



August 8, 2023

Submitted Via Email

Mason County Hearing Examiner
411 N 5th St.
Shelton, WA 98584

RE: Staff Report and Conditions for Oakland Bay Floating Farm, Mason County
Project #SEP2023-00003

Dear Hearing Examiner,

Thank you for your consideration of the above-referenced project. Taylor Shellfish appreciates the complete and thorough staff report addressing the company's proposal to install a floating oyster farm on a 50 acre subtidal WA DNR lease in Oakland Bay. Taylor Shellfish agrees with the staff recommendation to approve the proposal's shoreline substantial development permit application. We have reviewed the recommended conditions of approval in the staff report and are comfortable with most of them as written. We would, however, respectfully request that the Hearing Examiner slightly modify three recommended conditions of approval to provide additional clarity and allow for emergency operations. The proposed, revised conditions are set forth below (deletions are in ~~strikethrough~~ and additions are in underline), along with supporting reasoning.

Condition #1

Revised Condition Language

New public access onto private tidelands owned by the applicant, including alternatives to on-site, physical access, shall be required as specified in the Public Access Memorandum (Exhibit 23) and shall be available for public use as described prior to the completion of construction. Taylor shall also improve public access in Oakland Bay through improvements to the Oakland Bay Marina as specified in the Public Access Memorandum (Exhibit 23).

Rationale

As set forth in the Public Access Memorandum, Taylor Shellfish has proposed to provide the public with the legal right to access over 16 acres of Taylor-owned tidelands in the vicinity of the proposal, and this will more than offset the limited impact associated with the Project's occupation of 9.1 acres within Oakland Bay. Taylor Shellfish is willing and able to make these tidelands available for public use prior to the completion of construction of the proposed floating bag oyster farm.

As further specified in the Public Access Memorandum, Taylor is also willing to improve public access in Oakland Bay through improvements to the Oakland Bay Marina. The Marina is already available for public use, and hence indicating that the Marina must be made available for public use before the floating bag oyster farm is completed (as the condition as drafted in the staff report suggests) could



result in confusion. Further, Taylor Shellfish does not own the Marina and cannot control the timing of improvements to the Marina. Taylor Shellfish will, however, commit to continuing to work with the Marina to provide appropriate assistance to the Marina for improvements to the boat launch and/or related facilities, further enhancing opportunities for the public to access and enjoy shorelines within Oakland Bay. The revised condition language set forth above is proposed to clarify that formal access would be required prior on Taylor's privately owned tidelands prior to project completion and that Taylor shall also improve public access through improvements to the Marina as specified in the Public Access Memorandum.

Condition #9

Revised Condition Language

All vessel activity shall be restricted to daylight hours, including weekends normal operations shall be conducted in daylight hours, plus 1 hour before or after dawn/dusk from October 1 through April 30. Emergency responses and activities may be conducted at any time on an as-needed basis.

Rationale

A benefit of the proposed floating oyster bag system is that it allows for most regular work to be completed during daylight hours rather than being dependent on low tides, as with typical intertidal shellfish cultivation. However, given the scarcity of daylight hours from October 1 through April 30 and the need for staging and equipment mobilization before and after cultivation activities, it is necessary to allow some activities 1 hour before or after dawn/dusk. Additionally, there may occasionally be a need to conduct emergency responses and activities during the night (e.g., in response to severe weather events). The proposed, revised condition language set forth above provides Taylor Shellfish with this needed flexibility to ensure success of farming operations while advancing the intent of the condition to concentrate work activities during daylight hours. The necessity for providing this latitude is guaranteed in the Mason County SMP, which states as follows: "Permits shall include allowance for work at night or on weekends but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses." MCC 17.50.210(b)(M).

Condition #12

Revised Condition Language

Debris or deleterious material resulting from installation and maintenance of the farm shall be removed from the project site and shall not be abandoned along adjacent shorelines or allowed to enter waters outside of the DNR lease boundary (Exhibit 9). Regular debris patrols along surrounding shoreline within ½ mile of the project site shall be conducted, and all aquaculture debris shall be collected and removed. Complaints regarding debris shall be responded to within 48 hours.

Rationale



The revised language is necessary to ensure the proposal's permit conditions are reasonable and feasible. Taylor Shellfish takes its responsibility to properly secure, regularly monitor, and maintain its aquaculture gear very seriously. However, imposing a blanket prohibition on any project materials from leaving the site is not feasible for any type of project, and we are not aware of such language previously being imposed for any use or development within Mason County or elsewhere. The proposed, revision condition language is feasible to implement and allows Taylor the opportunity to conduct routine debris patrols as part of its commitment to implementing Best Management Practices. Taylor has proposed to conduct monthly beach patrols on the shorelines surrounding this project. Additional patrols would be completed following storm or extreme tide events. The revised language allows for the opportunity for Taylor to make those patrols and collect aquaculture debris, whether originating from the proposed farm or other local operations and properly dispose or recycle the gear.

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Taylor Shellfish is confident in its ability to meet the conditions, as written by Mason County staff and revised here, and we look forward to a successful project that strengthens the role of natural resources and sustainable aquaculture in Mason County.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Ewald". The signature is fluid and cursive, with a large initial "E" and a long, sweeping tail.

Erin Ewald
Taylor Shellfish
Shelton, WA