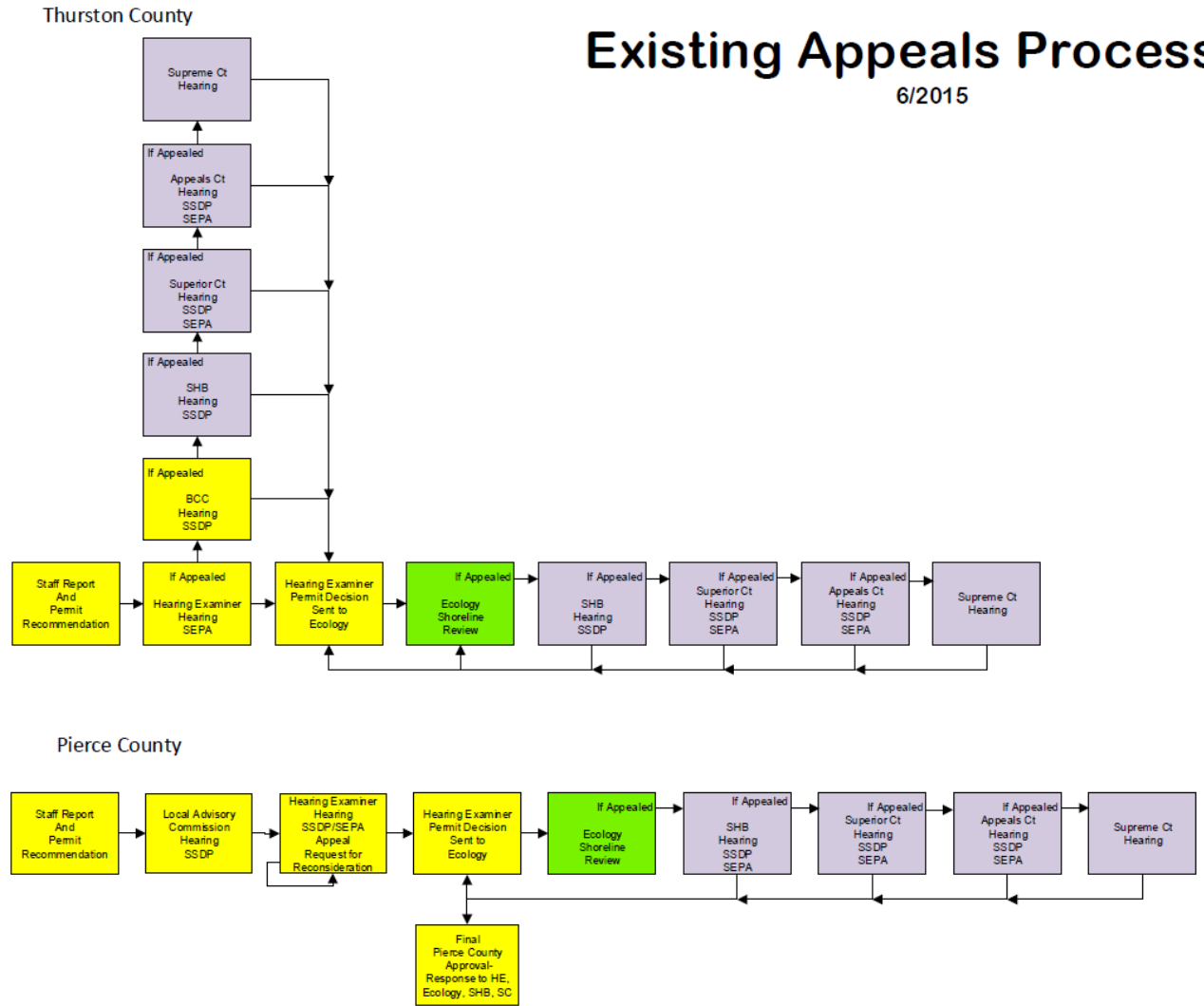
Department of Agriculture: Patrick Capper
Department of Ecology: Alex Callender, Lori Kingsbury, Perry Lund, Rick Mraz and
Loree’ Randall
Department of Fish and Wildlife: Rich Childers, Phillipa Kohn and Alex Bradbury
Department of Health: Cathy Barker
Department of Natural Resources: Blain Reeves and Brad Pruitt
Office for Regulatory Innovation and Assistance: Alan Bogner and Kris Kernan

Local Government

Mason County: Grace Miller
Pierce County: Ty Booth and David Risvold
Thurston County: Cindy Wilson

Appendix B: Supplemental Flow Chart for Local Government Appeals Processes (Thurston and Pierce Counties)

Existing Appeals Processes
6/2015



Appendix C: Supplemental Narrative for Local Government Appeals Processes (Thurston and Pierce Counties)

Continued from 6.h. in the full narrative:

h. **Staff Report and Shoreline Permit Recommendation**

- i. Staff report lists proposal, applicable policies and regulations, and County interpretation; will include Conditional Use Permit (CUP) and/or Shoreline Substantial Development Permit (SSDP) findings
- ii. Recommendation
 1. Approval, Approval with Conditions, or Denial
 2. To what entity the recommendation is made varies by County (i.e. Thurston makes recommendation to Hearing Examiner)

Thurston County:

- i. Recommendation goes to **Hearing Examiner**
- j. Hearing Examiner makes permit decision
 - i. Approved or Denied
 1. If appealed BCC Hearing
 - a. If appealed State Hearing Board Hearing
 - i. If appealed Superior Court Hearing
 1. If appealed Appeals Court Hearing
 - a. If appealed Supreme Court Hearing
 - ii. After HE issues decision, it is sent to Ecology
 - k. Ecology Shoreline Review

Pierce County:

- i. Recommendation goes to **Local to Advisory Commission Hearing** for review then to Hearing Examiner
- j. **Hearing Examiner Hearing for permit decision**
 - i. Approved or Denied
 1. Decision may be appealed
 2. If SEPA appeal was made, it would be heard here too)
 - l. HE issues decision,
 - i. 'request for reconsideration'
 - ii. Final Pierce County Approval: after HE decision, Approval Document: approval conditions for the county based; the county documenting changes that may have been imposed through course of the hearing
 - iii. HE Permit Decision sent to Ecology
- k. Ecology Shoreline Review