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*Chapter 20.20*

**INTRODUCTION TO USE ACTIVITY REGULATIONS**

**Sections:**

**20.20.010 Use Activity Regulations.**

**20.20.020 Critical Areas.**

**20.20.010 Use Activity Regulations.**

Shoreline use activities are classifications of the various types of developments or activities which can be anticipated to be carried out on or occupy shoreline locations.

The Department of Ecology final guidelines for Master Program development established 21 use activities and set minimum guidelines for managing each activity. In addition to this, Pierce County's Citizens Advisory Committee added four use activities which were felt needed in order to effectively manage the shoreline areas of Pierce County.

The use activity regulations are a means of implementing the more general policies of Phase I of the Master Program and the Shoreline Management Act.

The regulations of each use activity have been developed on the premise that all appropriate shoreline uses require some degree of control in order to minimize adverse affects to the shoreline environment and adjoining properties.

Each project which falls within the jurisdiction of the Act will be evaluated to determine its conformance with the use activity regulations as well as the goals and policies of Phase I of the Master Program.

**20.20.020 Critical Areas.**

Pursuant to RCW 36.70A.480, the Master Program is required to provide a level of protection to critical areas (eg. eelgrass beds, spawning areas for herring, smelt, and sandlance) located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2). The County's standards for critical area protection are set forth in Title 18E, Development Regulations – Critical Areas, and are hereby incorporated by reference within Title 20. All shoreline use activities shall be required to comply with the provisions of Title 18E in addition to the specific standards and guidelines for each use activity set forth within Title 20.



Chapter 20.24

AQUACULTURAL PRACTICES

Sections:

20.24.010 Definitions.

20.24.020 Guidelines for Reviewing Substantial Development Permits.

20.24.030 Environment Regulations - Uses Permitted.

20.24.010 Definitions.

- A. **Aquaculture.** The commercial culture and farming of food fish, shellfish, and other aquatic plants and animals in lakes, streams, inlets, estuaries, and other natural or artificial water bodies.
- B. **Aquacultural Practices.** The hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings, and growing areas. Methods of aquaculture include but are not limited to fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters in tidal and other shoreline areas.
- C. **Water Dependent Aquaculture Uses.** All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Examples of water dependent uses include but are not limited to the following:
  - 1. Boat launch facilities.
  - 2. Fish pens.
  - 3. Shellfish and seaweed rafts and floats.
  - 4. Racks and longlines.
- D. **Water Related Aquaculture Uses.** Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in Pierce County cannot occur economically at this time without a shoreline location. Examples of water related uses include but are not limited to the following:
  - 1. Aquaculture commodities processing plants.
  - 2. Culturing facilities.
  - 3. Boat storage facilities.
- E. **Nonwater Related Aquaculture Uses.** Those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired. Examples of nonwater related uses include but are not limited to the following:
  - 1. Warehouses and storage areas.
  - 2. Office buildings.
  - 3. Parking lots.

(Ord. 88-76S § 1 (part), 1988; Ord. 82-46 § 1 (part), 1984; Res. 18562-A § 1 (part), 1976; prior Code § 65.24.010)

20.24.020 Standards and Guidelines for Reviewing Substantial Development Permits.

The following regulations apply to aquaculture and aquaculture practices in all shoreline environments:



- 1 A. Development Guidelines. In lieu of specific standards relating to design, bulk, and use,  
2 the following guidelines shall be applied to the County's reviewing authority to a site  
3 specific project application for a substantial development permit in arriving at a  
4 satisfactory degree of consistency with the policies and criteria set forth in this Chapter  
5 and Chapter 20.30. To this end, the County may extend, restrict, or deny an application  
6 to achieve said purpose.
- 7 1. The use of shoreline areas for aquaculture shall be encouraged for the production of  
8 commodities for human consumption and utilization.
  - 9 2. Aquaculture development shall not cause extensive erosion or accretion along  
10 adjacent shorelands.
  - 11 3. Aquacultural operations shall be conducted in a manner which precludes damage to  
12 specific fragile areas and existing aquatic resources. These operations shall  
13 maintain the highest possible levels of environmental quality and compatibility with  
14 native flora and fauna.
  - 15 4. Aquaculture operations shall be in conformance with the most current applicable  
16 local, state and federal regulations for water quality, noise, and odor and waste  
17 management. Where water withdrawal is required, a water registration permit must  
18 be obtained.
  - 19 5. Conflicts between the aquaculture use and the navigational access of current upland  
20 residents, and intense recreational boating, commercial fishing, and other  
21 commercial traffic can be minimized.
  - 22 6. Conflicts between the aquaculture use and the visual access of current upland  
23 residents or the general aesthetic quality of the shoreline can be minimized.
  - 24 7. As technology expands with increasing knowledge and experience, preference shall  
25 be placed on feasible structures which minimize interference with navigation or the  
26 impairment of the aesthetic quality of the shoreline.
  - 27 8. A baseline study at or near the proposed aquaculture site may be required only  
28 when the permit reviewing authority deems necessary.
  - 29 9. Where an aquaculture operation is proposed for a constricted body of water, a  
30 flushing study may be required when the permit reviewing authority deems  
31 necessary.
  - 32 10. Shoreline areas having the prerequisite qualities for aquacultural uses shall have  
33 priority in order to protect Pierce County's aquacultural potential.
  - 34 11. Prior to beginning aquaculture operations, aquaculture permits must be obtained  
35 from the State Department of Fisheries.
  - 36 12. The scale of aquaculture operations shall be in proportion with the surface area and  
37 configuration of the affected water body.
  - 38 13. All water related and non-water related aquaculture structures may be required to be  
39 landscaped to screen them from adjacent uses to the shoreline.
  - 40 14. Joint use of facilities such as boat launches and storage buildings is encouraged.
  - 41 15. Aquaculture developments are to be maintained in a safe and sound condition.
  - 42



1 **B. Specific Standards Applicable to Geoduck Aquaculture.** The following standards  
2 relating to design, location, bulk and use shall apply to geoduck aquaculture and  
3 are in addition to the Development Guidelines set forth in Section 20.24.020 A.  
4 Compliance with these standards must be determined by the County's reviewing  
5 authority to approve a site specific project application.

6 **1. Delineation of Harvest Area and Demonstrated Right to Harvest.**

7 a. Documentation of ownership or present right of possession of land and tidelands  
8 proposed to be utilized for the operation shall be submitted at the time of  
9 application. The documentation shall demonstrate the right to plant and harvest  
10 geoducks and shall include a survey of the area to be utilized for the operation.

11 b. The boundaries of the harvest area shall be marked at all corners with marker  
12 buoys for the duration of the operation in order to identify the operation  
13 boundaries to the public.

14 **2. Access to Harvest Area.**

15 a. Access to the operation shall be primarily from the water.

16 b. Access from the land may be allowed when a designated vehicle parking and  
17 staging area is provided. The parking and staging area shall be identified as part  
18 of the application, shall be located on private property, and shall be located  
19 above the ordinary high water mark. Documentation of property owner consent  
20 authorizing the operation to utilize the parking and staging area shall be  
21 provided.

22 c. The use of vehicles and other heavy equipment on intertidal areas and beaches  
23 should be avoided or minimized. The application shall describe any vehicle and  
24 heavy equipment proposed to be utilized on intertidal areas and measures to be  
25 taken to minimize impacts.

26 **3. Hours and Days of Operation.**

27 a. Hours and days of operation shall be identified as a condition of approval for a  
28 geoduck aquaculture operation and should be consistent with the management  
29 practices for geoduck fisheries set forth the State of Washington Commercial  
30 Geoduck Fishery Management Plan, dated May 23, 2001.

31 b. Night and weekend seeding and harvest operations should only be permitted  
32 where the operation is located 1000 feet or more from residential dwellings and  
33 public park sites.

34 **4. Visual Impacts.**

35 a. Permanent lighting shall not be permitted. Temporary lighting for nighttime  
36 activities should be the minimum necessary for safe and efficient operations.

37 b. Tubes and netting shall be a neutral color (white, beige, gray, or black).

38 c. All tools and products of harvest activities must be removed from the site when  
39 each day's harvest is completed.

40 **5. Impacts to Public Use.**

41 a. Aquacultural equipment, structures, and other materials (pipes, nets) shall be  
42 removed as soon as practical when young geoducks are no longer vulnerable to  
43 predators.

44 b. The adjoining neighbors should be informed of upcoming harvest activities, at  
45 least five days in advance.

46 c. Noise from pumps, generators, and other mechanical devices, radios, etc., should  
47 be minimized and be consistent with Pierce County and State of Washington



1 noise standards. Allowable noise thresholds should consider the potential for  
2 harvest noise to affect nearby residences

3 d. A 10 foot setback shall be maintained between adjoining properties and  
4 aquaculture operations.

5 6. Litter Control.

6 a. All tubes and nets and any other equipment left on the beach shall be marked so  
7 as to identify ownership. The marking or identification of equipment shall be  
8 substantial enough to withstand the natural elements.

9 b. Excess and/or non-secured tubing, netting and other materials must be removed  
10 from the beach prior to the next incoming tide so that all debris, nets, bands, etc.,  
11 are maintained and prevented from littering the waters or the beaches.

12 c. Predator exclusion nets should be designed so they do not break free and cause  
13 beach littering onsite or offsite. Individual tube netting shall be employed and  
14 secured with UV-resistant fasteners. Any large-cover nets employed shall be  
15 designed to minimize the risk to wildlife and humans. Any netting used shall be  
16 tagged for identification purposes.

17 d. A tube placement and removal schedule shall be submitted to the Planning and  
18 Land Services Department at least 30 days prior to public hearing for the  
19 Substantial Development Permit and shall be made a condition of approval. This  
20 schedule shall specify the anticipated dates for tube placement and removal. At a  
21 minimum, all tubes and associated netting and net securing devices shall be  
22 removed from the site no later than two years plus six months, from time of  
23 placement.

24 e. The applicant/property owner must obtain a bond or financial guarantee in the  
25 amount of \$1.00 per tube placed, or such lesser amount determined adequate by  
26 the Hearing Examiner. This is to ensure that all aquaculture equipment,  
27 specifically the tubes, netting and net securing devices will be completely  
28 removed from the site in accordance with the timelines set forth within the tube  
29 placement and removal schedule. Failure to remove tubes, netting and net  
30 securing devices within the time periods specified in the tube placement and  
31 removal schedule shall result in enforcement actions pursuant to Chapter 18.140,  
32 Pierce County Code. In the event that it becomes necessary for Pierce County to  
33 take action to physically remove the tubes, netting, or net securing devices  
34 pursuant to the authority granted under Section 18.140.040 D.2., PCC, the  
35 bond/financial guarantee shall be forfeited. Additionally, Pierce County shall  
36 seek revocation of all approvals granted to harvest the geoduck following the  
37 procedures set forth in Section 18.140.060, PCC.

38 f. Area beaches within ½ mile on either side of the project site should be patrolled  
39 by the applicant on a schedule approved by Pierce County to retrieve debris that  
40 escapes from the geoduck operation, subject to beach owner's permission to  
41 enter.

42 7. Harvest method.

43 a. The following best management practices derived from the Best Management  
44 Practices (BMP's) for Geoduck Aquaculture on State Owned Aquatic Lands in  
45 Washington State developed by the Washington State Department of Natural  
46 Resources should be followed during harvest:

47 i) Water pumps used for harvest should be placed on floating rafts, which are  
48 anchored temporarily in water greater than -18 feet (MLLW) in depth. If no



1 submerged vegetation is present and the seabed is shallow for a long distance  
2 from the beach, the anchoring of rafts in shallower water will be allowed. If  
3 the raft is likely to drift over aquatic vegetation, care should be taken in the  
4 design of the raft to prevent it from flattening vegetation if grounded at low  
5 tide.

6 ii) Pump intake screens should minimize potential entrainment of aquatic  
7 organisms.

8 iii) Harvest can only be undertaken using low-pressure water-jets with a nozzle  
9 inside tip diameter of 5/8-inch or less. The nozzles should hand held and  
10 controlled by the operator; the nozzle pressure should be limited to  
11 approximately 100 psi measured at the pump.

12 iv) Harvest activities should be conducted during tides where the least amount of  
13 turbidity will occur as practicable. On moderately sloping beaches with fine-  
14 grained sediments, consider controlling down-beach movement of sediments  
15 at each harvest point with a sand-filled cloth tube or similar sediment  
16 containment method.

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18 **20.24.030 Environment Regulations - Uses Permitted.**

19 ~~A. Subject to the Guidelines for Reviewing Substantial Development Permits, geoduck~~  
20 ~~harvesting is permitted outright in all shoreline environments.~~

21 ~~1. Geoduck harvesting is to be conducted in a manner consistent with RCW 75.24.100~~  
22 ~~as now or hereafter amended.~~

23 ~~2. Information concerning these requirements can be obtained from:~~

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Department of Natural Resources Marine Land Division QW-21 Olympia, WA 98504 _____(360) 754-1473	Department of Fisheries Shellfish Program AX-11 Olympia, WA 98504 _____(360) 753-6772
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~~B. Urban, Rural Residential, and Rural Environments.~~ Aquaculture operations are  
permitted subject to the Guidelines for Reviewing Substantial Development Permits.

~~A. Urban and Rural Residential Environments.~~ Aquaculture operations are limited to  
fishing, raising, holding, and harvesting of wild and planted stocks for recreation and  
commercial purposes that do not involve the use of tubes, netting, or other materials  
placed in intertidal areas. ~~Such~~ Aquaculture operations that do not involve the use of  
tubes, netting, or other materials placed in intertidal areas will be allowed upon showing  
the activity will not substantially change the character of the site or adversely affect  
natural populations and shall be subject to the Standards and Guidelines for Reviewing  
Substantial Development Permits.

~~B. Rural and Conservancy Environments.~~ Aquaculture operations which do not involve  
the placement of land based structures are permitted subject to the Standards and  
Guidelines for Reviewing Substantial Development Permits. Aquaculture operations  
which involve the development of land based structures are allowed as Conditional Uses  
and subject to the Standards and Guidelines for Reviewing Substantial Development  
Permits.

~~C. Natural Environment.~~ Aquaculture operations are limited to fishing and the harvesting  
of wild and planted stocks for recreation and commercial purposes. Operations which



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do not involve planting in intertidal areas, the placement of structures or fill in the aquatic or terrestrial environment, or the use of tubes, netting, or other materials placed in intertidal areas will be allowed as a Conditional Use, upon showing the activity will not substantially change the character of the site or adversely affect natural populations and shall be subject to the Standards and Guidelines for Reviewing Substantial Development Permits. Operations involving structural developments are prohibited.



Chapter 20.56

PIERS AND DOCKS

Sections:

20.56.010 Definitions.

20.56.020 Intent.

20.56.030 Environment Regulations - Uses Permitted.

20.56.040 General Criteria and Standards Guidelines for Reviewing Substantial Development Permits.

20.56.010 Definitions.

- A. **Dock.** A "Dock" shall mean a structure which abuts the shoreline and floats upon the water and is used as a landing or moorage place for marine transport or for recreational purposes, but does not include recreational decks, storage facilities, or other appurtenances.
- B. **Pier.** A "Pier" shall mean a structure which abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for marine transport or for recreational purposes.
- C. **Float/Float Lift.** A "Float" shall mean a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for marine transport or for swimming purposes. A "Float Lift" shall mean a structure (i.e., hydraulic boat lift, or boat storage unit) designed to float on the water and have the capability of lifting a boat out of the water for storage or mooring purposes. Floats/float lifts are either attached to a pier or are anchored to the bedlands so as to allow free movement up or down with the rising or falling water levels.
- D. **Gangway.** A "Gangway" shall mean a sloping structure which provides access from a pier to a float.
- E. **Intrusion into the Water.** "Intrusion into the Water" shall mean the length of a dock or pier together with any attached structures such as a gangway and/or float measured along a perpendicular line from the ordinary high water line or lawfully established bulkhead to the most seaward projection of the structure.
- F. **Length Parallel to Shore.** "Length Parallel to Shore" shall mean the width of a pier or dock at its widest point measured parallel to the shoreline or the combined width of a pier, dock, and any attached structures such as a float at the widest point.
- G. **Fetch.** "Fetch" shall mean the horizontal distance across a body of water measured in a straight line from the most seaward point along the ordinary high water line or lawfully established bulkhead on a given stretch of shoreline to the closest point on the ordinary high water line or lawfully established bulkhead on a separate stretch of the opposite shoreline.

For the purposes of this Chapter, "fetch" shall be determined as follows:

1. Identify the parcel of land on which the subject structure is located. In the case of a joint use structure that straddles a property line, both parcels shall be considered together as one parcel.
2. Identify each of the two parcel property lines that intersect the ordinary high water mark, and identify these two points of intersection.



3. Draw a straight line between the two points of intersection referred to in step 2.
4. Identify the point at which the structure meets the ordinary high water mark.
5. Draw a line, perpendicular to the line referred to in step 3, that intersects the point where the structure meets the ordinary high water mark.
6. Beginning at the point where the structure meets the ordinary high water mark, draw two 45 degree angles extending waterward, one on each side of the line drawn in step 5.
7. Beginning at the point of intersection referred to in step 5, draw a straight line to the closest point at the ordinary high water mark on any shoreline that lies within either of the two 45 degree angles and is not located on the subject parcel.
8. The fetch is the length of the straight line drawn in step 7.

~~H. **Opposite Shore.** "Opposite Shore" shall mean the area of shoreline across a body of water, from a given lot or tract of land that lies within an arc, the centerpoint of the arc being the mid-point of a base line which is a straight line drawn between the point of intersection of one lot sideline with the shoreline and the intersection of the opposite side lot line with the shoreline; the length of said radius being the distance between the mid-point of said line and the intersection of said radius line with the shoreline across the body of water measured perpendicular to the base line.~~

~~HI. **Single Use Pier or Dock.** "Single Use Pier or Dock" shall mean a dock or pier including a gangway and/or float which is intended for the private noncommercial use of one individual or family.~~

~~IJ. **Joint Use Pier or Dock.** "Joint Use Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for the private, noncommercial use of not more than by the residents of two to four waterfront building lots under separate ownership owners, where at least one boundary of whose each building lots lies within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.~~

~~JK. **Community Pier or Dock.** "Community Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for use in common by lot owners or residents of a subdivision or residential planned development district.~~

~~KL. **Public Recreational Pier or Dock.** "Public Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float either publicly or privately owned and maintained intended for use by the general public for recreational purposes, but not to include docks constructed as part of a marine development.~~

~~LM. **Private Recreational Pier or Dock.** "Private Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float which is owned and maintained by a private group, club, association or other organization and is intended for use by its members.~~

~~MN. **Commercial-Industrial Pier or Dock.** "Commercial-Industrial Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for any commercial or industrial use other than storage or moorage of boats used for recreational purposes.~~

~~NO. **Constricted Body of Water.** "Constricted Body of Water" shall mean any tidal basin having a width at the entrance which is less than half of the inner distance, measured from the entrance to the innermost shoreline.~~

#### 20.56.020 Intent.

It is the intent of Pierce County to encourage the construction of joint use or community use docks and piers whenever feasible so as to lessen the number of structures projecting into the



1 water. To this end, waterfront property owners are encouraged to explore the advantages of  
2 increased dock dimensions which are afforded by the construction of a joint or community use  
3 structure.

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5 **20.56.030 Environment Regulations - Uses Permitted.**

6 **A. Urban Environment.**

- 7 1. Subject to the standards in Section 20.56.040, the following uses are permitted  
8 outright: (The issuance of a building permit and review by other agencies may be  
9 required.)
- 10 a. Floating type navigation aids such as channel markers.
  - 11 b. Anchor buoys limited to one per waterfront lot owner, located between the side  
12 property lines extended at a right angle to the shoreline or one per 100 feet of  
13 shoreline frontage.
  - 14 c. One uncovered float/float lift, pier and float/float lift, or dock as an accessory use  
15 and located on, or in front of the same lot, tract or parcel of land as a single  
16 family dwelling.
    - 17 (1) The dock, pier or float/float lift shall be designed for swimming and/or  
18 mooring/storing pleasure craft only, for the private noncommercial use of  
19 the owners, lessee or contract purchaser or the single family residence to  
20 which the float or dock is accessory provided the cost or fair market value,  
21 whichever is higher, does not exceed \$5,000~~2,500~~.
    - 22 (2) Floats/float lifts shall be so anchored as to allow clear passage on all sides  
23 by small watercraft and shall extend at least eight inches above the water  
24 surface.
    - 25 (3) Floats/float lifts shall have an overall area not exceeding 100 square feet.
    - 26 (4) Floats/float lifts, piers, and docks shall be located not closer than ten feet to  
27 a side property line except for docks intended for joint use.
    - 28 (5) Saltwater docks and piers shall have an intrusion into the water of not more  
29 than 50 feet or only so long as to obtain a depth of eight feet, whichever is  
30 less as measured at mean lower low water, except that the intrusion into  
31 water of any pier or dock on saltwater shall not exceed 15 percent of the  
32 fetch. Maximum length parallel to shore shall be eight feet.
    - 33 (6) Fresh water docks and piers shall have an intrusion into the water of not  
34 more than 30 feet or only so long as to obtain a depth of eight feet,  
35 whichever is less as measured at ordinary high water; except that the  
36 intrusion into water of any dock or pier on fresh water shall not exceed 15  
37 percent of the fetch. Maximum length parallel to shore shall be eight feet.
- 38 2. Uses permitted subject to the granting of a Substantial Development Permit upon a  
39 finding by the appropriate County reviewing authority, of consistency with the  
40 criteria and standards guidelines of Section 20.56.040; and subject also to the  
41 granting of a building permit.
- 42 a. Uses permitted outright in subsection A.1., but which exceed the limitations set  
43 forth in subsection A.1. provided there are no more than two uses allowed per  
44 property;
  - 45 b. Joint use pier or dock, uncovered provided there are no more than two uses  
46 allowed per property;
  - 47 c. Community pier or dock, uncovered;
  - 48 d. Recreational pier or dock, uncovered;



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- e. Commercial and industrial pier, covered or uncovered;
- f. Navigational aids, non-floating.

- B. **Rural-Residential Environment.** Same as Urban Environment.
- C. **Rural Environment.** Same as Urban Environment.
- D. **Conservancy Environment.** Same as Urban Environment, except only water dependent and water related commercial and light industrial piers are allowed as a conditional use. Piers, docks, and floats/float lifts are prohibited in marine waters.
- E. **Natural Environment.** Piers, docks and floats are prohibited.
- F. Covered piers, docks, and floats/float lifts are prohibited in all Environment designations.



**FIGURE 1**

**ILLUSTRATIONS OF MEASUREMENTS**

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W = Length of Parallel to Shore

L = Intrusion Into the Water

(No changes to Figure 1 are proposed.)



FIGURE 2

**OPPOSITE SHORE DETERMINING FETCH**

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