



July 26, 2023

Via Email: [Luke.Viscusi@masonco.wa.gov](mailto:Luke.Viscusi@masonco.wa.gov)

Mr. Luke Viscusi  
Mason County  
Planning Division of Community Development  
615 W Alder St, Bldg 8  
Shelton, WA 98584

RE: Response to additional Public Comments provided to Taylor Shellfish after the SEPA public comment period, regarding application for Development Application #SEP2023-00007 for a floating oyster farm in Oakland Bay.

Dear Mr. Viscusi,

Thank you for the opportunity to review and respond to additional public comments regarding Taylor Shellfish Oakland Bay Floating Farm #SEP2023-00007. Taylor responded to previously submitted comments with a letter dated 5/17/2023. As stated in the JARPA and supporting materials, this project is for the development of a 9.1 acre floating system within a 50 acre boundary for oyster seed and possible grow out to market size oysters for human consumption, on the fully subtidal lands owned by DNR and leased to Taylor Shellfish under Lease# 20-104436.

Shellfish aquaculture in Washington State is subject to numerous regulatory programs and reviews by federal, state, and local authorities. At the state and local level, shoreline permits under the SMA are required for most new farms requiring the installation of gear, and the Washington Shorelines Hearings Board ("SHB") has considered several appeals of shoreline permits for shellfish aquaculture over the last several years. Those decisions have confirmed shellfish aquaculture is a preferred use that, when appropriately sited and conditioned, has insignificant environmental impacts.<sup>1</sup>

At the federal level, shellfish cultivation activities in Washington State have been exhaustively analyzed in a recent programmatic Endangered Species Act/Essential Fish Habitat consultation ("Programmatic Consultation").<sup>2</sup> The Programmatic Consultation was conducted between the Seattle District U.S. Army

<sup>1</sup> E.g., *Marnin v. Mason County*, SHB No. 07-21, Modified Findings of Fact, Conclusions of Law and Order at COL 14 (Feb. 6, 2008); *Taylor Shellfish Farms v. Pierce County*, Findings of Fact, Conclusions of Law, and Order, SHB Nos. 06-039, 07-003, 07-005 (Jan. 23, 2009); *Coalition to Protect Puget Sound Habitat v. Pierce County*, SHB No. 11-019 (July 13, 2012); *Coalition to Protect Puget Sound Habitat v. Thurston County*, SHB No. 13-006c (October 11, 2013); *Coalition to Protect Puget Sound Habitat v. Pierce County*, SHB No. 13-016c (January 22, 2014); and *Coalition to Protect Puget Sound Habitat v. Pierce County*, SHB No. 14-024 (May 15, 2015).

<sup>2</sup> Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.



Corps of Engineers, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service, and it was completed in 2016. This consultation carefully analyzed potential impacts of shellfish aquaculture activities throughout Washington State, including on a cumulative basis, to ESA-listed species, designated critical habitat, and essential habitat for over 80 species of fish. The Programmatic Consultation documented that shellfish aquaculture can provide multiple benefits to sensitive species and habitat, including through water quality improvements and provision of structured habitat. It determined shellfish aquaculture activities across the entire state—including floating oyster bag cultivation in South Puget Sound—would result in limited, incidental take and would neither jeopardize the existence of listed species or destroy or adversely modify critical habitat. The Programmatic Consultation identified approximately 30 conservation measures that shellfish farmers could follow to avoid and minimize impacts to listed species, critical habitat, and essential fish habitat.

This proposed Project will fully comply with all of the measures from the Programmatic Consultation, including siting activities outside of sand lance and surf smelt spawning locations, monitoring for herring spawn and suspending activities while spawn is present, using appropriate marine-grade cultivation gear, securing gear, and regulatory monitoring farm areas. Moreover, the Project application was supported by a professional habitat management plan that considers site-specific conditions and includes additional conditions to address local circumstances. As such, the Project contains appropriate, effective conditions to avoid and minimize potential impacts to aquatic specific and habitat, and it is expected to provide important benefits including protecting and promoting water quality within Oakland Bay. Accordingly, Taylor Shellfish respectfully requests that the County issue the requested shoreline permit for the farm.

A. Response to Specific Comments

1. Deidre Peterson, obo Shelton-Mason County Chamber of Commerce

- a. Support for Project: Taylor Shellfish greatly appreciates the support for the proposed project. Taylor Shellfish has deep roots in Mason County, farming shellfish here for over 130 years. Maintaining and growing the economic and environmental vitality of this area which was built on its commitment to support the strong natural resource industries remains a priority for Taylor. The company is committed to following best management and sustainable practices for all of its farms and facilities. We agree that this farm brings with it an increased opportunity both directly and indirectly for tourism within Shelton and Mason County, and we look forward to working with the community to explore those ideas.

2. Kathy Kent-Lanning

- a. Aesthetics / Property Values: Oakland Bay has a long and rich history of supporting local natural resource industries. The location of the proposed floating bag project was previously occupied by a log boom until the late 1980's. Prior to that, Bayshore was lined with floating houses. The Mason County SMP recognizes all projects have aesthetic



impacts and therefore does not prohibit projects that will result in aesthetic changes. Specific to aquaculture, MCC 17.50.21(b)(1)(J) states: "To the maximum extent practicable, floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices." Similarly, MCC17.50.120(b)(1)(L) states: "Aquaculture development shall be designed and constructed with best management practices to minimize visual impacts and shall be maintained in a neat and orderly manner. Aquaculture facilities, except navigation aids, shall use colors and materials that blend into the surrounding environment where practicable." As shown in the visual impact assessment provided with the application materials, the Project will have minimal aesthetic impacts and therefore comply with this standard. It will not block any views. The project proposed has been designed for low profile and will be lower on the horizon than existing structures already present, including a mussel farm and Taylor's near bottom containers presently in Chapman's Cove. This proposal's maximum boundary extent is also set over 1,000' away from the nearest home and outside of Chapman's Cove, minimizing visibility. It will utilize gear that has neutral or dark colors, helping it to blend in with the existing environment. And Taylor Shellfish will comply with best management practice and measures from the Programmatic Consultation requiring farms to be properly maintained and monitored. Property value impacts is not a permit review standard, and regardless, no adverse reductions are documented.

- b. Recreation and Navigation: The system has been designed with 30' spacing between the double lines for the specific purpose of allowing marine vessel access to pass through for maintenance operations. Taylor is not requesting restricted access through the 9.1 acre worksite. The farm is located away from adjacent shorelines by at least 1,000 feet, and the farm footprint occupies a minor portion of Oakland Bay (9.1 out of 2,127.6 acres within Oakland Bay<sup>3</sup>). Accordingly, the project is "suitably sized and marked, so as to minimize interference with navigation," in compliance with the SMP. MCC 17.50.210(b)(1)(K).
- c. Environmental Impacts: The commenter provides no concrete information demonstrating that the proposal would have adverse environmental impacts. As discussed above, the proposal is supported by and consistent with the Programmatic Consultation and a specific habitat management plan. The proposal will follow all expert agency and consultant recommendations for effectively addressing potential adverse impacts to species and habitat. It will also provide important environmental impacts including protection and improvement of water quality.

<sup>3</sup> Oakland Bay acreage information obtained from Washington State Department of Health; this figure does not include Hammersley Inlet.



### 3. Richard McCarthy

- a. Noise: The only noise generated from this farm activity is expected to originate from the boat motors of one scow and a harvest maintenance boat. A small generator will be installed on the harvest boat to power a pulley that pulls the bags onto the platform to flip or access the bags for seed maintenance or harvest. These activities will occur at least 1,000' from the closest shoreline in front of Chapman Cove and approximately 3.5 miles from the Hammersley Inlet. All noise-generating activities will comply with applicable County regulations.
- b. Tribal Interests: Taylor has coordinated directly with the Squaxin Island Tribe with respect to this project and will follow measures to ensure it does not adversely affect the Tribe's fishing rights.
- c. Public Use: Taylor has applied for a lease with WA DNR for the project area. Lease payments for this project are used to support public access and recreation priorities. Taylor. Oakland Bay is home to a variety of uses, including industrial. As stated in the shoreline inventory and characterization report prepared for the comprehensive SMP update, "[t]he only major industrial area in the County is located on Oakland Bay in the City of Shelton."<sup>4</sup> Additionally, "[a]quaculture is a significant resource and important economic driver in Mason County. . . Large commercial shellfish growers operating in Hammersley Inlet and Oakland Bay are Taylor Shellfish and Arcadia Point Seafood. In addition, many of the shellfish growers are small family businesses dating back generations. According to Assessor's data, commercial or tribal aquaculture is present on 4 out of 7 reaches in Hammersley Inlet and Oakland Bay. For example, Reach 30 includes the Taylor Shellfish FLUPSY (Floating Upwelling System) facility."

### 4. Nancy Willner

- a. Lease Term: Taylor Shellfish has applied for a WA DNR Lease. These State issued leases are written for 10 year terms. The project includes 9.1 acres double lines of bags, with 30' spacing within a 50 acres footprint. Public access and recreation currently occurring in Oakland Bay will be minimally impacted. Taylor has proposed offsets, including formal access to a portion of its tidelands, as well as support for the Oakland Bay Marina's public launch.
- b. Fire Suppression: Should a fire occur and water access be necessary, the floating bag system is situated over 1,000' from the shoreline. Navigation to the site would be unaffected. See also below response re: Fire Response.

### 5. Robert Stevens

<sup>4</sup> <https://masoncountywa.gov/community-services/smp-update/2017/inventory-characterization-report-102012.pdf>



- a. Environment: Taylor Shellfish appreciates the activism of local residents in the 1950's in addressing sulfite pollution in Oakland Bay due to pulp mill operations. Taylor Shellfish and other local aquaculture growers were the leaders in that fight, due to the inability for shellfish to grow in the toxic waters around Shelton. Taylor continues as an active proponent for water quality protections, climate change and ocean acidification solutions throughout the Pacific Northwest. This project will complement these efforts for water quality and further the effort to filter excessive human sourced nutrients added to the bay from anthropogenic sources.
  - b. Aesthetics/Property Values: Previously addressed.
6. Friends of Burley Lagoon
- a. General: Friends of Burley Lagoon (FOBL) is a group located in a separate County and has no apparent knowledge of or experience with Oakland Bay, nor will it be impacted by the proposal. Rather, FOBL is opposed to new shellfish farms anywhere in Puget Sound despite the fact that shellfish aquaculture is a preferred use under the SMA and is further supported by numerous federal and state policies that recognize this activity provides important environmental and economic benefits.
  - b. Recreation: FOBL has no apparent knowledge regarding recreational use within Oakland Bay yet speculates that novice swimmers or boaters will be negatively impacted by the proposal should they attempt to swim or boat across the bay. Taylor has extensive experience and knowledge of recreational use within Oakland Bay and has not observed these activities occurring. Further, the width across Oakland Bay, in the project vicinity, is approximately 1.2 miles from east to west. Novice swimmers should not attempt to swim across such large bodies of water, but were they to attempt to do so, Taylor Shellfish appreciates knowing that the system would be in place for them to rest and call for assistance. The offsets Taylor has proposed for public access include supporting improvements to the public launch within Oakland Bay and access to a limited are of tidelands for passive recreation. These, as well as the benefits offered through the lease payments to WA DNR contribute significantly more to public access than the limited impacts caused by the system .
  - c. Habitat: Effects from the proposed project to Southern Resident Killer Whales was reported to be minimal according to the Habitat Management Plan (Confluence, September 2022). Additionally, Taylor Shellfish reached out to scientists at Cascadia Research Collective, providing them with photos and video of the proposed system and obtaining feedback and suggestions to reduce risk to any marine mammals. Taylor will follow these professional recommendations and continue to communicate with scientists on the system design and follow all BMPs identified and required for its permits to comply with the Marine Mammal Protection Act.
  - d. Aesthetics: Previously addressed.



- e. Fire Services: The closest fireboat is managed by the City of Tacoma. Should a fire occur and water access be necessary, the floating bag system is situated over 1,000' from the shoreline. Navigation to the site would be unaffected.
  - f. Shading: Unlike stationary docks, the floating system is constantly shifting and moving with the tides and currents. An eelgrass study, conducted in 2019 showed there was no SAV overlap in the vicinity of the project area. Studies conducted by Confluence Environmental and discussed in the Habitat Management Plan have shown minor to no impact to submerged vegetation and the benthic environment due to the floating bags.
  - g. Lights: U.S. Coast Guard has indicated that lights will be required on the corners of the project to notify boaters of the presence of the farm. For safety reasons, the floating bags are scheduled for daytime management.
  - h. Environment: The Habitat Management Plan evaluated the effects of the floating bag system and concluded that the proposed project would result in no net loss of ecological functions, nor would the activities result in cumulative impacts. The proposal will also follow all conservation measures from the Programmatic Consultation, ensuring potential impacts to sensitive species and habitat are effectively addressed.
  - i. Debris: All gear will be monitored for wear and removed for repair or recycling when damaged or at the end of its serviceable life.
  - j. Habitat: Taylor Shellfish will fully comply with the Programmatic Consultation and measures recommended in the Habitat Management Plan, which thoroughly analyzed potential impacts to sensitive species and their prey resources.
  - k. Ecological Impacts: The proposal will not have adverse ecological impacts related to water circulation. Please refer to Confluence Circulation Response Memo dated 5/17/2023.
7. Christine Appleyard
- a. Recreation: Previously addressed.
  - b. Aesthetics: Previously addressed.
  - c. Environment: Previously addressed.
8. Puget Soundkeepers
- a. Gear Use: Taylor appreciates the constructive feedback from Puget Soundkeepers on the proposal for the floating bag operation in Oakland Bay. Concerns regarding use of plastics in shellfish aquaculture have been exhaustively analyzed in multiple prior permit appeals before the Shorelines Hearings Board. The SHB has appropriately determined that the use of marine-grade gear following best management practices does not cause significant adverse impacts. *E.g.* SHB No. 11-019 (FF 10, 11, and COL 6, 14); SHB No. 13-006c (FF 36-42 and COL 16); SHB No. 14-024 (FF 39-43, 47 and COL 13, 20) [marine debris]; SHB No. 11-019 (FF 9); SHB No. 13-006c (FF 41-42 and COL 16); SHB No. 14-024 (FF 44-47 and COL 13, 20) [microplastics and leaching concerns]. The use of aquaculture



gear is also exhaustively analyzed in the Programmatic Consultation, which includes several measures to ensure that appropriate gear is deployed and properly managed. Taylor Shellfish will comply with all Programmatic Consultation measures. We agree that actively monitoring gear and repairing or replacing, as needed is a critical component of farm management. This system will be managed by a dedicated crew, whose focus is the regular maintenance of the operation. Bags, and the oysters inside, will be monitored at minimum, monthly. Monitoring for debris is conducted and logged in an online database at least quarterly, as well as 2 annual patrols organized by the Pacific Coast Shellfish Industry. Dead shell will be removed and gear showing signs of wear will be replaced and either repaired or recycled through channels currently in place. Taylor has provided photos and video of the proposed system to local marine mammal scientists for their feedback on reducing risks caused by the system. Taylor will continue to work with these contacts and be receptive to their feedback and suggestions.

- b. **Single Use Plastics:** The floating bag system utilizes rigid HDPE that has shown superior resistance to the UV and the marine environment. Gear is selected for its efficiency and resistance to wear, and all of the components are recyclable when they have reached the end of their serviceable lifespan.
  - c. **Maintenance:** Taylor will have a dedicated crew assigned to the farm. The crew has been managing near bottom bag operations and is familiar with the gear and how to monitor for wear and tear on the system.
  - d. **Chemical Use:** No chemicals are permitted for Taylor for use in the water or used by Taylor on its aquaculture operations.
  - e. **Water Quality:** WA DOH monitors marine water quality under its authority to monitor the health of shellfish growing areas. The Squaxin Island Tribe and the Mason County Environmental Health monitor freshwater for upland impacts to surface water.
  - f. **Site Selection:** Previously addressed.
  - g. **Public Awareness:** Taylor is active in the Mason County community. Staff participate in local conversations invested in water quality, environmental education for youth, sustainability, climate change and farming BMPs. Taylor follows the industry Environmental Codes of Practice and complies with the best management practices and measures identified in the Programmatic Consultation.
  - h. **Monitoring:** Taylor will monitor the proposal in compliance with the Programmatic Consultation and any additional agency requirements. There is no demonstrated need for additional monitoring.
9. Patrick and Erin Pattillo
- a. **Consistency with SMA.** The commenters' summary assertion that the proposal is inconsistent with the policies of the SMA is incorrect. Shellfish aquaculture is a preferred, water-dependent use of the shoreline. RCW 90.58.020. State law also



recognizes that shellfish aquaculture is of statewide interest, can result in long-term over short-term benefits, and can protect the resources and ecology of the shoreline. WAC 173-26-241(3)(b). Shellfish beds are considered critical saltwater habitats due to the important environmental benefits they provide. WAC 173-26-221(2)(c)(iii). Shellfish aquaculture is further prioritized by numerous federal and state policies that recognize the important environmental and economic benefits this use provides.

- b. No Net Loss. As discussed above and in prior project application materials, the proposal will follow all measures and recommendations for effectively avoiding and minimizing potential adverse environmental impacts, including those in the Programmatic Consultation and the Habitat Management Plan. The commenters provide no specific information supporting the contention that the proposal will have unacceptable environmental impacts.
- c. Economic Development: Taylor agrees that its shellfish farming activities clearly contribute economic benefits to the County.
- d. Property Rights: The site of the proposal is owned by DNR and Taylor will obtain a lease before operation ensuring the interests of the public are appropriately addressed. As such, the proposal will not unconstitutionally infringe on *private* property rights or result in the taking of *private* property, consistent with MCC 17.50.135.
- e. Public Access: As set forth in materials provided to the County by Taylor Shellfish, the proposal will have minor potential negative impacts to public access, and these impacts are more than offset by mitigation provided by Taylor.
- f. Views and Aesthetics: As set forth in materials provided to the County by Taylor Shellfish, the proposal will have minimal impacts to views and aesthetics, and appropriate measures are being utilized to effectively reduce such impacts consistent with MCC 17.50.145. E.g., Aquaculture Visual Assessment, Taylor Shellfish Farms, Oakland Bay Floating Bag Farm, Mason County Application #SEP2023-00007 (transmitted 07/21/23).
- g. Water Circulation: Previously addressed.
- h. Migration and Feeding Behavior of Fish and Wildlife: Potential impacts on migration and feeding for fish and wildlife are fully evaluated in the Programmatic Consultation and the Habitat Management Plan. The commenters' analogy of the proposal to the Hood Canal bridge is inappropriate as that structure is drastically different in scale and design compared to the proposal. The commenters provide no concrete and credible basis for their contention that the proposal will have adverse impacts to migration and feeding for fish and wildlife.
- i. Compensatory Mitigation: The commenters' contention that the proposal requires compensatory mitigation because it is not covered by the Programmatic Consultation is incorrect. The proposal is for suspended oyster culture, does not contain any items excluded under the Programmatic Consultation, and will only occupy 9.1 acres. The proposal will follow all terms, conditions, and conservation measures of the





Programmatic Consultation and is supported by a project-specific Habitat Management Plan. As proposed, the proposal will have no adverse impacts that require compensatory mitigation, and the commenters do not provide any concrete and credible information to the contrary.

10. Dave and Ginny Douglas

- a. Fire Response: The proposed system will occupy approximately 3% of the total surface area of Oakland Bay and has not been identified by the County or State as a risk to their crew's abilities to suppress fires in the region. Additionally, DNR has advised that dipping/scooping out of the salt water is an uncommon activity, it would be highly unlikely that DNR would need to do that in this specific area in the future, and this concern should not hold up the County's project planning for Oakland Bay.

11. Mark Herinckx

- a. Views and Aesthetics: Previously addressed.
- b. Property Values: Previously addressed.
- c. Jobs: Taylor Shellfish is the 5<sup>th</sup> largest employer in Mason County. These jobs provide full-time, family wages and benefits. This system will directly employ 3 – 5 staff and provide daytime hours, preferable for those with families.
- d. Recreation: Previously addressed.
- e. Navigation: Previously addressed.
- f. Fire Response: Previously addressed.
- g. Public Access: Previously addressed.

12. Anita Pleake

- a. Aesthetics: Previously addressed.
- b. Fishing: The floating system is designed to be able to be disconnected from the anchors and moved. Taylor has assured the Squaxin Island Tribe, that this would be included so that their Treaty Rights would not be encumbered.
- c. Navigation: Previously addressed.
- d. Wildlife: This system has been used in other marine environments that experience significantly higher volumes of marine wildlife, with no issues reported of negative interactions or decreased use of the habitat. And, as discussed above, it will effectively avoid and minimize potential negative interactions with wildlife by complying with the Programmatic Consultation and following additional farm-specific conditions.

13. David McLean

- a. Water Quality: Previously addressed.
- b. Navigation: Previously addressed.
- c. Wildlife: Previously addressed.



14. Nancy & James Hancharik

- a. Fire Response: Previously addressed.

15. Kelli Jo Hjalseth

- a. Site Selection: Previously addressed.
- b. Debris: Previously addressed.
- c. Wildlife: Previously addressed.
- d. Noise: The floating bags are not sufficiently buoyant to hold large marine mammals, nor will scows or boats be anchored to the system providing a possible haul out.
- e. Navigation / Lighting: Previously addressed.
- f. Property Values: Previously addressed.
- g. Recreation: Previously addressed.

16. Hoang Nguyen

- a. Recreation: Previously addressed.
- b. Property Value: Previously addressed.
- c. Wildlife: Previously addressed.

17. Business Matters – Shelton-Mason Chamber of Commerce

- a. Taylor greatly appreciates the continued support from the Shelton-Mason County Chamber of Commerce. As a major employer in the region, contributing to the state and local economy through the cultivation and stewardship of natural resources, Taylor Shellfish is committed to its long-term relationships within Mason County. Taylor Shellfish has been farming tidelands since 1890 and operating in Oakland Bay since 1969. The proposed farm is supported by the 2036 Mason County Plan and is a permitted use within the Mason County Shoreline Master Program. Taylor has worked with the Mason County and Shelton community on issues surrounding water quality, local employment, infrastructure, youth education and social services. The Company looks forward to continuing this strong relationship and constructive conversation into the future.

18. Thomas & Melanie Nevares

- a. Recreation: Previously addressed
- b. Aesthetics: Previously addressed
- c. Navigation: Previously addressed
- d. Wildlife: Previously addressed
- e. Debris: Previously addressed
- f. Ecological: Previously addressed



- g. Shellfish Disease: Oakland Bay is a vitally important water body for many growers, as well as the Squaxin Island Tribe. Shellfish are regularly tested for aquatic animal diseases and inspected by a USDA approved veterinarian. Taylor maintains its sites in Oakland Bay for broodstock and most of its seed production and has strong interest in ensuring the long-term health of this significant growing area.
  - h. Water Quality: Previously addressed.
  - i. Property Values: Previously addressed.
  - j. Compliance with RCW: Taylor has a solid understanding of the federal, state and local laws and regulations surrounding aquaculture, and has demonstrated that its operations are in compliance. The Commentor does not provide evidence of the laws or regulations demonstrating that this farm would conflict with.
19. Darlene Schanfald, obo Olympic Environmental Council
- a. Clean Air Authority: Taylor reached out to the Senior Engineer at the Olympic Clean Air Agency and provided them with the application materials and a description of the project. They confirmed on 6/22/2023 that a clean air permit is not required.
  - b. Section 402 Permit: The proposal does not include the discharge of pollutants from a point source, and hence a CWA Section 402 (NPDES) permit is not required for this farm. *Ass'n to Protect Hammersley, Eld, & Totten Inlets v. Taylor Res., Inc.*, 299 F.3d 1007 (9th Cir. 2002).
  - c. EIS: Ms. Schanfald's assertion that an EIS should be required for this Project is premised on the mistaken contention that it would significantly impact species and habitat. The Project as proposed and evaluated, will not have the significant impact to recreation and navigation that require an EIS. Nor will it set a precedent for similar actions, as the commenter speculates. There is no evidence of other, similar proposals being considered, and any such proposal would require a project-specific analysis similar to that being undertaken for the current Project. The County appropriately issued a determination of nonsignificance (DNS) for the proposal. The DNS was not appealed, and it is final, concluding that the proposal will not have significant environmental impacts.
  - d. Gear Use: Previously addressed.
  - e. Wildlife: Previously addressed.
  - f. Habitat: Previously addressed.
  - g. Public Health & Water Quality: Taylor, along with other stakeholders, fights hard to ensure water quality in shellfish growing areas is monitored and protected. Due to these efforts, water quality in Oakland Bay has significantly improved, and the site of the proposal is approved for shellfish harvest. The commenter has no demonstrated expertise regarding water quality. Its contentions that cultivated shellfish from the proposal would be unsafe are unsupported and contradicted by agencies with expertise



who routinely monitor water quality, set standards for shellfish health, and have determined that cultivate shellfish from this site are safe for human consumption.

h. Recreation: Previously addressed.

#### 20. Christin Herinckx

- a. Scale: Ms. Herinckx's calculations fail to take into account that the proposed farm will be used primarily for the cultivation of seed oysters. At full buildout, the surface area of the operation is 9.1 acres, spread out within a 50-acre footprint.
- b. Bacteria: Shellfish are not warm-blooded animals and therefore do not produce e. coli in their waste. Bacteria levels in Oakland Bay have been found, through water quality monitoring conducted by the State and local authorities, to be the result of anthropogenic and wildlife sources. As filter feeders, shellfish are used to mitigate excessive nutrients within these systems and improve water quality.
- c. Ecology: A Habitat Management Plan (Confluence 2022, supplied to the County with the application materials), concluded that there would be no net ecological loss as a result of the proposed farm.
- d. Debris: Previously addressed
- e. Current Science: The proposal is supported by extensive environmental analysis, including the Programmatic Consultation and project-specific Habitat Management Plan. The proposal will follow all requirements and recommendations in these documents to effectively avoid and minimize potential adverse environmental impacts. Additionally, the farm will provide important environmental benefits including water quality improvements and structured habitat.

#### 21. Friends of Oakland Bay

- a. Project Classification: The commenter mischaracterizes the proposal as an industrial use. "Industrial development" is defined in the SMP as "facilities for processing, manufacturing, and storage of finished or semi-finished products..." MCC 17.50.020. No such activities are included with the proposal. Instead, it is properly classified as an aquaculture activity, which is a preferred shoreline use that is of statewide interest. RCW 90.58.020; WAC 173-26-241(3)(b); MCC 17.50.210.
- b. Recreation: Previously addressed.
- c. Environmental Impacts: Previously addressed.
- d. Public Access: Previously addressed. Additionally, the commenter erroneously conflates potential aesthetic changes with public access. While the public's ability to view the water and the shoreline from adjacent locations is included within the definition of public access, aesthetic impacts more broadly do not fall within the scope of public access. The proposal is situated over 1,000 feet from all adjacent shorelines, will only protrude a few inches above the water, and as such will not impede views of the water.
- e. Views and Aesthetics: Previously addressed.



- f. Compliance with Aquaculture Policies: For reasons set forth above and in previously submitted application materials, the proposal is consistent with the aquaculture policies of the SMP. The commenter contends otherwise but fails to provide concrete and credible information demonstrating the proposal would have unacceptable environmental or other impacts. The proposal is supported by extensive analyses including the Programmatic Consultation and the project-specific Habitat Management Plan. The proposal will follow all requirements and recommendations in these documents to effectively address potential adverse environmental impacts. It will also implement all feasible design methods and gear specifications to minimize aesthetic and recreational or navigational impacts. The County appropriately determined that the proposal would not have significant environmental impacts by issuing a DNS. The DNS was not appealed by the commenter or any other individual, and thus it is final in its conclusion that the proposal's impacts are insignificant.
- g. Compliance with Aquaculture Regulations: The proposal is consistent with the aquaculture regulations of the SMP, as set forth above and in the project's application materials. The commenter's contentions to the contrary are premised on its previously-addressed, erroneous arguments that the proposal will have unacceptable impacts on the environment, aesthetics, and recreation.
- h. Conditional Use Permit: A conditional use permit (CUP) is not required. Floating aquaculture is an allowed use pursuant to a shoreline substantial development permit in all areas except for the Natural shoreline environment. MCC 17.50.090. The proposal is in the Aquatic environment, and the adjacent upland designations are Conservancy and Residential. Even if a CUP were required, the proposal would satisfy issuance criteria, as follows:
  - i. The proposal is consistent with the policies of the SMA and the SMP, as set forth above and in previously-submitted application materials.
  - ii. It will not interfere with the normal public use of public shorelines. The proposal is located more than 1,000 feet from adjacent shorelines, and recreational users will be able to travel throughout Oakland Bay, including in between the rows of oyster bags. Taylor is providing mitigation to more than offset any minor impacts the proposal will have on public access in the Bay.
  - iii. The proposal is consistent with other permitted and planned uses. It is not simply an allowed use under the SMA and SMP, but a highly preferred use with significant environmental and economic benefits.
  - iv. For reasons set forth above, and as confirmed in the DNS, it will not cause significant adverse effects to the shoreline environment.
  - v. The proposal is of statewide interest and will substantially advance broader public interests, including protection and improvement of water quality, strengthening and diversifying the local economy, and providing nutritious food for human consumption.



- i. SEPA: The County appropriately issued a DNS for the proposal. The commenter did not appeal the DNS during the appeal window. The DNS is now final and conclusive. The commenter's request for the DNS to be withdrawn and for an EIS to be prepared is meritless.

### Conclusion

Taylor Shellfish appreciates the input that commenters have provided on the Project. It is normal for members of the public to raise questions and concerns on new, proposed projects in the shoreline environment. Many of the concerns with this Project appear to continue to be based on misconceptions regarding its size and scale, and Taylor is hopeful that these responses will help provide clarity as to the scope of the Project and resolve some of these concerns. Yet Taylor also knows from experience that some concerns may remain unresolved, and there may ultimately be competing visions regarding the appropriate utilization of the Project site. It is in this context that the goals, policies, and use preferences within Shoreline Management Act, implementing regulations, and SMP serve their greatest function. These laws recognize aquaculture as a preferred, water-dependent use that is of statewide interest, can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. RCW 90.58.020; WAC 173-26-241(3)(b)(i(A); MCC 17.50.210(a)(1). The Project is carefully designed to avoid and minimize potential impacts to the natural and built environment, and it warrants approval even if some individuals continue to express concerns regarding aesthetic, property value, and other impacts.

I hope these additional details address the concerns listed. Please contact me with any comments or questions at [erine@taylorshellfish.com](mailto:erine@taylorshellfish.com), or (360) 432-3348.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Ewald', is written over a light blue horizontal line.

Erin Ewald  
Taylor Shellfish  
Shelton, WA 98584