

# **Appendix A**

**Substantial Development– SHR2023-00003: Applicant Taylor Shellfish Farms’ Response to Public Comments Submitted After July 26, 2023**

Comment	Commenter(s)	Response
<p>The Proposal may adversely impact fish, birds, marine mammals and other wildlife, along with supporting habitat, and reduce food for other organisms.</p>	<p>Lisa Walker [07/31/2023]; Thomas Terry [07/31/2023]; Francesca Ritson [08/04/2023]; Kim Robison [08/04/2023]; Mary Liston [08/04/2023]; Lorrie Peterson [08/06/2023]; Kathryn and George Cox [08/07/2023]; Tom and Melanie Nevares [08/07/2023]; Black Hills Audubon [08/08/2023]; Michael Forbes [08/08/2023]; Kim and Trevor Robison [08/11/2023]; Patrick Pattillo [08/09/2023]; Bonnie Blessing [08/09/2023]; Brian Renecker [09/09/2023]; Judith Brumley-Bidwell [08/13/2023]; Stuart Horn [08/13/2023]; Joseph Holt [08/14/2023]; David Douglas [08/15/2023]; Devitt and Deborah Barnett [08/15/2023]; Francesca Ritson [08/15/2023]; Kathy Kent-Lanning [08/15/2023]; Mark Wilhelm [08/15/2023]; Rachelle Harris [08/15/2023]; Patrick Pattillo [08/16/2023]; Kathy Ken-Lanning [08/09/2023]; Kevin</p>	<p>As set forth in previously-submitted application materials, including the Habitat Management Plan [Hearing Exhibit 8], responses to comments [Hearing Exhibits 20-22], and presentations [Hearing Exhibits 33, 47], the Proposal is located and designed to effectively avoid and minimize potential adverse impacts to aquatic fish, birds, and other wildlife, along with their supporting habitat.</p> <p>Additionally, Taylor Shellfish will operate this Proposal compliance with the programmatic Endangered Species Act and Essential Fish Habitat consultation for shellfish farming activities in Washington State inland marine waters (“Programmatic Consultation”). The Programmatic Consultation includes over 30 conditions to ensure projects do not have unacceptable impacts to ESA-listed species, designated critical habitat, and essential fish habitat. Hearing Exhibit 14.</p> <p>Responses to comments regarding the Proposal’s potential impacts to species and habitat is further addressed in Appendix B to Taylor’s Shellfish’s August 30, 2023 response.</p> <p>As proposed and conditioned, the Proposal will not have unacceptable adverse impacts to fish, birds, marine mammals and other wildlife, or their supporting habitats. Nor will it reduce food to the detriment of other organisms. Additionally, the Proposal will have environmental benefits including protection and improvement of water quality and provision of structured habitat.</p>

	Renso [08/09/2023]; Nancy Willner [undated]; Alice Faye Duncan [08/09/2023]; Kim and Trevor Robison [undated]; Christin Herinckx [08/09/2023]	
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.	Lisa Walker [07/31/2023]; Brian Renecker [09/09/2023]	Taylor Shellfish will use the same types of vessels for operating this Proposal as it currently uses within Oakland Bay for its existing shellfish farming activities. These vessels produce minimal wakes that are within the natural disturbance regime (e.g., waves and currents). These wakes have not caused erosion of shorelines within the Bay and they will not cause such impacts in the future under operation of the Proposal. With respect to oil and gas use, Taylor Shellfish will comply with all conditions from the Programmatic Consultation relating to use and maintenance of vehicles and vessels in and near the shoreline environment, including those addressing fueling and clean-up of any spills. Hearing Exhibit 14.
The Proposal will cause noise, odor, and lighting impacts.	Lisa Walker [07/31/2023]; Lorrie Peterson [08/06/2023]; Kim and Trevor Robison [08/08/2023]; Devitt and Deborah Barnett [08/12/2023]; Bonnie Blessing [08/09/2023]; Ginny Douglas [08/10/2023]; Nancy Willner [08/12/2023]; Joseph Holt [08/14/2023]; Nancy and James Hancharik [08/14/2023]; David Douglas [08/15/2023]; Francesca Ritson [08/15/2023]; Kim and Trevor Robison [08/15/2023]; Rachelle Harris [08/15/2023]; Nancy Willner [undated]	<p>Taylor Shellfish will avoid unacceptable noise impacts by operating this Proposal in compliance with the County's noise ordinance, Chapter 9.36 MCC, and it will regularly monitor the health of cultivated species to prevent die-offs and odor issues. Taylor Shellfish has multiple farms in Mason County, including within Oakland Bay, and has extensive experience successfully meeting the noise ordinance standards. <i>See also</i> Appendix B to Taylor Shellfish's August 30, 2023, response to comments. The vessels and equipment used for the Proposal would not cause more noise than generated by current operations.</p> <p>Unlike intertidal shellfish farms, which require significant operations at night depending on the time of year, this Proposal's work hours will be focused during daylight hours. Taylor Shellfish has only requested the ability to perform work one hour before sunrise and after sunset during the portion of the year when there are relatively few daylight hours, along with response activities at night when there is a need. Taylor Shellfish would direct all lights during work operations in a downward direction. Navigational lighting would be installed per Coast Guard requirements, with each light limited to approximately 6 lumens.</p>

<p>The Proposal will adversely impact property values.</p>	<p>Lisa Walker [07/31/2023]; Barbara Ericks [08/04/2023]; Devitt and Deborah Barnett [08/12/2023]; Rachelle Harris [08/15/2023]; William Lanning [undated]; Roger Wilson [undated]; Kathy Ken-Lanning [08/09/2023]; Kevin Renson [08/09/2023]; Nancy Willner [undated]; David Douglas [08/9/2023]; Christin Herinckx [08/09/2023]</p>	<p>Property values are not a decision criterion for shoreline permit approval. Regardless, no evidence has been provided demonstrating the Proposal would adversely impact property values. Taylor Shellfish farms shellfish in many areas of Washington State that have residential use and development nearby and has never been provided with information demonstrating the presence of shellfish farms adversely impacts property values. Additionally, this claim has been rejected in at least one Shoreline Hearings Board appeal. <i>Coalition to Protect Puget Sound Habitat v. Pierce County</i>, SHB No. 14-024 (May 15, 2015) (FF 48-49, 51 and COL 13, 21). Commercial shellfish farmers in Oakland Bay work hard to ensure water quality remains high in farming areas, benefitting residential and other users.</p>
<p>The Proposal will pose a risk to boaters and recreational users, and it will adversely impact public access and use of Oakland Bay.</p>	<p>Thomas Terry [July 31, 2023]; Bill Morisette [08/04/2023]; Francesca Ritson [08/04/2023]; Kim Robison [08/04/2023]; Mark Herinckx [08/04/2023]; Lorrie Peterson [08/06/2023]; Tom and Melanie Nevares [08/07/2023]; Devitt and Deborah Barnett [08/12/2023]; Patrick Pattillo [08/09/2023]; Bonnie Blessing [08/09/2023]; Erin Pattillo [08/09/2023]; Ginny Douglas [08/09/2023]; Ginny Douglas [08/10/2023]; Nancy Willner [08/12/2023]; Bill Morisette [08/15/2023]; Francesca Ritson [08/15/2023]; Kathy Kent-Lanning [08/15/2023]; Mark Herinckx</p>	<p>The Proposal’s relationship to boaters, recreational users, and public access in Oakland Bay is addressed in prior application materials, including the Public Access Memorandum [Hearing Exhibit 23], responses to public comments [Hearing Exhibits 20, 22], and presentations [Hearing Exhibits 32, 45]. The Proposal’s impacts to public access are further addressed in Appendix D to Taylor’s Shellfish’s August 30, 2023 response, which provides additional information in response to questions raised during the hearing.</p> <p>The Proposal is located at least 1,000 feet from all shorelines, allowing for recreational use throughout Oakland Bay. In response to questions raised during public comment, Taylor is clarifying that the Proposal’s oyster bag rows will be placed on 30-foot centers. While the distance between the lines may fluctuate a few feet during operation, a significant distance will continue to be provided between the lines allowing for travel between the lines. The Proposal will be marked with navigational lighting per Coast Guard requirements, ensuring responsible boaters and recreational users will be able to safely navigate and recreate in Oakland Bay upon Proposal installation and operation.</p> <p>Oakland Bay is a relatively low-use area for recreation compared to other locations within Mason County. According to the Washington State Department of Health, Oakland Bay is 2,127.6 acres. The Proposal’s gear (9.1 acres) occupies 0.43% of Oakland Bay, the total area of the gear plus the water between the rows (36 acres)</p>

	[08/15/2023]; Patrick Pattillo [08/16/2023]; Roger Wilson [undated]; Ginny Douglas [08/09/2023]; Mark Herinckx [undated]; Nancy Willner [undated]; Christin Herinckx [08/09/2023]	occupies 1.69% of the Bay, and the entire 50-acre lease area occupies 2.35% of the Bay. While installation of the Proposal would cause some recreational users traveling in the Proposal location to navigate around the gear, recreational uses can continue throughout Oakland Bay after Proposal installation. Presence of the farm can benefit public use and recreation by providing a point of interest for recreational users and helping ensure the quality of the water remains, thereby helping facilitate recreation activities, including shellfish harvesting in Oakland Bay. Further, Taylor Shellfish is providing mitigation that more than offsets the minor impacts the Proposal will cause to public access, including granting the public the right to access 16.6 acres of company-owned tidelands in Oakland Bay and supporting improvements to the Oakland Bay Marina. Taylor Shellfish is committed to working with the Washington Water Trails Association to extend the “water trail” in south Puget Sound to Oakland Bay and provide the public with information about these public access opportunities and education about shellfish farming. This mitigation will provide the broader public with enhanced recreational rights and opportunities throughout Oakland Bay.
The Proposal should be engineered and constructed so that it maintains its integrity.	Thomas Terry [July 31, 2023]	The Proposal will be secured with helical and wedge anchors following the requirements of the Department of Natural Resources. As with the company’s existing oyster bag farms in Washington State and British Columbia, the Proposal’s lines and gear will be composed of marine-grade material designed to withstand environmental conditions. The anchors, lines, and bags will be maintained and routinely monitored to ensure they remain their integrity.
The Proposal should be monitored, and changes should be made if there are negative findings from monitoring. The Proposal has inadequate oversight.	Thomas Terry [July 31, 2023]; Ginny Douglas [08/09/2023]; Ginny Douglas [08/10/2023]; Nancy Willner [08/12/2023]; David Douglas [08/15/2023]; Audubon [08/08/2023]; Patrick Pattillo [08/16/2023]	Taylor Shellfish will conduct numerous monitoring actions, including those associated with the Programmatic Consultation, the anticipated DNR lease, and from the company’s Environmental Codes of Practice. Hearing Exhibit 46. The County is authorized to enforce shoreline permits to ensure monitoring occurs and that the Proposal otherwise complies with all terms of the shoreline permit. MCC 17.50.500. The Proposal’s interactions with species and habitat are well understood, and there is no basis for concluding that there would be unacceptable or adverse environmental impacts warranting changes provided that monitoring occurs and Taylor Shellfish complies with all permit terms.

		The Proposal is subject to numerous regulatory and proprietary programs at the federal, state, and local levels. All levels of government will retain oversight of the Proposal.
Do not approve the Proposal.	Carl Boucher [08/04/23]; Ray Ericks [08/04/2023]; Susan Petty [08/04/2023]	Comment noted.
Oakland Bay belongs to the public and should not be used for private aquaculture.	Francesa Ritson [08/04/2023]; Ginny Douglas [08/10/2023]; Judith Brumley-Bidwell [08/13/2023]; Stuart Horn [08/13/2023]; Joseph Holt [08/14/2023]; Kim and Trevor Robison [08/09/2023]; Brian Lagerberg [undated]	The Proposal area is owned by Washington State and managed by DNR under its aquatic leasing program to ensure it will appropriately balance numerous objectives according to legislatively-adopted standards. Shellfish aquaculture is a preferred, water-dependent use that is in the statewide interest and has significant environmental and economic benefits. RCW 90.58.020; WAC 173-26-241(3)(b); MCC 17.50.210. Floating shellfish projects such as this are expressly allowed in Oakland Bay pursuant to a shoreline substantial development permit. MCC 17.50.090.
The Proposal will have unacceptable aesthetic impacts and does not include all recommendations from the Dep't of Ecology 1986 siting study.	Mark Herinckx [08/04/2023]; Marnie Laatz [08/04/2023]; Barbara Ericks [08/04/2023]; Ray Ericks [08/04/2023]; Susan Petty [08/04/2023]; Faye Duncan [08/06/2023]; Tom and Melanie Nevares [08/07/2023]; Mark Herinckx [08/08/2023]; Michael Forbes [08/08/2023]; Patrick Pattillo [08/09/2023]; Brian Renecker [09/09/2023]; Erin Pattillo [08/09/2023]; Ginny Douglas [08/09/2023]; Ginny Douglas [08/10/2023]; Stuart Horn [08/13/2023]; Joseph Holt [08/14/2023]; Nancy and James Hancharik [08/14/2023]; David	<p>The Proposal's aesthetic impacts are addressed in numerous hearing exhibits, including the aquaculture visual assessment, response to comments, and hearing presentations. Hearing Exhibits 20, 22, 25, 32, and 45. They are further addressed in Appendix C to Taylor's August 30, 2023 response.</p> <p>As discussed in the above documents, the SMP (along with the SMA and its implementing guidelines) give preference to shellfish aquaculture as a preferred, water-dependent use. The SMP prioritizes shellfish aquaculture over residential views in the event of conflict. The SMP does not prohibit aesthetic impacts but rather requires operators to utilize best management practices to reduce impacts and, to the maximum extent practicable, avoid substantially detracting from the aesthetic qualities of the surrounding area. The Proposal is utilizing BMPs including neutral colored gear that will blend into the marine environment and neat and orderly alignment of structures. The Proposal will fit into and complement the aesthetic qualities of the surrounding area, which is characterized by a wide variety of uses and developments including shellfish aquaculture, mining, port facilities, forestry, commercial activities, residential development, and a state highway.</p>

	Douglas [08/15/2023]; Mark Herinckx [08/15/2023]; Rachelle Harris [08/15/2023]; Patrick Pattillo [08/16/2023]; William Lanning [undated]; Roger Wilson [undated]; Bill and Florence Fierst [undated]; Kathy Ken-Lanning [08/09/2023]; Mark Hernickx [undated]; Nancy Willner [undated]; Christin Herinckx [08/09/2023]; Richard Christopherson [undated]	The recommendations in the 1986 siting study have not been adopted by Mason County or otherwise incorporated into the SMP. Additionally, the recommendations are presented as alternative measures that may be incorporated into projects to minimize aesthetic impacts. Thus, even if the siting study was incorporated or adopted into the SMP, not all recommendations would be required to be met. The Proposal is incorporating most recommendations and will not have unacceptable adverse aesthetic impacts under the SMP.
The Proposal will impair efforts to scoop water out of Oakland Bay for fighting fires.	Faye Duncan [08/06/2023]; Devitt and Deborah Barnett [08/12/2023]; Joseph Holt [08/14/2023]; Nancy Willner [undated]	The proposed system will occupy less than 3% of the total surface area of Oakland Bay and has not been identified by the County or State as a risk to their crew's abilities to suppress fires in the region. Additionally, DNR has advised that dipping/scooping out of the salt water is an uncommon activity, it would be highly unlikely that DNR would need to do that in this specific area in the future, and this concern should not hold up the County's project planning for Oakland Bay.
The proposal will harm the interests of the Squaxin Island Tribe.	Faye Duncan [08/06/2023]; Ginny Douglas [08/10/2023]	Taylor has coordinated directly with the Squaxin Island Tribe with respect to this project and will follow measures to ensure it does not adversely affect the Tribe's fishing rights.
The Proposal will cause significant adverse environmental impacts under the State Environmental Policy Act, and an Environmental Impact Statement should be prepared for the Proposal.	Lorrie Peterson [08/06/2023]; Black Hills Audubon [08/08/2023]; Patrick Pattillo [08/16/2023]	The County issued a determination of nonsignificance ("DNS") for the Proposal under SEPA. The DNS was not appealed and is therefore final and determinative.
The Proposal will result in gear loss and plastic pollution.	Lorrie Peterson [08/06/2023]; Black Hills Audubon [08/08/2023]; Nancy Willner [08/12/2023]; Kathy Kent-	Taylor Shellfish will follow all conservation measures from the Programmatic Consultation to ensure all gear will be appropriate for use in the marine environment, properly secured, and responsibly maintained and monitored. Additionally, Taylor Shellfish will conduct more frequent patrols of the farm than required under the

	Lanning [08/15/2023]; Nancy Willner [undated]	Programmatic Consultation to further respond to concerns regarding potential gear loss, as set forth in Hearing Exhibit 46. This farm will have a dedicated crew assigned to its maintenance, monitoring and harvest operations. These crews will monitor the system several times each week to watch for gear wear in order to prevent debris from occurring. Debris patrols surrounding the floating farm as well as Taylor's other operations will occur every tide cycle (approximately 2 weeks) to look for displaced gear and other debris. Gear monitoring will include evaluation of lines, bags and floats. Taylor will also evaluate the site and moorings either with divers or underwater drone. If debris is found on the subtidal area, it will be removed. Debris patrols shall include expedient response to community concerns.
The Proposal will occupy a relatively minor portion of Oakland Bay, will have little impact on recreational use within the bay, and impacts will be offset by Taylor's mitigation.	Stephen Whitehouse [08/06/2023]; Arcadia Point Seafood [08/08/2023]	Agreed.
The Proposal will improve water quality.	Stephen Whitehouse [08/06/2023]; Arcadia Point Seafood [08/08/2023]; Mason County Chamber of Commerce [08/08/2023]	Agreed.
Shellfish production and quality is highly regulated by the state, and unhealthy shellfish will not reach the market.	Stephen Whitehouse [08/06/2023]	Agreed.
Shellfish aquaculture is part of the existing aesthetic character. Personal aesthetics is not a basis for rejecting the Proposal, and if it was, then many projects including waterfront homes in Oakland Bay would not have been approved.	Stephen Whitehouse [08/06/2023]	Agreed.



Shellfish aquaculture is an important component of the Washington State and/or Mason County economy.	Stephen Whitehouse [08/06/2023]; Arcadia Point Seafood [08/08/2023]; Perkins Family Farms [08/07/2023]	Agreed.
Taylor Shellfish is an important member of the community.	Stephen Whitehouse [08/06/2023]; Bill Dewey [08/16/2023]	Agreed.
The Public Trust Doctrine does not grant the public the right to access private shellfish tidelands during low tide.	Stephen Whitehouse [08/06/2023]	Agreed. <i>See also</i> 2007 AGO No. 1 and Court of Appeals (Div. 1) decision denying discretionary review in Case No. 839021.
The Proposal will cause neighboring tidelands to be overtaken with oysters, harming existing populations of clams.	Tom and Melanie Nevares [08/07/2023]	The Proposal will cultivate oysters in floating bags. Cultivated oysters will remain in the bags. No explanation or mechanism for cultivated oysters overtaking neighboring tidelands is provided by the commenter. Oysters are already cultivated using both bag and on-bottom methods in Oakland Bay. See also Appendix B to Taylor Shellfish's August 30, 2023, response to comments.
The Proposal will increase much-needed capacity in seed supply and management that will benefit Washington's shellfish farming sector.	Pacific Coast Shellfish Growers Association [08/08/2023]; Arcadia Point Seafood [08/08/2023]; Perkins Family Farms [08/07/2023]	Agreed.
Washington shellfish farmers are champions and often leaders in catalyzing important research and conservation of Washington's marine water quality, ecosystems, and watersheds. Shellfish aquaculture also provides many secondary benefits.	Pacific Coast Shellfish Growers Association [08/08/2023]	Agreed.
There is no such thing as zero-impact food	Pacific Coast Shellfish Growers	Agreed.

<p>production, but shellfish farming comes close as one of the most benign methods of food production on the planet.</p>	<p>Association [08/08/2023]</p>	
<p>In addition to being regulated by some of the strongest environmental regulatory frameworks in the world, PCSGA and its members, including Taylor Shellfish, have worked with researchers to develop the Environmental Codes of Practice (ECOP). Growers use the science-based ECOP as a guide to develop best practices to maximize the many benefits shellfish aquaculture can provide to society and the environment while minimizing risks.</p>	<p>Pacific Coast Shellfish Growers Association [08/08/2023]</p>	<p>Agreed.</p>
<p>Washington's shellfish growers provide important economic and job benefits for local communities, as well as nutritious food with less impact on the environment. They are also actively engaged in ongoing efforts to support healthy water quality and ecosystems that benefit not just their livelihoods, but also the communities in which they operate.</p>	<p>Pacific Coast Shellfish Growers Association [08/08/2023]</p>	<p>Agreed.</p>
<p>Attached is a bibliography highlighting a snapshot of the portfolio of research that has been conducted to understand impacts (positive and negative) and develop solutions to maximize the many benefits shellfish farming provides to society and the environment.</p>	<p>Pacific Coast Shellfish Growers Association [08/08/2023]</p>	<p>Noted.</p>

<p>The Proposal will be both environmentally and economically beneficial to Mason County.</p>	<p>Stacey Wickett [08/08/2023]; Arcadia Point Seafood [08/08/2023]; Pacific Coast Shellfish Growers Association [08/08/2023]; Stephen Whitehouse [08/06/2023]; Mason County Chamber of Commerce [08/08/2023]</p>	<p>Agreed.</p>
<p>The Proposal's plastic gear will degrade, resulting in harmful microplastics.</p>	<p>Black Hills Audubon [08/08/2023]</p>	<p>The Proposal will utilize marine-grade gear that is specifically designed to withstand environmental conditions without degrading, and it will be routinely monitored to ensure it remains properly deployed and is not experiencing unexpected wear. Concerns regarding use of plastics in shellfish aquaculture have been exhaustively analyzed in multiple prior permit appeals before the Shorelines Hearings Board. The SHB has appropriately determined that the use of marine-grade gear following best management practices does not cause significant adverse impacts. <i>E.g.</i> SHB No. 11-019 (FF 10, 11, and COL 6, 14); SHB No. 13-006c (FF 36-42 and COL 16); SHB No. 14-024 (FF 39-43, 47 and COL 13, 20) [marine debris]; SHB No. 11-019 (FF 9); SHB No. 13-006c (FF 41-42 and COL 16); SHB No. 14-024 (FF 44-47 and COL 13, 20) [microplastics and leaching concerns].</p> <p>The use of aquaculture gear is also exhaustively analyzed in the Programmatic Consultation, which includes several measures to ensure that appropriate gear is deployed and properly managed.</p> <p>Concerns regarding gear degradation are further addressed in Appendix B to Taylor Shellfish's August 30, 2023 response.</p>
<p>The Proposal's application documents must be updated to correct inconsistencies and provide additional information. References and comparisons to studies in other locations should be removed, and it is inappropriate to rely on the Programmatic Consultation because NWP 48 was</p>	<p>Black Hills Audubon [08/08/2023]; Patrick Pattillo [08/09/2023]; Ginny Douglas [08/10/2023]; Joseph Holt [08/14/2023]; David Douglas [08/15/2023]; Francesca Ritson</p>	<p>Project applicants routinely provide additional and clarifying information during the permit review process, and Taylor Shellfish has done so here, including through the public hearing and in Taylor's August 30, 2023 response to comments. All information requested by the Hearing Examiner has been provided. The contention that studies conducted in other locations cannot be referenced or utilized to understand the likely environmental impacts of this Proposal is incorrect and inconsistent with current</p>

<p>struck down. This will be the largest farm of its type, and hence existing literature is insufficient to evaluate anticipated impacts.</p>	<p>[08/15/2023]; Patrick Pattillo [08/16/2023]; David Douglas [08/09/2023]</p>	<p>practices. Professionally-prepared materials for this Proposal, including the Programmatic Consultation (prepared by the Corps and expert resource agencies) and the Habitat Management Plan (prepared by technical consultants with extensive education and experience analyzing shellfish aquaculture projects in Washington State), appropriately utilize studies from Washington State and other locations as appropriate.</p> <p>Commenters suggestion that the Programmatic Consultation should not be relied upon because a prior version of a Corps general permit (2017 version of NWP 48) was found deficient are completely unfounded. The general permit and the Programmatic Consultation are different decisions with separate administrative records. The Programmatic Consultation has never been found deficient by a court and is in full effect in Washington State.</p> <p><i>See also</i> Appendix B to Taylor Shellfish’s August 30, 2023, response.</p>
<p>The Proposal risks environmental harm due to the presence of legacy and ongoing pollution in Oakland Bay.</p>	<p>Black Hills Audubon [08/08/2023]; Patrick Pattillo [08/09/2023]; Bonnie Blessing [08/09/2023]; Erin Pattillo [08/09/2023]; Francesca Ritson [08/15/2023]; Kathy Ken-Lanning [08/09/2023]; Christin Herinckx [08/09/2023]</p>	<p>Legacy pollutants are located south of the site of the Proposal. Further, even if they were present at the site, the Proposal will not significantly disturb sediments and hence will not present a mechanism for releasing such materials into the environment. <i>See</i> Appendix B to Taylor Shellfish’s August 30, 2023 response.</p>
<p>The Proposal should be denied because another entity has submitted an application to lease the project site from DNR.</p>	<p>Coalition to Protect Puget Sound Habitat [08/09/2023]; Ginny Douglas [08/10/2023]</p>	<p>The commenter submitted its application to DNR a significant amount of time after Taylor Shellfish submitted its application. Hearing Exhibit 5. Taylor’s application has priority. Regardless, resolving the priority of DNR lease applications falls outside the purview of Mason County.</p>
<p>The Proposal should be rejected or limited to 2 years to collect data.</p>	<p>Susan Gonzales [08/08/2023]</p>	<p>Taylor Shellfish will conduct extensive maintenance and monitoring actions associated with the Project. Hearing Exhibit 46. No sound basis for limiting the Proposal to 2 years was provided by the commenter.</p>
<p>The establishment of a floating container shellfish</p>	<p>Mason County Chamber of</p>	<p>Agreed.</p>

<p>farm in Oakland Bay would provide employment for local residents, both directly through the operation and maintenance of the farm and indirectly through the associated supply chains, transportation, and support services. The increased revenues this farm may generate indirectly contribute to tourism by supporting infrastructure development, accommodations, restaurants, and other tourist-oriented businesses.</p>	<p>Commerce [08/08/2023]</p>	
<p>The Proposal is inconsistent with the policy of the SMA at RCW 90.58.020.</p>	<p>Thomas and Marilyn Burgess [08/08/2023]</p>	<p>The commenter’s claim that the Proposal is inconsistent with the policy of the policy of the SMA is premised on the contentions that the Proposal would have impermissible aesthetic, recreational, and environmental impacts. As discussed elsewhere in Taylor Shellfish’s August 30, 2023 response, these contentions are incorrect.</p> <p>RCW 90.58.020 provides: “It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” Shellfish aquaculture is not only a reasonable and appropriate use under the SMA—it is a preferred, water-dependent use. RCW 90.58.020. Multiple decisions have confirmed that shellfish farming is a preferred use of the shoreline and that use restrictions must be based on scientific and technical grounds rather than to appease opposition. <i>See</i> Appendix C to Taylor Shellfish’s August 30, 2023 response. The SMA guidelines and Mason County SMP also confirm that shellfish aquaculture is a preferred use that is in the statewide interests and can have important environmental and economic benefits. WAC 173-26-241(3)(b); MCC 17.50.210.</p>
<p>The Public Trust Doctrine grants the public the right to access private tidelands at low tide and prohibits the Proposal from occupying public waters.</p>	<p>Thomas and Marilyn Burgess [08/08/2023]; Ginny Douglas [08/10/2023]</p>	<p>See above discussion regarding the Public Trust Doctrine not providing the public the right to access private shellfish beds at low tide.</p> <p>The Supreme Court of Washington has held “the requirements of the ‘public trust doctrine’ are fully met by the legislatively drawn controls imposed by the Shoreline Management Act of 1971.” <i>Caminiti v. Boyle</i>, 107 Wash. 2d 662, 670, 732 P.2d 989 (1987). As discussed above, the SMA identifies aquaculture as a preferred, water-dependent use. And the Mason County SMP, which was developed by the County and</p>

		approved by Ecology under the SMA, expressly allows floating aquaculture in Oakland Bay. MCC 17.50.090. Accordingly, the Proposal is consistent with the Public Trust Doctrine.
The Proposal will result in the taking of private property.	Patrick Pattillo [08/09/2023]	A taking of private property may occur through the physical occupation of private property or by imposing certain severe restrictions on the use of private property. See e.g., <i>Lingle v. Chevron U.S.A. Inc.</i> , 544 U.S. 528 (2005); <i>Yim v. City of Seattle</i> , 194 Wash. 2d 682, 451 P.3d 694 (2019), <i>as amended</i> (Jan. 9, 2020). The Proposal will do neither. It is located on state-owned property and will be leased from DNR in accordance with state law.
The Proposal may cause adverse impacts to water circulation, currents, water flow, or erosion.	Patrick Pattillo [08/09/2023]; Black Hills Audubon [08/08/2023]; Nancy Willner [08/12/2023]	The Proposal will not adversely impact water circulation, currents, or water flow, and it will not result in shoreline erosion. <i>See</i> Appendix B to Taylor Shellfish’s August 30, 2023 response.
The Proposal may promote harmful algal blooms or disease and parasites.	Bonnie Blessing [08/09/2023]; Rachelle Harris [08/15/2023]	The Proposal will not promote harmful algal blooms or spread disease and parasites. <i>See</i> Appendix B to Taylor Shellfish’s August 30, 2023 response.
The Proposal will not help support jobs or result in economic benefits. The cultivated shellfish will be sold in foreign markets.	Brian Lagerberg [08/09/2023]; Patrick Pattillo [08/09/2023]; Joseph Holt [08/14/2023]; Nancy and James Hancharik [08/14/2023]; Patrick Pattillo [08/16/2023]; Kim Robison [08/09/2023]	As discussed above and at hearing, the Proposal will support numerous positions within Taylor Shellfish and benefit the broader shellfish community, as well as Mason County, by supplying much-needed oyster seed for shellfish farming in south Puget Sound. Taylor Shellfish representative provided testimony to this effect, and their testimony is supported by numerous additional commenters with direct experience in shellfish aquaculture. The SMP and supporting documents further confirm that shellfish farming provides critical economic benefits to Mason County.  Most cultivated shellfish from the Proposal will be sold in domestic markets. Foreign sales will help combat our nation’s \$17 billion seafood trade deficit.
The Proposal does not comply with MCC 17.02.062, 17.50.250, and 17.50.400.	David Douglas [08/15/2023]	MCC 17.02.062 is not an applicable review standard, and MCC 17.50.250 applies to recreational development projects, not aquaculture. Taylor has provided extensive information, including the initial application materials, supplemental memoranda, responses to comments, and hearing exhibits, demonstrating the project satisfies

		applicable review criteria per MCC 17.50.400.
The Proposal raises concerns about market saturation and reduced profitability for smaller oyster farms.	Mark Wilhelm [08/15/2023].	Oyster seed from the Proposal will be used by Taylor Shellfish and available for purchase by oyster farmers of all sizes, including both commercial and recreational interests. As numerous witnesses have testified, there is a significant lack of available oyster seed, which this farm will help combat.
The SMP directs locales to adopt provisions to minimize impacts to existing views from public property or substantial numbers of residents. However, it also states that where there is an irreconcilable conflict between water-dependent uses and maintenance of views from adjacent properties, the water-dependent uses have priority (unless there is a compelling reason to the contrary). (WAC 173-26-221 (4)(d)(iv). Mason County’s Shoreline Master Program incorporates this priority principle as well (17.50.145).	Arcadia Point Seafood [08/15/2023]	Noted.
A larger project should not be approved.	Bill and Florence Fierst.	Noted. There is no application for a larger project.
The Washington State Department of Agriculture (WSDA) supports both sustaining existing shellfish farms and expanding aquaculture production in WA. The legislature has declared (RCW 15.85.01) that, “aquatic farming provides a consistent source of quality food, offers opportunities of new jobs, increased farm income stability, and improves balance of trade.” Further, the legislature declared, “It is therefore the policy of this state to encourage the development and expansion of aquaculture within the state.”	Washington State Department of Agriculture [08/16/2023]	Noted.

<p>Aquaculture plays a substantial role in food security and nutrition. Our state is the leading producer of farmed shellfish in the nation and is sought by consumers around the world. WA’s shellfish industry has been a cornerstone of rural coastal economies, providing year-round jobs. Washington shellfish farms are supported with exceptional research and shellfish farming helps keep our waterways clean by filtering excess nutrients and providing valuable habitat.</p>	<p>Washington State Department of Agriculture [08/16/2023]</p>	<p>Agreed.</p>
<p>The Proposal is located in an area with high water quality and smaller oysters may not improve water quality as much as larger oysters.</p>	<p>Patrick Pattillo [08/16/2023].</p>	<p>The Proposal is appropriately located in an area that is approved for shellfish harvest. Shellfish farmers, including Taylor Shellfish, have fought hard to improve and protect the water quality to ensure it is of high enough quality to support shellfish harvest. The presence of this Proposal, along with other shellfish farms in Oakland Bay, will provide a strong incentive for Taylor Shellfish to continue working to protect water quality in the Bay. Further, while the commenter questions the amount of additional water quality improvement that will be provided by the filtering activity of the Proposal’s cultivated shellfish, the Proposal will result in a benefit that will help offset water quality reductions caused by other sources including nearby residences.</p>
<p>The Proposal conflicts with Rural Residential 5 zoning.</p>	<p>David Douglas [08/09/2023]</p>	<p>No explanation is provided by the commenter as to how the Proposal conflicts with Rural Residential 5 zoning. Regardless, the relevant approval criteria are provided in MCC chapter 17.50.</p>