

Dear Mr. Viscusi,

My name is Andrew Greaves and I am 6 years old. I don't want Charlie the Seal to get hurt from the nets while swimming. Oakland Bay is his home and we should protect it and keep him safe.

From,

Andrew Greaves



Dear Mr. Viscusi,

I am 13 years old and an 8th grader from Snohomish County. My grandparents live on Oakland Bay, and my family and I visit regularly. One of our favorite pastimes is kayaking and exploring the bay. Our trips are filled with adventure at every turn as my 6-year-old twin brothers and I navigate the waters, dreaming up new games to play. When we're out on the water, we are pirates searching for ocean treasures, or lifeguards saving each other from danger. Each day, we look forward to setting out on the water and catching a glimpse of the seals that thrive in Oakland Bay, especially one seal affectionately named "Charlie" by the bay's residents. This scenic seashore is the perfect place for my little brothers and cousins to learn the importance of spending time in nature and the value of family bonding.

However, this proposal to create a floating oyster farm will have detrimental effects on the community and environment. With 9.1 acres of shellfish bags running across the water, this will greatly impact the area where my family and others can kayak, swim, and perform other recreational activities. You won't be able to reach the other side of the bay without traveling around the massive structures.

Furthermore, Oakland Bay is home to breathtaking creatures such as seals, herons, otters, ducks, salmon, whales, and many different species of birds. As stewards of this land, we are responsible for protecting them and their natural ecosystems. This will push the animals closer to shore, which can endanger them. If a seal or otter swims near the shellfish bags, they could get stuck in the traps and badly injured. The oysters will also steal the nutrients from the current animals living there and pollute the waters with oyster feces. The polluted waters will make the animals sick and make the bay smell ghastly, as well as damage the property value.

Lastly, the picturesque views from the shore of Oakland Bay are like no other. Attached below is a photo from September 2022, from the deck at my grandparent's house on Sunset Drive. This is directly in front of where the proposed oyster cages will be located. Adding this horrendous structure onto the water will turn a vibrant and glistening paradise into just another fish factory. These oyster nets are extremely unattractive, and I can see the property value declining tremendously because of this.

My little brother and I recently discussed the matter at hand, when he commented, "Taylor Shellfish should really be called Taylor *Selfish*." I believe that the words of a child have never been truer. I am disgusted that Taylor Shellfish, the largest shellfish company in America, with a revenue of 75 million and acreage of 12,000 miles wishes to go through with this operation and tamper with our beautiful Shelton seascape. Please rethink this decision.

Sincerely,

Bella Greaves



September 7, 2023
Bill & Florence Fierst
1080 East Sunset Road

Mr. Hearings Examiner:

In the Taylor Responses dated August 30, 2023, Appendix C, published a "rendering" of the project (first attachment).

I believe that the rendering is irrelevant:

1. It is not an actual picture of the project or a similar project, but only a representation.
2. The rendering is presented as being 1500 FT. from shore. In fact, the Taylor Shellfish proposal indicates that the project would be 1,000 FT. from shore of many properties on Sunset Road.
3. The second attachment is from the Taylor Shellfish project proposal. I believe that it is much more representative of what the project would look like. Otherwise, why did they include it in their proposal.

This project is aesthetically unpleasing & is not in compliance with County Codes as follows: 17.50.210 (a) (10), 17.50.210 (b) (1) (e) and 17.50.210 (b) (1) (j).

We request that the project not be approved.



Figure 3: Rendering of Proposal relocated 1,500 feet away from southeast shore

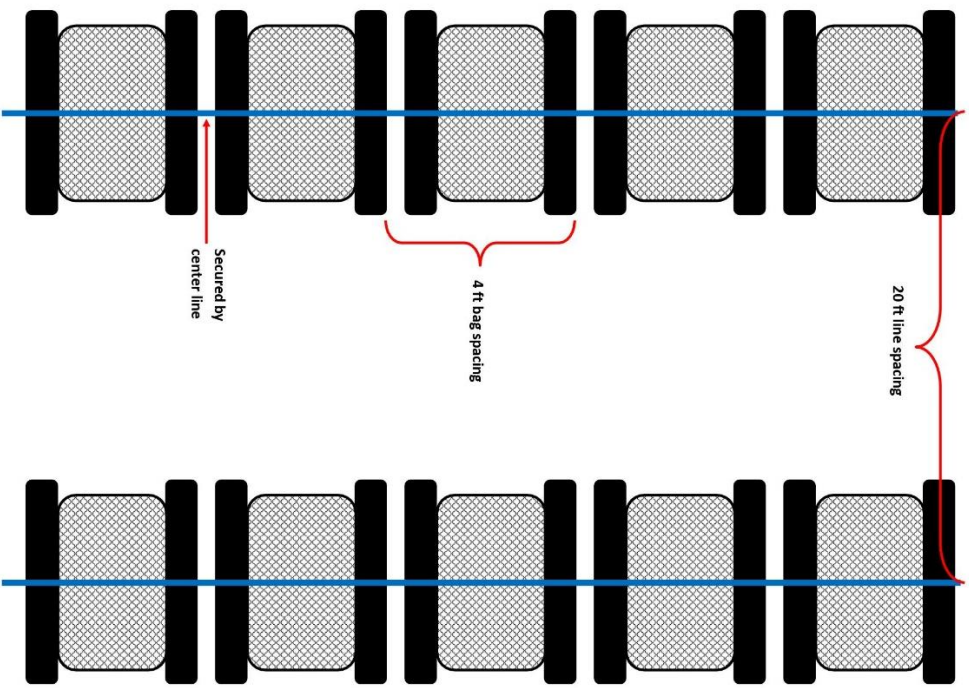


Figure 3. Floating Bag Culture Location in Oakland Bay and Schematic
Source: Taylor Shellfish (2022)



Attached is a picture of our grandkids kayaking in Oakland Bay. When we go out on the Bay, the seal joins us. I believe that the multitude of cables that would result from this project would impact marine life in the Bay. Certainly, some would get caught up in the cables & perish!

We adamantly oppose this project.



Some people have questioned whether there is navigation on Oakland Bay. The real facts are that it depends upon the day of the week & whether the "tide is in" or the "tide is out" early in the day and what the weather is at that time.

Many people are working, or their kids may be in school during weekdays. Thus, one can expect to see more people on weekends. Also, when the "tide is out", it is very difficult to get a boat or Kayak into the water. You just sink in the mud! So, if the "tide is out" early in the day and stays out until later in the day, then one should expect fewer boats & kayaks on the water. Also, one can expect fewer people to be on the water on a cooler day.

Attached is what the Bay looks like when the tide is out. Very difficult to get a kayak out. (August 30, 2023, 1:18 PM.) Lots of mud and difficult to get on the water.

Other pictures will follow (in additional addendum emails) of when the "tide is in" (August 25-26, 2023) early in the day, a weekend and a warm summer day. A great deal of activity & navigation is happening.

This project will interfere with navigation in the middle of the Bay and is not in compliance with County Codes 17.50.210 (a) (12) and 17.50.210 (a) (13).

We request that this project not be approved, as it is not in compliance with County Code due to impacts on navigation. Many of the pictures in the addendum emails are taking place in the middle of the Bay. This navigation could not happen, if this project is approved.



Attached are pictures of a Skier, Other Boat, Power Boat and a Fishing Boat on August 25-26, 2023.

This project would interfere with navigation for all of these boats and would be in violation of County Code 17.50.210 (a) (12) and 17.50.210 (a) (13).

This project should not be approved.



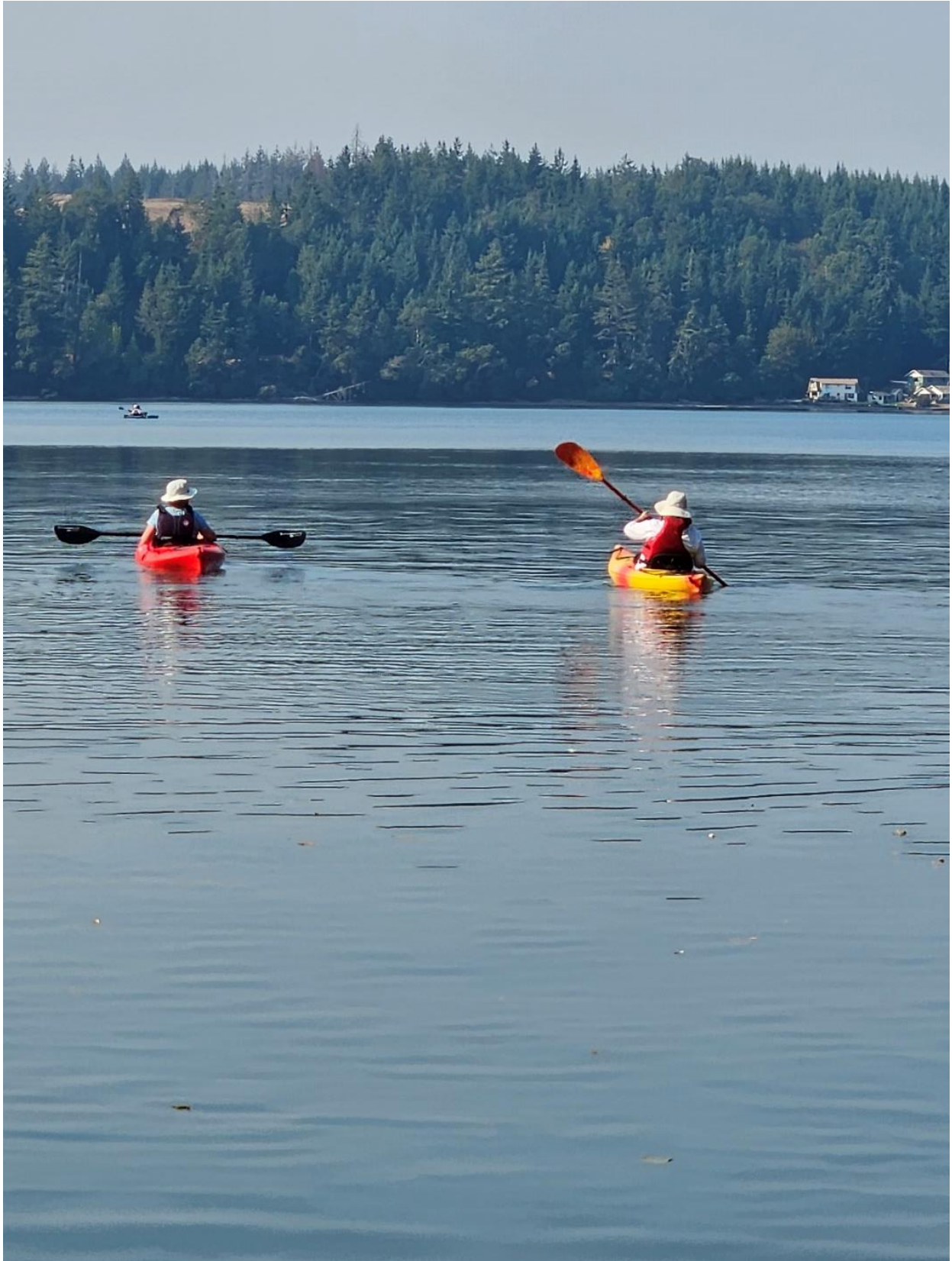


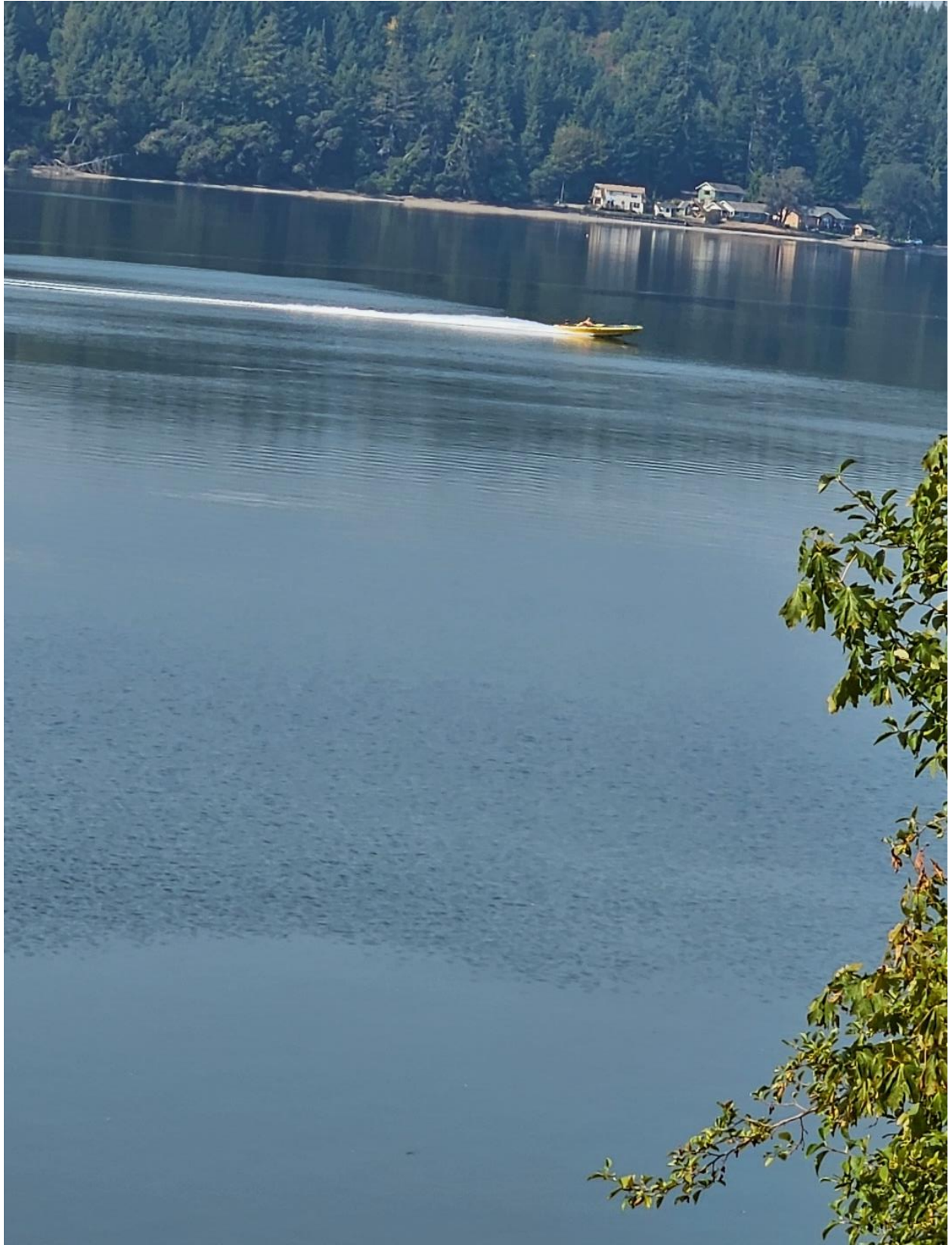


Attached are pictures of a kayaks (shows 2 kayaks & one in the middle of the bay), speedboat, possibly other speed boat & a fishing boat on August 25-26, 2023.

This project would interfere with navigation for all of these boats and would be in violation of County Code 17.50.210 (a) (12) and 17.50.210 (a) (13).

This project should not be approved.









Attached are two pictures of a Commercial Boat of some kind and a fishing boat. These were on August 25-26, 2023.

There are multiple other pictures of boats & kayaks on the Bay, but there is no point in continuing. I believe that I have made my point.

This project would interfere with navigation for all of these boats and would be in violation of County Code 17.50.210 (a) (12) and 17.50.210 (a) (13).

This project should not be approved.





Bill & Florence Fierst

Ginny Douglas
1020 East Sunset Rd.
Shelton, WA. 98584

September 6, 2023

Dear Sir,

First, I want to thank you for the time you have allowed in this process, for us, the passionate public, to be heard! My husband and I searched for years for a unique rural hideaway for retirement and to make memories with our kids and grands. We knew we really lucked out when we found Oakland Bay.

Although we never even considered industry would try to take-over, really just grab, a chunk out of the deepest part of this beautiful natural resource- it has now become more than obvious we must join our neighbors, our community, and arm ourselves with knowledge we never thought we would need regarding aquaculture, access and aesthetics in a fight to protect the ecosystem we collectively value.

During the process we have observed what appears to be a lot of behavior, on Taylor's part, that is meant to lead astray, minimize impact or misdirect those whose job it is to determine whether or not this is just another Taylor Oyster farm in Mason County or truly the biggest infrastructure of its kind in the United States. Mr DeNike tried to convince us nothing "black hat" (8/16 35:10) or sinister was taking place here...really? When you review the timeline below, it seems like there's been a lot "old boys" shenanigans or outright deceit, from beginning to end. It would be so much easier to understand this scenario if any consistent information had been shared along the way.

I will say, of all we've seen, most shocking has been the level of greed and self-aggrandizement on the part of Taylor Shellfish...I understand capitalism quite well...but this, takes the cake! One has to ask two questions...is every single natural resource up for grabs and with over 2/3 of Washington State's shoreline being developed, when is enough, enough?

As I move forward, I think it's important to remember Mason County's SMP reads as follows

1. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines.

2. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses, including but not limited to, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial development which are

particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.

3. Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water (RCW 90.58.020)

I interpret this to mean the good of the public outweighs industry when it comes to the most preferred use of the shoreline and the people's waterway! There is no way the public will benefit more than Taylor Fish Co. if the proposed installation moves forward. The only benefit to the community would come from whatever crumbs Taylor decides to toss Mason County in the form of donations to community projects- I think it's been determined no new jobs will result from this proposal. Taylor professes to be a good neighbor but most, not integrally involved in the shellfish business, do not seem to agree with this assessment as seen and heard at the public hearings.

The independent shellfish growers- who appear to be the only vocal supporters of this proposal -will continue to be held hostage by Taylor with respect to the sale of the seed. It can't go unnoticed that Taylor's spreadsheet has continued to thrive while the mom and pop shops have barely hung on. If the small growers were a genuine priority, Taylor would find a way to sell their seed at home instead of selling overseas and causing these folks to suffer.

The public has voiced their rejection of this proposal and I beg you, to review and notice the short comings associated with it. Taylor has not met the burden of proving this installation will not negatively impact the ecosystem, will not negatively impact the current aesthetic on the bay, and will not impede access to the public. They haven't shown us any information from comparable sites that we can rely upon. Without the most basic factual information in hand, this project must be rejected.

MINIMIZATION

Taylor Shellfish, in my opinion, is the master of minimization when it comes to this project and I will detail several areas and highlight them with information directly from Taylor's representative, Ms. Ewald and/ or their attorney, Mr. DeNike.

A. SIZE (*time stamps are estimates)

1. **THIS IS THE LARGEST INDUSTRIAL AQUACULTURE SITE IN THE UNITED STATES**

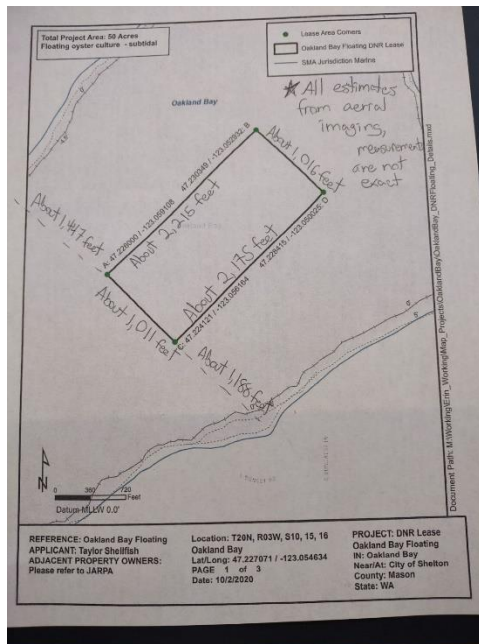
(8/9 46:46-47:54). It is comprised of 11 miles of lines and 30,000 bags yet they compare it to their Canadian site of not more than 4000 bags (8/9 39:14) in an area that appears not to have any shoreline residences nearby; Or Willapa Bay, a large installation that has yet to be built. In either case, the information from these sites or the numerous mussel rafts in the South Sound they reference cannot be used to properly justify the possible risks and impacts on safety for the ecosystem, access or aesthetics in Oakland Bay

In an attempt to make it seem like Taylor is already farming, using the same proposed bag method, at this capacity, on Oakland Bay, Ms. Ewald gave the impression to you and the rest of us, that they actually have a 50 acre aquaculture site in Chapman Cove- this is not true. They own 50 acres in Chapman Cove where there is a 4 acre FLUPSY (per J.

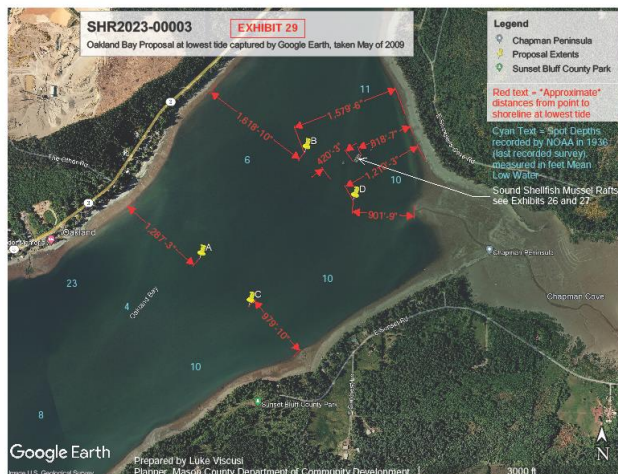
Greenwood/DNR) –they probably also harvest bottom oysters and clams there as well. They also harvest “bottom oysters” at another farm Ms Ewald called “Head of the Bay” somewhere on Oakland Bay for a total of 173 acres of farms in this particular location. (8/16 44:53)

2. When convenient, Taylor claims the installation is 9.1 acres. This is patently untrue. **The full build out of the installation is, in fact, 50 acres in size.** Taylor uses the 9.1 acre measure when they are trying to **minimize the true impact on the Bay.** As has been stated, this installation will be the size of two aircraft carriers...it is neither “modest in size”, “ will have a minor impact” nor in proportion to any other oyster farming in the area let alone the United States.
3. The size of the installation, according to Taylor is either small in a big bay or the bay is too small when it comes to activities like motorcraft sports being a favored use (8/9 40:10).
4. There is mention of a 4.25 acre production area (Hearing 8/9 31:00). This is the first we have heard of this so we don’t know if it will be in addition to the lines and bags or on a nearby boat or ? Is this production area included in the 50 acres?
5. At 50 acres, the site **will consume approx. 40 percent of the section of deepwater it is proposed to sit in and approx. 10 percent of the entire length of the bay... * Not the less than 3% Taylor reports.**

*This calculation is based on the Bay measuring $\frac{3}{4}$ mile wide which measures at approx. 3,960 ft. The installation is approx. 1,016 ft according to the map submitted by the County. Taylor themselves report the margins on either side of the Bay are about 1,000 ft.



6. According to Taylor, the size of the installation is at least 1000' from the shoreline.
 (see map above). **However at low tide, this is not the case** according to Exhibit 29. The margins fall well below 1500 ft and less than 1000 ft in two places as noted on their map.



I am not certain how the cone of vision is measured at 10 percent for anyone living on or nearby Oakland Bay, but for reference, I would imagine my cone of vision is at 100 percent from my home.

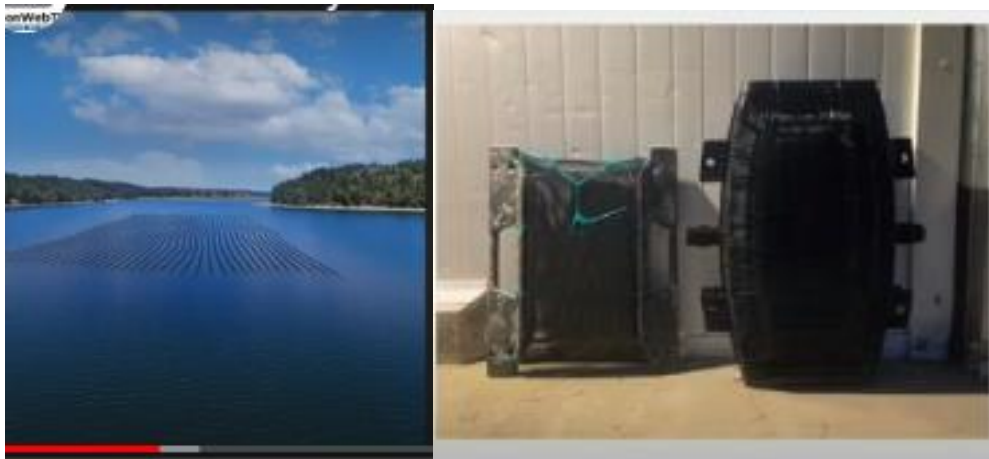
B. ACCESS:

Aquaculture is only one preferred use of the DNR managed waterways and it doesn't supersede the priority for the public's access to our waterways. A 50 acre industrial aquaculture site will cause more than a minimal hassle for those of us who live around the bay. No one will be able to cross the bay, undeterred, including the sea life. I have not found anywhere industry and privatization of the bay comes before the public's opportunity to enjoy the natural shorelines.

Taylor's insufficient mitigation does not make up for the fact my neighbors and I will not be able to kayak across the bay. It is not sufficient for the people who want to access the bay without risking life and limb to clamor down a rope. It is not sufficient even when Taylor creates a power point action scene to **minimize the enormity of this intrusion in our Bay**, by depicting motor boats careening at a high rate of speed through the lines to make it appear this is a possibility through 9.1 acres of lines, buoys and 30,000 bags. Ski boats will be unable to enter the bay as the margins left open on the sides are too shallow for them to use safely. Sailboats can't navigate through that maze so all that's left will be room for small water toys and Taylor's limitless use of their own vessels.

Confluence spoke about the transient whales being uncommon in the bay. That may be his opinion, but they do visit the bay- we have seen them in the short time we have lived there. Is one whale getting caught up in Taylor's lines worth losing? Is it worth losing the other animals that live on the bay now? How can we even consider impacting our water quality, birds, fish, mammals, and the smallest of organisms that grow in the Bay to benefit one commercial enterprise? The answer is, we shouldn't!

C. AESTHETICS:



1. The artist's rendering above (8/9 38:34), of what the 9.1 acres of lines will look like is a minimized interpretation. **This picture minimizes the impact on the aesthetic by not including lines that will have bags the size depicted in the picture above taken (Taylor Power Point , 8/9 44:10), navigation lights, buoys, crane and other type of vessels (1-3), employees (3-10), and a production area.** Taylor remains silent, other than guessing, on what the installation will look like in Oakland Bay.

The number of boats and employees have to be greater than the numbers Taylor reports, during the installation process, but they remain silent on the entire installation process except for the disparity in the reported time it will take to complete. (see #2 below)

They will only reference the number of full time employees needed as 3-5 after completion of the installation.

2. The installation process in the SEPA application was indicated to be completed in six months, the JARPA stated installation would begin in Fall, 2022 and be “on-going”. Ms Ewald has stated, under oath, the construction will extend 2-3 years.
I would assume, by extending the “construction phase”, the accommodations and exceptions to the number of employees, noise and work hours reported thus far will extend accordingly.
3. The size of the bags and boxes Taylor presented in their Power Point (8/9) and pictured above are large enough for mammals to rest upon. With mammals, fish, shellfish and birds comes defecation. **The odor cannot be minimized.** Taylor reports the odor will be significantly greater as the temperatures increase. So, are we to look forward to the summer months, when people are outside, being met with the intense odor of excretions? I would suggest this greatly impacts the aesthetics.
4. Taylor confirmed they will follow the noise ordinance published by Mason County with respect to work hours. **Taylor minimizes the work hours**, almost as an afterthought, until one reviews the hours Taylor can and most probably will work. Due to the 2-3 years they will be “under construction”, the impact in the early and late hours of each day could be great. The very fact that noise travels and is amplified over water **will cause undue distress** to all as Taylor could start work at 7 am and has, in fact, requested an exemption to the rule to begin an hour earlier and close an hour later in the winter months...**that means their “simple request” allows for a 6 am start time. (see ordinance below)**. That doesn’t sound like the “good neighbor” they profess to be...it sounds more like industry working any and all hours to increase profits at the expense of everyone else.

Section 9.36.010 states that noise is unlawful between the hours of 10 pm and 7 am from Sundays evening through Friday morning, between 10 pm and 8 am from Friday evening through Saturday morning and between 10 pm and 9 am from Saturday evening through Sunday morning.

However, in construction areas... where noise emanates from construction activities and vehicles including mechanized activity noise is allowed between 7 am and 8pm, Monday – Friday, 8am-8pm on Saturday and 9am-8pm on Sunday.

5. Taylor has stated in their SEPA application that they will work 8-5, M-F. **That cannot be confirmed as Taylor boats are seen every day of the week on Oakland Bay.** In addition, the Taylor employee who spoke at the 8/9 hearing offered to show us her beautiful pictures taken on the Bay at 5 am from her work boat.
6. Ms. Ewald stated in the 8/16 Hearing **minimizing the need for navigation lights.** She said they will be necessary on each corner of the installation. (1:14:55 8/16). She then went on to say couldn’t confirm this because she doesn’t know from the Coast Guard what will be needed, so she just compared it to one of their 3-9 acre mussel farms. Mussel farms don’t have flexible corners like lines so what will the lights be attached to and where will the lights be positioned so

they aren't lighting up the interior of someone's home? **Taylor minimizes impact** when they can't answer this question.

7. ANCHORS

The anchor information has been presented in many different ways during the Hearing process. According to Ms. Ewald, there were originally supposed to be 20 wedge anchors and 30 screw anchors (8/9 30:02). In the Hearing on August 16th, Ms Ewald **minimized this requirement** stating they would be using only 20 wedge anchors. She did not admit to the screw anchors until questions regarding the topic was re-visited by the Commissioner after Confluence spoke about the spiral anchors. Now, in appendix A (8/30), there is a statement about 90 anchors being required. That means 90 lines will now be present connecting the bags to the anchors. Will this number of lines create problems for the fish and mammals that swim? 60 lines were thought to be ok. Is 90 a problem?

In an article by Bjorn Olafsson in the Sentient Media, 12/22 he states "most oyster farms can also physically disturb the sea beds with machinery, and structures and collection equipment can harm local ecosystems. Equipment left on the sea floor can change tidal patterns, create silt build up and negatively affect marine life".

It would seem to me that every time the installation is unhooked there is another opportunity for the polluted silt to enter the water column. Certainly there will be a disruption of the sea bed upon installation. There are known toxins on the sea bed in the area of the proposed site, why is there no concern about the pollution this will cause?

There is an email below that suggests Taylor was requesting an exemption in some manner from the DNR regarding the spiral anchors. Has that been resolved?

Taylor Shellfish Request for Helical Anchor Exemption

From

Greenwood, Jillian (DNR)

To

Erin Ewald

Cc

Scott, Brady (DNR); Carlson, Sean (DNR)

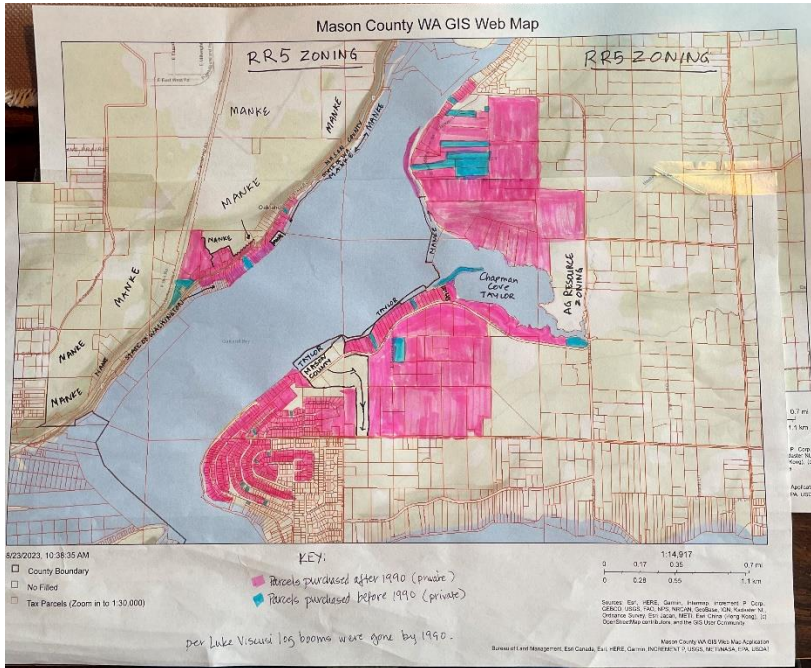
Recipients

erine@taylorshellfish.com; Brady.Scott@dnr.wa.gov; Sean.Carlson@dnr.wa.gov

Hello Erin - **The request for exemption from DNR's helical anchoring standard at the Oakland Bay proposed site, Dabob Bay reauth lease and Totten Inlet at Deepwater and Gallagher has been elevated to higher level management. An Assistant Division Manager will be contacting you as soon as possible.**

8. NUMBER OF HOMES IMPACTED

Taylor **minimizes the number of homes** affected by the proposed installation. 69 homes are identified by Taylor because that is the number within the SEPA notification distance. Below is a map of the parcels that seems more realistic with respect to the number of parcels that will be affected either fully or with a partial view or a partially restricted view. The areas marked in pink were purchased after the log booms were removed in 1990 and would have no expectation of some form of privatization that would replace the booms. We identified close to 400 parcels.



9. MONITORING

Taylor **minimizes the need for 3rd party monitoring** should the proposal be granted. Ms Ewald states that self-monitoring according to all of the policies they have outlined should be ample and appropriate. The inability to be aware of the dangers inherent in self-scrutinizing this installation is shocking in that it would be the first of its kind, the largest of its kind in an already fragile bay with an ecosystem that could very well not be able to tolerate the potential overflow of nutrients caused by the sheer number of oyster bags.

My understanding of what the gentleman from Confluence said in the 8/16 hearing, that he, the professional, wasn't sure where the "tipping point" would be between the benefits and detriments of so large an installation.

Again comparisons were made to mussel rafts that are nowhere near the size or composition of this industrial site.

With respect to the County, we have already heard from the planner, that the county has little oversight with respect to monitoring what goes on with the aquaculture sites. We were told to complain to the DOE if we had concerns. To which, the planner went on to say, he didn't really think or know who would respond.

Self-monitoring would be a huge mistake in this case. DNR has already stated they are understaffed, the county has said they have minimal discretion and oversight over aquaculture and pointed the DOE to provide that duty. It seems the finger is always pointed somewhere else and proper regulatory oversight could potentially happen so infrequently, the damage could already have been done.

10. MITIGATION

Taylor's offer of 16.1 acres of their privately owned shoreline in exchange for the deepest water in the middle of Oakland Bay is insulting at best. The Sunset Rd parcel at the base of Sunset Bluff Park (entrance in the picture shown below) is accessible only by rope. Unlike the deep water of Oakland Bay, this property is useless and inaccessible except by water. Even then, the mud is so deep, you can't walk safely on the beach.

Taylor reports the park is closed but I was there over Labor Day, 2023 and there was no sign posted to that effect.



The other tidelands, offered by Taylor, run in front of the tidelands privately owned by Sunset Rd property owners. Since members of the community cannot access the land in the Sunset Bluff Park safely, is Taylor suggesting we allow people to trespass across our land and tidelands to access the portion they are gifting to the community? Or is Taylor expecting people to use the Bayshore access point only- knowing full well the other tidelands are inaccessible but should still be included in their mitigation offer?

In addition, Taylor has repeatedly **minimized the activity level** on Oakland Bay, suggesting nothing is going on there so what difference does it make if it is privatized and used only to enrich themselves. The result of this action will reduce access and create a situation where Taylor cannot confirm the damage that could potentially happen to the existing and very fragile ecosystem.

11. LENGTH OF LEASE

Taylor has **minimized the length of the lease** by saying they have applied for a 10-12 year lease. What they haven't said is these leases are automatically renewed and can go on in perpetuity or until Taylor "abandons" the project.

In addition, the leases are transferable without review by the DNR. It would seem that we, the residents around Oakland Bay, are being forced to accept considerable risk from not knowing what domestic or international influences may be active right in front of our homes.

THE TIMELINE

1. EMAIL FROM TAYLOR REGARDING APPLICATION FOR OAKLAND BAY LEASE 10/2/2020

From: Erin Ewald <erine@taylorshellfish.com> Sent: Friday, October 2, 2020 12:15 PM To: Peters, Josh (DNR) <Josh.Peters@dnr.wa.gov> Cc: Hill,

Brian (DNR) <Brian.Hill@dnr.wa.gov> Subject: New lease application for Oakland Bay

Good afternoon Josh,

Taylor Shellfish is interested in applying for a new lease with DNR on 50 acres of subtidal lands in Oakland Bay.

I've attached the JARPA and E for your review and consideration. This proposed lease will be utilized to help relieve pressure on the Oakland Bay

FLUPSY, as well as offer a safe and convenient location to operate a new floating bag system.

Please contact me at your earliest convenience so that we may discuss.

Thank you

Erin

2. SSD & SCUP INITIAL APPLICATIONS ARE SUBMITTED JANUARY 19, 2023

3. DATE OF COMPLETED APPLICATION APRIL 11, 2023

4. **PUBLIC NOTIFIED: LETTER TO 69 RESIDENCES AROUND OAKLAND BAY ADVISING COMMUNITY ABOUT THE PROJECT WERE POST MARKED APRIL 18, 2023**
5. **DNS ISSUED TO TAYLOR ON APRIL 19, 2023**
6. **FIRST HEARING CANCELLED AND RE-SCHEDULED AT TAYLORS REQUEST 5/24/2023**
7. **TAYLOR MEETS WITH DNR TO DISCUSS OAKLAND BAY PROJECT ON 5/31/23**
THIS MEETING TAKES PLACE AFTER FIRST PUBLIC HEARING IS EXTENDED.

Agenda for DNR/Taylor Shellfish Mtg 05/31

From

Greenwood, Jillian (DNR)

To

Erin Ewald; Gordon King

Cc

Scott, Brady (DNR); Carlson, Sean (DNR)

Recipients

erine@taylorshellfish.com; GordonK@taylorshellfish.com; Brady.Scott@dnr.wa.gov; Sean.Carlson@dnr.wa.gov

Hi Erin and Gordon – We're looking forward to seeing you on the 31st. Attached is a draft agenda for our use during the meeting. Please let me

know if there are any topics you'd like to add. Thank you

Jillian Greenwood

Aquatic Land Manager, Aquaculture

8. **MASON COUNTY STAFF REPORT PRESENTED 7/10/2023**
9. **FIRST HEARING CANCELLED AT RE-SCHEDULED AT REQUEST OF TAYLOR 1/14/2023**
10. **FIRST PUBLIC HEARING 8/9/2023 attended by over 100 people**
11. **SECOND PUBLIC HEARING 8/16/2023**

I must apologize for the length of this letter. My goal was to point out the inconsistencies I have heard from Taylor as this process has evolved. I find much of the information provided has been based on conjecture from start to finish. I don't want to think Taylor is being disingenuous on purpose, I think they hope things will work out based on their experience with other aquaculture activities around the South Sound. But guessing won't keep our Bay safe and I don't want to risk another ravaging of our natural resources for the benefit of a single corporate entity.

Taylor cannot speak to details to the true and real impact a 50 acre industrial aquaculture site will have on the aquatic environment in Oakland Bay, the effect on the sea life, the impact 30,000 plastic bags will have on the water quality or the tipping point of having too many oysters in one place, the impact of the gear and the machinery, vessels, and people it will need to maintain the site, the impact on the current aesthetic of the bay, the lighting, noise, and odors.

All Taylor can rely upon is the information they have collected over a long time in the shellfish business pertaining to 4-9 acre mussel rafts, 4 acre FLUPSYS, harvesting acres of naturally growing clams and oysters...all types of aquaculture that exists on a much, much smaller scale. It simply isn't comparable.

It sounds like soon, the Willapa Bay site will be built and much more pertinent information can be gleaned. In the meantime, I implore Taylor to leave Oakland Bay alone; she has so much more to offer in her natural state!

Honestly, I do not fault Taylor for trying to extrapolate a lot of their information from their smaller sites, but what I do take issue with is their efforts to confidently minimize the issues at hand and make it seem like they know what's going to happen.

Let's be honest, this is an experiment and I for one, along with my community of many, are not willing to simply accept as the status quo, another Taylor shellfish farm in Oakland Bay. The privatization of Oakland Bay would be a travesty; a pristine segment of an otherwise polluted body of water assaulted by a huge influx of private industry, all to see what happens, and make a buck until it does. Didn't Simpson already do that? They ravaged the Bay, Taylor has given it some time to heal, and is now jumping in with both feet to commercialize it at any expense for personal enrichment.

I ask you to please reject this proposal.

Again, I thank you for your efforts to let everyone feel as though they have participated and been heard. I understand why you said this will be difficult, but I truly believe you have the law and good sense on your side. I wish you well in your discernment.

Thank you,

Ginny Douglas
1020 E. Sunset Rd.
Shelton, WA. 98584

Luke Viscusi

From: GINNY DOUGLAS <ginnydouglas@comcast.net>
Sent: Wednesday, September 6, 2023 5:04 PM
To: Luke Viscusi
Subject: Fwd: View from deck
Attachments: IMG_9305.jpg

Caution: External Email Warning! This email has originated from outside of the Mason County Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

Could you send the picture to the Hearing Examiner.

Dear Sir,
This photo is from my deck at 1020 E. Sunset Rd., Shelton.
Thank you
Ginny Douglas

> ----- Original Message -----
> From: Virginia Douglas <ginnydouglas1@icloud.com>
> To: Ginny Douglas <ginnydouglas@comcast.net>
> Date: 09/06/2023 4:30 PM PDT
> Subject: View from deck
>
>
> Sent from my iPhone



**VIEW FROM 1020 EAST SUNSET ROAD SHELTON, WA
PROPERTY OF DAVE + GINNY DOUGLAS**

Dear Mr. Viscusi,

I am Owen and I am 6. I love kayaking. I don't want oyster bags in the water. If I fall in I might get hurt. Taylor Shellfish should really be called Taylor Selfish.

From Owen Greaves

On Oakland Bay July 24, 2023



NEVARES RESPONSE TO TAYLOR SHELLFISH

1. The Proposal may adversely impact fish, birds, marine mammals and other wildlife, along with supporting habitat, and reduce food for other organisms.

NEVARES RESPONSE: Taylors response is grossly inaccurate. Recommend an Independent Private, Federal and State Impact Study be conducted to accurately determine the impact of this 50 Acre monstrosity in a small Estuary. Taylor Shellfish should not be allowed to provide “any” influence on this independent Impact Study.

2. Increased traffic from watercraft will disrupt natural habitat and increase erosion of the bay’s shoreline, and it will increase gas and oil pollution within Oakland Bay.

NEVARES RESPONSE: Taylors response is grossly inaccurate and unsubstantiated, there as been NO impact studies or tests conducted to substantiate Taylors claims. This 50 Acre oyster farm in a small Estuary will be within 1000 feet from the shorelines, thus forcing recreational and commercial watercraft much closer to the shorelines and into much shallower water. Watercrafts will create wakes and quickly erode the shoreline and banks. An Independent Private, State and Federal Impact Study needs to be conducted to accurately determine the impacts. Taylor’s need to have an adequate trust fund and liability insurance policy to compensate property owners for any losses and damages.

3. The Proposal will cause noise, odor, and lighting impacts.

NEVARES RESPONSE: Taylors response is grossly inaccurate and unsubstantiated. There’s absolutely no question that a 50-acre industrial floating oyster farm in a very small Estuary 1000 feet from the Shorelines will dramatically increase noise, odor, and lighting impacts. Recommend an independent Private, Federal, and State impact study be conducted to fully identify the increase to noise, odor, and lighting. Taylor’s need to have an adequate trust fund and liability insurance policy to compensate property owners for any losses and damages.

4. The Proposal will adversely impact property values.

NEVARES RESPONSE: Taylor’s response is grossly inaccurate and based on monetary profit & self-interest, not on the interest of the Property Owners. It’s clearly apparent that Taylor’s have no regard for or concern on the adverse impacts to the Property Owners. Recommend Taylor’s Establish a \$100 million dollar Trust fund dedicated to the Property Owners to provide all damages and losses to Property Values. Additionally, if approved, Taylor’s must put 20% of their annual oyster sales into a Trust account that goes to the Property owners annually for compensation for their losses.

5. The Proposal will pose a risk to boaters and recreational users, and it will adversely impact public access and use of Oakland Bay.

NEVARES RESPONSE: Taylors response is grossly inaccurate! This 50 Acre Industrial Monstrosity footprint is approximately 30% of the primary portion of Oakland Bay. Pushing watercraft close to the shorelines will create serious risk to boaters and watercraft. Recommend an Independent Private, Federal and State Safety Impact Study be conducted. Taylor’s need to have an adequate trust fund and liability insurance policy to compensate property owners for any losses and damages.

6. The Proposal should be engineered and constructed so that it maintains its integrity.

NEVARES RESPONSE: Taylor needs to establish a \$100 Million Dollar Trust Fund and be forced to have Liability Insurance adequate to compensate the owners for any losses or damage to people, property, shorelines, habitat, etc.

7. The Proposal should be monitored, and changes should be made if there are negative findings from monitoring. The Proposal has inadequate oversight.

NEVARES RESPONSE: Taylors need to fund the County and State to conduct Independent Daily inspections of this 50-acre industrial structure and operation and have the authority to enforce an immediate shutdown and/or mitigation if Taylors are in non-compliance or if there are “any” adverse impacts.

8. Do not approve the Proposal. NEVARES RESPONSE: CONCUR.
9. The Proposal will have unacceptable aesthetic impacts and does not include all recommendations from the Dep’t of Ecology 1986 siting study.

NEVARES RESPONSE: Taylors response is grossly inaccurate. The aesthetics are going to be “absolutely destroyed” by this 50-acre monstrosity in a small, beautiful Estuary. This is going to have a profound adverse impact on our mental and physical health. We bought this waterfront property to destress by enjoying the beauty and recreation of this precious Estuary. Taylors care about profit, not aesthetics. Don’t let them Destroy this small, beautiful Estuary. Taylor’s need to establish a \$100 million trust fund to compensate property owners for any damage to our mental and physical health related to destroying the aesthetic.

10. The Proposal will result in gear loss and plastic pollution.

NEVARES RESPONSE: Taylors need to establish a \$100 million dollar trust fund and have a robust Liability Insurance policy in place to compensate for any damages and losses related to any equipment failure that impacts people, tidelands, shorelines, wildlife, sea life, estuary, property, habitat, etc.

11. NEVARES CLOSING RESPONSE: Environment, Conservation, Endangered Species, Fish Migration, Habitat, Shoreline, Tidelands, Water Navigation, Public Use and Access, Safety, codes, and regulations do not support a 50 acre mega industrial structure/operation in a small Estuary. We STRONGLY recommend that this irresponsible, unethical, and immoral proposed atrocity be disapproved.

From: Barnett, Devitt D. <dbarnett@eisenhowerlaw.com>
Sent: Thursday, September 7, 2023 11:04 AM
To: Luke Viscusi
Subject: Fw: Final Written Comments for Hearing Examiner
Attachments: Taylor Final draft.docx

Caution: External Email Warning! This email has originated from outside of the Mason County Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

Luke: This email is a supplement to my last email to you for consideration by the Hearings Examiner. Attached to this email is a copy of my prior written comments following the August 9th Hearing. My supplemental comments are set forth below.

Comments for the Hearings Examiner: I understand that a significant number of residents surrounding Oakland Bay have raised a variety of concerns about the proposed **Taylor Shellfish 50-Acre Lease**, and that the comments cover a wide variety of concerns. My previous comments focused on the return of **Orca's to Oakland Bay** (after a 30-year absence), and also on the **fragile nature of the Bay** due to the ebb and flow of water that does not fully exit into Hammersley Inlet (demonstrated by the warmer temperature of the water in Oakland Bay when compared to Boston Harbor, Johnson's Point and other areas in South Puget Sound). My final comments are as follows:

Essentially an Issue of Aesthetics & Water-View. The common thread among property owners along all sides of Oakland Bay is the issue of aesthetics and a pristine "water view". This is unique to our area and the primary reason why people purchased their Homes along Oakland Bay. A similar rationale is applied to people who live on Spencer Lake and other lake properties in Mason County. All of these waters are used for recreation to some extent, but, by and large, Mason County residents buy property on the water for the view. The proposed 50-acre Oyster Farm will be surrounded by **24-hour lighting** and will impact a significant area of the Bay from all sides. This represents a "**significant taking**" of the visual aspects of owning real property along the shores of Oakland Bay and is contrary to the wishes of hundreds of people who live along its shores. You'll recall pictures shown during the Hearing of vast expanses of open waters with few if any homes in any of the pictures. There's a very clear reason for that; very few people find open acres of floating lines and buoy-systems with lights to be very pleasing. Instead, it takes away from the natural beauty of the land and waters that comprise areas such as Oakland Bay. We had years of Simpson Log Booms that polluted the water and impacted the views along the Bay, and few, if any, residents want to return to those years. There are hundreds of thousands of acres in Puget Sound that are available to test the viability of an Oyster Farm, so please don't let this fragile ecosystem return to years past when money was more important than the environment. If a decision is made to allow Taylor Shellfish to have access to the surface waters of Oakland Bay, please consider shrinking the size of the footprint and the number of bags & lines so that the Bay can be properly protected.

Thank you for taking our comments into consideration as you make this important decision that will impact hundreds of residents in Mason County.

Devitt & Deborah Barnett, E. 844 Sunset Road, Shelton, WA

Devitt Barnett, Attorney



909 A Street, Suite 600 | Tacoma, WA 98402

direct 206-467-1244 | fax 253.272.5732 | www.eisenhowerlaw.com

IMPORTANT/CONFIDENTIAL: This e-mail message (and any attachments accompanying it) may contain confidential information, including information protected by attorney-client privilege. The information is intended only for the use of the intended recipient(s). Delivery of this message to anyone other than the intended recipient(s) is not intended to waive any privilege or otherwise detract from the confidentiality of the message. If you are not the intended recipient, or if this message has been addressed to you in error, do not read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Rather, *please promptly notify the sender by reply e-mail, and then destroy all copies of the message and its attachments, if any.*

To The **Hearing Examiner:**

In my comments during the Hearing on August 9th, I mentioned that my wife & I have owned a home on Sunset Road directly across Oakland Bay from Highway 3 and the proposed 50 Acre Oyster Farm. We share many of the comments expressed by residents along Oakland Bay in opposition to the proposed Lease to Taylor Shellfish Inc.. Rather than repeat comments made by others in attendance at the Hearing, I mentioned two observations that I wanted to be noted during the Hearing.

Observation No. 1 Oakland Bay has seen the return of Orca Whales during 2022 & 2023. Further investigation should be conducted to determine whether this is due to abundant food supply or perhaps the absence of commercial and boating activities. This should have a direct impact on any determination as to whether a 50 acre oyster farm will have an adverse impact on Orca Whales coming into Oakland Bay and Hammersley Inlet.

Observation No. 2 My second comment related to the water temperature in Oakland Bay as compared to the average temperatures throughout South Puget Sound. On average, water temperatures in Oakland Bay are 4 to 7 degrees warmer than water temperatures at the southern tip of Squaxin and Harstine Island. Our concern is that this is an indication that the water in Oakland Bay has a tendency to move back and forth rather than circulate into larger bodies of water in South Puget Sound. This would be an indication of the fragile nature of the Ecosystem in Oakland Bay, where relatively minor changes in Oakland Bay could have a more pronounced & dramatic impact on the Ecosystem. The above observations will require a more Careful approach to any consideration of commercial activities in Oakland Bay and require that a decision regarding a Lease to Taylor Shellfish be subject to a slower review of all aspects of their request, and perhaps a smaller “footprint” area for the requested Lease of surface area in Oakland Bay.

Thank you for taking our comments into consideration regarding the important impact that a Lease to Taylor Shellfish would have on our Community.

Sincerely yours,

Devitt & Deborah Barnett, E. 844 Sunset Road, Shelton, WA

Sent 9/7/23 11:00 AM

The Shoreline Management Act opening statement.

“17.50.070

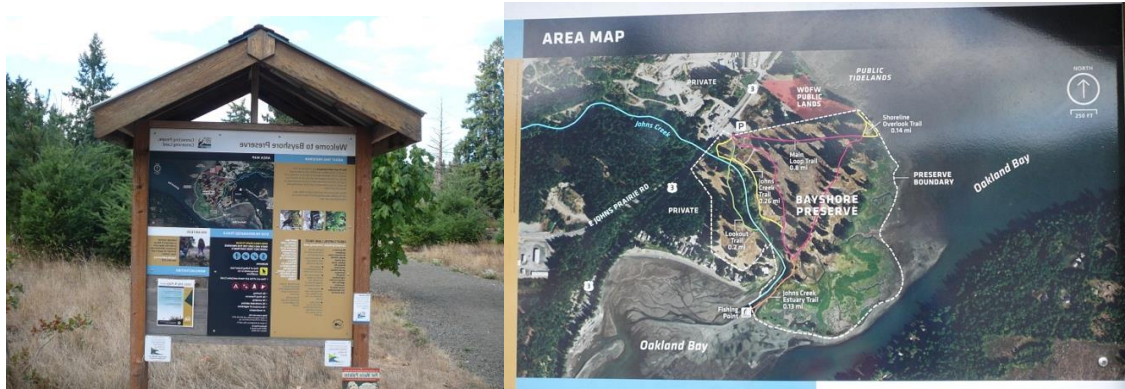
A. USE PREFERENCES

1. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. “

I do not own waterfront property, a shellfish farm or a boat but I do live in Mason County. The proposed shellfish farm will be located directly in the view corridor of the best accessible waterfront park in the area, Bayshore Preserve. The Preserve is considered “As one of Capitol Land Trust’s Ambassador Preserves, we know the 1.5 miles of trails, wildlife viewing opportunities and outdoor classroom experiences at Bayshore are unique,” says CLT Executive Director Dave Winter. “Our vision is to increase accessibility for everyone, and we are proud to now be working towards a nature preserve that is more inclusive for students, families, and cultures.” This preserve is being restored to native planting and is used by residents, tourists, school children and is accessible to disabled people. The Capitol Land Trust has acquired another property on the Bay bringing their property holding to three areas located around end of the Bay, all three of which will have their view corridors obstructed by farm. I am speaking for myself and the public to maintain the view corridors these preserves provide for those people who otherwise have public access to one.



This view corridor is exactly where Taylor proposes to put their floating shellfish farm. Beauty is obviously in the eye of the beholder but this is what we have and want to keep.



Of the 217 miles of marine waterfront that located in Mason County, less than nine miles are open to the public¹. The rest is exclusive to homeowners, businesses, boating and shellfish growers. The Bayshore Preserve provides views to the public that would not be enjoyed unless one owns water view property. At The Bayshore preserve anyone can experience an unimpeded view of the mountains and the bay waters that would be significantly diminished by a floating shellfish farm located in the view corridor of the Oakland Bay. As the young lady who works seasonally for Taylor Shellfish stated not everyone is lucky enough to own water views or boats. Everyone should be able to enjoy the spectacular scenery of the Bay from the one **accessible** public site where people can see salmon, birds and local flora and fauna. It is truly dismaying to think that this site and its phenomenal views would be impacted.

Taylor's stated that they have a permit for an equivalent but bigger farm in Willapa Bay. This should be sufficient to meet the needs of the local shellfish farmers for oyster seed especially as Taylor's suggested they might also use the farm in Oakland Bay to grow out oysters for several years, suggesting they do not require all the space to grow oyster seed. So, Taylor's has their floating farm in Willapa Bay and I would hope the public will continue to have a beautiful public access area not diminished by another Taylor's floating shellfish farm.

Thank you for your consideration on this matter,
Francesca Ritson

¹ <https://masoncountywa.gov/community-services/smp-update/2017/inventory-characterization-report-102012.pdf>