

Port of Poulsbo Breakwater Replacement, Marina Expansion, and FLUPSY

Shoreline Conditional Use Permit (SCUP)

Shoreline Substantial Development Permit (SSDP)

Type III Permit | Review Authority: Hearing Examiner
Decision Transmitted to Department of Ecology for Final Decision

Hearing Examiner Public Hearing

April 22, 2021



Port of Poulsbo
Breakwater
Replacement,
Marina
Expansion, and
FLUPSY Outline

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Introduction

Agent: John Piccone, P.E. Soundwest Engineering Association

Property Owner: Port of Poulsbo

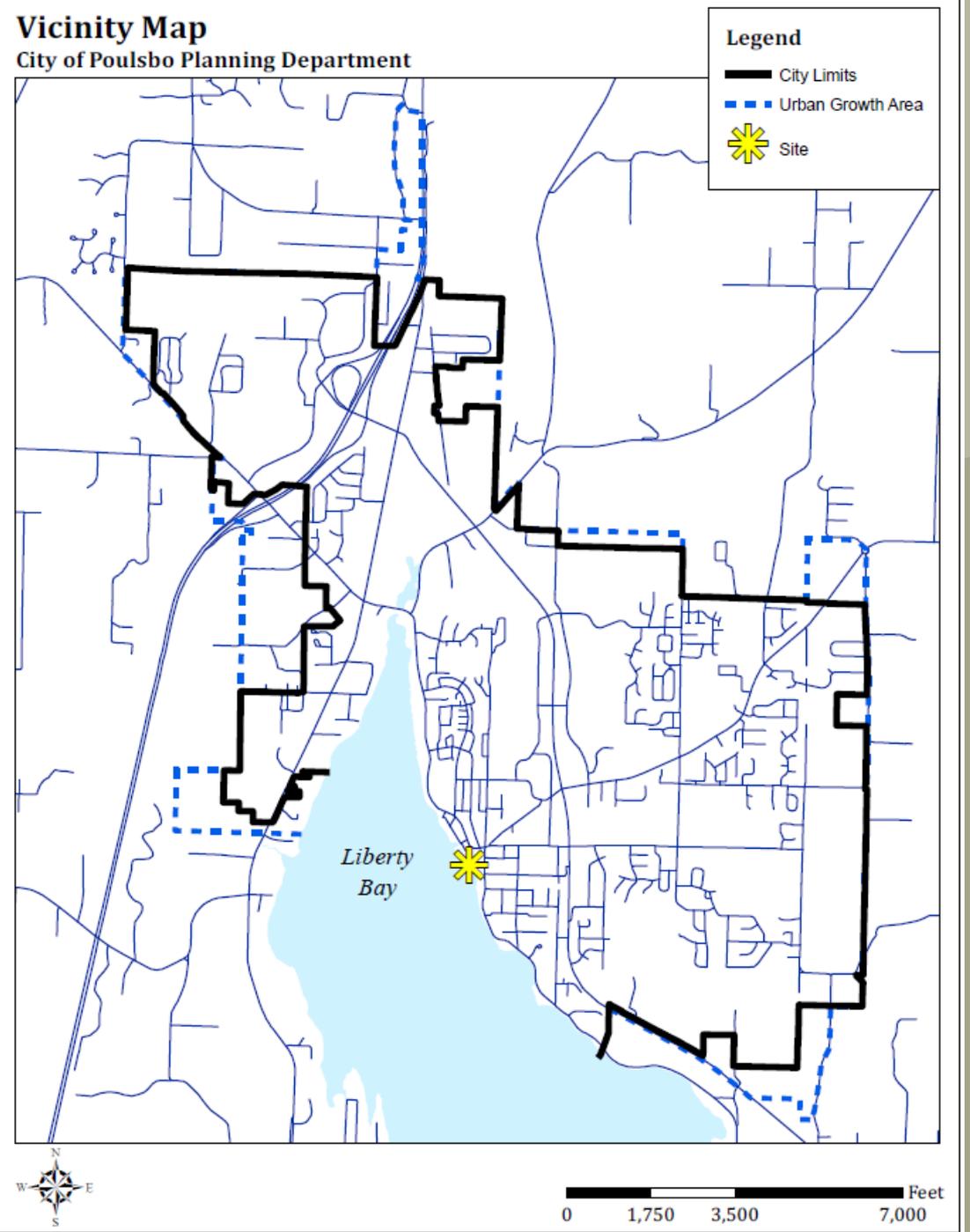
Description:

- Breakwater
 - Removal of 898 creosote-treated timber pile and 33 steel pile from the site
 - Removal of creosote contaminated sediment & concrete debris
 - Add 72 new 20" steel pipe pile and reconditioned floating concrete pontoon
- Marina Expansion
 - New 236' long access float to breakwater from AA-Dock
 - 11 new 50' long grated finger floats
 - 11 new 30' long grated finger floats
- FLUPSY (Floating Upweller System)

Introduction to Proposal
Permit Discussion
Breakwater Replacement
Marina Expansion
FLUPSY
SEPA Mitigation
Procedures for Review
Staff Findings & Conditions of Approval

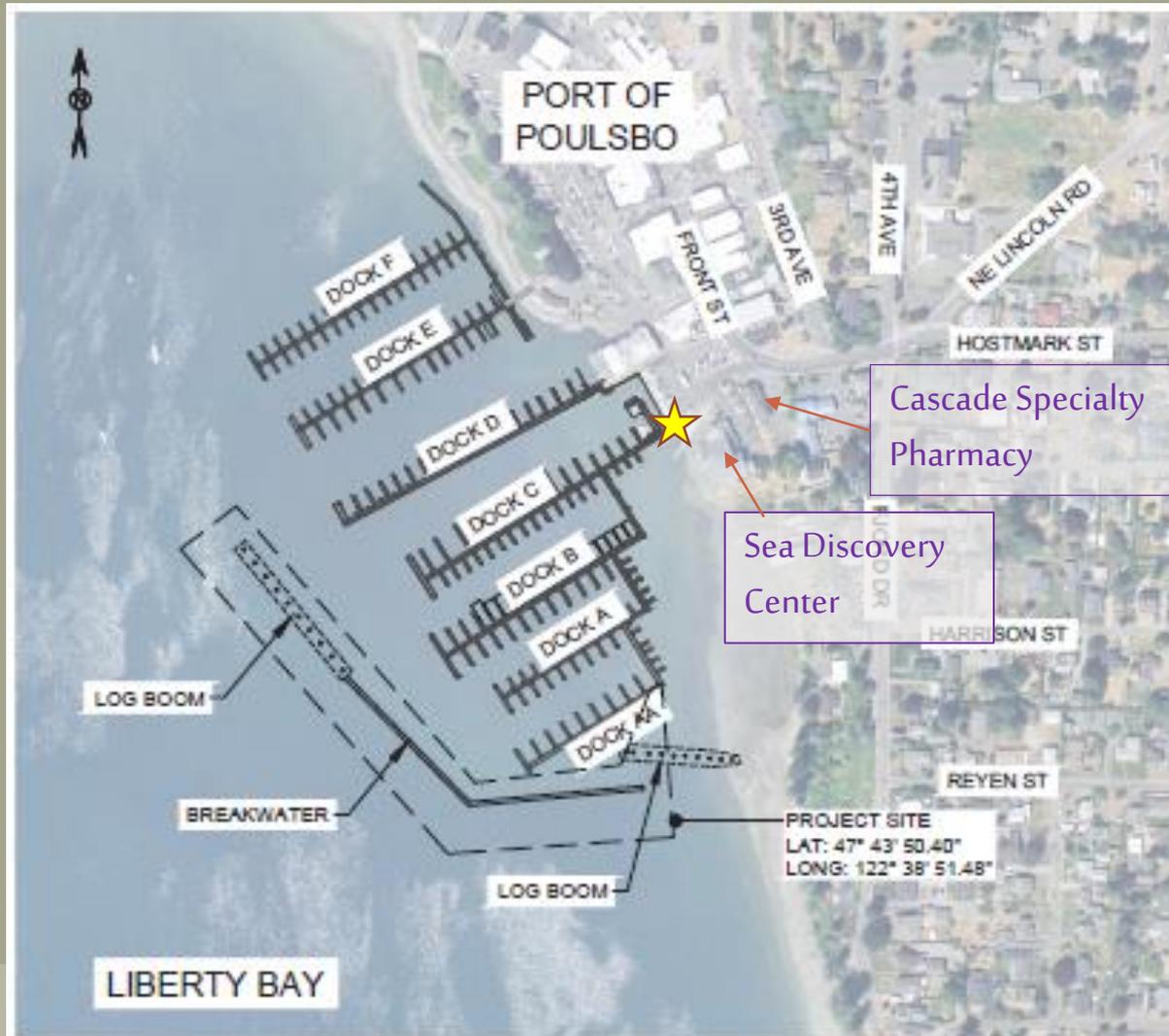
Port Proposal

The site is on Liberty Bay, accessed via Little Anderson Parking lot from Front Street.

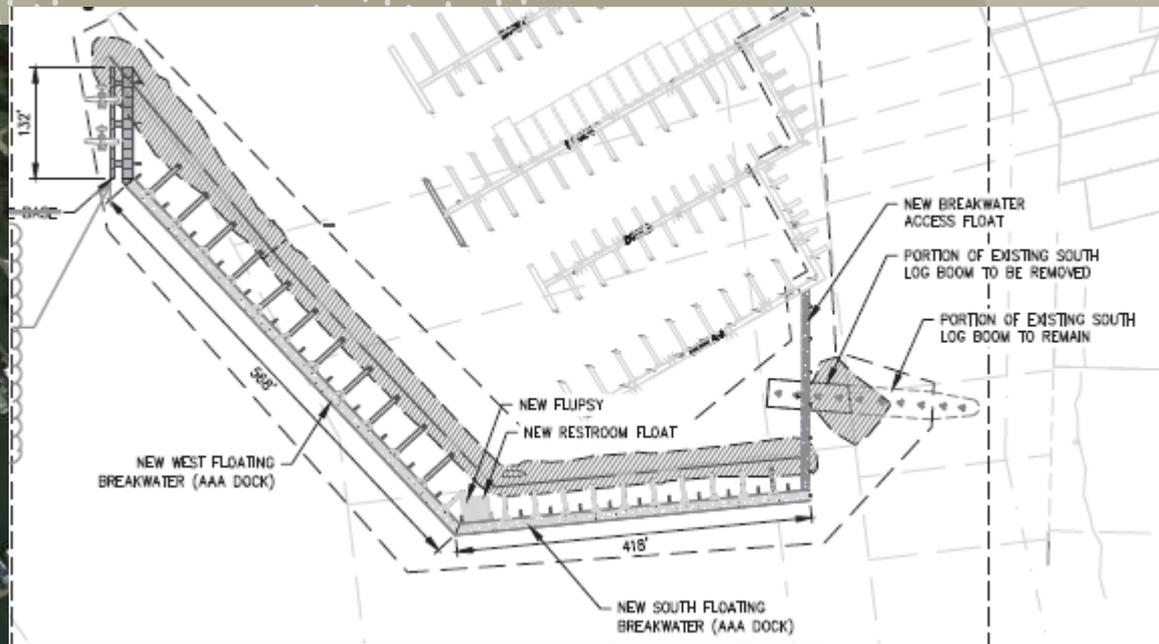


Port Proposal

Site includes Port of Poulsbo property and Department of Natural Resources leased areas.



Port Proposal



Permit Discussion (Staff Report page 7)

- ❖ Breakwater Replacement associated with a port facility requires a Shoreline Conditional Use Permit (SCUP) per PMC 16.08.430.
- ❖ An “unclassified” use, such as the Floating Upweller System (FLUPSY) requires a Shoreline Conditional Use Permit (SCUP) per PMC 16.80.180.B.
- ❖ The marina expansion requires a Shoreline Substantial Development Permit (SSDP) because this portion of the proposal is associated with a port facility, is located in the High Intensity Shoreline Environment Designation, and is associated with a previously permitted development in the aquatic environment per PMC 16.08.180

Introduction to Proposal
Permit Discussion
Breakwater Replacement
Marina Expansion
FLUPSY
SEPA Mitigation
Procedures for Review
Staff Findings & Conditions of Approval

Flood Plain Development Permit

- ❖ Submitted with the SCUP and SSDP
- ❖ Permit E-08-04-20-01
- ❖ Review by Engineering & Building Department
- ❖ Issue with CORPS permit

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Review Criteria

- ❖ Shoreline Master Program
- ❖ Shoreline Administration and Procedures
- ❖ Critical Areas Ordinance
- ❖ Environmental Policy Guidelines
- ❖ Project Permit Procedures (Title 19)

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Breakwater, Marina Expansion, FLUPSY

- ❖ General SMP Review (Staff Report Page 7-25)
- ❖ Breakwater (Staff Report Page 18, 25-26, 28)
- ❖ Marina Expansion (Staff Report Page 19-23, 29)
- ❖ FLUPSY (Staff Report Page 18-19, 28)

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

General SMP Review PMC 16.08.120

- ❖ Ensure no net loss of shoreline ecological functions and minimizes adverse impacts to natural shoreline resources and wildlife habitat, including fish and aquatic habitat.

No net loss of shoreline ecological function is provided by this proposal with the mitigation actions of removal of the creosote-timber piles and log booms, removal of creosote affected sedimentation, removal of concrete debris, removal of a sunken vessel, and the reestablishment of tidal flushing.

The Anchor QEA peer review response states that, “the large quantity of debris and pile removal would adequately compensate for the environmental impacts of the project and result in no net ecological loss of aquatic habitat function in Liberty Bay. Note that other state and federal agencies may provide different conclusions based on their guiding regulations.”

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

General SMP Review PMC 16.08.120

- ❖ All shoreline development and uses impacting ecological functions shall be mitigated according to the mitigation sequence established in WAC 173-26-201(2)(e). Mitigation sequence, 1) avoid, 2) minimize, 3) mitigate.

Mitigation Plan: Section 4 provides the general best management practices to minimize the risk of impacts to the aquatic environment throughout breakwater construction and demolition.

Restoration: Removal of creosote-treated timber pile and log booms that will improve water quality with the re-establishment of tidal flushing and the removal of toxic creosote.

Compensation: Removal of creosote-treated pile and log booms and removal of the sedimentation and creosote-treated debris at the base of the north and south log boom, removal of a sunken vessel and concrete debris near the existing breakwater.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

General SMP Review PMC 16.08.120

- ❖ Shoreline development approved with priority of **water-dependent**, water-related, water-enjoyment, non-water oriented.
- ❖ Critical areas within shoreline jurisdiction shall be protected according to the CAO.
- ❖ Regulations vs. best management practices
- ❖ Disruption of natural shoreline resources, shall be the minimum necessary to accommodate the approved use or activity.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Mitigation & Sequencing Reqrmts PMC 16.08.140

- ❖ Development and activities are required to mitigate impacts to shoreline habitat and other environmental impacts, to meet the standard of “no net loss” of shoreline ecological functions as directed in WAC 173-26-186(8).
- ❖ Avoid, minimize, and mitigate for adverse impacts
- ❖ If unavoidable impacts will result from the proposal a habitat mitigation plan shall be prepared.
- ❖ Demonstrate that the mitigation sequencing standards have been met. Provide studies by qualified professionals, or submitted materials may be subject to peer-review by qualified professional.

“No net loss” achieved (Staff Report pg. 12)

Habitat mitigation plan incorporated into BE.

The Mitigation Plan has Mitigation Sequencing: Section 4

Short-term impacts from demolition and construction will be minimized through avoidance, minimization measures, and BMPs.

Introduction to Proposal
Permit Discussion
Breakwater Replacement
Marina Expansion
FLUPSY
SEPA Mitigation
Procedures for Review
Staff Findings & Conditions of Approval

In-Water Const. : PMC 16.08.150 (Staff Report pg. 13)

- ❖ Designed to avoid future shoreline stabilization and non-maintenance dredging.
- ❖ Material from removal of existing structures shall not enter/remain in water.
- ❖ Waste material and unauthorized fill shall be removed.
- ❖ No toxic or deleterious materials
- ❖ In water work shall minimize turbidity and causes little or no siltation to adjacent areas
- ❖ Trenches shall be backfilled
- ❖ Fresh concrete shall not be allowed to enter water
- ❖ Alteration of the bank/bank vegetation shall be limited
- ❖ If water quality problems develop, immediate notification to Ecology & City.
- ❖ Materials used for in-water construction shall comply with regulation of responsible agencies.

Water Quality PMC 16.08.160 (Staff Report pg. 16)

- ❖ Location, design and management of shoreline development and activities shall not degrade the quality or quantity of surface and groundwater on or adjacent to the site. All federal and state water quality and effluent standards shall be met.
- ❖ Submittal requirements.
- ❖ Standards
 - ❖ City's adopted stormwater management manual
 - ❖ Apply BMPs consistent with City's adopted stormwater management manual
 - ❖ Restricted materials may not come into contact with the water
 - ❖ Application of pesticides, herbicides or fertilizers shall comply with these standards.

Reliance on federal and state water quality and effluent standards through their permitting review will be necessary to ensure that this criterion is met.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

FLUPSY: Shoreline Use Table PMC 16.08.180

- ❖ A FLUPSY is used to grow out shellfish in open water while protecting them from predation in order to culture them from a hatchery size to a field nursery or growout size during the first season of growth. Provide increased water flow for the shellfish and promote accelerated growth.
- ❖ The SMP Comprehensive Plan Policy NE-8.23 states that some form of aquaculture in support of future restoration or enhancement efforts may be appropriate and may be considered by the City on a case-by-case basis through a Shoreline Conditional Use permit.
- ❖ The SMP Guidelines from Ecology recognize aquaculture as an activity of statewide interest and a preferred use and when properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline.

Figure 7 FLUPSY Image

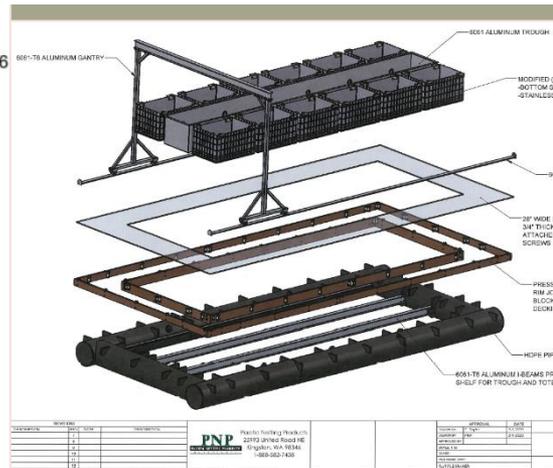


SMP Handbook

Chapter 16



Figure 16-2: This floating upweller system (FLUPSY) is used to raise oyster seed. (Keri Weaver, City of Poulsbo, photo.)



Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

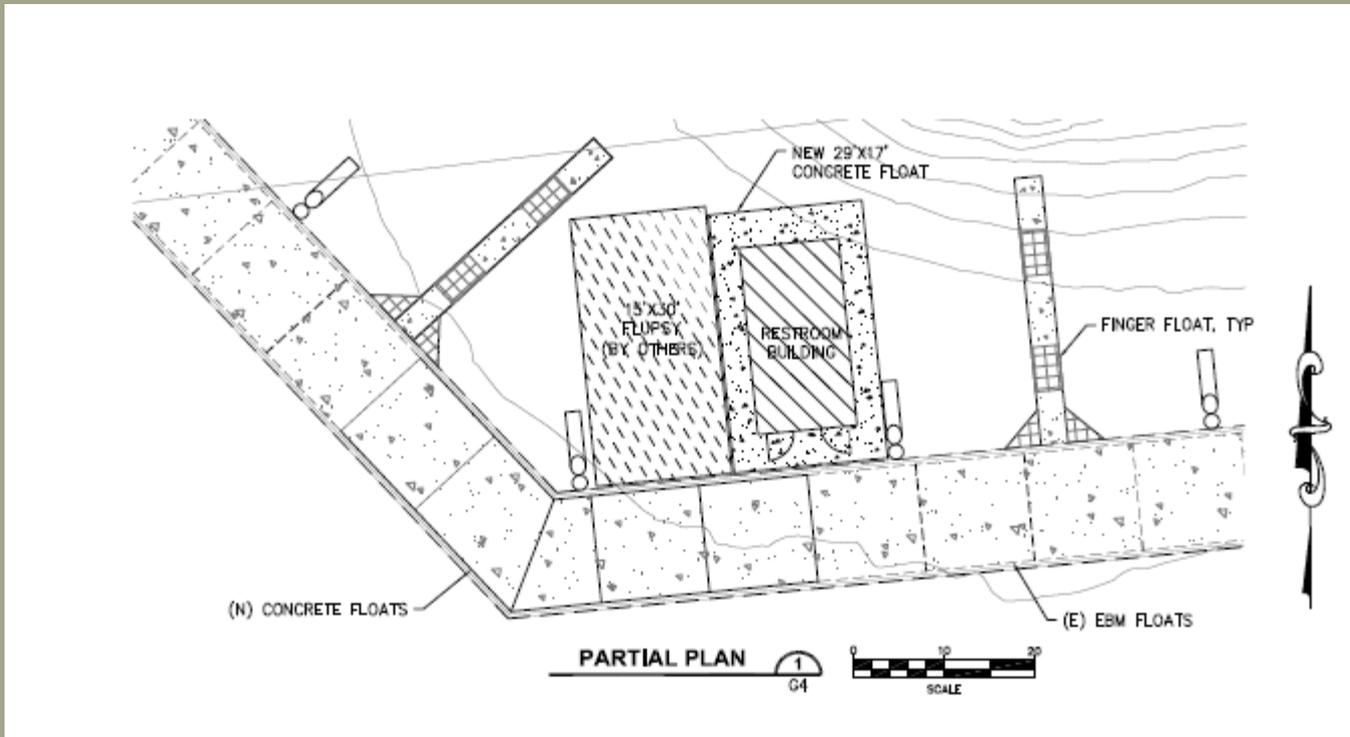
SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

FLUPSY: Shoreline Use Table PMC 16.08.180

- ❖ As an “unclassified” use this use can be processed as a SCUP.



Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Marinas: Shoreline Development PMC 16.08.270

- ❖ See Staff Report page 20
- ❖ Shall not interfere with the public use and enjoyment of the water or create a hazard to navigation.
- ❖ Meet Section 16.08.140 Mitigation Sequencing
- ❖ Sufficient water depth to accommodate the proposed development
- ❖ Design shall meet all state and federal regulations for habitat and fish protection
- ❖ Shall avoid locations within critical saltwater habitat areas
- ❖ Water-enjoyment and non-water oriented uses shall not be located in the aquatic environment
- ❖ Parking location
- ❖ Consistent with Port of Poulsbo Comprehensive Plan

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Marinas: Shoreline Development PMC 16.08.270

- ❖ See Staff Report page 21
- ❖ Boat Slips determined on following factors:
 - ❖ Suitability of the environmental conditions
 - ❖ Demonstration of the proposal's compatibility with surrounding land and aquatic conditions and uses, environment designations, and zoning, including impacts to existing public viewsheds and view corridors, parking, and adjacent properties and neighborhoods.
 - ❖ Demand analysis to demonstrate need for the requested number of slips or moorages to serve the residents of the city and the port district for recreational and commercial purposes.
- ❖ No conversion from public recreational use to other uses.
- ❖ Pedestrian access to the shoreline shall be provided.

Introduction to Proposal
Permit Discussion
Breakwater Replacement
Marina Expansion
FLUPSY
SEPA Mitigation
Procedures for Review
Staff Findings & Conditions of Approval



Breakwater: Shoreline Modifications PMC 16.08.430

- ❖ Staff Report pg. 25
- ❖ Structure essential to safety
- ❖ Location, size, design, shall not result in undesirable or adverse impacts to the shoreline and aquatic environment, navigation, or nearby waterfront properties

Blue Coast Engineering: The wave climate and safe operation of the marina was evaluated. The conclusion a breakwater design is essential to the safe operation of the marina facility because an adequate wave climate is not met without a breakwater. The proposed floating breakwater provides “moderate” conditions in the marina.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Breakwater: Shoreline Modifications PMC 16.08.430

- ❖ Designed and constructed under the supervision of a civil engineer or other qualified engineering professional. The engineer shall demonstrate that the structure is the smallest feasible structure to meet the requirements of this chapter and accomplish its purpose, and that the design will result in the minimum feasible adverse impacts upon the environment, nearby waterfront properties, and navigation
- ❖ Breakwaters may only use floating or open-pile designs

In a memorandum prepared by Anchor QEA Engineering, recommendations for final design were included regarding safety elements (Exhibit W). The Applicant's Technical Memo: "Engineering Peer Review Response", provided as Exhibit O, addressed Anchor QEA recommendations. The City Engineering Staff has determined Exhibit O has satisfactorily addressed the safety concerns of the City of Poulsbo Engineering and Building Department.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Findings

As mitigated and conditioned, the proposal has been found to be consistent with the provisions of the Shoreline Master Program, the City of Poulsbo Comprehensive Plan, and SEPA mitigations.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

SEPA-Mitigations

- ❖ MDNS issued March 23, 2021 (see Exhibit U)
 - ❖ Comment Period from March 23rd to April 6th
 - ❖ SEPA Cover Memo from Planning (Exhibit T)
- ❖ Mitigations included Best Management Practices
 - ❖ Biological Evaluation: Section 7
 - ❖ Mitigation Plan Section: 4.2.1 and 4.2.2

Introduction to Proposal
Permit Discussion
Breakwater Replacement
Marina Expansion
FLUPSY
SEPA Mitigation
Procedures for Review
Staff Findings & Conditions of Approval

Procedures for Review

Review Step	Date
Neighborhood Meeting (Regularly scheduled Poulsbo Port District-Port Commission meeting)	March 5, 2020
Application Submittal	September 1, 2020
Technically Incomplete Revisions Requested	September 28, 2020
Resubmittal #1	November 10, 2020
Technically Complete Revisions Requested On HOLD	November 30, 2020
Notice of Application (30 day Shoreline public comment)	December 8, 2020
NOA Comment Period Over	January 7, 2021
Request for Revisions Peer Review/WDFW/Tribe comments-Hold	January 11, 2021
Resubmittal #2	February 16, 2021
Request for Revisions-ON HOLD	March 4, 2021
Resubmittal #3	March 17, 2021
SEPA Comment Period	March 23, 2021
SEPA Comment Period over (no comments received)	April 6, 2021
Staff Report available	April 6, 2021
NOD	
Send file to Ecology for approval	

to Proposal
ssion
Breakwater Replacement
Marina Expansion
FLUPSY
SEPA Mitigation
Procedures for Review
Staff Findings & Conditions of Approval

Staff Findings & Conclusions

This proposal is consistent with the City of Poulsbo Comprehensive Plan and Shoreline Master Program

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval

Recommended Motion

Planning Commission recommends approval to the Hearing Examiner the Port of Poulsbo Breakwater Replacement, Marina Expansion, and FLUPSY subject to the SEPA Mitigations and Conditions of Approval contained in the Staff Report under Planning File P-08-04-20-01 and P-08-04-20-02.

Introduction to Proposal

Permit Discussion

Breakwater Replacement

Marina Expansion

FLUPSY

SEPA Mitigation

Procedures for Review

Staff Findings & Conditions of Approval