

## Cui, Tracy

---

**From:** Santiago, Railin (ECY) <RASA461@ECY.WA.GOV>  
**Sent:** Thursday, July 28, 2022 8:00 AM  
**To:** Cui, Tracy  
**Cc:** Peterson, Ty  
**Subject:** RE: Seeking DOE guidance on Vashon Aquaculture Projects (Kelp Farms) - File Numbers: SHOR22-0015 & SHOR22-0017

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[EXTERNAL Email Notice! ] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Hello Tracy,

I agree that a Shoreline Variance would not be triggered from KCC 21A.25.180(I). Regarding applying modification standards, KCC 21A.25.160(C)(3) just points to KCC 21A.25.180 which refers to “moorage pile or buoy”. Are those the modification standards you would be looking to review compliance with? Or are there other modification standards you have in mind? In my mind, a buoy for aquaculture is an unlisted structure; and it appears there are no specific standards that apply. If there are general standards (mitigation sequencing; critical areas standards, etc.), those would apply; and of course the aquaculture use standards would apply. I do not think the code was anticipating buoy’s used for aquaculture, and so I am not sure it is appropriate to apply any of the moorage buoy standards to the aquaculture project. Overall, I would say you have some discretion here.

Thanks for the clarity.

Sincerely,

Railin Santiago

Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance

Northwest Region, PO Box 330316, Shoreline, WA 98133-9716

cell: 425-301-6989 | [railin.santiago@ecy.wa.gov](mailto:railin.santiago@ecy.wa.gov)

*This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.*



### We've moved!

Ecology's Northwest Regional Office:

- Mailing address: PO Box 330316, Shoreline, WA 98133-9716
- Reception and 24/7 spill reporting line: 206-594-0000

---

**From:** Cui, Tracy <Tracy.Cui@kingcounty.gov>  
**Sent:** Wednesday, July 27, 2022 2:06 PM  
**To:** Santiago, Railin (ECY) <RASA461@ECY.WA.GOV>  
**Cc:** Peterson, Ty <Ty.Peterson@kingcounty.gov>

**Subject:** RE: Seeking DOE guidance on Vashon Aquaculture Projects (Kelp Farms) - File Numbers: SHOR22-0015 & SHOR22-0017

**THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link**

Railin,

Thank you for your quick response. I discussed with Greg and we don't see any other places in the County SMP that refers to other type of buoys that are not related to moorage. I agree that the proposed shoreline use falls under "aquaculture not otherwise listed" in KCC 21A.25.100, subject to footnote #2. I also agree that the KCC 21A.25.180(I – Moorage Buoys) standard does not apply to the projects.

If I understand your second paragraph correctly, DOE feels that the "buoys" listed under the Shoreline Modification table (KCC 21A.25.160) does not apply to the projects. However I feel they may still have to comply with the other applicable requirements in the Shoreline Modification table because installing buoys (even though they for aquaculture) is still a modification of the shoreline. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, private residential docks (shoreline modification) are required to allow for an accessory residential use (shoreline use). Unless there are cases where a shoreline modification would not be triggered for a permitted shoreline use...I would like to hear your thoughts on that.

I also appreciate the answers you provided. If we decide to apply the buoy standards referred in KCC 21A.25.160(C)(3), a shoreline variance wouldn't be triggered for the projects since KCC 21A.25.180(I) does not apply.

Regards,

Tracy

---

**From:** Santiago, Railin (ECY) <[RASA461@ECY.WA.GOV](mailto:RASA461@ECY.WA.GOV)>

**Sent:** Tuesday, July 26, 2022 11:16 AM

**To:** Cui, Tracy <[Tracy.Cui@kingcounty.gov](mailto:Tracy.Cui@kingcounty.gov)>

**Cc:** Peterson, Ty <[Ty.Peterson@kingcounty.gov](mailto:Ty.Peterson@kingcounty.gov)>

**Subject:** RE: Seeking DOE guidance on Vashon Aquaculture Projects (Kelp Farms) - File Numbers: SHOR22-0015 & SHOR22-0017

[EXTERNAL Email Notice! ] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Hello Tracy,

Thank you for your email. I spoke with the Regional Senior Shoreline Planner in our office this morning on these aquaculture questions. It appears all the buoy standards and regulations in the County SMP are geared towards moorage, which does not seem applicable. Do you see that there are other buoys standards that are not related to moorage? If so, it may make sense to look at those a little deeper.

If not, the feedback I received is that we don't believe you need to apply these buoy use and standard provisions but instead process the project under "aquaculture, not otherwise listed". The County should also apply aquaculture standards under 21A.25.110. There are standards in that section applicable to floating structures, which could cover the "buoy" nuance of this specific aquaculture project.

If the County decides to still apply the buoy standards and use requirements, our responses to your questions are:

- Question 1.a - yes

- Question 1.b – Our recommendation would be to err on the side of caution, and process the more restrictive requirement under conservancy.
- Question 2. Where the use table shows a P and C in the aquatic environment; I believe the table is deferring to whatever the upland environment allows (See note in upper left corner of table in 21A.25.100.B). I don't agree that a SCUP is only triggered when standards are not met; usually if standards cannot be met, the project would trigger a Shoreline Variance.
- Question 3 – I believe KCC 21A.25.180 (I) does not apply to the project since the buoys are not for moorage. If standards are not met (when they actually apply), it would trigger a variance.

I hope this helps.

Sincerely,

Railin Santiago

Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance

Northwest Region, PO Box 330316, Shoreline, WA 98133-9716

cell: 425-301-6989 | [railin.santiago@ecy.wa.gov](mailto:railin.santiago@ecy.wa.gov)

*This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.*



**We've moved!**

Ecology's Northwest Regional Office:

- Mailing address: PO Box 330316, Shoreline, WA 98133-9716
- Reception and 24/7 spill reporting line: 206-594-0000

---

**From:** Cui, Tracy <[Tracy.Cui@kingcounty.gov](mailto:Tracy.Cui@kingcounty.gov)>

**Sent:** Monday, July 25, 2022 3:42 PM

**To:** Santiago, Railin (ECY) <[RASA461@ECY.WA.GOV](mailto:RASA461@ECY.WA.GOV)>

**Cc:** Peterson, Ty <[Ty.Peterson@kingcounty.gov](mailto:Ty.Peterson@kingcounty.gov)>

**Subject:** Seeking DOE guidance on Vashon Aquaculture Projects (Kelp Farms) - File Numbers: SHOR22-0015 & SHOR22-0017

**THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link**

Railin,

My name is Tracy Cui, one of the planners with King County DLS-Permitting Division. I am currently working on two kelp farm projects located off of Vashon Island, and would like to seek some guidance from the Department of Ecology on some of the issues. My colleague Greg Goforth provided your contact info to me and hopefully you can shed some lights on these issues as described below.

These two kelp farms, one is located in the south (SHOR22-0015, Parcel 022102HYDR) and one is located in the north (SHOR22-0017, Parcel 132302HYDR). Please see attached site plans. Each proposal is to convert approximately 10 acres to support a floating kelp aquaculture facility. Both applicants propose aquaculture of seaweed native to Puget Sound utilizing a system of anchors, buoys, and suspended lines. Aquaculture is an allowed shoreline use in all Shoreline

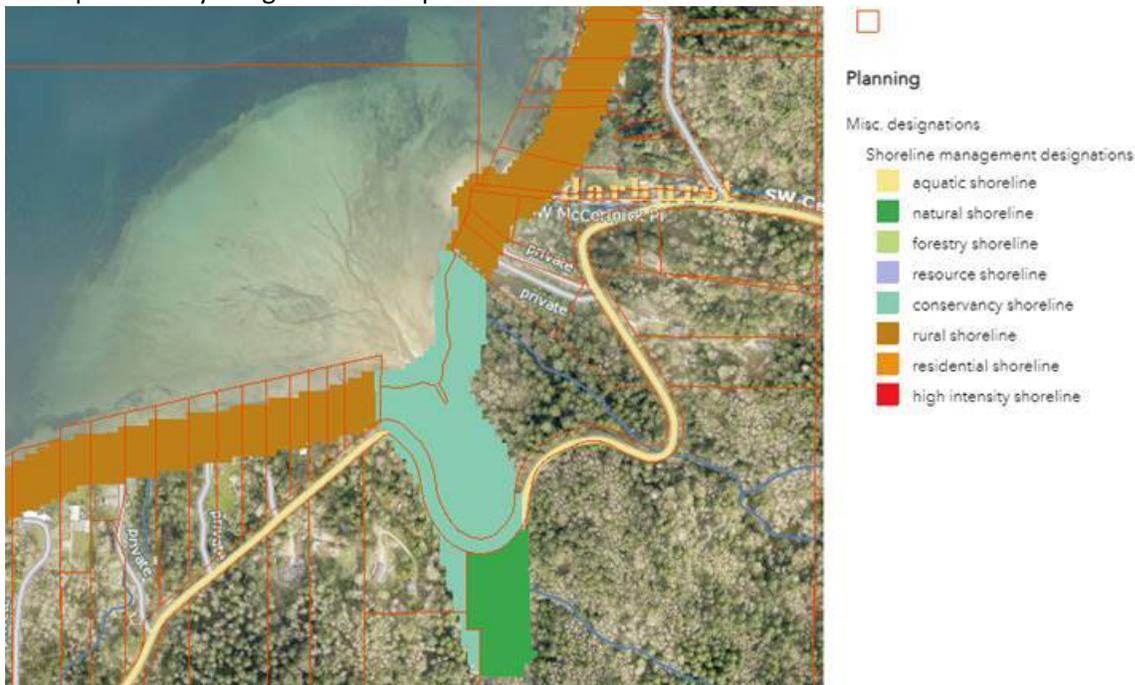
Environment Designations (SEDs) when in compliance with the applicable development standards in King County's Shoreline Master Program (SMP), King County Code (KCC) 21A.25. The proposed aquaculture operation may be permitted through a Shoreline Substantial Development Permit (SSDP).

1. Buoys **adjacent** to the Conservancy Shoreline require a Shoreline Conditional Use Permit (SCUP) per the Shoreline Modification table in KCC 21A.25.160.B. With regard to the definition of "adjacent" for the purposes of applying 21A.25.100.A.1.6 and 21A.25.160A.6 (i.e. a shoreline use/modification may be allowed in the aquatic environment only if that shoreline use is allowed in the adjacent shoreland environment), we do not feel that this particular item warrants much clarification as we believe "adjacent" in this context simply means the shorelands/shoreline designation "perpendicularly" landward of a use/modification in the aquatic environment.

A. South farm: the buoys will require a SCUP because they are adjacent to the conservancy SED. Do you agree? See map below.



B. North farm: the buoys will be close to two SEDs landward of the proposed project – Rural SED and Conservancy SED. It seems to us that the rural SED is the closer to the project site. The shorelands/shoreline designation "perpendicularly" landward of a use/modification (buoys) is rural SED. Therefore, a SCUP wouldn't be required. Do you agree? See map below.



2. The buoys are within the aquatic environment. The shoreline modification table (KCC 21A.25.160) lists buoys within the aquatic environment as both Permitted (P) and Conditional (C). There is no clarification within the code on how to determine whether a SCUP should when a shoreline use/modification is listed as both permitted AND conditional. My opinion is that this could be approached as if the buoys do not meet the standards for buoys in KCC 21A.25.180, then a SCUP would be required. Do you agree with this interpretation?
  
3. The standards for buoys in KCC 21A.25.180 (I) are described as standards for “Moorage buoys.” The buoys proposed for these aquaculture projects are not moorage buoys (not for mooring watercraft) and so it is not clear whether all of these standards should apply to buoys used for non-moorage purposes such as the proposed aquaculture projects. The main issue here is that these projects will not meet KCC 21A.25.180.I.1.6, which states that “No more than four buoys per acre are allowed.” These projects will require more than four buoys per acre. My opinion is that this could be approached in one of the two ways below. Please let me know how you interpret this.
  - A. If subsection (I) does not apply to these aquaculture projects, the north farm would meet P3, and not trigger a SCUP; or
  - B. If subsection (I) applies to these aquacultural projects, both farms would not meet P3, and both require SCUPs.

Your thoughts would be greatly appreciated. As DOE makes the final decisions to the SCUPs, your direction would be critical as how we handle both projects. Please feel free to email/call with any questions.

Regards,

**Tracy Cui, AICP** | Principal Planner | 206-263-8720 | [tracy.cui@kingcounty.gov](mailto:tracy.cui@kingcounty.gov)  
King County Department of Local Services, Permitting Division



Click this link for [Customer Service Information](#)

Staff are working remotely. Permitting services will continue to be online and available on the [Permitting website](#) and [MyBuildingPermit.com](#)

**SERVICE ★ INTEGRITY ★ COMMITMENT ★ EQUITY**

