

Appendix 1

Substantial Development SHR2023-00003 – Taylor Shellfish’s Response to Comments received 8/31/2023 – 9/11/2023		
Comment	Commenter	Response
The project does not comply with code regarding aesthetics and public access	Mark Herinckx (8/31/23), Bella Greaves (9/8/23), Ginny Douglas (9/6/23), David Douglas (9/10/23), Bricklin & Newman, LLP (09/10/23)	For reasons discussed in Taylor’s earlier submittals (including Appendix C to the August 30 comment response), and in the attached supplemental Appendix 3 response to public comments on aesthetics, the Proposal is consistent with all SMA and SMP provisions addressing aesthetics. The County and Taylor Shellfish have given extensive consideration to aesthetic interests. The Proposal will complement the aesthetic qualities of the surrounding area, which includes a mix of uses including hundreds of acres of shellfish cultivation, industrial uses, port facilities, timber operations, residences, and a state highway. Taylor is following best management practices and other recommendations to reduce aesthetic impacts. Taylor understands that some neighboring residents will continue to oppose the Proposal due to impacts to views from residential properties, but that is not grounds for denying the Proposal’s shoreline substantial development permit. See Appendix 3 to Taylor Shellfish’s September 18 response.
Water Quality and growing area (bacteria and dioxins)	Mark Herinckx (8/31/23) (9/5/23), Betsy Norton (9/9/23), Nancy & James Hancharik (9/10/23)	Exhibit 8, p14 referred to, is a WA Dept of Health growing area map indicating the sanitary line between prohibited and approved growing areas. This line is static and based on predictive modeling from WA DOH based on loading rates of the wastewater treatment plant and the distance from the outfall. Please refer to Appendix 2 regarding dioxin exposure and risks.
Lighting Impacts from PATON are unknown	Kim Robison (9/2/23), Tom & Melanie Nevares (9/6/23), Devitt & Deborah Barnett, Bill Morisette (9/8/23), Patrick Pattillo (9/10/23)	The US Coast Guard has provided preliminary guidance on lighting requirements for this farm (9/15/23 email comm from USCG Timothy Westcott). This recommendation includes one lighted regulatory buoy on each of the farm corners, and another in the center of the line on the longer sides for a total of six lighted buoys. These buoys will have 2” reflective tape. LED or incandescent and flashing white light every 6 seconds, with 10 flashes per minute. Lights must be USCG approved and visible up to one nautical mile. Taylor Shellfish has used these types of lights for its floating mussel farm operations in Totten Inlet.
Generator use and noise ordinance	Kim Robison (9/2/23), Tom & Melanie Nevares (9/6/23), Nancy & James Hancharik (9/10/23)	Generators will not be used 24/7. Decibel readings from combined boat, generator and lift were included in Taylor Shellfish’s August 30 Appendix B response to comments showing that combined operations were under noise ordinance levels at 55 dBA. Levels were at or below 50 dB on all sides of the boat at 1,000’. For reference, normal conversation is at 50dB. The commenters provide no additional information demonstrating that original response was inadequate or that the Proposal would have greater impacts than as described by Taylor.
Shading of seabed from bags	Kim Robison (9/2/23)	A 2019 eelgrass survey determined there was no submerged eelgrass in the project vicinity. This absence of eelgrass within the localized area, as well as throughout Oakland Bay, is confirmed by WA DNR seagrass monitoring data. In addition, as noted in the September

		Habitat Management Plan (Confluence 9/2022), the floating bags have been planned and configured to minimize effects on benthic organisms. The bags themselves are not solid and the lines are anchored and separated by approximately 30 feet and will move with each tide change, producing little effective shading on the substrate. See Appendix 2 to Taylor Shellfish's September 18 response.
Meeting with residents	Kim Robison (9/2/23)	Taylor Shellfish was contacted by biologists at the Squaxin Island Tribe who were receiving calls from residents. Taylor suggested they encourage residents to contact Taylor representatives directly and provided appropriate contact information. As a result, one member of the public did reach out and Taylor met with this individual to listen to concerns and respond directly to questions. Prior to the initiation of public comment periods, Taylor also responded via phone and email to two other individuals requesting clarification of the application.
Marina Improvements not defined	Kim Robison (9/2/23)	The marina does not belong to Taylor Shellfish and the permitting process for the public access portion is still proceeding. Taylor has resources and expertise to facilitate improvements to public access at the marina once it is determined how the marina can best use the support. Taylor has committed up to \$75,000 in direct or indirect support for the marina's improvements to public access as described further in Appendix 4.
Request study of home values due to aquaculture / Property value	Kim Robison (9/2/23), David Douglas (9/10/23)	Previously discussed in Appendix A submitted 8/30/2023. Property value impacts are not a permit review criterion, and commenters have not provided information demonstrating that this farm would reduce property values.
Dispute the extent of impact to homeowners around Oakland Bay	Kim Robison (9/2/23), Kathryn Cox (9/5/23), Kevin Renso (9/10/23), Melissa Kennedy (9/10/23)	See attached supplemental response to comments concerning aesthetics in Appendix 3.
No other floating farm leases in WA	Mark Herinckx (9/5/23)	Taylor is currently using existing intertidal owned lands for near bottom bag operations, similar to that installed in Chapman Cove. Subtidal farms have distinct advantages, including the ability to manage operations during daylight hours year-round and continuous access to nutrients within the water column.
Proposed lease would benefit economy and reduce trade imbalances	Phillip Wolff (9/4/23)	Agreed
Wedge anchors and sediment impacts	David Mallory (9/7/23)	Sediment disturbance from anchoring systems was previously addressed in Taylor Shellfish's August 30 response to comments in Appendix B. The commenters provide no information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor.
Estimated tax burden with new farm	David Mallory (9/7/23)	Sales taxes and B & O taxes are only a portion of economic benefits to local and state economy that would be realized through the proposed farm operations. Direct and indirect economic

		benefits are expected from increased sales, additional employment and equipment needs to develop and maintain new infrastructure. Sale of seed to other Washington State growers will benefit those farms and regions as well.
Risks to wildlife / loss of habitat	Andrew Greaves (9/8/23), Bella Greaves (9/8/23), Ginny Douglas (9/6/23), Tom & Melanie Nevares (9/6/23), Patrick Pattillo (9/10/23)	The proposed floating farm does not utilize nets. Taylor's existing near bottom bag farms in Washington and similar floating farms in B.C. have not experienced negative interactions with marine mammals. This farm will be managed and maintained to prevent loose lines and open bags per the recommendations of local marine mammal experts. Farm practices have been thoroughly reviewed by the Services for their impacts to species, and effective avoidance and minimization measures were developed in the Programmatic Consultation for shellfish farming activities in Washington State. This farm will comply with all of the conditions of the Programmatic Consultation.
Impacts to navigation	Bella Greaves (9/8/23), Tom & Melanie Nevares (9/6/23), Melissa Kennedy (9/10/23); Ginny Douglas (9/6/23)	For reasons discussed in Taylor's earlier submittals (including Appendix D to the August 30 comment response), and in the attached Appendix 4 supplemental response to public comments on public access, the Proposal is consistent with all SMA and SMP provisions addressing public access and navigation. The Proposal is located more than 1,000 feet from all adjacent shorelines and will not impede access to neighboring properties. Other than aquaculture, there is no commercial navigation in this area of Oakland Bay. And the Proposal is not located in the deepest area of Oakland Bay and thus will not impede navigation through Oakland Bay even during the lowest tides.
Renderings inaccurately represent the project at 1500' when there are residents who are 1000' from shoreline.	Bill & Florence Fierst (9/7/23), Melissa Kennedy (9/10/23)	Several renderings and images of existing farms at vertical and horizontal distances have been provided. Appendix C of Taylor Shellfish's August 30 response includes renderings showing the farm at its current proposed location and a second image pushed out 1,500 feet from the eastern shoreline for comparison purposes, as some commenters contended it is proposed to be too close to that shoreline. Those renderings show that moving the farm out further would not appreciably reduce the Proposal's aesthetic footprint.
Largest aquaculture	Ginny Douglas (9/6/23), Devitt & Deborah Barnett (9/7/23)	Ms. Douglas is misinformed. Taylor Shellfish currently owns 279 acres in Oakland Bay. The Oakland Bay FLUSPY is under a lease with WA DNR and is situated on 2 acres of ground in the port of Shelton growing area, opposite the Bay from Chapman's Cove. Once fully constructed, the proposed Project will require 9.1 acres of surface area. The 50-acre boundary is necessary to allow the system to ebb with the tide, while not exceeding the boundary extent. At no time will the system cover 50 acres of surface water. As designed with full buildout, at MLLW the proposed system will have 4.25 acres of production area with the bags themselves. The lines and buoys take up the remaining space. Requiring a reduction in the size of the operation is not

		an appropriate offset. See attached supplemental response to aesthetic comments in Appendix 3.
The visual impact information provided by Taylor Shellfish is inaccurate and the Proposal will occupy more than 10% of the cone of vision of some viewers.	Ginny Douglas (9/6/23), Tom & Melanie Nevares (9/6/23), Devitt & Deborah Barnett (9/7/23), Bill Morissette (9/8/23), David Douglas (9/10/23), Patrick Pattillo (9/10/23), Nancy Wilner (9/1/23)	See attached Appendix 3 supplemental response to comments addressing aesthetic concerns. The information provided by Taylor Shellfish shows that the surrounding area is characterized by a mix of uses and relatively low density residential development. The recommended measures in the 1986 Aquaculture Siting Study are not approval criteria under the SMP, but even if they were, Taylor satisfies them. The recommendations are provided as alternative measures for effectively reducing impacts, and Taylor Shellfish is following many of them.
Orca visit the bay because of food and lack of commercial and boating activity. Farm will have a direct impact	Devitt & Deborah Barnett (9/7/23)	Impacts to marine mammals, including Orca, from the Proposal's operations was previously addressed in Taylor Shellfish's August 30 response to comments in Appendix B. The commenters provide no information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor.
Warmer water temperatures indicate more fragile ecosystem	Devitt & Deborah Barnett (9/7/23)	Oakland Bay has historically, and continues to support multiple uses including port operations, aquaculture, and recreation. Warmer waters, typically found within the bay during summer heat events are due to the overall shallow nature of Oakland Bay. WA DOH continues to collect marine water samples and Mason County monitors the health of local fresh water. The project Proposal is sited within approved waters for shellfish harvest. As noted in the Confluence 2022 Habitat Management Plan, the aquaculture industry relies on the maintenance of good water quality to ensure the safety and survival of product. Numerous actions have been taken over time in Oakland Bay with the goal of water quality and habitat improvements, including mitigating impacts from legacy mill operations, upland land conservation, upland farming BMPs, sediment mitigation in Shelton Harbor, pollution identification and correction in freshwater streams and improvements to the local wastewater treatment plant. The addition of shellfish, which can filter nutrients from large volumes of water, as well as aquaculture BMPs, will complement those ongoing efforts.
Impacts to view from Bayshore for local access	Francesca Ritson (9/7/23), Nancy Wilner (9/1/2023)	The Bayshore Preserve is over 1 mile from the proposed project. The existing mussel farm, which sits higher on the water surface, is barely visible from Taylor's Bayshore farm which is 1,500' closer to the farm than the Preserve. The oyster farm sits lower on the horizon. From the water's edge, it is unlikely that the farm itself will be visible. Those visiting the Bayshore Preserve will now be able to legally access and explore Taylor's tidelands, connecting the CLT and WDFW shorelines, providing additional opportunities to view wildlife and enhance access to the water. The Mason County Parks recently adopted their plan which encourages Public Private partnerships to expand and enhance access opportunities to privately owned tidelands.

		This is exactly what Taylor is proposing by formally providing access to 16.6 acres and almost a mile of shoreline.
Noise from operations not adequately addressed	Bill Morisette (9/8/23), Nancy Wilner (9/1/23)	Noise from the Proposal's operations was previously addressed in Taylor Shellfish's August 30 response to comments. The commenters provide no new information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor.
Inadequate public notification for proposal	Bill Morisette (9/8/23)	Three sets of public notifications were mailed directly to households surrounding the project proposal as required by the Mason County Code 15.07. The notice of application and subsequent hearing announcements were also posted in the newspaper and on the Mason County website. The County also posted all application and supporting materials on the County website. This proposal has received significant public comment, demonstrating that notification was effective.
SEPA Checklist was inaccurate and should be replaced by full EIS	Betsy Norton (9/9/23)	As noted in Taylor Shellfish August 30 Appendix A response to comments, project applicants routinely provide additional and clarifying information during the permit review process, and Taylor Shellfish has done so here. The County issued a determination of nonsignificance ("DNS") for the Proposal under SEPA. The DNS was not appealed and is therefore final and determinative.
If approved, project should be conditioned with monitoring	Betsy Norton (9/9/23)	Monitoring the Proposal's operations was previously addressed in Taylor Shellfish's August 30 Appendix A response to comments. The commenter has provided no information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor and would therefore require monitoring outside of what is already required.
All sources of marine plastics need to be eliminated to prevent sources of microplastic and leaching pollution	Betsy Norton (9/9/23), Janey Aiken (9/10/23)	Plastics impacts from the Proposal's operations was previously addressed in Taylor Shellfish's August 30 Appendix B response to comments. The commenters provide no additional information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor.
2007 Oakland Bay Action Plan (submitted)	Mark Herinckx (9/9/23)	The 2007 Action Plan was a requirement from Washington State as a result of shellfish growing area downgrades under RCW 97.02.030. This plan, and those who helped develop and implement the action items identified (including Taylor Shellfish), were investigating sources of bacteria pollution from land use activities. Those addressed through this effort identification and correction of leaking septic tanks, upland agriculture practices, runoff and other non-point source pollution. Since this plan was implemented, Oakland Bay's growing areas have improved and are currently enjoying an approved growing status throughout the major growing areas.

Impact to ESA fish migration	Patrick Pattillo (9/10/23)	Impacts to migrating ESA fish caused by the Proposal's operations was previously addressed in the Confluence September 2022 Habitat Management Plan and by Taylor Shellfish's August 30 Appendix B response to comments. The commenters provide no information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor. See also Appendix 2 to Taylor Shellfish's September 18 response.
Impacts to circulation will cause shoreline erosion	Patrick Pattillo (9/10/23)	Impacts to water circulation caused by the Proposal's operations was previously addressed in the Confluence September 2022 Habitat Management Plan and by Taylor Shellfish's August 30 Appendix B response to comments. The commenters provide no information demonstrating that response was inadequate or that the Proposal would have greater impacts than as described by Taylor.
Compliance with MCC 17.50.210(a)(9)	Bricklin & Newman, LLP (09/10/23)	<p>Commenter's contention that Taylor Shellfish and the County have not appropriately considered ecological impacts pursuant to this policy because they have relied on studies from other areas is baseless. As set forth in Appendix B to Taylor Shellfish's August 30 response, it is normal and appropriate to rely on studies from other areas. Additionally, the environmental review for this Proposal is based on numerous studies from within Washington State. No expert or professional analysis has been submitted by commenters demonstrating that there is insufficient information addressing ecological impacts.</p> <p>Commenter's additional contention that the Proposal could risk spreading disease has no merit. The Proposal will cultivate Pacific Oysters, which are extensively cultivated throughout Washington State. The Proposal poses no risk spreading disease by relocating the gear a short distance a few weeks each year. As Taylor Shellfish maintains significant seed and broodstock resources within Oakland Bay, shellfish from Oakland Bay are routinely tested and monitored for disease. In addition, USDA veterinarians annually inspect Taylor Shellfish FLUPSY operations to review biosecurity and animal management practices and have found no violations.</p>
Compliance with MCC 17.02.06	David Douglas (9/10/23)	Department of Ecology guidance notes that the provisions of the Shoreline Management Act apply to major water bodies and the adjacent shorelands throughout Washington State. In 2003, the Washington State Legislature amended the Growth Management Act to incorporate shorelines: "For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals" [RCW 36.70A.480(1)]. Therefore, SMPs are integrated within local comprehensive plans and development regulations. All SMP goals, policies and regulations, must be internally consistent with the comprehensive plan and development regulations [RCW 36.70A.070]. Ecology goes on to state that permit systems are specifically required in RCW 90.58.140(3). Mason County has

		<p>developed this guidance for shorelines and permitted activities under MCC 17.50.060 (1) which states “These regulations shall apply to all the lands and waters that are designated to be under the jurisdiction of the Shoreline Management Act of 1971”. Oakland Bay is identified on the associated table 17.50.060-A for Mason County Shorelines of the State – Marine Waters. Further, the shorelines are designated on the north side to be Residential and the to the south, Conservancy. In both these shoreline designations, floating aquaculture is permitted. The Proposal is reviewed for compliance with the Mason County SMP and the SMA, not the County’s zoning code, as the commenter contends.</p>
<p>Compliance with the policies of the SMA</p>	<p>Ginny Douglas (09/06/23)</p>	<p>The Proposal is consistent with the policies of the SMA. It is a water-dependent and preferred use of the shoreline area under RCW 90.58.020. Additionally, implementing regulations promulgated by the Department of Ecology identify aquaculture as a preferred use that is in the statewide interest and can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. WAC 173-26-241(3)(b)(i)(A). The Mason County SMP further reiterates that shellfish aquaculture is a preferred use that has important benefits to the County and is encouraged. MCC 17.50.210(a)(1),(3). The commenter disagrees with the SMA, SMA guidelines, and the SMP that shellfish aquaculture advances statewide interests. This disagreement is noted but does not provide a basis for finding the Proposal noncompliant with the policies of the SMA.</p>