

## **List of Appendices**

- A. Taylor Shellfish Oakland Bay Floating Culture Proposed Monitoring. Confluence Environmental Company. October 19, 2023.
- B. Taylor Shellfish Farm letter regarding viability of producing green or blue floating oyster cultivation gear. October 19, 2023.
- C. Correspondence with Mason County regarding viability of gear colors and gear preferences. October 19, 2023.

# **Appendix A**



**To:** Erin Ewald, Taylor Shellfish  
**cc:** Jesse DeNike, Plauche & Carr

**From:** Chris Cziesla

A handwritten signature in blue ink that reads "Chris Cziesla".

**Date:** October 19, 2023

**Re:** Taylor Shellfish Oakland Bay Floating Culture Proposed Monitoring

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## 1.0 INTRODUCTION

The following document provides proposed monitoring to be conducted at the Taylor Shellfish Oakland Bay Floating Culture site to address concerns raised by project opponents as identified in the hearing examiners decision dated October 9, 2023. Proposed monitoring focuses on topics related to water quality and movement as well as fish and wildlife concerns. The monitoring identified is based on known and proven methodologies used to evaluate the topics and additional detail and site-specific information would be developed as part of monitoring implementation to occur concurrently or shortly after project installation and commencement of operation. Monitoring results will be reported to the County after monitoring is completed, which would occur shortly after project installation, except for monitoring for whales (which will occur throughout the life of the Project) and for submerged aquatic vegetation (which would have a survey at the termination of the lease). Monitoring results will also be reported to WADNR as part of their stewardship condition.

## 2.0 WATER QUALITY

### 2.1 Topic- Water Circulation / Flushing

Concerns were raised that the proposed floating array would alter water circulation and flushing leading to a variety of potential ecological consequences including scour/erosion and material deposition. A comparison of current velocities within and outside of the floating array can be used to ascertain whether the floating array appreciably alters water circulation and flushing.

*Monitoring Proposed.* Identify whether current velocities change due to the floating array by deploying current meters (e.g., Acoustic Doppler Current Profiler) up-current of the array, within the array, and immediately down-current of the floating array during medium and high tidal exchange conditions. Average current velocities across time for a given tidal condition to determine one velocity per location, depth, and tidal condition. Measure currents at surface and

mid water column. Compare current velocity measurements across deployed locations and depths to ascertain whether differences in current velocity are attributable to the floating culture. A measurable difference between up-current, within, and down-current sites (e.g., lower current velocities down-current) would suggest an effect of the floating array on current velocities. Current velocities may also be measured away from the floating array to assess natural variation in measurements.

## **2.2 Topic- Dissolved oxygen (DO), nitrogen, algal blooms**

Concerns were raised that the proposed project would negatively affect dissolved oxygen, nitrogen, and algal blooms. Measurements of DO and chlorophyll a (surrogate for nitrogen and algal blooms) within and outside of the floating array can be compared to determine if the project is appreciably altering DO, nitrogen, and algal blooms.

*Monitoring Proposed.* Identify whether the project influences water quality by deploying a water quality monitoring device (e.g., YSI, In-Situ, etc.) to measure dissolved oxygen and chlorophyll a. The water quality meter would be deployed up-current of the array, within the array and down-current of the array to allow for comparisons between conditions without influence from the array and those potentially affected by the array. Comparisons of measured dissolved oxygen and chlorophyll at the sampled locations would be made to determine if the array operations alter measured parameters to a degree that would be ecologically relevant or represent depleted dissolved oxygen, including DO measurements below 5 ppm which is when aquatic life is put under stress, or excess chlorophyll a (high nitrogen or phytoplankton bloom). Ecological relevance is considered likely if measured parameters are outside of the natural variability observed in these metrics.

## **2.3 Topic- Contaminants**

Concerns were raised that the proposed project would mobilize historic contaminants in the sediments and lead to ecological consequences. For this to occur, project installation or operation would need to result in movements of contaminants in the sediment. Anchors are the only portion of the project interfacing with the sediment. Therefore, documenting anchor locations and confirming limited to no anchor movement or sediment scour would resolve this concern.

*Monitoring Proposed.* Identify whether potential contaminants are remobilized due to sediment disturbance. Conduct underwater video survey of benthic conditions below floating array and at anchor locations. Video transects would be distributed throughout the farm footprint and near anchors. Recorded video would be reviewed to determine if benthic conditions had measurably changed from pre-installation conditions. Underwater video would also be collected at an adjacent location to assess potential natural changes unrelated to the floating array. Benthic macroalgae and other submerged aquatic vegetation would be documented if present. In addition, any farm associated debris on the seabed within the farm area would be documented and locations noted for removal. Anchor locations would be recorded using high resolution GPS and any signs of dragging or movement would be identified. Underwater video would be reviewed to ascertain if any scour or other changes near the anchor locations have occurred.

## **3.0 FISH AND WILDLIFE HABITAT**

### **3.1 Topic- Fish use and Fish Migration**

Concerns were raised that the floating array would disrupt salmonid outmigration, especially steelhead, and/or increase predation. Observational studies of fish presence and behavior are commonly used to interpret the ecological impacts associated with structure in the water column (Sawyer et. al. 2020).

*Monitoring Proposed.* Identify whether there are differences in salmonid or predator fish habitat use or movements due to the presence of the project by conducting snorkel survey transects and GoPro camera deployment within the floating array and at an adjacent shoreline location to observe and document fish species, fish behavior, and fish interactions (predator/prey) during juvenile salmonid outmigration period. Methods would be similar to those used to assess juvenile salmon behavior and distribution associated with modified habitat from the Alaskan Way Seawall project (Sawyer et. al. 2020). Salmonids are expected to primarily move near shorelines. Comparisons at deepwater sites including the floating array would be analyzed to determine if any potential negative interactions were occurring at the floating array. Multiple methods (i.e., snorkel surveys and GoPro cameras) are included here to account for potential sampling bias associated with a single method.

### **3.2 Topic- Whales**

Concerns were raised related to potential entanglement of whales in the floating array. Observations of interactions, if any, of whales with the floating array can be used to determine if the potential for entanglement is likely.

*Monitoring Proposed.* Identify any potential adverse interactions between the array and whales by observing and reporting interactions. During operations at the proposed floating array, any observations of whale presence and whale behavior would be documented. When Southern Resident Killer Whales are reported to be in Oakland Bay, staff will document any potential interactions between SRKW and the array. Any interactions with the floating array would be noted. Annual reports including date, time, species observed, and behaviors noted would be provided to the County and/or other regulatory agencies. It should be noted that numerous other conditions and Best Management Practices are in effect regarding marine mammal interactions.

### **3.3 Topic- Submerged Aquatic Vegetation (SAV)**

Concerns were raised that the proposed project would result in deleterious impacts to submerged aquatic vegetation including macroalgae and eelgrass. A SAV survey was conducted in the project area and identified no eelgrass presence and limited amounts of macroalgae with no macroalgae beds present. A comparison of pre-project surveys with a survey to be conducted after project installation and operation can be used to assess any potential impacts to SAV.

*Monitoring Proposed.* Identify whether there are any notable changes in SAV occurrence in response to the presence of the project. A pre-project SAV survey was already completed. A post-project SAV survey would be conducted at the termination of the DNR lease to confirm that benthic conditions including SAV presence/absence had not changed.

#### **4.0 REFERENCES**

Sawyer AC, Toft JD, Cordell JR (2020) Seawall as salmon habitat: Eco-engineering improves the distribution and foraging of juvenile Pacific salmon. *Ecol Eng* 151: 105856

# **Appendix B**



October 19, 2023

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

Mason County Hearing Examiner  
Mason County Building 1  
411 N. 5th Street, Shelton

RE: SHR2023-00003  
Viability of Producing Green or Blue Floating Oyster Cultivation Gear

Dear Hearing Examiner,

Taylor Shellfish appreciates the Hearing Examiner's careful consideration of the company's proposal to install and operate a floating oyster farm in Oakland Bay (the "Project"), and it supports the decision to issue the permit.

The Hearing Examiner's decision approves the farm subject to 26 conditions. One condition (#25) requires all visible floating project gear to be green and/or blue in color and does not allow the use of black oyster bags. The purpose of this letter is to provide information regarding the commercial viability of producing green or blue gear for the proposed farm as authorized in the decision (p. 25: 21-23).

Taylor Shellfish has been farming oysters in Washington State since the 1890s and it currently manages approximately 14,000 acres of tidelands and bedlands in the state. Taylor also has farms and facilities in Canada, Hawaii and California. Taylor has extensive experience farming oysters using a variety of cultivation methods. Bags for containing and protecting cultivated oysters are used in several different cultivation methods, including on-bottom cultivation (bag-on-bottom), near bottom cultivation (e.g., flip bags and suspended bags), and floating cultivation (as with the proposed project).

All oyster cultivation bags that Taylor Shellfish is aware of, both in Washington State and elsewhere, are composed of black plastic (specifically, high density polyethylene, or "HDPE"). Green or blue oyster bags are not currently available, and to our knowledge, they have never been suggested for use for an oyster cultivation system. Therefore, if green or blue gear were required, it would need to be specially made uniquely for this Project. Producing green or blue gear specifically for this Project would likely cost over \$600,000 more than if Taylor were allowed to use black gear as proposed. Much of these added costs would result from needing to produce thousands of new bags rather than use existing black bags that are already in Taylor Shellfish's inventory. Additional costs would be attributed to adding blue and green colors and other additives to achieve desired performance.

More importantly, Taylor Shellfish has significant doubts that blue or green gear could be commercially produced with a uniform and consistent color. Taylor Shellfish currently uses two variations of oyster bags, known as Generation 2 and Generation 3 bags. Generation 2 and Generation 3 bags are produced by different manufacturers, and the manufacturers use different production processes. Generation 2 bags are produced by manufacturers in Washington State using extrusion molding. Generation 3 bags





are produced by manufacturers in Canada using injection molding. Additionally, the floating oyster bags for the Project would be composed of both the oyster bags themselves as well as floats that are attached to the bags. Taylor Shellfish manufactures the floats in-house using yet a third type of production process, rotational molding.

Currently, all manufacturers of gear for oyster cultivation systems produce black gear. Black is the stock color of the plastic material that is used to make the gear, and therefore no colors are added during the production process. For this reason, manufacturers are able to produce black gear that is uniform in color and consistent between production batches, processes, and even manufacturers. To produce green or blue gear, however, colors would need to be artificially added by each manufacturer during the production process, including for the Generation 2 bags, Generation 3 bags, and floats. Notably, it does not appear possible to produce blue or green gear for the other components of the system, such as clips lines, and other fasteners. Navigational buoys, prescribed by the U.S. Coast Guard have strict color requirements and are therefore also not able to be matched for color consistency. While Taylor produces the floats and can undertake best efforts to add coloring that would produce floats with uniform and consistent coloration, it has never done this previously. Therefore, Taylor lacks confidence that different production batches of floats would look uniform and consistent. Further, Taylor Shellfish does not manufacture or have control over production of either the Generation 2 or Generation 3 bags. Taylor Shellfish can request the manufacturers of oyster bags to use their best efforts to produce bags that have uniform and consistent colors, but such production is unprecedented and Taylor does not have confidence that they would be able to achieve desired results.

Two important considerations support Taylor's lack of confidence that green or blue gear could be produced with uniformity and consistency. First, the floats and each type of gear are made using a different production/molding process, as discussed above. Each production/molding process requires multiple steps and involves the use of heat and other elements that can impact the final coloration of products when colors are added. Production of the oyster bags also relies on a complicated supply chain over which Taylor Shellfish has no control. Second, it would be relatively easier to produce uniform and consistent colored bags if the intended final product was a basic color that required only one or two primary colors to be added during the production process. However, this would produce bright blue or green colors that would stand out aesthetically. A more nuanced, softer blue or green color would require a complex formulation of color additives that would likely be difficult to replicate or produce with consistent results between production batches. For these reasons, even if one production batch of bags from a manufacturer matched a production of floats manufactured by Taylor Shellfish, it is not certain or even likely that the next batches of floats and bags would match. Therefore, even if all manufacturers use their best efforts, green or blue bags could have a variety of aesthetically-displeasing shades, inconsistent with recommendations in the 1986 Aquaculture Siting Study.

Further, even if blue or green gear could be produced with a uniform color, it would not likely appreciably improve the aesthetic footprint of the farm. Comparing the attached renderings of illustrative systems using light blue and dark green with the rendering of black gear on page 7 of the Aquaculture Visual Assessment (Exhibit 7), the black gear appears aesthetically preferable. And even if blue or green gear did have an initial benefit upon installation, it would only be temporary in nature



given that all gear becomes encrusted or fouled with marine organisms or other matter after a short period of time and assumes a similar appearance.

Taylor Shellfish has one final concern with the viability of green or blue gear—that it may not perform satisfactorily from an environmental standpoint. Taylor Shellfish takes pride in conducting its farming operations in a way that supports both the economy and environments in which it operates. One major environmental concern that has been raised in recent years is with plastic gear degrading and leaching materials or generating microplastics. Taylor Shellfish takes this concern very seriously. For this reason, the company is committed to using gear that performs best from an environmental perspective and is least susceptible to degradation. A primary mechanism for gear to degrade is through exposure to ultraviolet light, and therefore it is important for gear routinely exposed to UV light to be able to best withstand degradation. Black gear is the best at withstanding UV exposure. Lighter colored gear, such as green or blue, may degrade more readily than black gear. It may be possible to guard against this concern by adding UV inhibitors during the production process, but this has not yet been tested for all production methods, and some manufacturers have expressed concern at their ability to effectively do this. The manufacturer of our Generation 2 oyster bags has reported that they attempted to produce colored gear with UV inhibitors, but they were not able to achieve satisfactory results. The lifespan of colored gear with UV inhibitors was essentially cut in half. For this reason, the manufacturer has stated that it could not guarantee longevity or color in the environment for colored grow bags.

For these reasons, a requirement to use green or blue gear is not viable from a commercial perspective, would likely exacerbate rather than minimize the Project's aesthetic impacts, and present other risks. Therefore, we request that condition 25 be stricken from the permit decision.

Once again, thank you for your time and attention to this matter.

Sincerely,

Erin Ewald  
Taylor Shellfish  
Shelton, WA 98584



Figure 1. Rendering of proposed farm with illustrative dark green gear



Figure 2. Rendering of proposed farm with illustrative light blue gear

# Appendix C

## Jesse DeNike

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**From:** Luke Viscusi <LViscusi@masoncountywa.gov>  
**Sent:** Thursday, October 19, 2023 3:50 PM  
**To:** Jesse DeNike  
**Cc:** Erin Ewald; Kell Rowen  
**Subject:** FW: SHR2023-00003

Hello Jesse,

See the response from Ecology in the email below. Mason County supports Taylor's request to modify the subject condition based on the information presented. My responses are in green.

1. Is black gear considered an appropriate choice for shellfish aquaculture from an aesthetic standpoint, particularly given it can be produced with consistent and uniform coloration?  
Black aquaculture gear is an appropriate choice from an aesthetic standpoint.
2. Would blue and/or green gear be considered an appropriate choice for shellfish aquaculture unless and until it can be shown to be produced with similar consistency and uniformity as black gear?  
The SMP requires that floating aquaculture structures not substantially detract from the aesthetic qualities of the surrounding area. Thus, gear that can be produced with consistency and uniformity is preferred.
3. Even if blue and/or green gear could be produced with consistency and uniformity, would it be considered an appropriate or necessary choice for shellfish aquaculture unless it has an appreciably lower aesthetic footprint compared to black gear?  
Blue and/or green gear could be considered an appropriate choice for shellfish aquaculture if it has an appreciable lower aesthetic footprint compared to black gear. The SMP requires aquaculture gear be designed and constructed with best management practices to minimize visual impacts, so whichever color has the lower aesthetic footprint would be preferred.
4. Even if blue and/or green had an appreciably lower aesthetic footprint, would it be an appropriate choice for shellfish aquaculture under the SMA and SMP if it poses a heightened environmental risk?  
If blue and/or green gear had an appreciably lower aesthetic footprint, it would be an appropriate choice for shellfish aquaculture under the SMP. However, black gear would be preferred under the SMP if blue and/or green aquaculture gear poses a heightened environmental risk.

Sincerely,

**Luke Viscusi** (he/him) | Planner  
Mason County Community Services  
Office # 360-427-9670 ext. 282  
Cell # 360-490-3103  
[LViscusi@MasonCountyWA.gov](mailto:LViscusi@MasonCountyWA.gov)

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**From:** Brandon, Tess (ECY) <tebr461@ECY.WA.GOV>  
**Sent:** Thursday, October 19, 2023 1:12 PM  
**To:** Luke Viscusi <LViscusi@masoncountywa.gov>; Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>  
**Cc:** Kell Rowen <KRowen@masoncountywa.gov>  
**Subject:** RE: SHR2023-00003

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Hi Luke,

Thank you for the reminder; Lizzie is out sick today so I will respond.

It is not clear from the record that there is sufficient justification for the condition in question. Ecology's 1986 Siting Study recommends that color of aquaculture equipment be considered in project design as one of several aesthetic factors. It does not prescribe a specific color as the preferred choice for all aquaculture projects.

It is also important to recognize the age of the Study, and that aquaculture practices and technology have advanced considerably since its writing. Those advancements, and the realities of modern aquaculture operations, should be taken into consideration in the permit decision. For example, if current manufacturing practices render certain colors infeasible and/or at greater risk of causing environmental harm, those potential impacts must be weighed against potential visual impacts through the lens of the Shoreline Management Act.

Thanks very much,  
Tess

**Tess Brandon, AICP | Senior Shoreline Planner**  
Shorelands & Environmental Assistance | Southwest Region  
564.200.3016 | [tess.brandon@ecy.wa.gov](mailto:tess.brandon@ecy.wa.gov) | she/her



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**From:** Luke Viscusi <[LViscusi@masoncountywa.gov](mailto:LViscusi@masoncountywa.gov)>  
**Sent:** Thursday, October 19, 2023 10:06 AM  
**To:** Carp, Lizzie (ECY) <[lcarr461@ECY.WA.GOV](mailto:lcarr461@ECY.WA.GOV)>  
**Cc:** Kell Rowen <[KRowen@masoncountywa.gov](mailto:KRowen@masoncountywa.gov)>; Brandon, Tess (ECY) <[tebr461@ECY.WA.GOV](mailto:tebr461@ECY.WA.GOV)>  
**Subject:** FW: SHR2023-00003

Hello Lizzie,

As a reminder, Taylor Shellfish is planning to seek reconsideration of a permit condition for Shoreline Substantial Development permit # SHR2023-00003. They amended their original email (I forwarded to you on Monday, 10/16), which can be found below.

Since their original email, they stated that they continued to investigate the feasibility and value of conducting future testing as to the viability of blue and green gear, and upon further consideration, they do not believe such testing would be likely to yield positive results and would be a poor use of time and resources.

The County still supports Taylor's request to modify the subject condition based on the information presented. Would Ecology also be supportive of this modification to the permit condition based on the information provided below?

Thank you and please let us know. They need a response from us to be sure they can meet their 10-calendar day deadline for reconsideration.

Sincerely,

**Luke Viscusi** (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

[LViscusi@MasonCountyWA.gov](mailto:LViscusi@MasonCountyWA.gov)

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**From:** Jesse DeNike <[jesse@plauchecarr.com](mailto:jesse@plauchecarr.com)>  
**Sent:** Thursday, October 19, 2023 8:28 AM  
**To:** Luke Viscusi <[LViscusi@masoncountywa.gov](mailto:LViscusi@masoncountywa.gov)>  
**Cc:** Kell Rowen <[KRowen@masoncountywa.gov](mailto:KRowen@masoncountywa.gov)>; [erine@taylorshellfish.com](mailto:erine@taylorshellfish.com)  
**Subject:** RE: SHR2023-00003

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Good Morning,

We have received and reviewed the Mason County Hearing Examiner's Findings of Fact, Conclusions of Law, and Final Decision ("Decision") for Taylor Shellfish Farms' proposal to install and operate a floating oyster bag system in Oakland Bay, SHR2023-00003 ("Project").

The Decision approves the Project subject to numerous conditions. One condition added by the Hearing Examiner to those recommended by County staff states as follows: "All visible floating project gear shall be green and/or blue in color. The oyster bags may not be black as proposed." Decision p. 47 (Condition 25).

Taylor Shellfish plans to seek reconsideration of this condition for multiple reasons. First, green and/or blue gear is not currently available and has never been produced for this type of system. Green and/or blue gear would need to be produced specifically for this Project and would likely result in approximately \$600,000 in additional costs. Second, to produce green and/or blue gear, coloring would need to be added during three different stages of the production process (roto molding, injection, and extrusion). Given green and/or blue gear of this type has never been produced and there are numerous steps during the production process that impact the final product, there are currently significant doubts as to whether green and/or blue gear could be produced with a consistent and uniform coloration. Instead, Taylor Shellfish is concerned that, notwithstanding best efforts, green and/or blue bags could have a variety of shades that would be aesthetically displeasing. Third, even if uniform-colored gear could be produced, it is not clear that it would appreciably reduce the aesthetic footprint of the Project. Based on the attached renderings of illustrative dark green and light blue oyster bags, green and/or blue color gear would likely be more aesthetically impactful than black bags. Compare the attached renderings with the rendering of black bags on p. 7 of Exhibit 25 in this matter. Finally, and perhaps most importantly, Taylor Shellfish is concerned that green and/or blue gear will not perform satisfactorily from an environmental standpoint. The green and/or blue recommendation is based on the 1986 Aquaculture Siting Study developed for the Department of Ecology, and since issuance of this study, concerns have been raised regarding degradation of plastic aquaculture gear. This concern has been addressed in multiple Shorelines Hearings Board decisions. *E.g.*, *Coalition to Protect Puget Sound Habitat v. Pierce County*, SHB No. 11-019, Findings of Fact, Conclusions of Law, and Order (July 13, 2012); *Coalition to Protect Puget Sound Habitat v. Thurston County*, SHB No. 13-006c, Findings of Fact, Conclusions of Law, and Order (Oct. 11, 2013); *Coalition to Protect Puget Sound Habitat v. Pierce County*, SHB No. 14-024, Findings of Fact, Conclusions of Law, and Order (May 15, 2015). Taylor Shellfish takes this



concern very seriously and is committed to using gear that performs best environmentally and is least susceptible to degradation. Exposure to ultraviolet (“UV”) light is a primary mechanism for gear degradation. Hence, it is important for gear that is routinely exposed to UV light to be able to best withstand degradation. Black and very dark gray colored gear best withstands UV exposure. Green and/or blue gear is lighter in color and may degrade more readily than dark colored gear. It may be possible to mitigate against this concern by adding UV inhibitors during the production process, but this has not yet been tested. Accordingly, a requirement to utilize green and/or blue gear for the Project would present a risk to the environment unless and until testing is performed demonstrating it can satisfactorily withstand degradation.

Taylor Shellfish plans to present this information to the Hearing Examiner during reconsideration. Given the significant experience of Mason County Community Development (“Department”) in administering the Shoreline Management Act and Mason County Shoreline Master Program (including striking an appropriate balance between giving preference to water-dependent uses and addressing environmental and aesthetic concerns) the Hearing Examiner may value the Department’s perspective on some of these issues. In particular, Taylor Shellfish would appreciate obtaining the Department’s position on the following questions. Taylor Shellfish appreciates that the Department of Ecology (“Ecology”) also has significant experience on these issues and would welcome the Department coordinating with Ecology in answering these questions. If the Department and/or Ecology is able and willing to answer these questions, Taylor Shellfish plans to provide those answers to the Hearing Examiner during reconsideration.

1. Is black gear considered an appropriate choice for shellfish aquaculture from an aesthetic standpoint, particularly given it can be produced with consistent and uniform coloration?
2. Would blue and/or green gear be considered an appropriate choice for shellfish aquaculture unless and until it can be shown to be produced with similar consistency and uniformity as black gear?
3. Even if blue and/or green gear could be produced with consistency and uniformity, would it be considered an appropriate or necessary choice for shellfish aquaculture unless it has an appreciably lower aesthetic footprint compared to black gear?
4. Even if blue and/or green had an appreciably lower aesthetic footprint, would it be an appropriate choice for shellfish aquaculture under the SMA and SMP if it poses a heightened environmental risk?

Thank you for your time and consideration. Please feel free to contact me if you have any questions about this request.

Jesse

Jesse DeNike  
**Plauché & Carr LLP**  
1218 3rd Avenue  
Suite 2000  
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(206) 588-4188  
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