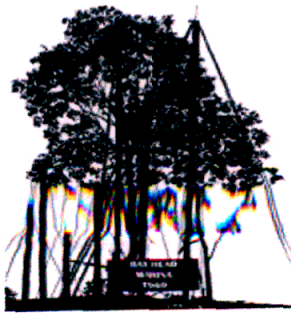




262250019000-044-068-THURMAN-20120430



BAY HEAD MARINA LLC 68

Orcas Village, Washington

Protecting Boats Since 1969

4/29/2012

San Juan County Community Development & Planning
135 Rhone Street
PO BOX 947
Friday Harbor, WA. 98250

S.J.C. COMMUNITY

APR 30 2012

DEVELOPMENT & PLANNING

BAY HEAD MARINA LLC RESPONSE TO SAN JUAN COUNTY DRAFT SHORELINE CHARACTERIZATION

SUBJECT PROPERTY: (ITEM 1, 1A, 1B) Bay Head Marina is a private moorage facility located in the West Sound Management Area, Reach 44. **PHYSICAL ADDRESS:** 372 Killebrew Lake Road, Orcas, WA. 98280
TAX PARCEL: 262250019000

To whom it may concern;

We write to share our findings in our comparison of your Draft Shoreline Inventory and Characterization Report (DSICR) to reality. We also will share historical photos and knowledge we have of our site.

As a blanket statement we have found your maps and to be over-complicated to use and lacking in "zoom in detail." This information was derived with GIS data and we are astonished and shocked that the county cannot seem to publish this information using its Polaris software on a dedicated website. It seems the county has spent a lot of money to get these reports, but does not really wish to share the knowledge. Zooming in on a PDF is the same as using a magnifying glass on paper. The maps themselves are of such low resolution that things like docks are depicted as wetlands. It even says on each map: "The functionality of this map is optimized when viewed digitally." While a PDF is digital, it is not the "digital" they are referring to.

The management areas and reach concepts do not seem to reflect reality and do not appear to reflect any scientific principle, just an arbitrary political division. The report itself conflicted with the maps in one instance we found. **(See below discussion of Map 4A Existing Land Use.)** It seems to us that the division should be based on the characteristics of the land and water. For example the channels between Shaw Island and Orcas Island have some of the swiftest currents in the county, if not the state. Yet these same waters are characterized with waters with little movement such as the north end of Deer Harbor or even Massacre Bay. Further, why is Shaw Island in its own management area? Wouldn't it make more sense to have the entire area of Wasp pass and Harney channel treated the same?

Item 1



SITE

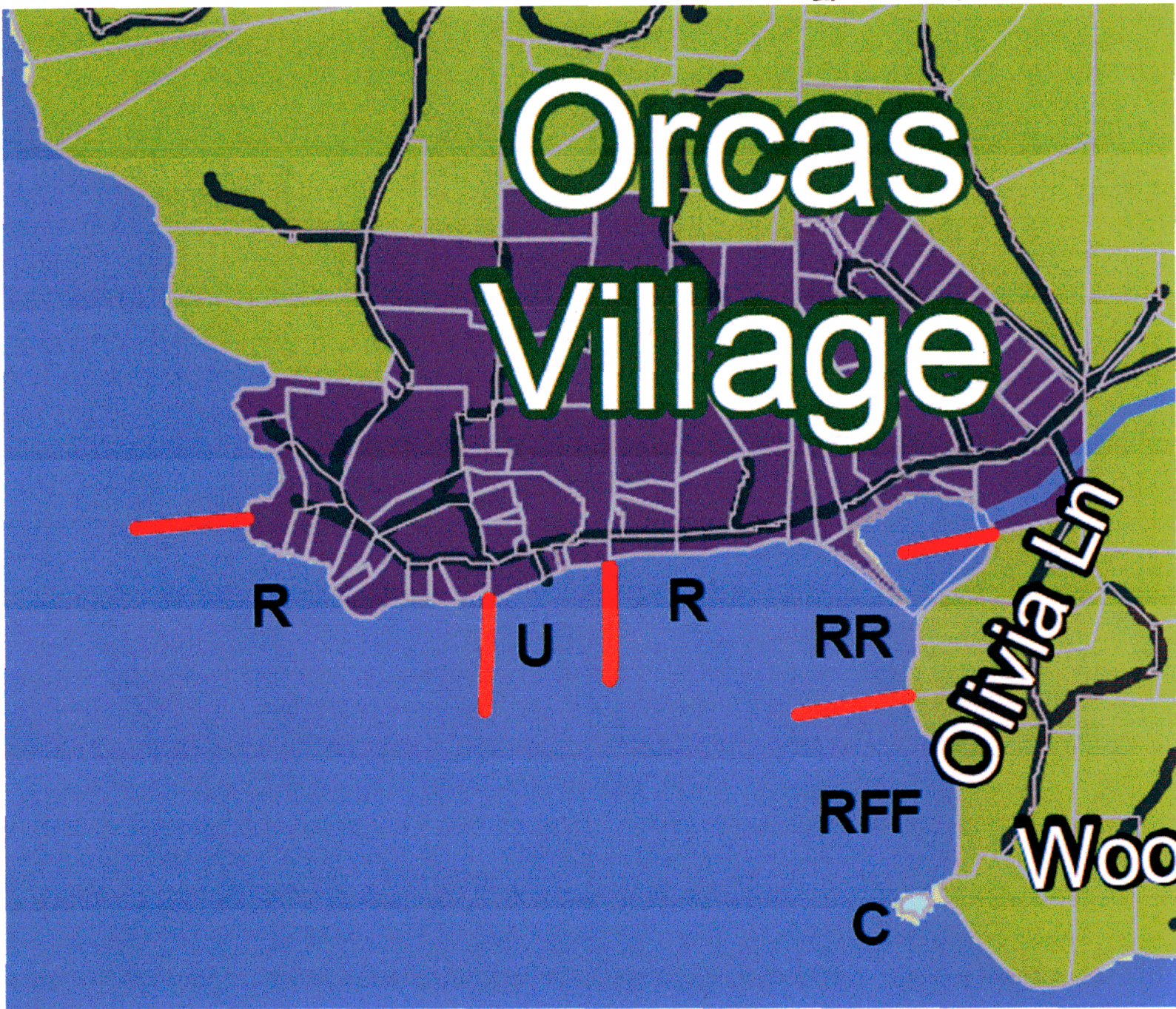
Item 1A



Item 1B



Bay Head Marina
July 2, 2008 10:50am
-3.3 low tide
*approximate lot line



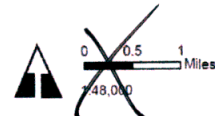
LEGEND

Land use districts*

- Activity Center
- Agricultural Resource
- Conservancy
- Eastsound Airport District (no residential development is allowed)
- Eastsound Natural (maximum 1 unit per parcel)
- Eastsound Rural (maximum 1 unit/5 acres)
- Eastsound Residential 1/acre (maximum 1 unit/acre)
- Eastsound Residential 1/acre P*
- Eastsound Residential 2/acre
- Eastsound Residential 2/acre P*
- Eastsound Residential 4-12/acre (minimum 4 - maximum 12 units/acre, see S.J.C.C. 16.55.240)
- Eastsound Residential 4/acre P*
- Eastsound Rural Residential (maximum 1 unit/5 acres)
- Town of Friday Harbor
- Friday Harbor Incorporated UGA
- Friday Harbor Unincorporated UGA
- Forest Resource
- Deer Harbor Hamlet Commercial

- Deer Harbor Hamlet Industrial
- Deer Harbor Hamlet Park
- Deer Harbor Hamlet Residential
- Island Center (see S.J.C.C. 18.30.230)
- Lopez Village Urban Growth Area
- Marina (maximum 6-8 units/acre)
- Marine Center LAMIRD
- Mosier Planned Resort
- Natural
- Olga Community Center
- Olga Hamlet Commercial
- Olga Hamlet
- Olga Park Site
- Rural Commercial
- Rural Farm Forest
- Rural General
- Rural Industrial
- Rural Residential

- Service & Light Industrial (residential use allowed only as accessory to commercial, institutional, or industrial use)
- Service Park (residential use allowed only as accessory to commercial, institutional, or industrial use)
- Village Commercial (minimum 4 - maximum 40 units/acre)
- Village Commercial Limited (see S.J.C.C. 16.55.210.D.3)
- Village Residential (minimum 4 - maximum 12 units/acre)
- Shoreline environment designation boundaries*
- C - Conservancy
- N - Natural
- R - Rural
- RFF - Rural Farm Forest
- RR - Rural Residential
- U - Urban
- EU - Eastsound Urban
- EM - Eastsound Marina
- ESR - Eastsound Residential
- Parcels [2010]*
- Roads [2008]*
- Water bodies [2008]*
- Watercourses [2000]*



All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

The functionality of this map is optimized when viewed digitally.

01.27.2012

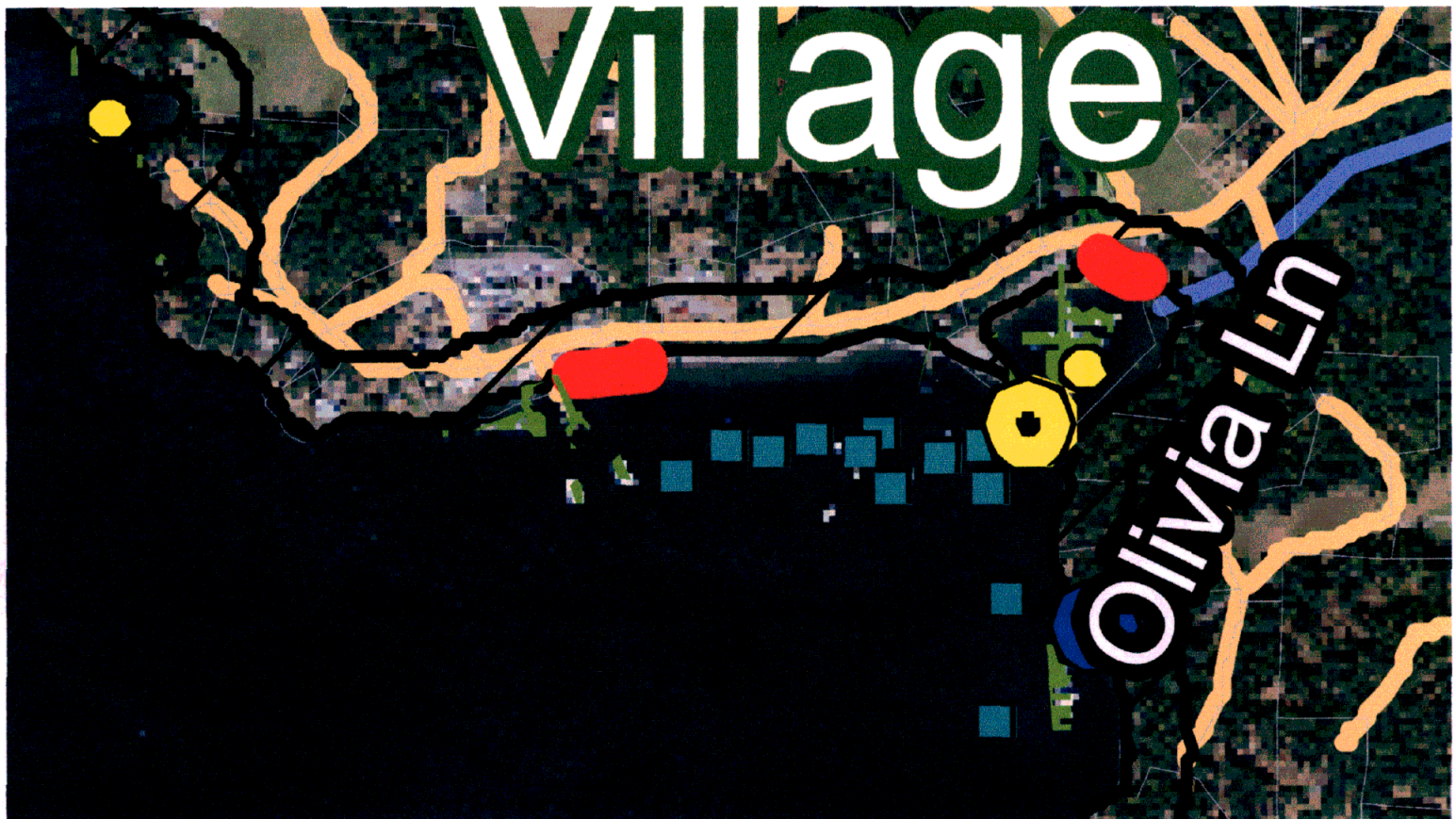
Data sources:

*San Juan County
**Washington Department of Ecology

4A Existing Land use

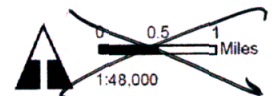
Item 3

map 9a shoreline modificationsV2



LEGEND

- Marine overwater structures [2007]**
- Armoring [2009]***
- Marinas, jetties, and breakwaters (snapped to parcel lines) [2009]***
- Breakwater
- Combination
- Jetty
- Marina
- ▲ Groins (snapped to parcel lines) [2009]***
- ▲ Improved boat ramps (snapped to parcel lines) [2009]**
- ▲ Marine railways (snapped to parcel lines) [2009]**
- Moorings (buoys and floats) [2009]**
- Pillings [2009]**
- Dams [2010]****
- Shoreline jurisdiction (white)
- Potential associated wetlands
- Water bodies [2008]*****
- Watercourses [2009]*****
- Parcels [2010]*****
- Roads [2009]*****



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The functionality of this map is optimized when viewed digitally.

01.27.2012

Data sources:

- **Washington Department of Natural Resources
- ***Friends of the San Juans
- ****Puget Sound Nearshore Ecosystem Restoration Project
- *****San Juan County
- *****Washington Department of Ecology

Orcas Village

Olivia Ln

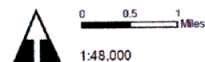
LEGEND

Current land use*

- Residential
- Manufacturing
- Transportation, communication, and utilities
- Trade
- Services
- Governmental and educational services
- Cultural, entertainment, and recreational
- Resource production and extraction
- Undeveloped land (white)
- Undeveloped land - Classified under RCW 84.34 (see note 1)
- Undeveloped land - Conservation easement
- Undeveloped land - Federal
- Undeveloped land - Common or jointly held area
- Water areas
- Water areas with conservation easement
- Not classified

- Shoreline jurisdiction
- Potential associated wetlands
- Water bodies [2009]*
- Watercourses [2009]**
- Parcels [2010]*
- Roads [2009]*

Note 1: RCW 84.34, the Open Space Taxation Act, allows for certain lands to be valued and assessed on the basis of their current use rather than their highest and best use.



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The functionality of this map is optimized when viewed digitally.

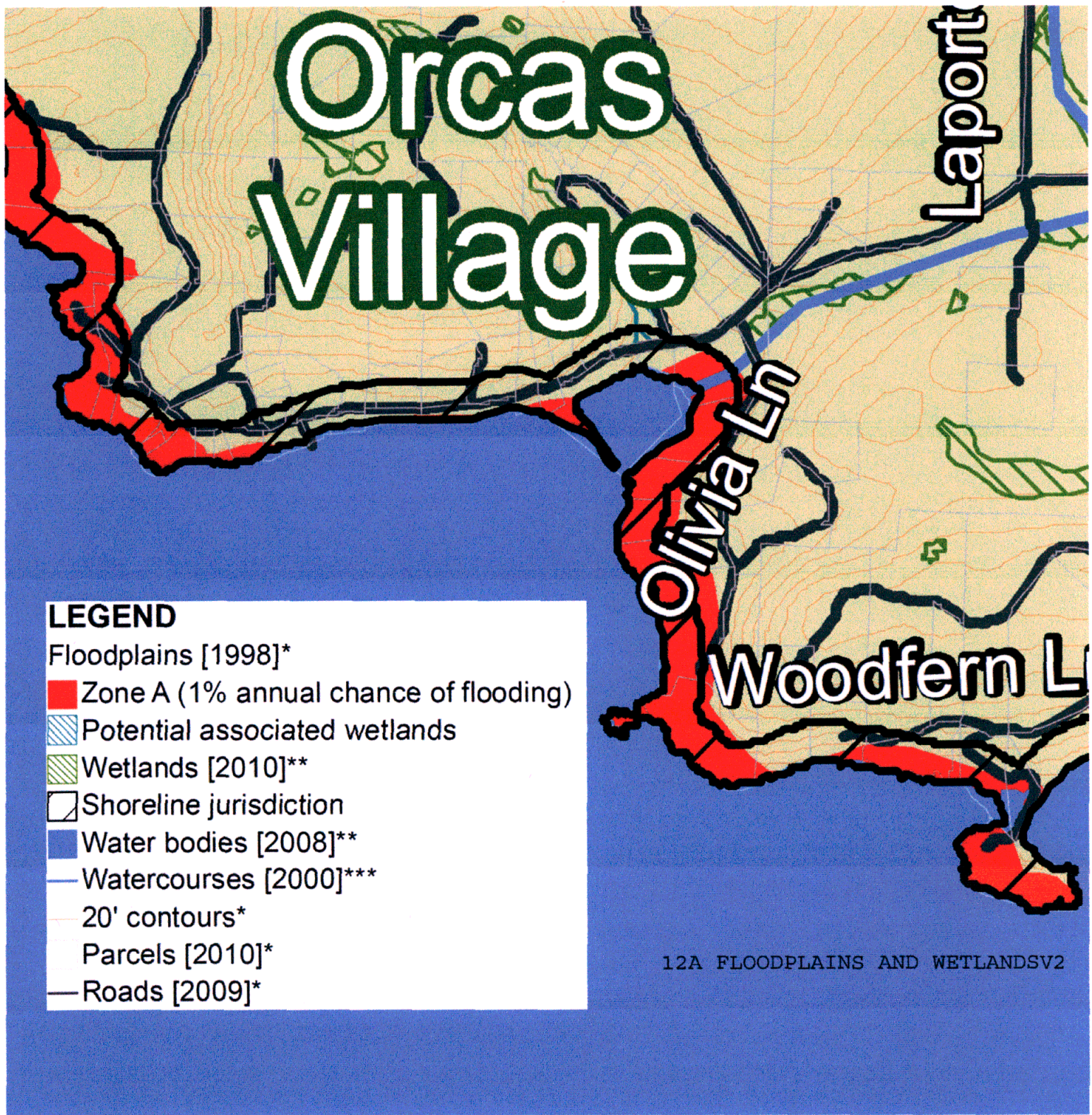
01.27.2012

Data sources:

*San Juan County
**Washington Department of Ecology

05A Current Land USE

Item 4



Item 5

Village

Olivia Ln
W

17A GEOLOGIC HAZARDS V2

LEGEND

- Unstable bluffs [1978]*
- Erosion-prone soils [2003]**
- Slopes exceeding 40% [1998]**
- Shoreline slope stability [2004]*
- Intermediate slope
- Modified
- Unstable slope
- Unstable-recent slide
- Shoreline jurisdiction
- Potential associated wetlands
- Water bodies [2006]**
- Water courses [2000]*
- Parcels [2010]**
- Roads [2009]**



0 0.5 1 Miles
1:48,000

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The functionality of this map is optimized when viewed digitally.

01.27.2012

Data sources:

*Washington Department of Ecology
**San Juan County

Item 6

Orcas Village

Olivia Ln

Woodfe

LEGEND

Land cover [2006]*

- Bare land
- Cultivated
- Deciduous forest
- Developed open space
- Estuarine aquatic bed
- Estuarine emergent wetland
- Evergreen forest
- Grassland
- High intensity developed
- Low intensity developed

- Medium intensity developed
- Mixed forest
- Palustrine aquatic bed
- Palustrine emergent wetland
- Palustrine forested wetland
- Palustrine shrub/scrub wetland
- Pasture/Hay
- Shrub/Scrub
- Unconsolidated shore
- Water
- Shoreline jurisdiction
- Potential associated wetlands
- Parcels [2010]**
- Roads [2009]**



0 0.5 1 Miles
1:48,000

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The functionality of this map is optimized when viewed digitally.

01.27.2012

Data sources:

*National Oceanic and Atmospheric Administration
**San Juan County

19A LAND COVERV2

Item 7



3.4 AN

LEGEND

Fish distribution [2010]*

- Chum salmon
- Coast resident cutthroat
- Coho salmon
- Kokanee salmon
- Rainbow trout

Pacific herring adult holding areas [2010]*

Pacific herring spawning areas [2010]*

Rocksole spawning areas [2010]*

Sand lance intertidal spawning habitat [2010]*

Surf smelt intertidal spawning habitat [2010]*

Forage fish spawn beaches [2009]**

Shoreline jurisdiction

Potential associated wetlands

Water bodies [2008]***

Watercourses [2000]****

Parcels [2010]***

Roads [2009]***

Note: For display purposes, some fish features on this map have been offset from their original position.



0 0.5 1 Miles

1:48,000

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The functionality of this map is optimized when viewed digitally.

01/27/2012

Data sources:

*Washington Department of Fish and Wildlife

**Friends of the San Juans

***San Juan County

****Washington Department of Ecology

Granny Bangs house, note logs for log dump.

-Exton



Item 8

Property Corner Reference

Item 9



Exton Equipment - 1968 - building road for breakwater. Note pond outfall.

-Exton

Item 10

BAY HEAD



TAKEN Before BREAKWATER + DREDGING

Exton handwriting, photo used to figure out how to layout Bay Head, Note log dump, cirra 1966. -Exton



Item 11



Item 12

Item 13



Post initial construction circa 1970

-Exton

Item 14



Haul road to dump rock for break water. note outfall on bay side of beach

-exton



Item 13

1968 -1969 Dredging, two outfalls

-Exton

Item 4

Daco Feb 69



Winter 1968 -1969 Ice on the water, cutterhead dredge with two discharges.

-Exton

SI m-71

Date Feb 69



Winter 1968 - 1969 Ice on water, cutterhead dredge with discharge to shore, note two discharge lines

-Exton

Item 16



Winter 1968 ~ 1969 - Ice on Water - NorEaster

-Exton

Item 17



Item 18



Item 79



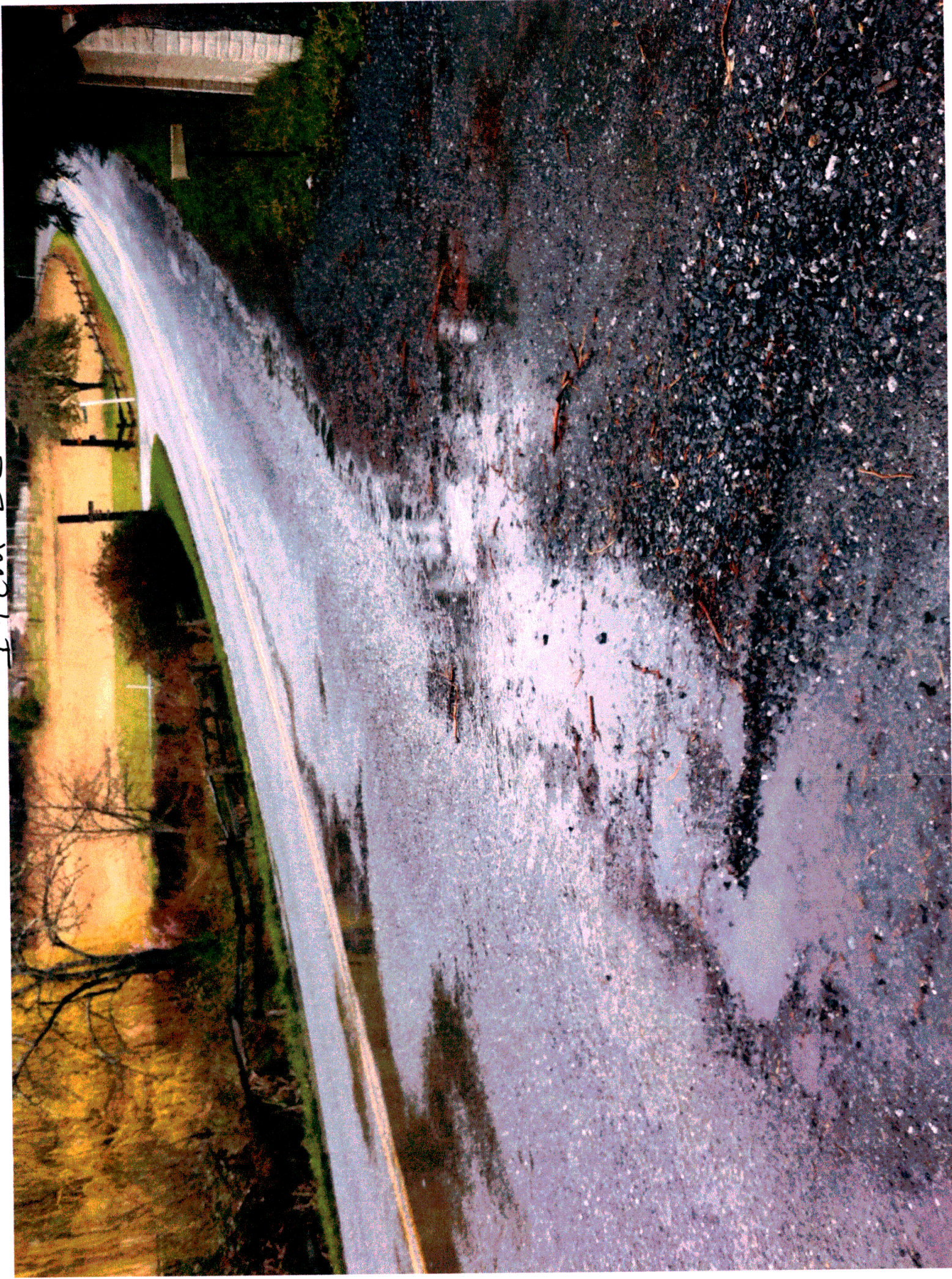
Item 20



ITEM 21



Item 22



Item 203

San Juan County SMP Update Community Summit #2

Orcas Island Vision Statements

Property Rights	Environmental Protection & Restoration	Water-oriented Uses	Public access	Aesthetics	Science/data	Policies and regulations	Other
Property owners should be allowed to have their own geologic assessment rather than a one-size fits all report ●●●●●	Protect critical, sensitive habitats, for example forage fish spawning beaches ●	Increase commercial barge access ●●●	Marinas & community docks favored over individual docks on ferry-served islands ●	Maintain (support the current functionality and beauty of SJC shorelines ●●●●●	No added regulation without real science – peer reviewed & empirical ●●●●●	Eliminate “nonconforming” designations ●●●●●●●●●●	Armoring of bank should be done on a case by case basis ●●
Respect Private Property Rights ●●●●●	Marine species diversity is high & supported by residents ●	Kayak access (launching) ●●	Increase public access to the shoreline including at county roads intersecting the shoreline ●●●	Keep the existing character of the islands. ●●●●●	Better science – more actual empirical data observations and fewer models ●●	Retain current set-back of 50 feet with screening & 100 feet with no screening ●●●●●●●●●●	I would like our shoreline just as it is now in 25 years
Protection of individual property rights is of paramount importance ●●●●●	Property shoreline vegetation to preserve view and habitat ●	More boat access ●●●	Enhance shoreline access in publicly owned areas more public access of shorelines ●●●●●	Preserve sense of place ●●●●●	Use volunteers to fact check data assessment in each region ●●●	Encourage private docks ●	Burden of proof must be on the county and be parcel specific ●
Property rights respected (incl. Raw land) Taken/restricted only with real/market compensation ●●●●●	No docks over eelgrass ●	Centers should be designated as harbors ●●●●●●●●●●	Public access through public lands	Improve architectural standards ●●	Real Economic metrics are used to measure economic importance of regulations.	Allow nonconforming structures away from the shoreline (The Peterson amendment) ●●●●●	Change term “intense” development to “pockets” of development
Property holders “Bill of Rights” Kayak access (launching) ●●●	Protect marine life at all levels ●●	Reduce dock proliferation marinas	Public access to our shorelines in increased ●●●●●	Protect natural vistas ●●●●●		No new regulations retain existing regulations ●●	Safe and abundant local seafood
Certainty foil property owners	Healthy sound-careful regulation of discharge/runoff into sound (including from lawn, garden, industry and septic) ●●●●●					Leave shoreline setback at current levels ●●●●●	Reduce dock proliferation marinas

Each participant was given 5 dots to place on the statements most important to them. The dots in the table represent the dots that were posted at the summits



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S.J.C. COMMUNITY

APR 30 2012

DEVELOPMENT & PLANNING

**BAY HEAD MARINA LLC RESPONSE TO SAN JUAN COUNTY DRAFT SHORELINE
CHARATERIZATION**

SUBJECT PROPERTY: (ITEM 1, 1A, 1B) Bay Head Marina is a private moorage facility located in the West Sound Management Area, Reach 44. **PHYSICAL ADDRESS:** 372 Killebrew Lake Road, Orcas, WA. 98280
TAX PARCEL: 262250019000

To whom it may concern;

We write to share our findings in our comparison of your Draft Shoreline Inventory and Characterization Report (DSICR) to reality. We also will share historical photos and knowledge we have of our site.

As a blanket statement we have found your maps and to be over-complicated to use and lacking in "zoom in detail." This information was derived with GIS data and we are astonished and shocked that the county cannot seem to publish this information using its Polaris software on a dedicated website. It seems the county has spent a lot of money to get these reports, but does not really wish to share the knowledge. Zooming in on a PDF is the same as using a magnifying glass on paper. The maps themselves are of such low resolution that things like docks are depicted as wetlands. It even says on each map: "The functionality of this map is optimized when viewed digitally." While a PDF is digital, it is not the "digital" they are referring to.

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Orcas Village, Washington

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A few examples of problems we found:

4A: Existing Land Use² – On Page 236 of the DSICR, Fourth paragraph, second to last sentence states, “The shoreline jurisdiction in Orcas Village itself is designated Activity Center.” If you look at the attached map (**ITEM 2**) It shows most of the Orcas Village shoreline environment designation boundaries as Rural. We disagree with this designation and feel the entire village should be designated as urban. We have support for this position in regards to all the water borne urban development areas. (**See Item 23**)

Further, we do not understand how some marinas such as Brandt’s landing enjoying “Eastsound Marina” and marina zoning in Deer Harbor, etc. exist yet we are not even designated as a Marina. This omission is prominent on map 9A. (**ITEM 3**) We do not understand how a legally permitted marina within the Orcas Village activity center would be overlooked. We are a Marina and should be designated as such as this is the EXISTING USE OF THE PROPERTY and has been so since 1969. We feel the source of this information; The Friends of the San Juans omitted our Marina in 2009. At that time we were in a legal battle regarding our dredge permit. If you look at our permit files you will find our permit and the FOTSJ opposition to our work. We find our omission from their work as quite a coincidence and are curious as to how this happened. Further, we also note missing are pilings for the “Marina” to our south, the pilings for the ferry landing and the pilings for the County dock. As I look at many other known pilings I find them conspicuously absent as well. Lastly, our boat launch was omitted. It appears on our original permit, again on our ALTA survey we recorded in 2008 and again in 2011 with corrections.

To add to the confusion map **5A Current Land Use (ITEM 3A)** designates us as “cultural, entertainment, and recreation” wouldn’t a designation of “transportation, communication and utility make more sense OR even a marina designation.

In addition to this omission we see that the armoring of our parking lot and breakwater is also absent from the FOTSJ’s work. (**SEE ITEM 17, 18, 19**) Basically, our entire site is man-made and armored.

On to map **12A Floodplains and Wetlands**² (**item 4**) We do not understand how the indicated areas in and around our marina correspond with reality. It should be all or none.

Map 17A Geologic Hazards shows three areas of slopes exceeding 40%. (**ITEM 5 & 20**) It seems to me the entire area from the Orcas Village Store to our Marina has a slope like this. Why the gaps?



BAY HEAD MARINA LLC

Orcas Village, Washington

Protecting Boats Since 1969

Map 19A Land Cover shows many different things. **(ITEM 6)** It shows our whole marina, parking lot, beach outside the marina, the county dock, and the dock to the south of us as Palustrine Aquatic Beds. We disagree. Further, it seems NOAA's equipment likes docks and ramps as wetlands as it appears the ferry landing is classified as Palustrine Emergent Wetland. Again we disagree. Further, the map also shows our parking lot and adjacent beaches as pastures containing Hay. We have provided the county with our Biological Evaluation in our recent permit application and we feel it speak for itself. We had to look up the definitions on NOAA, the source, so I will put them here:

Palustrine Aquatic Bed – The Palustrine Aquatic Bed class includes tidal and nontidal wetlands and deepwater habitats in which salinity due to ocean-derived salts is below 0.5 percent and which are dominated by plants that grow and form a continuous cover principally on or at the surface of the water. Palustrine Aquatic Beds represent a diverse group of plant communities that require surface water for optimum growth and reproduction. They are best developed in relatively permanent water or under conditions of repeated flooding. The plants are either attached to the substrate or float freely in the water above the bottom or on the surface. These include algal mats, detached floating mats, and rooted vascular plant assemblages.

Palustrine Emergent Wetland (Persistent) – Includes all tidal and nontidal wetlands dominated by erect, rooted, herbaceous hydrophytes and all such wetlands that occur in tidal areas in which salinity due to ocean-derived salts is below 0.5. These wetlands are usually dominated by perennial plants.

Map 20A Does not indicate our parking lot as impervious surface.

Map 25A PHS FISH shows Sand Lance Intertidal Spawning Habitat and Forage Fish Spawn Beaches. **(ITEM 7)** Again we see the FOTSJ as the source along with WDFW. We are curious how either entity was able to study our beach without our permission and we doubt they actually have studied the beach. Due to the unique nature of our fee simple ownership of our tidelands we do not have to grant any public access to our beach either from the water or land. It would be of benefit to all if the citations in the maps were more specific.

If in fact it is true, I would like to point out that the creation of the breakwater and subsequent dredging and disposal of the spoils is directly responsible for this habitat. We hope that the county will look towards a beneficial use program for dredged materials. We share our photos of the marina when it was a log dump and prior to this it



BAY HEAD MARINA LLC

Orcas Village, Washington

Protecting Boats Since 1969

was an oyster bed. **(ITEMS 8-16)** It is clear that any habitat outside the marina and subsequent habitat inside the marina is man-made.

Map 35 does not show our parking lot as no-conforming, but we want to point out it is there and the photos show this.

The accuracy of the maps is extremely important as it is supposed to be based on science. These inaccurate maps, if accepted, will cost our marina at best many thousands of dollars and at worst the viability of the marina as a business enterprise will be lost... Either way we already are burdened with many studies, surveys and reports in order to develop our marina to meet the future needs of the community. We do not understand how these maps in their current condition will further any knowledge and protect the environment.

Lastly, I feel that the county is missing the mark on substantial things that affect water quality such as the attached photos of concentrated water run-off from the county road onto our property. **(Items 21 & 22)** How is this accounted for?

These are just some of the things I ran across while reading through the DSICR and if I sent more time I do not have I am sure I would find more items to point out, however I feel we have demonstrated that the county had better take a hard look at this methodology. We are curious as to when someone follows the disclaimer on the maps will these subsequent "evaluations" become part of these maps?

It says, "All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map." This equals I pay for it. However, we have given the county Eel grass studies and why can't this be part of the record?

Thank you for your attention to these important matters.

Regards,

-Bay Head Marina LLC

Bret Thurman
Member

28 Attachments

S.J.C. COMMUNITY

APR 30 2012

DEVELOPMENT & PLANNING