Joanna Sanders

From: Eron Berg
Sent: Wednesday, January 25, 2023 12:24 PM
To: Joanna Sanders
Subject: FW: Short farm purchase

From: mkippen@olympus.net <mkippen@olympus.net>
Sent: Wednesday, January 25, 2023 12:12 PM
To: Eron Berg <Eron@portofpt.com>
Subject: Short farm purchase

As a local taxpayer, I am adamantly opposed to the Port purchasing the Short farm. I would want to see a business plan that shows making enough money to cover the debt to be incurred before I could get on board with that purchase.

From reading your recent newsletter, I commend you on your recent progress in erasing debt. Please don't mess that up by committing to millions of dollars with little hope of income.

Mary

Joanna Sanders

From: Eron Berg
Sent: Wednesday, January 25, 2023 12:06 PM
To: Joanna Sanders
Cc: Pam Petranek; Carol Hasse; Pete Hanke
Subject: FW: Comment on Short Farm for January 25 Commissioner Meeting
Attachments: Sent Memo (r) on Land Use for the Short Farm Proposed Purchase Jan. 25 2023.pdf

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From: Tom Ehrlichman <tom@dykesehrlichman.com>
Sent: Wednesday, January 25, 2023 12:00 PM
To: Eron Berg <Eron@portofpt.com>
Subject: Comment on Short Farm for January 25 Commissioner Meeting

Dear Eron,

Would you kindly forward the attached memo to the Commissioners for their review prior to their meeting this evening, if possible? This is intended as a public comment for this evening's discussion of the Short Farm purchase.

I look forward to working with you and your staff as this discussion proceeds and hope these recommendations are helpful in clarifying the key issues related to timing.

Many thanks.

Tom

Tom Ehrlichman
(425) 268-5553

Mailing Address:
PO Box 490
Chimacum, WA 98325

MEMORANDUM

TO: Port Commissioners Petranek, Hasse and Hanke
Eron Berg, Executive Director
Port of Port Townsend, WA

FROM: Tom Ehrlichman

DATE: January 24, 2023

SUBJECT: *Public Comment on Proposed Purchase of the Short Farm*

The purpose of this memorandum is to provide the Commissioners with land use information that perhaps is not easily understood by a first-stage review of the documents on the Port's website.[1] The information assembled here seems key to determining whether to purchase the Short farm and whether to seek funding this legislative cycle or to wait until next year.

Specific recommendations for more study and investigation appear in the last section of this Memorandum, including a suggestion on how to extend the life of the purchase offer period to allow further investigation of the site possibilities. These recommendations are supported by the data and maps in the appendices. As a downstream resident on a small parcel in the same valley as the Short farm, I appreciate your consideration.

A. The Case for Delaying the Short Farm Purchase to Ensure Farm Needs are Met.

Port staff have suggested the Port might be the agency best suited to take on two projects contemplated for the Short farm in support of agriculture: (1) the more complex design and permitting of a USDA meat processing facility (adjacent to state shorelines and floodplain); and (2) extensive flood control within the Chimacum Creek west corridor in a manner that presumably protects anadromous salmon runs. Those two objectives were announced at the recent Grange Meeting on January 17, 2023, and the public understandably responded with those objectives in mind. These two suggestions raise the obvious question of whether they are achievable in the short term or whether other alternative sites exist for the same end.

In addition to these two suggestions, there is a third that we have not yet seen in the documents or staff analysis and presentations. There appears to be the potential for cleanup activities to remove existing toxic releases to groundwater from an adjacent site; not enough is known at this time to determine whether groundwater contamination occurred but the evidence is strong enough to warrant groundwater investigation prior to closing on a purchase.

Based on the following research, I conclude that the Commissioners may want to seek more detailed analysis of the issues related to these two projects and the contamination issue, prior to purchase and setting a firm price. One recommendation would be to "buy time" from the Short Family, as necessary to complete additional study, i.e., through a purchase right/option.

[1] The Short farm documents currently are found on the Port's webpages only if one knows to search for the "Engineering Projects" webpage, which in turn is found only under the "Bids and Projects" banner.

B. FEMA Floodplain and Endangered Species Act Listing.

In order to realize the vision of a new agricultural enterprise in the Chimacum Valley, as described by the Commissioners, Port staff and public testimony at the Grange Meeting on January 17, 2023, a substantial investment of public money and staff/attorney time may be needed to confront the perennial flooding challenges and overlay of regulations.

The vision is based on the premise of "Prime" agricultural soils that exist only "if drained." Therefore, one key question is whether federal, state and local regulations would even allow alterations of the floodplain and shoreline to the extent needed for productive Ag soils. The other key question is whether those regulations make siting a processing plant prohibitively expensive and time-consuming, compared to readily available alternative sites.

Key factors to consider include the following.

- A large portion of the Short farm is constrained not only by a conservation easement but also by the adopted Flood Insurance Rate Maps issued by FEMA, which designate most of the property as floodplain. See Appendix A.
- As discussed below, those flood designations translate into state and local shoreline management designations and their corresponding regulations *which significantly limit development within 200 feet of the floodplain*.
- The existing floodplain is identified as important habitat for salmon, and as a candidate for wetland flood storage and habitat:
    - Chimacum Creek supports both coho and summer-run chum salmon. The creek was designated by the federal government as "Critical Habitat" for Hood Canal Summer-Run Chum in 2005. See Appendix B.
    - The existing floodplain is identified as prime habitat for coho salmon rearing in the Geomorphic Assessment (2016) provided by the North Olympic Salmon Coalition.
- In light of that listing and critical habitat designation, any federal funding the Port might use on the property could trigger "Section 7" requirements for a biological opinion from NMFS, the National Marine Fisheries Service.
- Environmental cleanup considerations discussed below also come into play to further complicate the regulatory review that will be involved in floodplain alteration.

C. Shoreline Designation.

- That ESA listing translates through the Shoreline Management Act and Growth Management Act into regulations at the County level for the protection of Chimacum Creek and its floodplain as a Fish and Wildlife Habitat Conservation Area.
See Appendix C.

- As shown in Appendix C, the County's adopted shoreline management program maps designate the Short farm property in large part as "Conservancy" shoreline of statewide significance.
- Development is prohibited within 200 feet without a substantial development permit under Jefferson County shoreline regulations and state law. No clear maps have yet been produced for your consideration to identify the extent of that shoreline jurisdictional area.
- The County shoreline code exemptions for agriculture do not allow feedlots or processing facilities within that 200-foot shoreline zone. Policies prohibit the rebuilding of existing farm structures nearer to the designated shoreline than the previous structure.
- It appears that Structures 2,4,5,6, and 9 shown on the Port's website map of buildable areas would be subject to a shoreline permit and replacement buildings could not be located further west from existing buildings.

D. Uncertainty Over Potential Groundwater Contamination.

According to records at the Department of Ecology, the land directly to the east of the proposed purchase is listed as a "Priority 1" cleanup site by the Department of Ecology under the state Model Toxic Control Act. While it appears some surface excavation took place by the owner, they have not entered into Ecology's required voluntary cleanup program and have not obtained a "no further action opinion letter" from Ecology. In order to protect the Port's investment and prove the viability of the purchase for long-term farming, time and investment is needed to conduct groundwater monitoring. See Appendix D.

[Recommendations appear on the next page]

E. Five Recommendations for Further Study.

It is clear from the voices heard at the Grange that the Chimacum farming community needs public investment in facilities to support agriculture. The additional analysis requested here prior to purchase is intended to ensure the success of whatever new initiatives the Port takes in support of agriculture uses of the Chimacum valleys. It is possible to conduct the following analysis without losing the opportunity to purchase the Short farm:

1. Buy Some Time. Purchase a "right-of-first-refusal" or option from the Short farm owners to provide time to determine whether there is a viable regulatory pathway and economically viable model to achieve the aims of the Port and the Chimacum Farming Community. The answers do not need to provide absolute certainty, but greater clarity on the extent of regulatory requirements and prohibitions is needed in order to assess long-term viability of creek channeling proposals and the demands on the Port's time and fiscal resources to realize the basic vision. With a right-of-first-refusal or option in hand, the Port can afford to wait for the next legislative session while regulatory and cleanup issues are investigated.

2. Alternatives. Explore alternative sites in the Tri-County area that are not constrained by shoreline regulation and therefore could support agriculture more economically, including construction of a USDA processing facility, freezer lockers, and other infrastructure needed by the Chimacum farm community. This analysis should compare possible alternative sites with the Short farm and the recommended creek restoration projects proposed by the North Olympic Salmon Coalition for this site.

3. Study Groundwater Prior to Closing. If the Port is intent on purchasing the Short farm, conduct a Phase II environmental assessment of potential groundwater contamination prior to purchase to evaluate conditions down-gradient from the Lee's Trucking MTCA listed cleanup site. There is anecdotal evidence of a more recent 700 gallon spill noted in the Ecology records that was not analyzed. The purchase price offered could be adjusted to absorb the cost of Phase II review

4. Map the Extent of Regulation under County Shoreline Jurisdiction.
Prior to purchase, map out the extent of the County's shoreline jurisdiction (200 feet beyond the floodplain boundary) with a bright yellow line superimposed over the buildable sites. Areas identified by staff as existing building sites may be more constrained than anticipated.

5. Identify Wetland Restoration Potential. Prior to purchase, analyze the various wetland restoration proposals for the Short farm (River Miles 4.8 – 5.8) in the literature. Provide an analysis of the likelihood that lowland portions of the purchase will be unavailable for leasing for continued agricultural practices if restoration recomendations are funded and approved.

Thank you for your consideration.

FEMA Flood Map Service Center: Search By Address

Enter an address, place, or coordinates:

1594 Center Road Chimacum, WA Search

Whether you are in a high risk zone or not, you may need flood insurance (https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than $400 per year. Call your insurance agent today and protect what you've built.

Learn more about steps you can take (https://www.fema.gov/what-mitigation) to reduce flood risk damage.

Search Results—Products for **JEFFERSON COUNTY UNINCORPORATED AREAS**

Show ALL Products » (https://msc.fema.gov/portal/availabilitySearch?addcommunity=530069&communityName=JEFFERSON COUN

The flood map for the selected area is number **53031C0460C**, effective on **06/07/2019**

DYNAMIC MAP

PRINT MAP/ FIRMette

MAP IMAGE

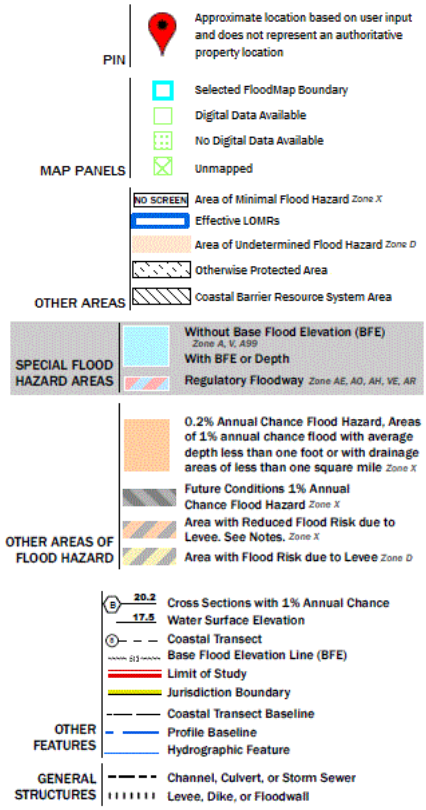
DOWNLOAD FIRM PANEL (https://msc.fema.gov/portal/downloadProduct?productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=53031C0460C)

Changes to this FIRM

Revisions (0)
Amendments (0)
Revalidations (0)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FIRMette.

Go To NFHL Viewer » (https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b55



Share This Page.

National Flood Hazard Layer FIRMette

FEMA

122°46'38"W 47°59'21"N

122°46'W 47°58'57"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

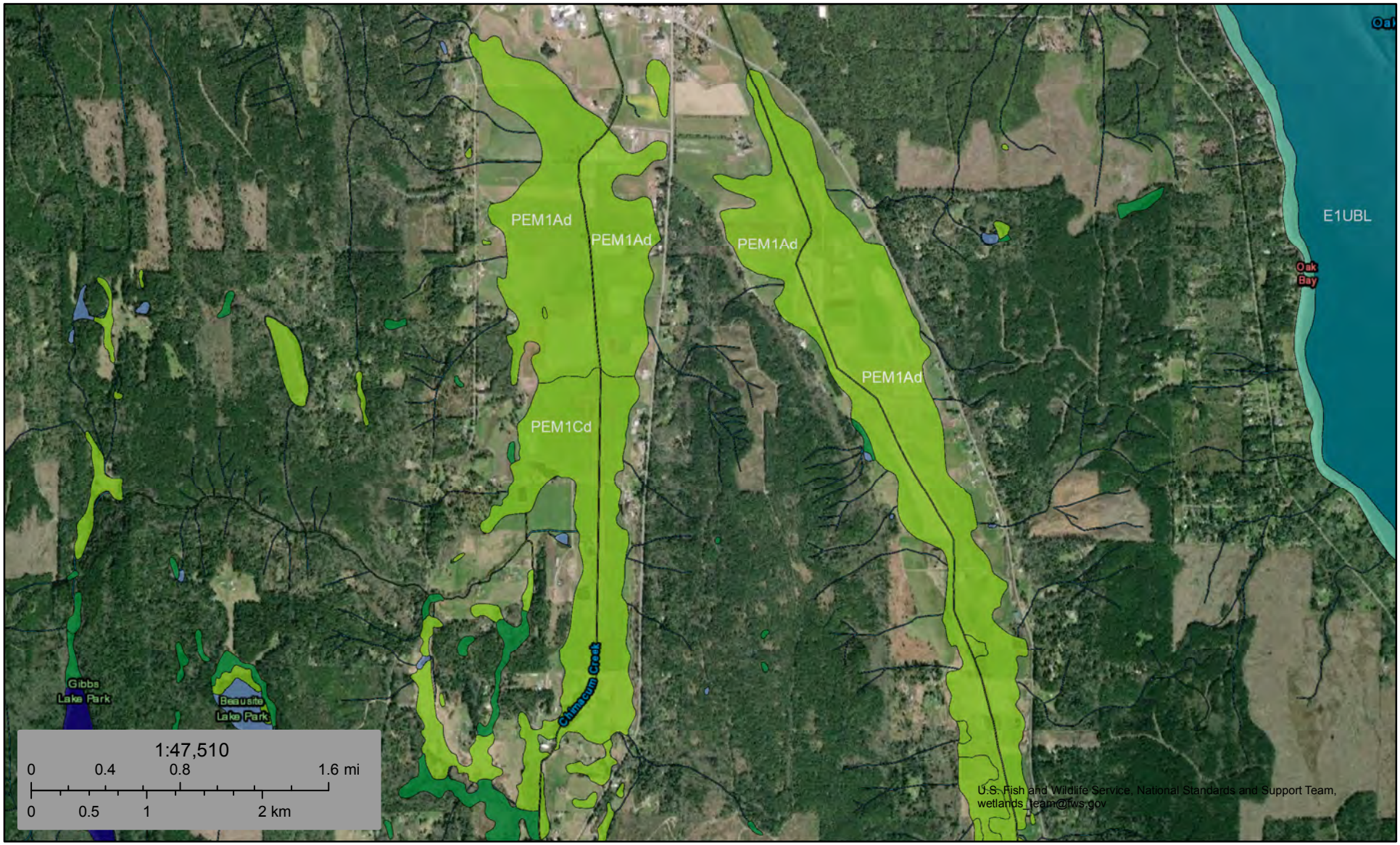
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/30/2022 at 10:30 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

U.S. Fish and Wildlife Service
National Wetlands Inventory

Wetlands



November 30, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

APPENDIX B

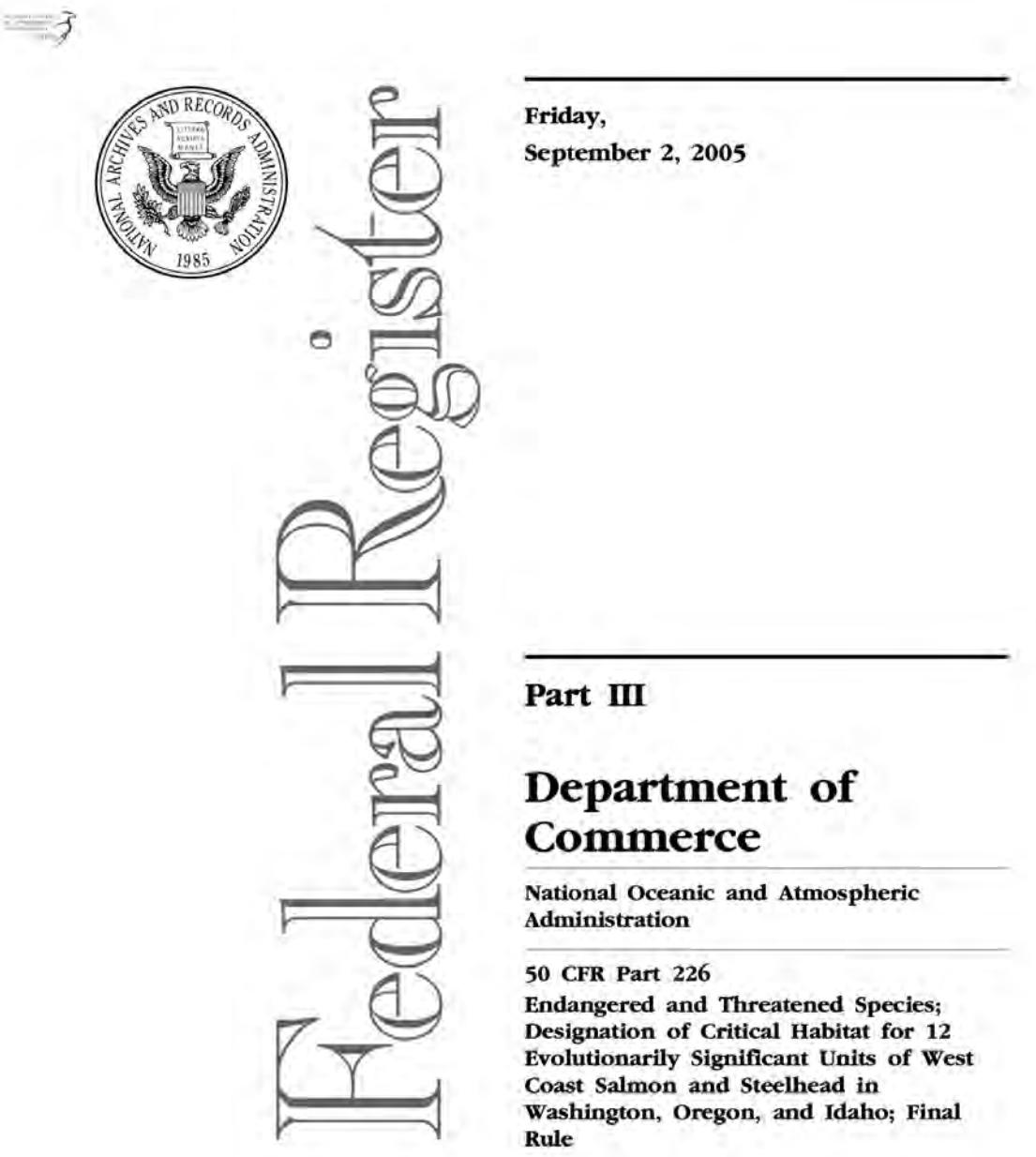
ESA Listing of Chimacum Creek

as Critical Habitat for Hood Canal Summer-run Chum Salmon

and

Key Planning Considerations (state and local)

I. Federal Listing for Chimacum Creek.



Federal Register

Friday,
September 2, 2005

Part III

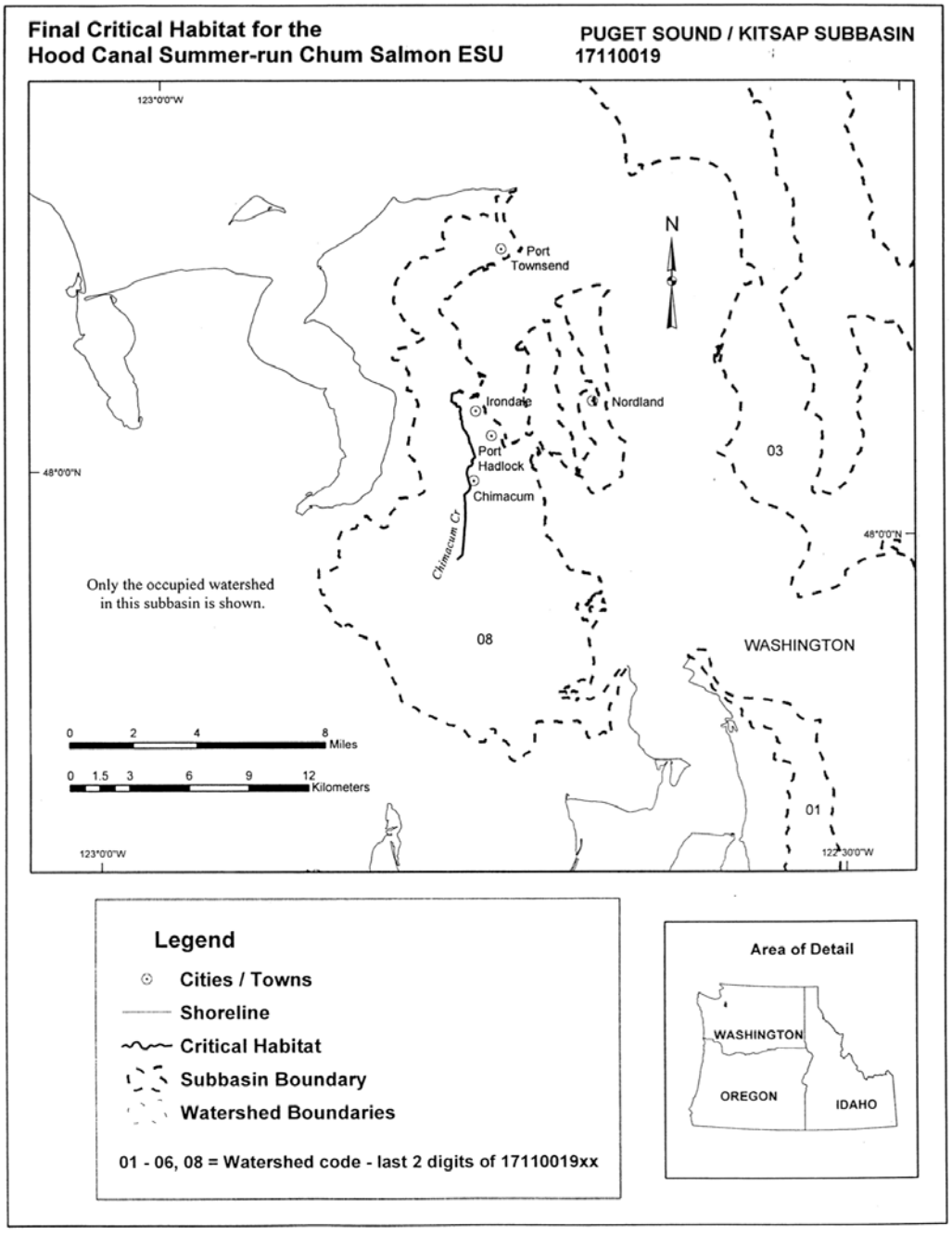
Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 226

Endangered and Threatened Species; Designation of Critical Habitat for 12 Evolutionarily Significant Units of West Coast Salmon and Steelhead in Washington, Oregon, and Idaho; Final Rule

Source: https://www.govinfo.gov/content/pkg/FR-2005-09-02/pdf/05-16391.pdf



(m) *Hood Canal Summer-run Chum Salmon (Oncorhynchus keta).* Critical habitat is designated to include the areas defined in the following subbasins:

(1) Skokomoish Subbasin 17110017—*Skokomish River 1711001701.* Outlet(s) = Skokomish River (Lat 47.3543, Long –123.1122), Unnamed (47.3420, –123.1092), Unnamed (47.3471, –123.1275), Unnamed (47.3509. –123.1101) upstream to endpoint(s) in: Mussel Sheel Creek (47.3039, –123.1590); Skokomish (47.3199, –123.2198); Unnamed (47.3209, –123.2211).

(2) Hood Canal Subbasin 17110018—(i) *Lower West Hood Canal Frontal Watershed 1711001802.* Outlet(s)= Eagle Creek (Lat 47.4849, Long –123.0766); Finch Creek (47.4067, –123.1377); Fulton Creek (47.6183, –122.9736); Jorsted Creek (47.5263, –123.0489); Lilliwaup Creek (47.4689, –123.1136); Unnamed (47.4576, –123.1117) upstream to endpoint(s) in: Eagle Creek (47.4905, –123.0830); Finch Creek (47.4076, –123.1586); Fulton Creek (47.6275, –122.9805); Jorsted Creek (47.5246, –123.0649); Lilliwaup Creek (47.4704, –123.1166); Unnamed (47.4585, –123.1186).

(ii) *Hamma Hamma River Watershed 1711001803.* Outlet(s) = Hamma Hamma River (Lat 47.5471, Long –123.0440) upstream to endpoint(s) in: Hamma Hamma River (47.5547, –123.0623); John Creek (47.5369, –123.0619).

(iii) *Duckabush River Watershed 1711001804.* Outlet(s) = Duckabush River (Lat 47.6502, Long –122.9348) upstream to endpoint(s) in: Duckabush River (47.6654, –122.9728).

(iv) *Dosewallips River Watershed 1711001805.* Outlet(s) = Dosewallips River (Lat 47.6880, Long –122.8949) upstream to endpoint(s) in: Dosewallips River (47.7157, –122.9396).

(v) *Big Quilcene River Watershed 1711001806.* Outlet(s) = Big Quilcene River (Lat 47.8188, Long –122.8605) upstream to endpoint(s) in: Big Quilcene River (47.8102, –122.9119).

(vi) *Upper West Hood Canal Frontal Watershed 1711001807.* Outlet(s) = Little Quilcene River (Lat 47.8266; Long –122.8608) upstream to endpoint(s) in: Little Quilcene River (47.8374, –122.8854).

(vii) *West Kitsap Watershed 1711001808.* Outlet(s) = Anderson Creek (Lat 47.5670, Long –122.9664); Big Beef Creek (47.6521, –122.7823); Dewatto River (47.4538, –123.0474); Little Anderson Creek (47.6653, –122.7554); Tahuya River (47.3767, –123.0355); Union River (47.4484, –122.8368); Unnamed (47.3767, –123.0372); Unnamed (47.4537, –123.0474) upstream to endpoint(s) in: Anderson Creek (47.5596, –122.9354); Bear Creek (47.4980, –122.8074); Big Beef Creek (47.6385, –122.7868); Dewatto River (47.4937, –122.9914); East Fork Union River (47.5056, –122.7897); Hazel Creek (47.5170, –122.7945); Little Anderson Creek (47.6606, –122.7543); North East Fork Union River (47.4954, –122.7819); Tahuya River (47.4510, –122.9597); Union River (47.5273, –122.7846); Unnamed (47.4492, –122.9229); Unnamed (47.4527, –122.8294); Unnamed (47.4553, –122.8301); Unnamed (47.4594, –122.8396); Unnamed (47.4700, –122.8300); Unnamed (47.4852, –122.8313); Unnamed (47.4966, –122.8393); Unnamed (47.4971, –122.8315); Unnamed (47.6600, –122.7559); Unnamed (47.6642, –122.7534).

(3) Puget Sound Subbasin 17110019—*Port Ludlow/Chimacum Creek Watershed 1711001908.* Outlet(s) = Chimacum Creek (Lat 48.0507, Long –122.7832) upstream to endpoint(s) in: Chimacum Creek (47.9743, –122.7764).

(4) Dungeness/Elwha Subbasin 17110020—(i) *Discovery Bay Watershed 1711002001.* Outlet(s) = Salmon Creek (Lat 47.9895, Long –122.8879); Snow Creek (47.9900, –122.8834) upstream to endpoint(s) in: Salmon Creek (47.9775, –122.9191); Snow Creek (47.9638, –122.8827).

(ii) *Sequim Bay Watershed 1711002002.* Outlet(s) = Jimmycomelately Creek (Lat 48.0235, Long –123.0039) upstream to endpoint(s) in: Jimmycomelately Creek (48.0125, –123.0026).

(iii) *Dungeness River Watershed 1711002003.* Outlet(s) = Dungeness River (Lat 48.1506, Long –123.1311); Unnamed (48.1537, –123.1267) upstream to endpoint(s) in: Dungeness River (48.0258, –123.1358); Matriotti Creek (48.1369, –123.1488); Unnamed (48.1167, –123.1403); Unnamed (48.1514, –123.1216).

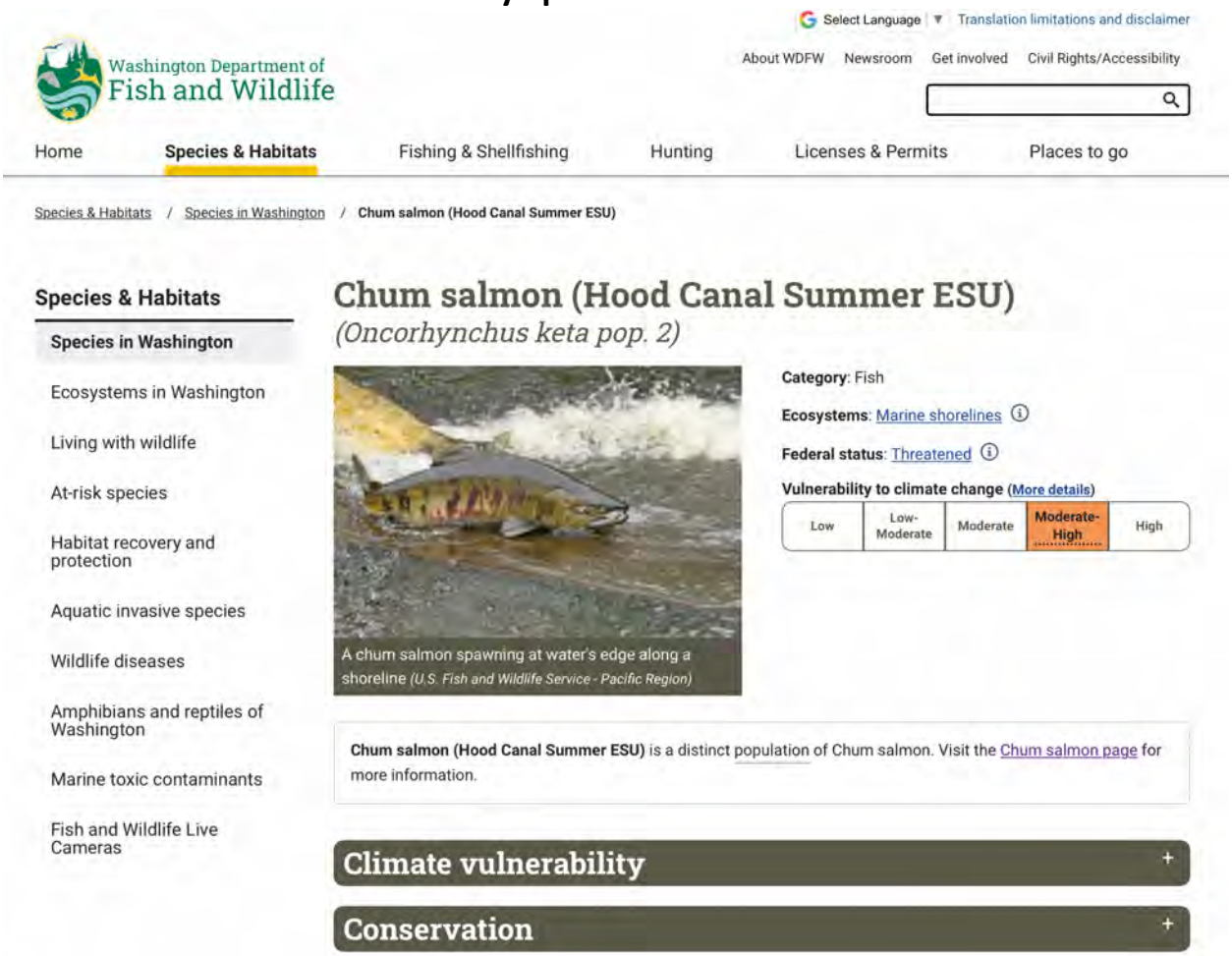
(5) Nearshore Marine Areas—Except as provided in paragraph (e) of this section, critical habitat includes all nearshore marine areas (including areas adjacent to islands) of Hood Canal and the Strait of Juan de Fuca (to Dungeness Bay) from the line of extreme high tide out to a depth of 30 meters.

(6) Maps of critical habitat for the Hood Canal summer-run chum salmon ESU follow:

BILLING CODE 3510–22–P

These areas designated, summarized below by ESU, are either (1) occupied and contain physical and biological features essential to the conservation of the species and that may require special management considerations or protection, or (2) are not presently occupied but are considered essential for the conservation of the species.

II. Based on Federal Listing, State Dept. of Fish and Wildlife Designated Chimacum Creek as Priority Species and Habitat.



Regulations associated with PHS

The Washington Administrative Code refers to PHS in sections dealing with Critical Area Ordinances, Shoreline Master Programs, and the Essential Facilities Siting Evaluation Council. The state supreme court has held that PHS is a valid source of best available science for the Growth Management Act.

That being said, there are no state "PHS regulations". The mapping of a PHS species or a PHS management recommendation does not by itself create an obligation on the landowner. However, depending on how a local government's development regulations are worded, PHS maps and management recommendations may trigger the local government's regulatory authority. Using PHS to trigger local regulations is recommended by WDFW and the departments of Commerce and Ecology.

Taylor's Checkerspot butterflies depend on plants only found in prairies.
Taylor Cotten

Other than Growth Management Act and Shoreline Master Program requirements, projects affecting priority habitats and species may be affected by regulatory requirements under the Endangered Species Act, Forest Practices Act, hydraulics code, and/or game harvest regulations.

Source:
https://wdfw.wa.gov/species-habitats/at-risk/phs

III. Jefferson County Protective Regulations for ESA Habitat.

18.22.610 Classification/designation.

Fish and wildlife habitat conservation areas (FWHCAs) are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. FWHCAs include those areas identified as being of critical importance to the maintenance of endangered, threatened, or sensitive species of fish, wildlife or plants, or designated habitats and species of local importance.

(1) The following are designated as fish and wildlife habitat conservation areas:

(a) Areas where federally listed species (endangered and threatened) and state-listed species (endangered, threatened, and sensitive species) have a primary association.

(b) Rivers and streams not otherwise addressed under Washington State Forest Practices regulations (Chapter 76.09 RCW and WAC Title 222).

(c) Commercial and recreational shellfish areas.

(d) Kelp and eelgrass beds.

(e) Surf smelt, Pacific herring, and Pacific sand lance, and other forage fish spawning areas.

(f) Naturally occurring ponds less than 20 acres, including submerged aquatic beds that provide fish and wildlife habitat.

(g) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

(h) State natural area preserves, natural resource conservation areas, and state wildlife areas.

(i) Species and habitats of local importance designated pursuant to the process delineated in Article IX (Special Reports) of this chapter.

(2) Designated fish and wildlife habitat conservation areas that are within shoreline jurisdiction are regulated under the shoreline master program in Chapter 18.25 JCC, and in circumstances where this chapter conflicts with the shoreline master program, the provisions of the shoreline master program shall prevail. [Ord. 5-20 § 2 (Appx. A)]

Source:
https://www.codepublishing.com/WA/JeffersonCounty/#!/JeffersonCounty18/JeffersonCounty1822.html#18.22.630

IV. North Olympic Salmon Coalition Recommends Short Farm Floodplain be Used for Salmon Habitat Restoration, to Restore Juvenile Coho Rearing Habitat.

The NOSC recommendations for this site can be found at:
https://portofpt.com/wp-content/uploads/ChimacumCrk_NSD_FinalDraft11222016.pdf,
at the following sections:

3.2.5 Watershed-Scale Planning

We recommend considering watershed-planning based on the following geomorphic units:

- Lowland alluvial valley - low areas of the valley that were perennially inundated historically are high priority for restoration and are likely present major drainage challenges for agriculture. Where possible, agriculture should be concentrated in higher portions of the valley (see Mapbook 2). During a field visit, we observed houses and barns located at the top of hummocks, indicating that adapting land use to higher relative elevations is not inconsistent with current practices.

Natural Systems Design
November 22, 2016

Appendix 1
Site-Specific Recommendations

REC #	TYPE	RM	LOCATION	RECOMMENDATION CATEGORY	RECOMMENDATION	PRIORITY	CONSIDERATIONS
8	Restoration	5.1-5.4	Main stem, upstream of glacial moraine	Evaluate Potential for Wetland Restoration	Evaluate potential for wetland restoration in site of historic perennial wetland.	High	Alternatively, establish riparian vegetation (see Recommendation #9).

Natural Systems Design
November 22, 2016

[Note: The Short farm is located between River Miles 4.8 – 5.8 (see below).

[Continued]

V. Aug. 2022 Report by Conservation District Concurs in the Potential for Salmon Recovery Restoration on the Short Farm, Possibly Through Resurrection of the Drainage District.

The Conservation District recently released a report discussing options for flood control and wetland restoration along Chimacum Creek, prepared with the cooperation of the Land Trust and NOSC:

CHIMACUM DRAINAGE DISTRICT

History, Current Conditions, and Potential Options for the Future

August 2022

The report is available at: https://www.jeffersoncd.org/wp-content/uploads/2022/10/Chimacum-Drainage-District-History-Current-Conditions-FINAL.pdf

At page 17 of the report, the Conservation District notes the importance of the Short farm for salmon recovery and restoration of the historic wetland system:

The areas that are most frequently flooded are currently very marginal pasture or hayland. The low productivity and never-ending flooding and drainage battles suggest that they may be better suited for wetland habitat. The Wetland Reserve Program administered by the USDA Natural Resources Conservation Service can provide financial assistance for wetland restoration, as well as compensation to landowners for taking farmland out of production. Initial analysis of some of these properties is included in the 2018 *Chimacum Creek Restoration and Protection Plan*.

NOSC and the engineering firm Natural Systems Design, Inc. completed a reach-by-reach assessment with recommended protection and restoration actions, which is detailed in the *Chimacum Creek Restoration and Protection Plan*. The plan also includes preliminary analysis for potential restoration on the following projects:

West Chimacum Creek	RM	Notes
Holt Property	9.4-9.9	West Chimacum and Barnhouse creeks. Stream remeander, wetland and riparian restoration. Preliminary design complete.
Willow Wood Farm (old Bundy Farm)	7.6-8.2	Stream remeander and riparian restoration. Includes four properties.
Moziac Farm (old Yarr Farm)	7.4-7.7	Substantial acreage below stream channel water elevation. Stream remeander, wetland and riparian restoration.
Short Family Farm	4.8-5.8	Substantial acreage flooded throughout winter. Wetland and riparian restoration.

The District report on Page 19 also indicates that resurrection of the Drainage District could entail wetland restoration projects like those recommended for the Short Family Farm:

> In addition to projects to support the proper functioning of the drainage system, a drainage district may undertake or partner with other organizations to undertake habitat improvement or restoration projects. This might include correcting barriers to fish passage or large-scale restoration projects. Some stream reaches are candidates for major restoration work that would include restoration of natural channel meanders and riparian forest buffer establishment. And some reaches are candidates for large-scale wetland restoration. Many potential projects have already been identified and some preliminary analysis has already occurred. Projects of this nature will require special planning and engineering to ensure satisfactory results and minimize adverse environmental impacts. They will require willing participation by landowners or property acquisition.

Comment:

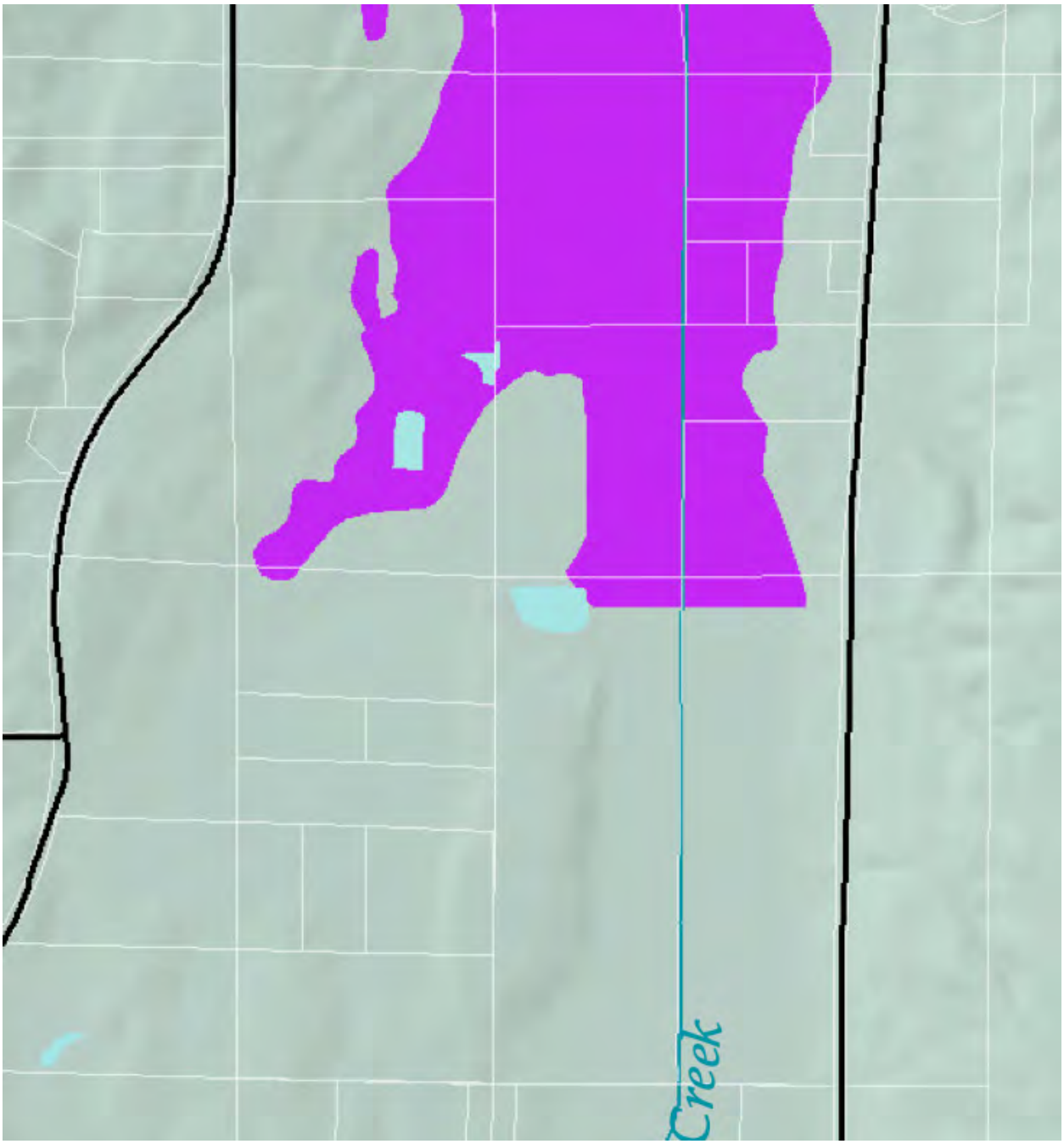
Based on this report and the recommendations of the NOSC, above, it seems clear that the future may involve substantial planning and seeking of federal and state funding to restore the lowland portions of the Short farm for wetland and creek habitat restoration. Rather than drain the lowland soils to achieve "Prime" farmland "if drained," the more likely outcome would be to achieve pre-development, historic wetland contours and the enhancement of juvenile rearing areas for anadromous coho salmon runs.

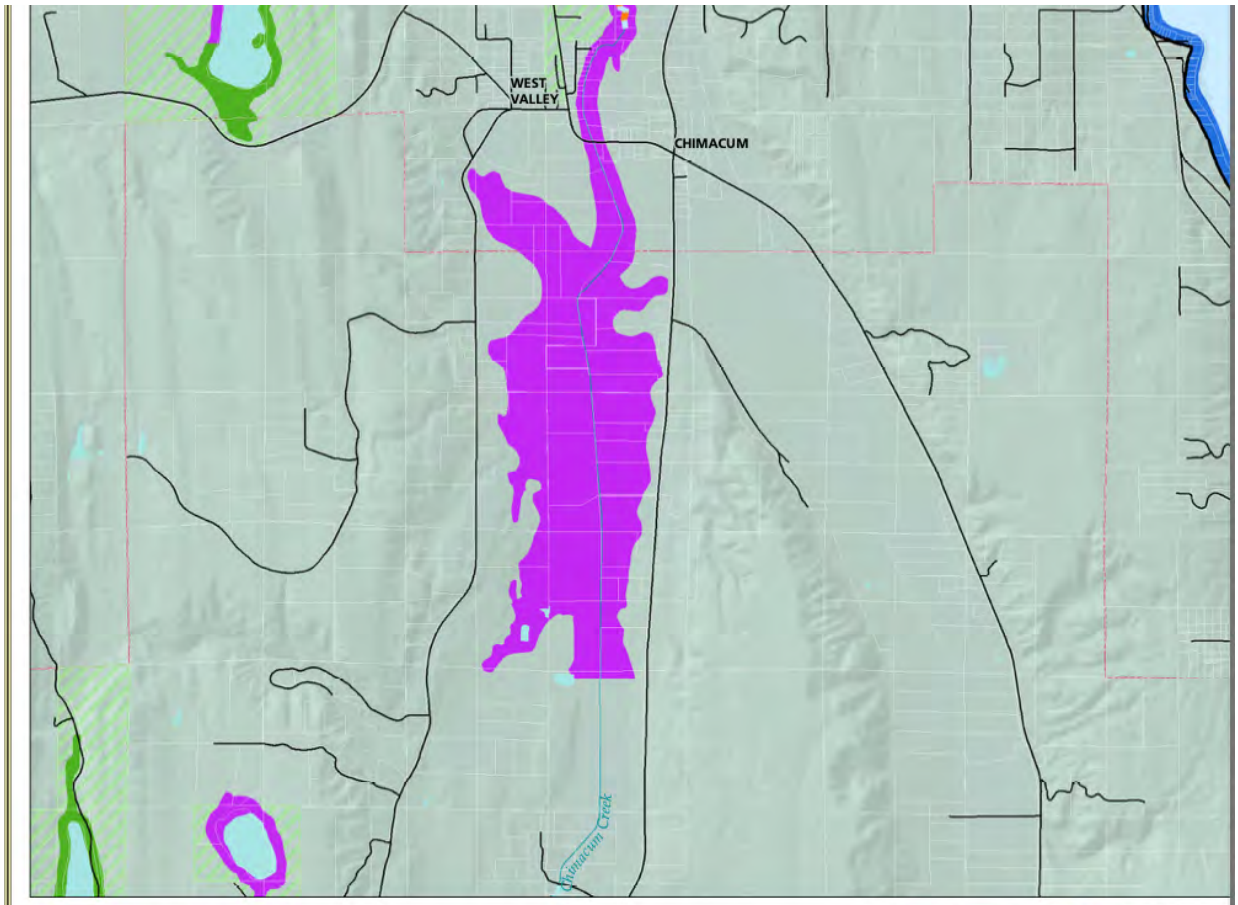
The question to be analyzed prior to purchase therefore may be whether the Port's investment would still be considered worthwhile if: (a) upland processing facilities cannot be feasibly permitted; and (b) lowland floodplain/shoreline designations remain as they are today to enhance wetland habitat and flood storage.

An explicit analysis of those questions prior to purchase or funding seems important. Preparation of that analysis can be done swiftly and need not substantially delay the purchase if the Port decides to go forward.

APPENDIX C
SHORELINE MANAGEMENT ACT CONSIDERATIONS AND LIMITATIONS

A. Short Farm Shoreline Master Program Designation Maps:





Map # 4. Tri-Area

Jefferson County, Washington

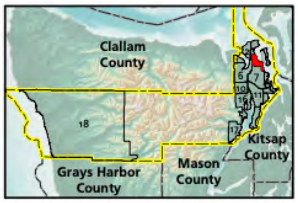
Final 10/31/2011

File: Q:\MapDocs\DCD\SMP2011\SED2011_Rest.mxd
Prepared By: Doug Noltemeier, GISP
Date: November 25, 2011
Coordinate System:
NAD 1983 StatePlane Washington North FIPS 4601 Feet

Shoreline Environmental Designation
- Aquatic
- Priority Aquatic
- Natural
- Conservancy
- Shoreline Residential
- High Intensity
- NA

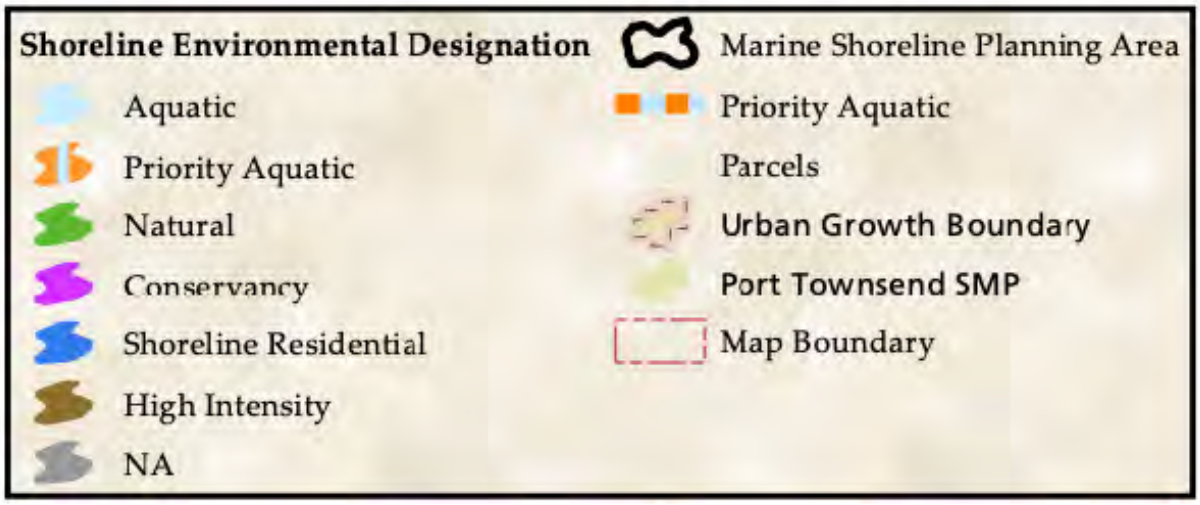
- Marine Shoreline Planning Area
- Priority Aquatic
- Parcels
- Urban Growth Boundary
- Port Townsend SMP
- Map Boundary

0 0.25 0.5 1 Miles



THE HEART OF THE OLYMPIC PENINSULA

1:36,270


Shoreline Environmental Designation
Aquatic
Priority Aquatic
Natural
Conservancy
Shoreline Residential
High Intensity
NA
Marine Shoreline Planning Area
Priority Aquatic
Parcels
Urban Growth Boundary
Port Townsend SMP
Map Boundary

B. Agricultural exemption under Shoreline Management Master Program:
[Note: feedlots and processing plants are not "normal or necessary for farming" exempt from shoreline regulation.]

Source:
https://fortress.wa.gov/ecy/ezshare/SEA/FinalSMPs/JeffersonCounty/JeffersonCo/JeffersonCoSMPFeb2014.pdf

Jefferson County Shoreline Master Program

3. Exemptions Listed

A. The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit in accordance with RCW 90.58.030 and WAC 173-27-040.

. . . .

5. Agriculture - Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, or alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

C. Limitations:

Replacement agricultural facilities may not be located further toward the shoreline than the original facility:

18.10.010 A definitions.

"Agriculture" means the science, art, and business of producing crops, or raising livestock; farming.

"Agriculture, existing and ongoing" is defined as follows, except for JCC Chapter 18.22 which is governed by the definition of agricultural activities. For all other chapters, "agriculture, existing and ongoing" means any agricultural activity conducted on an ongoing basis on lands enrolled in the open space tax program for agriculture or designated as agricultural lands of long-term commercial significance on the official map of Comprehensive Plan land use designations; provided, agricultural activities were conducted on those lands at any time during the five-year period preceding April 28, 2003. Agricultural use ceases when the area on which it is conducted is converted to a nonagricultural use.

"Agriculture, new" is defined as follows, except for JCC Chapter 18.22 which is governed by the definition of agricultural activities. For all other chapters, "agriculture, new" means agricultural activities proposed or conducted after April 28, 2003, and that do not meet the definition of "existing ongoing agriculture."

"Agricultural activities" has the same meaning as in RCW 90.58.065(2)(a), as it may be modified in the future and currently reads "agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation."

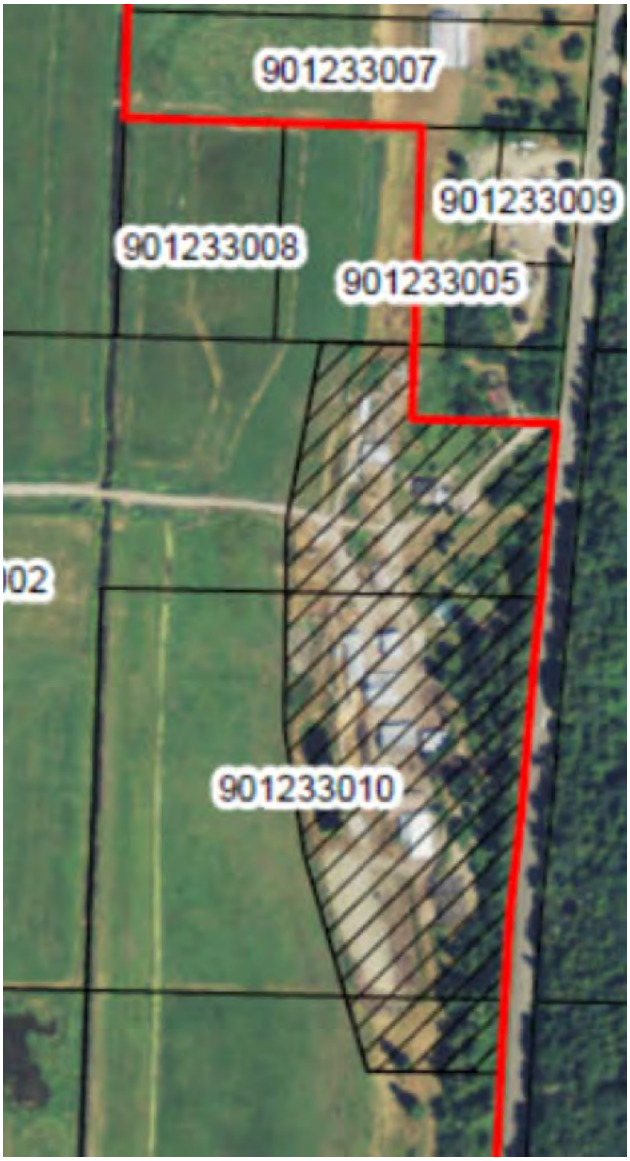
D. Recommendation to Clarify Extent of Shoreline Regulation:

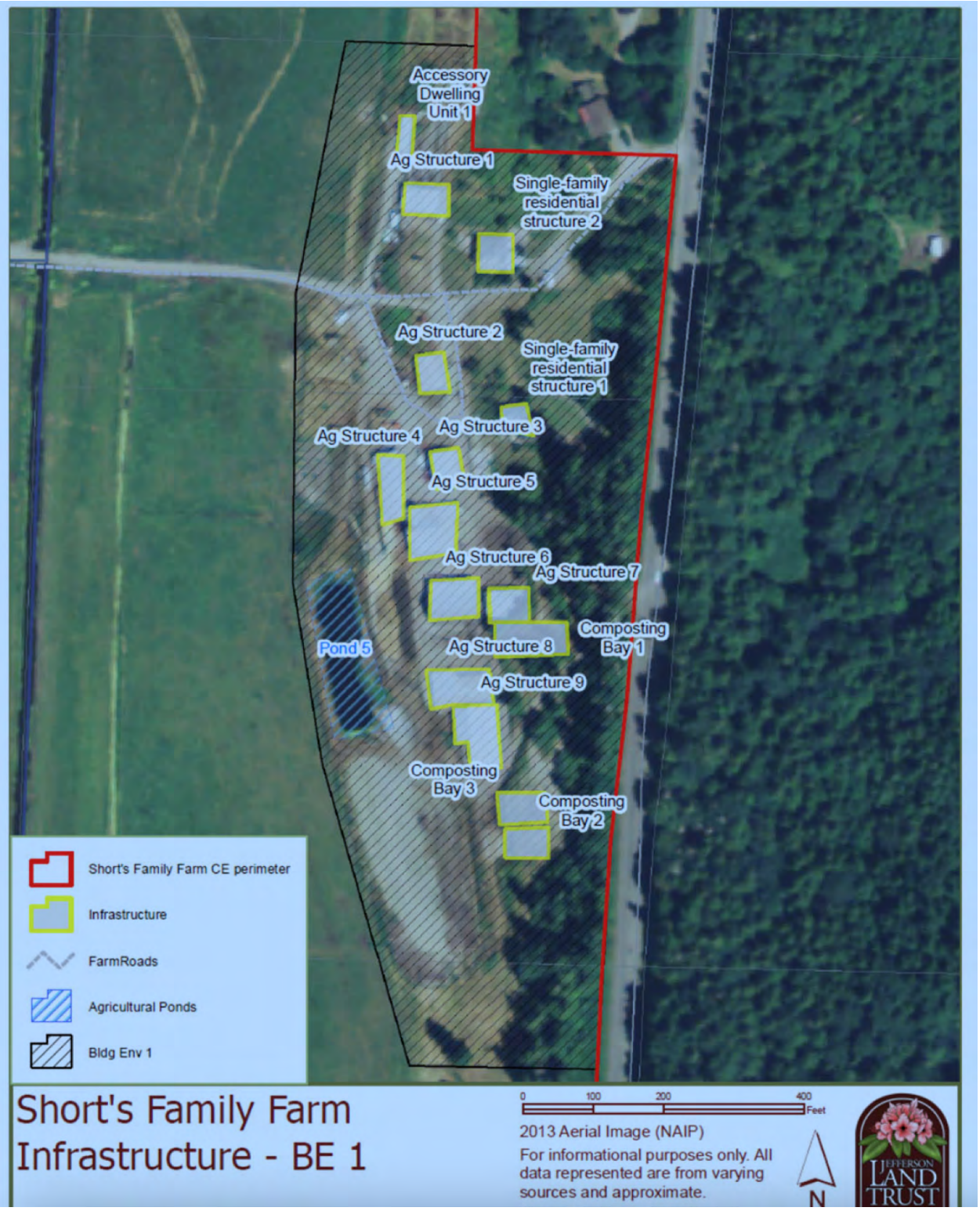
It would be prudent to create a map showing the location of the County Conservancy shoreline designation on the property with particular emphasis on outer boundaries that are within or adjacent to the buildable envelopes. Recommend the map include a corresponding line in yellow showing the additional extent of shoreline jurisdiction beyond the outer boundary of the designation map. Shoreline regulatory jurisdiction and limitations apply to lands located 200 feet landward of the shoreline designation boundary.

E. Reason for Recommendation:

Existing Structures 2,4,5,6, and 9 appear to be candidates for characterization as structures within 200 feet of the shoreline designation, and therefore subject to Jefferson County's shoreline management master program and regulations. As seen above in the exemptions for agricultural uses, those shoreline use and exemption regulations prohibit feedlots or agricultural processing structures within the shoreline jurisdictional area (200-foot of the shoreline boundary). If any part of the building is within 200 feet of the purple shoreline designation (Conservancy), the entire structure will be subject to a shoreline substantial development permit process.

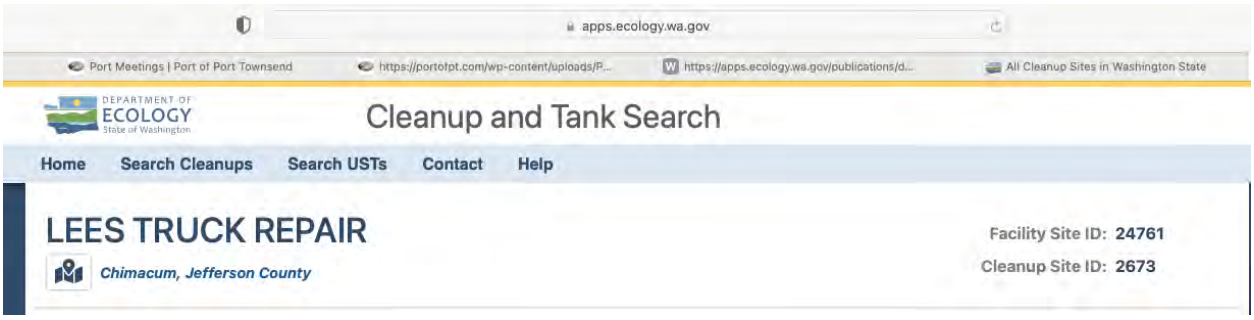
* Map comparisons to show 200-foot outer limit of shoreline jurisdiction:




Accessory Dwelling Unit 1
Ag Structure 1
Single-family residential structure 2
Ag Structure 2
Single-family residential structure 1
Ag Structure 4
Ag Structure 3
Ag Structure 5
Ag Structure 6
Ag Structure 7
Pond 5
Ag Structure 8
Composting Bay 1
Ag Structure 9
Composting Bay 3
Composting Bay 2
Short's Family Farm CE perimeter
Infrastructure
FarmRoads
Agricultural Ponds
Bldg Env 1
Short's Family Farm
Infrastructure - BE 1
0 100 200 400
Feet
2013 Aerial Image (NAIP)
For informational purposes only. All data represented are from varying sources and approximate.
N
Jefferson Land Trust

APPENDIX D
Department of Ecology Records

Source:
https://apps.ecology.wa.gov/cleanupsearch/site/2673#site-documents



https://apps.ecology.wa.gov/cleanupsearch/site/2673

HAZARDOUS SITES LIST & NOTICE OF HAZARDOUS RANKING

This issue is an updated Hazardous Sites List as required by WAC 173-340-330. It includes all sites that have been

Jefferson

FS ID	SITE NAME	CITY	RANK	STATUS	RU
52447879	JEFFERSON COUNTY QUILCENE SHOP SITE	Quilcene	3	Cleanup Started	SW
24761	LEES TRUCK REPAIR	Chimacum	1	Cleanup Started	SW
8531364	MOUNT BAKER BLOCK BUILDING	Port Townsend	5	Awaiting Cleanup	SW

HOW A SITE GETS ON THE HAZARDOUS SITES LIST

Sites on the Hazardous Sites List (excluding NPL and TSP sites) have undergone a preliminary study called a Site Hazard Assessment (SHA). An SHA provides Ecology with basic information about a site. Ecology then uses the Washington Ranking Method (WARM) to estimate the potential threat the site poses to human health and the environment, if not cleaned up. The estimate is based on the amount of contaminants, how toxic they are, and how easily they can come in contact with people and the environment. Sites are ranked relative to each other on a scale of one to five. A rank of one represents the highest level of concern relative to other sites, and a rank of five the lowest. Hazard ranking helps Ecology target where to spend cleanup funds. However, a site's actual impact on human health and the environment, public concern, a need for an immediate response, and available cleanup staff and funding also affect which sites get first priority for cleanup.