

Hood Canal Environmental Council

Spring 2024

Protecting Hood Canal since 1969

PLEASANT HARBOR MASTER PLANNED RESORT

(Barbara Moore-Lewis)

Under the Growth Management Act, a master planned resort (MPR) is a self-contained and fully integrated planned unit development of urban density in a non-urban area, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. **An MPR may include only those residential uses within its boundaries that are integrated into and support the on-site recreational nature of the resort.** RCW [36.70A.360](#).

Building an MPR is expensive. In spite of the legal mandate that MPRs “pay their own way,” MPRs typically try to shift costs to taxpayers. Costs for government services to MPRs are often higher than tax revenues generated by the MPR and only about 1 in 10 MPRs are solvent.

The Pleasant Harbor MPR zoning was approved about 20 years ago. The developer has been unable or unwilling to build to the legal requirements for MPRs. The developer currently seems to be trying to build a partial MPR, which is not legal.

The Brinnon Group, a 501(c)(3) nonprofit organization opposing the Pleasant Harbor MPR, won a court case against the county and the developer that requires all promised recreational amenities be provided for upfront and not over many years.

The company trying to develop an MPR on Black Point goes by several names: Statesman, Pleasant Harbor Marina, Hamlet at Pleasant Harbor. We'll call them Pleasant Harbor in this article.

Pleasant Harbor held several public meetings in 2024, where the developer's staff stated that the development is going forward. However, public documents tell a different story.

December 21, 2023 county planner Christina Haworth wrote to Pleasant Harbor about [information missing from their preliminary plat application](#) (the first application to implement the MPR), and gave them until March 20, 2024, to submit the missing information, including management plans required by the Development Agreement, such as the wildlife management plan.

February 2, 2024 Brinnon Group's attorney Rick Aramburu wrote a long letter to Jefferson County about [problems with the Pleasant Harbor plans](#) and also about their efforts to sell property while incorrectly advertising that the MPR was already built. He asked the Jefferson County Prosecutor to prevent sales or advertisement of sales of MPR property until requirements of the Development Agreement and county platting ordinances are met.

February 5, 2024 the Hood Canal Environmental Council (HCEC) wrote to the Jefferson County Board of County Commissioners to endorse Aramburu's letter.

February 8, 2024 [The Peninsula Environmental News](#) reprinted the HCEC letter with comments about issues with the MPR.

February 26, 2024 Phillip Hunsucker, Chief Civil Deputy Prosecutor wrote a letter outlining [significant problems with efforts](#) and plans to monitor surface water and groundwater. Among other issues, it states that Pleasant Harbor's actions have violated agreements with the county and that Pleasant Harbor has repeatedly failed to provide data results immediately. One report was seven months late. The Jefferson County Health Department also wrote a letter outlining their need for additional staff to analyze and monitor water quality.

April 16, 2024 county planner Christina Haworth replied to the February 2 letter from attorney Aramburu, stating that “Approval of a preliminary subdivision does not authorize or approve any residential construction,” which seems inconsistent with the fact that the preliminary plat application being considered includes 216 residential lots that the GMA would allow only if they are integrated into and support the on-site recreational nature of the resort. The county is asking the developer for more information about project phasing.

The spring [Pleasant Tides newsletter](#) describes unsuccessful efforts by Pleasant Harbor to get water from the *Pleasant Tides Property Owners Association*.

Many residents around Hood Canal are expressing their concerns with the effort by Pleasant Harbor to do an end run around the GMA and good environmental stewardship. The Brinnon Group continues to monitor the situation and could use help with their legal expenses. You can donate at their website: <https://www.brinnongroup.org>



Kitsap Critical Areas Ordinance Update (Bernadette Olson)

The 2024 Kitsap County Critical Areas Ordinance (CAO) update is now in Phase 2 with forecasted implementation in September 2024. The last update was in 2017. The CAO update should be done every 10 years as part of a state mandated Growth Management Act, and it is included in the Kitsap County Comprehensive Plan (KCPL) update. KCPL lays the blueprint for the next 20 years. Climate Change has been added this year.

Since March 2023 working groups have been working on the CAO proposed amendments. The working groups have standing members: Tribes, the Kitsap Builders Association, Futurewise, the Kitsap Alliance of Property Owners, and the Kitsap Environmental Coalition. There are also technical experts from the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, and the Kitsap Health District.

The Kitsap County website provides a matrix of proposed changes and the proposed amendments to the code. This pertains to the critical areas: fish and wildlife conservations areas, wetlands, frequently flooded areas, critical aquifer recharges and geologically hazardous areas. Some of the proposed changes regard provisions for increasing or decreasing standard buffer width, the protection of significant trees, the mapping of critical aquifer recharge areas, and a revised “Emergency” section that addresses situations due to climate change/natural disasters.

The initial public comment period on draft code amendments will run through **April 26, 2024**. Comments received by that date will be reviewed by staff, compiled, and summarized for the Planning Commission.

The full public comment period extends through the date of the Planning Commission public hearing, which is tentatively scheduled for **May 21, 2024**. Written testimony may be provided at any time up until that date to be included in the record. [Critical Areas Ordinance Update 2024 \(kitsap.gov\)](https://www.kitsap.gov/critical-areas-ordinance-update-2024)



Green Crabs Molt Search Program (Donna Simmons)

The WSU Extension and Washington State Sea Grant have announced the start of their 2024 Molt Search Program and are seeking partners to lead public workshops to train volunteers to conduct 20-minute surveys for green crab molts, identify the species, gather data and submit their findings using a mobile app. The first Train-the-Trainers event was held on April 12 in Kingston for those interested in leading public training events. For more information about the molt search program, visit <https://extension.wsu.edu/water/molt-search/>.

Shoreline Bulkheads in Hood Canal (Donna Simmons)

The HCEC recently received a report of an illegally constructed concrete bulkhead on the south shore of Hood Canal which allowed the property owner to add living space to an existing residence. The property owners were fined by the federal Environmental Protection Agency in the amount of \$280,000. In addition to incurring costly financial penalties for property owners, this kind of shoreline armoring poses a serious threat to aquatic life and their habitats.

Vertical concrete bulkheads, rock walls and other types of shoreline armoring impact fish, shellfish and other aquatic resources and diminish habitats by reducing available intertidal areas, altering the natural erosion process and allowing for potentially more damaging land uses. Significant portions of spawning beaches for surf smelt and sand lance in Hood Canal are at risk. Juvenile salmon are threatened when changes in the natural environment force them into deeper water, causing stress and exposing them to predation. Out-migrating fish are exposed to toxic materials and other pollutants and degraded habitat, including shoreline vegetation alteration.

Bulkheads and other types of shoreline armoring are listed in the “Shellfish and Finfish – Resources at Risk in Hood Canal” report which was adopted by the Hood Canal Coordinating Council in 1995, as one of the leading causes of degradation to shorelines and diminished habitats for marine resources. Much of the waterfront property in Hood Canal has already been placed behind bulkheads or retaining walls, particularly along the canal's south and north shores.

The HCEC will continue to raise concerns about the risks of construction of new bulkheads and to oppose those that threaten the shorelines and aquatic resources in Hood Canal.

For more information, contact the Washington State Department of Fish and Wildlife at 360-902-2200.



Derelict Vessel Removal Program

(Michael Beaulieu)

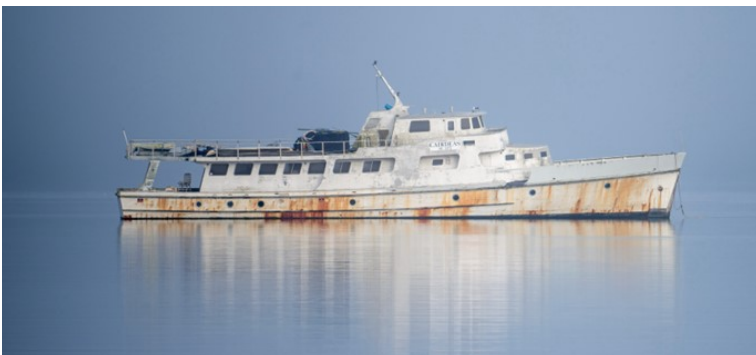
Old boats and ships are expensive and time-consuming to maintain, and if allowed to degrade to the point where they are at risk of sinking, they can cost their owner much more than just the lost value of the boat. Owners are increasingly likely to be held liable for environmental damage, hazard to navigation, and the much higher expense of subsurface vessel removal. Long gone are the days when old vessels could be towed out to deep waters, and “abandoned.” Today one WILL get caught and it could be a life-changing expensive lesson, especially if a release occurs of once common marine construction materials like asbestos or lead, or of fuel or lubricants, contaminating waters and taking decades to remediate.

It is a crime to cause a vessel to become derelict or abandoned in Washington, or to cause a vessel to sink, break up, or block navigation, with a fine of up to \$1,000.00 and 90 days in jail; and the owner may be liable for costs incurred to remove and dispose of their vessel.

Washington’s 2002 Derelict Vessel Removal Program (DVRP), administered by the State Department of Natural Resources (DNR), provides technical expertise and funding through the Derelict Vessel Removal Account to help designated public agencies remove abandoned and/or derelict vessels from state waters. FY23-25 DVRP funding is \$10.3 Million plus \$1.3 Million from the Northwest Straights Commission. DVRP is implemented through a series of state laws and administrative codes that facilitate the identification, tracking, removal, and disposal of abandoned and derelict vessels by authorized public entities from public aquatic lands.

The following public entities may remove derelict or abandoned vessels within their jurisdictions: DNR; Washington Department of Fish and Wildlife; Washington State Parks and Recreation Commission; Metropolitan Park Districts; Port Districts; and Cities, Towns, or Counties with ownership, or jurisdiction over the aquatic lands where the vessel is located.

DNR currently tracks approximately 300 “Vessels of Concern” scored for DVRP funded removal based on vessel size and condition, hazardous substances on board, the security of its anchor or mooring relative to wind & currents, the vessel’s proximity to navigation channels, its potential for harmful encounters with people or property, its location relative to sensitive areas or populations, attractive nuisance potential, the owner’s involvement with the vessel, and actions taken (or not taken) to avoid further vessel deterioration. https://www.dnr.wa.gov/publications/aqr_dv_vessels_vessels_of_concern_20240222.pdf



In FY 21-23 DVRP removed 319 derelict vessels from Washington aquatic lands, including the 110 foot Cairdeas (photo below) which had been on the Vessels of Concern listing for over six years and until recently was tied up illegally off-shore from the Great Peninsula Conservancy’s Misery Point Preserve. If you are concerned about a derelict or abandoned vessel call the DVRP/VTiP Message Line at (360) 902-2628 or Email them at: dvrp@dnr.wa.gov or submit a report at (<https://www.dnr.wa.gov/vessel-reporting>).

Washington also has a Voluntary Vessel Turn-in Program (VTiP) for owners who may lack the resources to properly dispose of their vessel, to allow the state, with consent of the vessel owner, to dispose of vessels that have a high risk of becoming derelict or abandoned. The DNR will accept and review VTiP applications from eligible vessel owners, including private marinas that have legal title to vessels in an advanced state of disrepair, to determine if they meet the criteria as established in the VTiP program. See: (https://www.dnr.wa.gov/publications/aqr_dv_vtip_application_form.pdf?82pui). Accepted vessels are dismantled and disposed of by the DNR using VTiP funds for removals, prioritized based on risk to human safety and the environment. If you do not qualify, or are unable to wait for removal, you could take your vessel to a landfill or dismantle it yourself. If you sell or donate your vessel, be sure you file a *Report of Sale* with the state and retain a copy for your records.

It can be hard to keep track of derelict vessels as owners move them around to evade removal and safety or liability enforcement actions. The DVRP maintains a listing of “Vessels of Concern,” and “Removals Completed” since program inception. These lists are updated quarterly on the website. For up-to-date detailed information email the Derelict Vessel Removal Program at dvrp@dnr.wa.gov, or go on-line to: <https://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/derelict-vessel-inventory-and-funding>.

Harding Creek Aquaculture Permit Update

(Bernadette Olson)

The Letter of Permission supposedly awarded by the Army Corps on 3/23/2022 was a recording mistake. The permit application is still pending awaiting Coastal Zone Management approval by the Department of Ecology after input from the applicant who filed for bankruptcy in January 2024, which leaves everything in limbo over the next few months.

It is good news for Harding Creek for now. HCEC and Great Peninsula Conservancy (GPC) opposed this permit on the grounds that 15 acres of geoduck, clams and oysters in a land-locked pristine estuary is not environmentally or commercially sound. GPC is protecting the conservation easement Bill and Judy Matchett donated in 2006 to keep the Harding Creek area in its natural state and protect it from neighboring aquaculture.

For more information, you may contact Bernadette Olson at 360-710-4165.

Jefferson County Shoreline Master Program

(Jan Wold)

The Jefferson County Shoreline Master Program (SMP) determines the policies and regulations that guide use of the county shorelines. A required periodic review of the SMP by the Board of County Commissioners (BOCC) is now underway, with any changes subject to approval by Washington Department of Ecology. The main issues that remain undecided are county permit requirements for commercial shellfish farming. Almost every commercial shellfish farm in Jefferson County was deemed “grandfathered” or “legal non-conforming” for operation without needing county review or a permit because farms operating prior to 2014 did not need a county permit.

State regulations require new geoduck farms to go through a county permitting process with a public hearing before a Hearing Examiner, who then determines whether to approve the permit. Many local citizens and HCEC support requiring the same process for conversions of clam or oyster farms to geoduck farms and for geoduck farm expansions, consistent with requirements in neighboring Kitsap and Clallam Counties. The shellfish industry opposes this public hearing and hearing examiner requirement for geoduck conversions and expansions.

HCEC also supports maintaining either the present permitting requirements or something similar for any change of shellfish farming techniques. This will ensure that changes such as replacing harvesting by hand with the use of tulip bulb digging machines that harvest across acres of tideland are adequately reviewed for impacts, such as environmental consequences and loss of jobs. There is no date set yet for a final public hearing before the BOCC as they consider or approve the next SMP draft. The record is still open for you to provide input to the BOCC on the SMP at jeffbocc@co.jefferson.wa.us. See the latest SMP information at the link below by scrolling down to the most recent date: <https://www.co.jefferson.wa.us/1481/Shoreline-Master-Program-Periodic-Review>.



Commercial Shellfish Farming In Hood Canal

(Jan Wold)

In 2017 the Army Corps of Engineers (Corps) documented that 19% of all Hood Canal tidelands were under permit for commercial shellfish farms, that 41% of these farms were co-located with eelgrass and that 54% were co-located with forage fish spawning areas. The Corps determined these shellfish farms were likely to adversely affect designated critical habitat for threatened Puget Sound Chinook salmon and threatened Puget Sound steelhead. Many more farms have been approved since 2017. These Chinook and steelhead numbers have now dropped to critical levels.

The U.S. District Court invalidated all of the Corps’ 2017 Nationwide permits for commercial shellfish operations in Washington state due to the Corps’ failure to properly analyze cumulative effects and to comply with the Clean Water Act and the National Environmental Policy Act. After limited analysis and no public input, most farms were permitted to operate under a Corps Letter of Permission (LOP), now also under litigation. A smaller number of farms received Individual or Standard permits that included an option for public input.

One geoduck farm southwest of the Hood Canal Bridge received a new Corps permit to farm directly in patchy native eelgrass. This farm was replanted in 2023, with about 43,000 white PVC tubes (4” by 10”) pushed into the substrate per acre, or one each foot (see photo). Jefferson County is processing a shellfish permit for a new 5.15-acre geoduck farm (220,000 PVC tubes total) in the same area with a public hearing date yet to be announced. This farm shares an east border with State Beach 59 and a west border with Jefferson County’s Hicks Park. The PVC tubes would begin about 30 feet from the Hick’s Park public boat launch ramp, creating navigation, safety and visual impacts. See earlier newsletters for more information.

Some clam and oyster farm operators are requesting a change from hand harvesting to use of a commercial tulip bulb digging machine on the tidelands, leading to greater environmental impacts and the loss of several local jobs.



Geoduck farm newly planted during May and June, 2023, near Shine Road, Hood Canal

About HCEC

(Phil Best)

Hood Canal Environmental Council is a 501(c)(4) nonprofit corporation. Board members include: Phil Best (President), Bernadette Olson (Vice President), Michael Beaulieu (Secretary), Don Seavy (Treasurer), Donna Simmons (Past President) Jan Wold, Barbara Moore-Lewis, Terry Reeve, Karen Best, Bruce Morse, Paul McCollum.

Please check our website at

<http://www.hoodcanalenvironmentalcouncil.org/> where you will find more about who we are, what we do, our publications (newsletters online), links to other entities that affect Hood Canal, future presentations, and how to contribute to and become a member of HCEC.

We welcome information and opinions about Hood Canal, and participation by others at our board meetings, held usually on Zoom on the 4th Wednesday of each month at 3:30 pm. Please join by emailing HCEC through our website.

Sunflower Sea Star Recovery Program

(Donna M. Simmons)

There have been rapid declines in populations of Sunflower Sea Stars in Puget Sound, including Hood Canal, for many years. The reason for the decline is primarily due to Sea Star Wasting Syndrome, a lethal pathogen which killed 90% of this once thriving starfish species between 2013 and 2017. To address the need for action to recover populations, the National Oceanic and Atmospheric Administration (NOAA) proposed to list Sunflower Sea Stars as “threatened” under the Endangered Species Act. (see summer 2023 HCEC newsletter pg. 4). To our knowledge, NOAA has yet to make the decision about the listing.

However, recovery efforts are giving scientists and others new hope that sea stars will not become extinct, as feared. A University of Washington (UW) laboratory located in Friday Harbor on San Juan Island run by Megan Dethier is working to cultivate new generations of sea stars. The laboratory, run by Biologist Jason Hodin, is a captive breeding program. The goal of the program is to raise sea stars which are more resistant to wasting disease. This is considered to be a ground breaking program. No other scientist has ever tried to breed wild-caught sea stars.

Sunflower Sea Stars serve as a keystone species for West Coast ecosystems since they play a critical role in surrounding marine habitats. For example, the loss of this species would result in a rapid rise of sea urchin populations which, in turn, can lead to drastic damages to kelp forests.

HCEC intends to follow the progress of the UW program in hopes that it will successfully restore populations of sea stars to Hood Canal and other marine systems throughout Puget Sound. For more information, call the West Coast NOAA Fisheries office in Lacey at (360) 871-8300.

Wildlife Corridor from Liberty Bay to Hood Canal

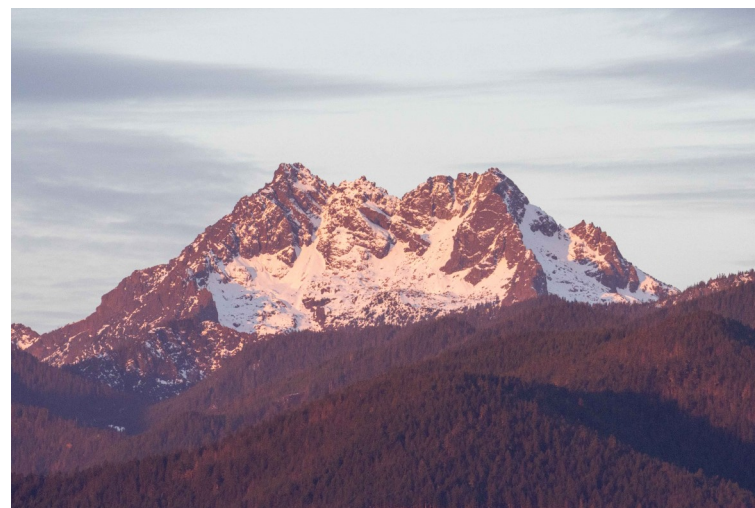
(Jan Wold)

Wildlife corridors and crossing bridges over highways are recognized as being effective at reducing collisions between wildlife and vehicles, preserving wildlife travel corridors, reducing fragmentation of habitats in human altered landscapes and reducing injuries to people. Statistics show vehicles claim around a million terrestrial animals per day in the US. The Snoqualmie Pass wildlife bridge across I-90 and the Los Angeles wildlife crossing bridge being constructed over Highway 101 at a cost of \$85,000,000 to enable wildlife to move between two wilderness areas.

An existing Poulsbo area wildlife corridor extends from Liberty Bay on the east, through the Johnson Creek drainage basin, then on to include the heavily timbered 40-acre Viewside Water System property surrounding the Middle Fork of Johnson Creek, which supports a bald eagle’s nest. It continues with crossings below and above four-lane Highway 3, through culverts for each of the three forks of Johnson Creek, a salmon stream and an overpass at Sherman Hill Road. It then continues through 205 acres of undeveloped Kitsap Parks parcels, through private parcels that are generally five acres or larger with mixed habitat, through the vast habitat on the north end of Naval Base Kitsap at Bangor and ending on the west on the shore of north Hood Canal. The tidelands and shores of Liberty Bay, Hood Canal and Puget Sound all serve as important connecting wildlife corridors. The next similar wildlife corridor between eastern Puget Sound and Hood Canal is about 20 miles south near Belfair. Between these two corridors much of Highway 3 is a barrier for wildlife. It is very important to maintain the function of these few existing wildlife corridors.



Wildlife corridor between Liberty Bay and Hood Canal

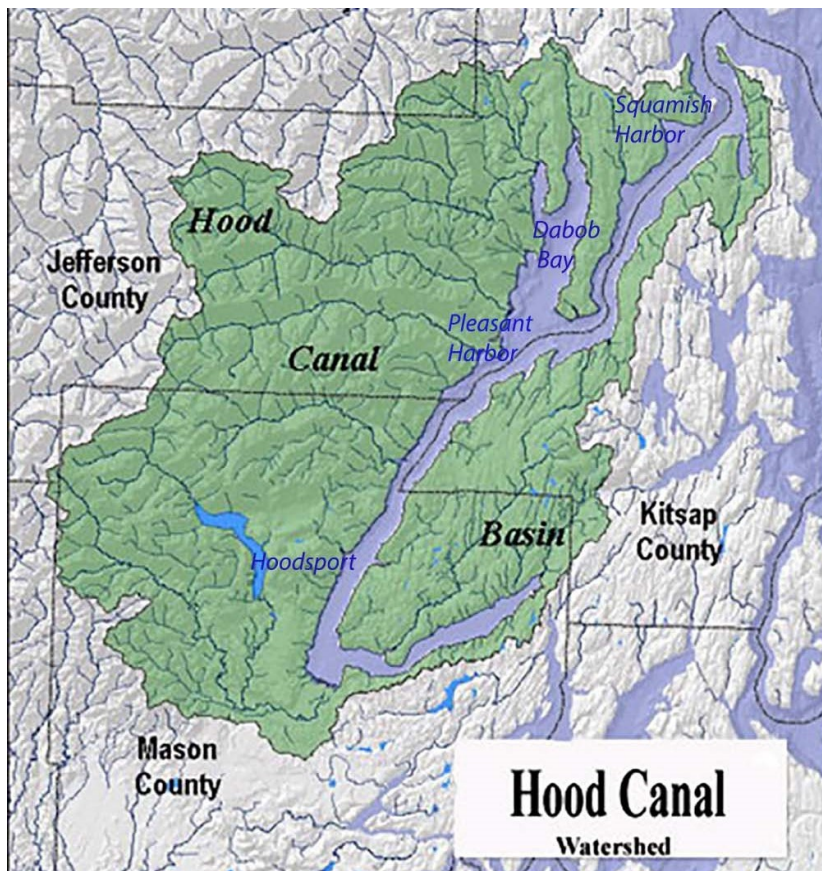


Hood Canal Environmental Council

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HOOD CANAL ENVIRONMENTAL COUNCIL YEARLY MEMBERSHIP REGISTRATION

Individual \$10 _____

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Contributions in any amount are welcome

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