

## Appendix A

Taylor Shellfish - SHR2023-00003

August 9 and 16, 2023 Hearing Transcript

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Examiner Olbrechts: [\(00:00:00\)](#):

<silence> Okay, well, why don't we get started? It looks like we have a lot of people who want to say something today, and so it's, , I'll try to get you through this as, as, , quickly as I can. I'm sure you have other things you want to do today as well. I'm, , I'm Phil Olbrechts. I'm the hearing examiner for Mason County. Um, been doing this a long time since the 1990s. I will say, I think this is probably the biggest crowd we've gotten in a hearing since the motor, , motor sports, , racetrack that was put together back then. I think we had like a hundred men and two women or something. I don't know why this used to be more of a gender specific sport possibly. But, um, anyway, it looks like we have a, a really good mix today, and I don't usually impose time limits, you know, I want to give people a chance to talk, but at the same time, so that everyone has a chance to talk, I'm gonna be a little mindful of the clock, so if you're, if you're getting past five minutes, I'm probably gonna ask that you wrap it up just so that other people can talk today.

[\(00:00:51\)](#):

I mean, I think if everyone here wants to say something today, it's gonna be a while. And one kind of misconception I want to address here, and, , I think most of you understand kind of how this works. They call this quasi-judicial proceeding. It's more like a courtroom than it is when you're addressing your county commissioners or something like that. And, you know, if, if you were to go to a murder trial, you wouldn't tell the judge, I vote that this person be convicted. It's not a democratic process. It's a, it's a legal one. And that's the same one that we have here today. Because I saw a lot of comments like, I vote against this project. That's not what matters for the courts or what legally matters for me. What matters is whether or not this meets the criteria and the code. And I, I think the good news is that the code for, , shoreline permits is really detailed.

[\(00:01:34\)](#):

It covers just about and every impact you can think of, not property values specifically, maybe that's the one that's out there, but everything that affects property values is in there, namely aesthetics. And the fact that you, you know, you, you moved into your property because you wanted to have that rural atmosphere and you didn't want to have to look at it, you know, a commercial project in your backyard or industrial, if you want to call it that, , those are all pertinent. So just about anything you're concerned about really is something that, that is relevant to whether or not this, this project should be approved. And, um, but that, you know, as, as, , as your appointed hearing examiner, my job is just to make sure

that the law is followed. If it looks like that I've, you know, I'm basing my decision on political pressure on the number of people in the room, then that goes to court and the court will overturn it, and then the court will give a bunch of money to Taylor selfish and make us do it all over again.

(00:02:21):

So it's kind of pointless to base it on the number of people in the room, or the number of votes it has to be based on, you know, is this compatible with the environment, is compatible with, with the, you know, with, , with what you're doing there and living there, and that kind of stuff. And that's what I look at. I've spent hours reading over your comments and, , you know, I write very thorough decisions. I'll be addressing all of your concerns in my final decision that's gonna be due in a couple weeks if we get, , done with everything today. And I will say, if you want to get a copy of that decision, I mean, I think that county staff would prefer to email it as opposed to having to send, you know, a a paper copy to everybody. So if staff doesn't already have your email, you should send your email address to Mariah Frazier there. And Mariah, what's your email address so people know m

Speaker 2 (00:03:04):

Frazier atMason@countywa.gov.

Examiner Olbrechts: (00:03:08):

Yeah. F a r a Z I e R and then a, after the hearing, you can go and, and, you know, if you didn't get that and get her email address, that kind of stuff, if you do absolutely need a paper copy, the staff does have to send you one. So just let Mariah know you want a paper copy and make sure that you give her your address. But, um, as it stands out, I do have a sign in sheets with addresses, but I think the way we're gonna at least try to do this is we're just gonna send it to all the email addresses that I've been provided unless somebody specifically says, I want it sent to a, a mailed address and let Mariah know after the, the hearing, or give her a call in the next couple days over at, , community development and let her know you want a hard copy and she'll take care of that.

(00:03:45):

Right, Mariah? Okay. Alright. So, excuse me, sir. Oh yeah, I did not catch your name. Oh, , Phil alb. Okay, thank you. Yeah, sure, sure. Yeah. Yeah. And it'll be on my written decision and all that kind of stuff. Yeah. Yeah. So, um, alright, so the, the hearing format is, we're gonna start off with, , the staff presentation that Ms. Bizi is gonna give us an overview of the project. I don't know if you've all had a chance to read a staff report. I know from your letters a lot of you did. It's, , , you know, compared to other types of projects, you know, these shoreline permits. It, it do involve a lot of analysis, a lot of scientific review, that kind of stuff. And, and this is one of the most thorough reports I've seen, you know, on, on this kind of project.

(00:04:22):

I mean, Mr. Viscusi has covered, I think everything which kind of opens him up to more questions for me, but that's a, that's a, you know, that's a good thing. Obviously, once he's done presenting, , his case, then we move on to the applicant comments, they get to speak in favor of their project, and once they're done, then, then we move on to the public comments. And in terms of, you know, why does the applicant and staff get to talk for 10 or 15 minutes and everyone else just five, it's kind of, because it's the public, you know, versus the, the applicant kind of situation, you have to kind of give both sides, , , equal time on that. Once we're all done with public comments, like I said, hopefully you keep your comments under five. You don't need, if you know, and, and I would encourage you, you know, if it's already been said, just say, I agree with everything that so and so had said, you know, that way we can,

like I said, get you all through this today so you don't have to sit here for four hours listening to the same thing over and over again.

(00:05:11):

Um, and like I said, if you wrote something down, you can just say, you know, I just go by what I wrote and, you know, I want you to pay attention to that kind of thing. And that's, that's fine too. But once we're done with public comments, go back to Mr. Viscusi to answer questions. Applicant gets final word, I get that 10 business days, which is a couple weeks to issue a decision. And that decision then is appealable to the, , shoreline Hearings board, which is a board down in Olympia, or I guess from here up in Olympia that, , that deals with Shoreline Appeals. So, um, now by state law, I'm only allowed to consider evidence that's put into the record. That way you all know exactly what information's being considered. I don't get to talk to Taylor, she shellfish or even staff about this project outside of the hearing because I might base my decision then on information you don't know about and didn't have a chance to respond to.

(00:05:55):

So the information I did get ahead of the hearing, of course, was Mr. Zis staff report and he had, , 30 exhibits on that. It's on the city's website. , you know, included, , his staff report, we got the Shoreline permit application, we got the Eelgrass study, the habitat management plan, we have the visual analysis, , you know, there's, there's, , a lot of information that goes on in there. Um, does anyone need to see any of these documents that didn't have a chance to see them or object to their entry in the record at this point? Yeah, usually that's not something people have a, a problem with, so I'll go ahead and admit the staff report and exhibits one through 30. Um, and, and I will say now, um, um, Ms. Rowan, I have all public comments been posted on the city's website. Is that available there?

Mr. Viscusi: (00:06:38):

, from the date prior to the staff report? All public comments were posted since the staff report was sent to you on July 31st, all public comments were sent to Mariah and then sent to you

Examiner Olbrechts: (00:06:50):

The applicant. Can I ask that you put 'em all on the city's website there and then, because Okay, so what I'll tell you is if you submitted a written comment then, , a couple days from now, you know, if you wanna make sure that we got it, you know, go ahead and look up the city's website just to see if your comments there. I mean, I, it's very rare that staff does, you know, forgets to, or, you know, omit to get a specific letter in there, but just to be doubly sure, you know, and if you want to really make sure that your, your written comment got on the record, take a look at the city's website, make sure it's there. If it's not there, you know, contact Mariah and then, , , you know, if you can show that you gave it to us before this hearing was closed, we'll make sure that's part of the record and something that's considered for the final decision. So, um, with that, Mr. Vai, let me swear in, just raise your right hand. Do you swear affirm to tell the truth, nothing but the truth in this proceeding? I do. Okay, great. Go ahead.

Mr. Viscusi: (00:07:38):

, it's told it's probably best that I go to the podium.

Examiner Olbrechts: (00:07:41):

Yeah.

Speaker 4 ([00:07:45](#)):

Alright.

Mr. Viscusi: ([00:07:46](#)):

Sucks.

([00:07:51](#)):

All right, Mr. Hearing examiner, , staff report, which is Exhibit one, introduces a shoreline substantial development permit for installing a subtitle floating oyster bag system to grow Pacific Oysters in Oakland Bay. The applicant is Taylor Shellfish, represented by Aaron Ewald of Taylor Shellfish. , the project is located within Oakland Bay of the South Puget Sound and is in a subtitle area of the bay. This means the area of the project is always covered by water and the project is always floating. The project is cited 1000 feet from all adjacent shorelines, so as oh, so no shellfish will be cultivated from any beaches. Sorry about that. Notably, the site is designated as a shoreline of statewide significance by Mason County Code one 7.5 0.070 B one B as a salt water body, the load line of extreme low tide. Thus the use preference hierarchy of Mason County Code one 7.5070 B two applies in review of this project.

([00:08:55](#)):

The project boundaries are defined by the Washington Department of Natural Resources lease application two zero dash 1 0 4 4 3 6, which is Exhibit 13. The boundary stretch across Mesa County Parcel 3 2 0 1 0 dash one three dash 7 5 90. Parcel 3 2 15 22 2 2 2 2 and parcel 3 20 16 22 2 2 2 2. All three parcels are owned by the Washington d n r. Boundaries and location for the project are most easily seen in exhibits 9 23, 28 and 29. To clarify sec, sorry to clarify, there are public comments that state the project is receiving a 99 year lease. , the lease application to the Washington d n r specifies a 10 year lease. I have not seen any valid documentation that states the project would receive anything other than a 10 year lease, so I will let the applicant confirm the lease timeframe during their portion of the hearing. Also, to clarify some language in my staff report when I refer to the D N R lease for the project, please know that it is currently an application to lease.

([00:10:18](#)):

The d n r has not leased the project area to the applicant yet because the lease is dependent upon receiving permits from all of the other necessary government entities. All oyster aquaculture is broken up into two categories within Mason County Code, which are floating and non floating. The project classification section of the Mason County Shoreline Master Program, which is Mason County Code one 7.5 0.090, requires a shoreline substantial development permit or shoreline exemption permit for new floating aquaculture projects in aquatic shoreline designations. This project is not exempt from the substantial development requirements and therefore requires a shoreline substantial development permit. The term conditional use permit appears on many of the exhibits for this project, but is no longer applicable. I incorrectly believed a shoreline conditional use permit was necessary for much of the review period. However, as I said, Mesa County Code one 7.5 0.090 permits floating aquaculture and aquatic shoreline designations with a shoreline substantial development permit.

([00:11:20](#)):

So no conditional use permit is required. Since a conditional use permit is not required, the Washington Department of Ecology will not make a decision on this permit for Shoreline substantial development permits. Mason County hearings Examiner makes the final decision. This is because Shoreline substantial development permits are type three permits in Mason County. Type three permits, as you said, are not reviewed by the county commissioners. There is no vote of any kind and the permits are instead reviewed by the hearings examiner at full installation. An estimated 9.1 acres of surface water within a

50 acre project boundary would be used for floating aquaculture gear. Public access is defined in Mason County Code one 7.5 0.020 as the ability of the general public, or in some cases a specific community to reach, touch and enjoy the water's edge, to travel on waters of the state and to view the water and the shoreline from adjacent locations.

(00:12:13):

The project renders 9.1 acres of state waters inaccessible due to the location of aquaculture gear and must therefore provide public access to the extent allowed by law as mitigation from the acreage made inaccessible by the aquaculture gear. The applicant has proposed to formally grant the public the right of access to 16.6 acres of tidelands and work with Oakland Bay Marina to provide assistance for improvements to their boat launch and or related facilities. This is detail in the public access memorandum, which is Exhibit 23. A CPA determination of non significance was issued on April 19th, 2023 for the project. An enclosing stack recommends approval of the permit with conditions given that the permit meets the necessary criteria. I'll let the applicant explain their project more.

Examiner Olbrechts: (00:12:58):

Okay. Just, , some quick questions. These are, I apologize the audience a little technical, but I I just get some clarification when I have to go back and review all this. Um, , Ms. <inaudible>, a few, a few points in your staff report, you, you kind, you kind of say that, , uns submerged tide lines aren't subject to the public trust doctor. And I mean, about two or three years ago, I had the Edmund City attorney argue up and down that they are subject to public trust and the public already has a right to access to un submerged lands. I mean, where did you come up with that conclusion? I know there there's an unpublished court opinion that says they're not, , subject to the trust lands, but doesn't, are

Mr. Viscusi: (00:13:32):

You asking for a specific Um,

Examiner Olbrechts: (00:13:34):

Well, I just wonder how you, 'cause you wrote that several times. I'm just wondering how you came to that idea that, that 'cause the reason why that's a concern is if, if the public already right has, has right of access to Taylor Shellfish, uns submerged title length, then they're really not giving anything by saying you can access those properties.

Mr. Viscusi: (00:13:52):

I guess my answer is I can't make that determination if you feel that is worded incorrectly. I

Examiner Olbrechts: (00:13:58):

I'm okay. I I didn't know you if that was county policy or something like that, or, , yeah, it's a little No, no. Okay.

Mr. Viscusi: (00:14:04):

For, for this case, and I think in Mason County Code, I can't ever determine that the project is in violation of the public trust doctrine, nor does Mason County code, , look at that. It looks at if it impacts water's subject to the doctrine and that it does.

Examiner Olbrechts: (00:14:20):

Okay. Okay. So

Mr. Viscusi: (00:14:21):

I, if, if you feel that legally, , that was incorrect, , I totally understand.

Examiner Olbrechts: (00:14:27):

Yeah, I just, I was, yeah, I was just, like I said, I was just a little curious where that came from. And then in terms of the, the Bush Act property, you know, the property, the fallback property, if the tribe wants to go, , and fish there, you made a comment that, that, , oysters are non-native. Is that correct or was that a typo in there?

Mr. Viscusi: (00:14:43):

Certain oysters are non-native. Um, I would probably have to defer to shellfish experts as to which are non-native and which aren't. Um, I do know the, there's part of the code that it doesn't necessarily call for native oysters, but oysters that were introduced into Washington Thailand's, , prior to a certain year.

Examiner Olbrechts: (00:15:04):

Okay.

Mr. Viscusi: (00:15:05):

Okay. I can't tell you what year that is. I could tell you that it's, um, it's 17.50210 B.

Examiner Olbrechts: (00:15:15):

Alright, that's fine. Yeah, I can, I can, , I can look that up myself that, yeah, the reason that I was asking about that is, , you were referring to provisions about the Bush Act property, the fall, I'll call it the fallback property. Um, , and, and, , you came to the conclusion therefore that, , in that area they could, , basically go ongoing maintenance, harvest, replanting, restocking, or changing the culture, technique or species. And, and the way I read the exceptions to what you can do on the Bush Act properties is that as long as you were sticking to native species, it was okay, but if you changed it to non-native, that's when, , you might have to get a shoreline permit after all. And so, I, I, I don't know, I just, I don't, I seem to have read that differently than you did. Are, are you really claiming that they can change the species, they can go from oysters to gooey ducks there or something? And

Mr. Viscusi: (00:16:02):

I'd have to look back at, this was

Examiner Olbrechts: (00:16:04):

On page 26.

Mr. Viscusi: (00:16:06):

Alright, let's see.

Examiner Olbrechts: (00:16:13):

That's okay. If you don't remember, I just, 'cause , okay. Yeah,

Mr. Viscusi: (00:16:16):

No, I,

Examiner Olbrechts: (00:16:16):

I, , like I said, I was gonna be a little tactical. 'cause the big issue is, like I said, I think you've, you've put everything on paper that can be put on paper on those. So, um, where, where are the nearest residences though, to this, this area that

Mr. Viscusi: (00:16:28):

Would be about a thousand feet to the south, ,

Examiner Olbrechts: (00:16:32):

East. Are these on residences on bluffs or, and I didn't disclose, by the way, I did drive all the way to Sunset Beach today, just so I could get a look around the, the, you know, all of, um, the, the, the bay there. So. Alright, so anyway,

Mr. Viscusi: (00:16:45):

They're, there's, there's partial bluff. The banks are, I'd say where the houses are, they're between 50 to 70 feet above the water. Okay.

Examiner Olbrechts: (00:16:53):

There's

Mr. Viscusi: (00:16:53):

A picture of it right there.

Examiner Olbrechts: (00:16:55):

Okay. They're not, yeah, I don't come back. Alright. Okay. And, okay, I think that's all I got for now. So anyway. Alright. Thank you Mr. Viscusi. Let's move on to, um, applicant's. Do you wanna add anything at this point?

Speaker 5 (00:17:08):

, yes we would. Okay. Your Honor. And my name is Jesse Nik. I'm the legal counsel for Taylor Shellfish. Okay. I'm gonna provide some brief opening remarks and then we are going to

Examiner Olbrechts: (00:17:17):

Call Okay. Three

Speaker 5 (00:17:19):

Witnesses in court of

Examiner Olbrechts: (00:17:19):

The happens. Alright. And since Mr. Nic's an attorney, I don't get to swear I in, so anyway, go ahead. Excuse me.

Mr. Viscusi: [\(00:17:26\)](#):

Yeah, can you open the door back there?

Examiner Olbrechts: [\(00:17:29\)](#):

Back there? Oh, for the mayor? Yeah. Okay, go ahead. Yeah. Alright, go ahead Mr. Denic.

Speaker 5 [\(00:17:36\)](#):

Okay, thank you Your Honor. And Taylor, she greatly appreciates the county's extensive review of this project. As you've mentioned, Mr. VA's, come to extensive, length, reviewing comments, working through the code sections. Um, has done a done a very good commendable job doing that. We greatly appreciate examiner's consideration of it. We agree with county staff's recommendation, that the project's permit application should be approved. we also reviewed the proposed conditions of approval, for almost all of them. We believe that they're perfectly appropriate exactly as written. We do have some minor proposed revisions to three conditions. We set those forth in a letter dated yesterday, I believe that has been provided to the examiner. Um, as, and Ms you all can speak to these, also if you have any questions with respect to them. But our proposed revisions continue to advance the underlying interests that are sought to be protected by the conditions, but also make sure that they are feasible and consistent with the county's.

[\(00:18:34\)](#):

S M p Taylor Shellfish has submitted extensive information in support of the permanent application. we will largely rely on that, that written information, to the examiner in support of the permanent application. Um, but like I I also mentioned, we do have three witnesses that we will PR be providing, for, to, to also provide supporting testimony. One of them is seated next to me, Ms. Erin Ewald. She's the director of regulatory affairs for Taylor Shellfish. She took the lead on, um, navigating the, the permitting process for, for this permanent application. She'll discuss the need and purpose of this farm, go over details of the operations, um, and work through a number of, of issues including compliance with the S M A and S S M P issues, that have been raised during the, the, um, the firm process including aesthetics.

[\(00:19:27\)](#):

Public access will be available to answer any, questions the examiner may have for her on that, we'll also call Ana Andres. Ms. Andres is the lead of the company's, near bottom oyster farm that is within Chapman Cove, which is also located in, Oakland Bay. It's to the east of the proposed project location. Ms. Andres will discuss the company's existing farming operations, current extension and frequency of, of activities that are occurring in the bay, relationship of those activities to current operations and anticipated interactions with proposed farm. Our third witness will be Mr. Chris Chela. Mr. Chela holds a master's in marine biology and is the senior principal Marine and fisheries biologist and c e o of Confluence environmental Company. Mr. Chela has, extensive experience evaluating shellfish qua aquaculture, in a number of different, situations and, and projects. And he will provide testimony with respect to the project's anticipated environmental impacts as the written record and testimony will demonstrate.

[\(00:20:29\)](#):

We strongly believe this project satisfies all, current issuance criteria. Taylor's avoided minimized and offset all impacts of concern, including with respect to the natural and built environment, including aesthetics, and public access. Several comments have been submitted in support of the permit application, in light of the numerous environmental and economic benefits it provides. Taylor Shellfish



is also aware that many comments have been submitted in opposition to that, that the, the project, , and and even, , will, will continue to, to oppose the project. Notwithstanding the different offsets and avoidance of minimization measures that Caleb provided. , the, the fact that they're both continued to be opposition is, is not terribly surprising. This project, like many shoreline projects, occurs out in an area that many people see and many people may, may use from time to time. So there's, there's an inherent, , in, in shoreline planning that there will be a tension, , and, and claims for different visions and, , competing policies and preferences for shoreline activities.

(00:21:33):

The legislature in enacting the Shoreline Management Act, , expressly envision that and they, they plan that and they plan for that in part by, by identifying a number of uses that refer that, , receive preferred status. , those, those projects include projects like this one that, that are water dependent. Um, the Department of Ecology in Mason County also envisioned that tension consistent with <inaudible> Management Act, develop implementing regulations and develop the Shoreline Master Program for Mason County, which also identifies shelf shop, which preferred use of statewide interests that can protect the resources and ecology of the shoreline. Going through the Shoreline Permitting process, shoreline, , the, the County Department of Ecology specifically consider the types of appropriate uses in all areas of Mason County. And for this area, they identified floating aquaculture as an appropriate use that can be permitted pursuant to a shoreline substantial development current.

(00:22:36):

Therefore, the examiner may not me not resolve these competing claims over appropriate uses of this area. The legislature, the Pharmac Ecology and Mason County have already done that and identifying floating shellfish agriculture as an appropriate permitted use. The question before the examiner is whether Taylor Shellfish that's taken appropriate measures to avoid and minimize and offset those impacts to the extent required by the Charline Master Program. As we believe there were evidence and testimony that will be provided to you, , very clearly demonstrates they've taken those actions, they've gone through extensive links to risk to consider respondent public comments and provide appropriate avoidance minimization and offsetting measures. And with that, we will respectfully request that the examiner issue the shoing substantial fulfillment permit with the proposed conditions, along with a few, , slight modifications that we've set forth in writing.

Examiner Olbrechts: (00:23:30):

Okay. And I don't, yeah, I don't think your, your letter actually hasn't been put into the record yet, so I'm assuming you want to get that in the record. We can. We, we would, yeah. Has the examiner received it? Yes, I received it. I'd mark that as Exhibit 31, I guess. Um, and, um, I guess that, that hasn't been posted on the city web or county website yet, is that right? Yeah, , I mean, from what I recall, it basically addressed the, the access requirements. And I, I didn't see it as really changing what you were proposing, but kind of clarifying what it was. I think, I mean, could you kind of summarize what your request was for the audience?

Speaker 5 (00:23:59):

Yeah, so let me go ahead and pull up, I have a hard copy of the letter myself. So there were three conditions that we recommended, um, side modifications to. One was with respect to condition, one that addressed, um, public access and there was some language in there with respect to public access being provided and available for public use. Um, and there's potential for confusion with that, certainly with respect to the 16.6 acres that Taylor's making of its own titles that Taylor's making available for public use. Yes, absolutely make those available for public access. As Mr. Kuzi mentioned earlier, Taylor

also committed to working with, um, the marina to go upgrades to their facility. That facility is already open and available for public access. And so from that perspective, that has already been achieved. But to the extent that there is some potential confusion with respect to the timing of those improvements and this project, , we don't want there to be any confusion that those improvements that are being proposed by somebody else need to be, , actually implemented.

(00:25:08):

Taylor has no, no control over that. What we can do and what we are committing to is to working with them to identify support that we can provide for them. So it's just providing that clarification with respect to that item. The second condition is condition number nine with respect to work hours. Um, as Ms. Al will discuss, one of the real benefits of this type of cultivation system is that it allows the company to really focus its cultivation activities to daylight hours. Um, and that provides a number of, of different, , benefits for the company as well as to residential users nearby. There won't be as many operations, , at nighttime. Um, we are just requesting some flexibility around those hours during times of the year when there's very few relatively fewer daylight hours. , essentially an hour before and after Dustin, um, and Don during certain parts of the year to make sure that they can get a full work day in.

(00:26:03):

And also to allow for emergency if, if there's any, if there's ever a need for emergency responses during nighttime, um, that they have that ability to do that. Then with respect to the third item, again, it's, it's a, it's a clarification, um, with respect to, um, debris management and responses around that, making sure, I think there, there's, there's a way that that condition could be interpreted so that any type of, , gear that that may escape would, would result in a, , automatic, , determination that, that the farm is in violation of permit conditions. Taylor does not anticipate that occurring, but like you said in the, in the, the letter with, with any project, with any type of, of shoreline activity, there's always the potential for that in having that automatically result in a permit violation is, is an overly harsh result. Taylor is, is willing to commit to taking very quick response actions and they've committed to a number of other measures to make sure that they're appropriately maintaining gear. They just wanna make sure that this condition is, is feasible and is not

Examiner Olbrechts: (00:27:07):

<crosstalk>. Okay. Do you have extra copies of that? I do. Okay. So if anyone needs to see their requested revisions, , I have three copies of that. Okay. Alright. So yeah, I think we'll just like pass one around if anybody needs to look at it. But any objections over that coming in the record? I mean if you disagree with what they want, you can talk about that when you have your turn to speak. But any objections over its entry for consideration though? Okay. Hearing then I'll admit that as exhibit 31 then. Okay, excellent. Alright. , and let me also just, , elaborate a little bit on, 'cause I'm supposed to disclose when I do a site visit and just to provide a little more detail this morning before the hearing I drove, you know, up up three and then across the gate or road and then, , up sunset, that Sunset Park and you know, looked at the homes and things along the way and of course the, , the bay. So I got a pretty good idea of the setting in which a lot of you live in the beautiful homes that are out there and that kind of thing. So, alright, with that we'll move back to the applicant's.

Speaker 5 (00:27:58):

Okay. Thank you. So first we'll call Ms. Aaron

Examiner Olbrechts: (00:28:00):

<inaudible>. Okay.

Speaker 5 ([00:28:04](#)):

And before she starts presenting, I will note that , both her as well as Mr. Chela have PowerPoint presentations that they were hoping to use. Um, we need go over admitting those now or

Examiner Olbrechts: ([00:28:15](#)):

I, when they're done. Yeah, I think it'd be better. Okay. And then

Speaker 6 ([00:28:17](#)):

I just a housekeeping item so I know it's hot in here, I think I feel some coolness, but we can't open the doors because of the feedback Oh. From the TV and then that has staff working and so if, if people need to leave, you can go out and reserve your seat.

Examiner Olbrechts: ([00:28:35](#)):

Shoot. Okay. Alright. Thanks for that. Let you swear in. Do you swear affirm to tell the truth, nothing but the truth in this proceeding? I do. Okay.

Speaker 5 ([00:28:44](#)):

Okay, Ms. Yal, go ahead and um, introduce yourself to the examiner and everybody in the room and if we could have that presentation pulled

Examiner Olbrechts: ([00:28:53](#)):

Out and lemme see. Ald, if you could spell your last name for the record as well, that would be helpful. Thank you.

Erin Ewald: ([00:28:57](#)):

Aaron, e r i n Eald, E W A L D. All right, thank you so much. Again, my name is Aaron Weld, I'm director of regulatory affairs with Taylor Shellfish and I will be presenting on the Oakland Bay Floating Bay project. Next slide.

([00:29:36](#)):

Taylor has applied for a lease with Washington d n r for the proposed farm. The lease area is 50 acres at full build out, expected in two to three years. The surface area footprint will be 9.1 acres. This includes approximately 30,000 containers integrated floats, lines and anchor Louis. The double lines are positioned approximately 30 feet apart to allow boat access for maintenance. The system is designed to flex with the current but not to extend beyond the lease boundary. To accomplish this, with the current configuration, up to 20 concrete wedge anchors and 30 screw anchors will be installed once installed, the anchors will remain stationary. If Taylor no longer leases the area, the floating system and anchors will be removed. Oakland Bay is historically and currently a mixed use area including port operations, commercial timber holes, aquaculture farms, and their supporting infrastructure, conservation lands, upland farms and residential. Taylor Shellfish has been farming in Oakland Bay since the late 1960s and its operations currently include on bottom climate oyster near bottom bags for oyster and a floating upwell system for seed nursery.

([00:30:57](#)):

Next slide. The system will be situated , 1000 to 1500 feet from the shoreline at minimum. Again, the lease footprint is 50 acres, however, the surface area footprint is approximately 9.1 acres with an actual

production area of 4.25 acres. Full build out again is expected to take two to three years with 30,000 bags distributed along 30 double lines. Normal operations for this farm are not tied dependent and for safety would be conducted primarily during daylight hours. We are hoping to extend one hour beyond dawn or dusk in the wind in order to fully utilize those daylight hours. Nighttime operations are not expected but should be available for emergency work. Next slide.

[\(00:31:52\):](#)

Current aquaculture farms are seed limited, the ability to grow and hold a larger variety and life stage of oysters within approved growing areas. This Fairmont to the future of the industry as growers work to cultivate oysters in a changing environment, evolving markets and increased regulations, the floating bags would improve oyster survivability from the nearby fluffy expanded surface area. Provides the oysters with more consistent food and space. To grow time in the bags would vary between a few weeks to two years. The system is expected to be used for holding and maturing seed. However, depending on hatchery success, available bags may be used to grow out oysters to market size. Increasing the ability to grow store and diversify The seed available for out planting is critical to the future of aquaculture in Mason County. Taylor cultivates seeds for its own farms, but also sells to other growers in the state out of state and in other countries. As we learned during the pandemic residential landowners with either their own tidelands or access to community gardens began or expanded recreational shellfish farms for increased food security for their families and local communities. The floating bag system would be directly managed by a dedicated crew of three to five full-time positions.

[\(00:33:21\):](#)

This floating farm would then support and stabilize tailors other farming operations, which include over 500 employees with a direct payroll of over 20 million 22, 22 numbers out of its Shelton campus. Next slide please. This project is consistent with the Mason County Community Plan. Aquaculture remains the fifth largest employer in Mason County providing full-time jobs, livable wages and benefits. Aquaculture is a source of high quality protein, has been a commercial practice here in Mason County for over 130 years, and is a water dependent use which relies on excellent water quality. Next slide please.

[\(00:34:09\):](#)

It is the policy of the Shoreline Management Act to plan for and foster all reasonable and appropriate uses. Shellfish aquaculture is not simply an allowed use under the SS M A, but it is a preferred water dependent use. Implementing state regulations promulgated by the Department of Ecology further recognizes aquaculture as an activity of statewide interest that can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. They also classify all shellfish beds, including commercial as critical saltwater habitats that require a higher level of protection due to the important ecological functions they provide. The Mason County S M P reiterates the use of preferences for aquaculture found in state law and it further encourages aquaculture because this activity strengthens and diversifies the local economy. Next slide please.

[\(00:35:08\):](#)

Floating aquaculture is a permitted use in the SS M P and the S M P contains various policies and regulations addressing this use as set forth in the staff report and our application materials, including the consistency analysis. This project is consistent with the aquaculture policies and regulations. I won't repeat all of the information contained in those materials, but I did want to highlight some of the key measures that Taylor will follow for this farm. Taylor will fully comply with the recent programmatic, , endangered Species Act and , social fish habitat consultation for shellfish aquaculture activities in Washington state. This programmatic consultation comprehensively analyzed shellfish farming interactions with all E s A listed species, critical habitat, and essential fish habitat. In Washington, the

expert resource agencies identified approximately 30 conditions for shellfish farms to follow to effectively avoid and minimize impacts on species and habitat. The project will fully comply with these conditions which address all potential mechanisms of impact to species and habitat, including water quality, submerged aquatic vegetation interactions, species use, and ensuring gear is appropriately used and managed. There are 19 conditions that the county staff have recommended for this project and aside from the slight clarifying edits that Taylor requested in our August 8th letter, Taylor is comfortable with those conditions and , prepared to fully comply. Taylor will also fully comply with the best management practices that have been developed specifically to reduce potential impacts to the environment and other shoreline users. These include trainings on nighttime operations, invasive species, marine mammals, migratory birds, debris to patrols and vessel maintenance to name a few. Next slide please.

[\(00:37:05\)](#):

The system has multiple benefits for aquaculture production. As mentioned previously, it will stabilize production and help meet seed demands. Taylor has a long history of supporting improvements in water quality and environmental sustainability and the system will complement ongoing efforts to mitigate the impacts of nutrients in the water. Due to development and land use, the system is designed for the ability to be disconnected and moved. This will prevent use conflict should the tribes be able to net fish again in Oakland Bay. The system is designed to be managed mechanically due to workforce shortages. Growers are looking towards mechanization use of machines for these manual or repetitive functions. Also reduces on job fatigue and injuries while developing a more skilled workforce with more opportunities for advancement. Crews assigned to this farm will be trained on proper installation, signs and tools for monitoring for wear or environmental interactions. And tailors employed a full-time compliance manager to audit and support Farm BMPs. One maintenance harvest boat and one monitoring boat will be designated to this farm. An additional boat or vehicle needs will be completed by Taylor's existing fleet. Access to the site will be completed from Taylor's privately owned property at their Bayshore farm. This site is currently where crews and gear are stage out of next slide please.

[\(00:38:34\)](#):

The farm system is designed to be low profile sitting less than 12 inches above the water surface to maintain product integrity with high UV resistance while reducing visual impact by limiting color variability. With enough contrast for navigation, the gear for the system will be black. These images here are visual renderings of the proposed farm from approximately 1000 horizontal and 10 to 15 fifth vertical. Next slide. This image is a similar system, , currently installed in Canada, BC with a visual , 600 foot horizontal and 20 foot vertical.

Examiner Olbrechts: [\(00:39:16\)](#):

How big is that project, do you know? ,

Erin Ewald: [\(00:39:18\)](#):

I believe that one is about 3000 to 4,000 bags.

Examiner Olbrechts: [\(00:39:22\)](#):

Okay, thank you.

Erin Ewald: [\(00:39:25\)](#):

Next slide. And another image of the same farm is at 1800 foot horizontal and six foot vertical.

Erin Ewald: (00:39:39):

So from a boat. Alright, next slide please. Oakland Bay is a multi-use area. The system is designed for boat travel to be accommodated traveling either direction east to west.

(00:39:55):

Those wanting to navigate directly north to south would need to slightly alter their course and detour around the system. According to other users in Oakland Bay motor recreation including jet skis and water skiing are not favored activities in the area due to the smaller size of the bay. These activities are more popular in the deeper and wider Totten inlet. However, kayakers and paddle boarders do use the area and have frequented the existing near bottom operation to chat with employees and inquire about the system. Asking questions about aquaculture. This system sits low on the water surface, again under 12 inches in height and to aid voters in being able to see the containers and lines, , navigational buoys and or lights will be required by the US Coast Guard and the corners will be included on navigational charts to offset the minor impacts to recreation, Taylor is offering formal access to 16.6 acres of its Oakland Bay Tidelands for passive recreation including walking and kayak Rest points. These areas are near current public access points and extend public interest to the greater Oakland Bay area by making convenient connections to enhanced areas already in use for recreation. In addition, Taylor has reached out and offered to support current plans to improve and expand public amenities at the Oakland Bay Marina public launch. The marina manager has accepted Taylor's offer and will be in contact to articulate need once their permits are approved. Next slide please.

(00:41:26):

Alright, on this map, , it's hard to see but the bottom two, , yellow parcels one and two are the sunset road parcels and those have been proposed as kayak rust points. , signage will be posted at the Oakland Bay Marina. In addition, Taylor's reached out to the Washington Water Trails to add the tide location on their digital map and a kiosk and they have accepted that, , on the upper right corner between near the red and purple the Bayshore is a popular location including walking trails and water access point from the capital Land Trust preserve, , Washington Department of Fish and Wildlife also manages a recreational access point for shellfishing and fishing. And Taylor's Tidelands connect those two properties. , and if the permit is approved, Taylor is willing to formally allow access to this land and the identified Bayshore parcels for passive recreation, not including shellfish harvest.

Examiner Olbrechts: (00:42:20):

Do you recall what the, 'cause I know that's in the exhibits already. Do you recall what the number was for that? Because a lot of people seem to be interested in this one. I don't know if you know off the top of your head, but it's already on the city's website. So that's my understate. The public access

Erin Ewald: (00:42:32):

Memorandum is exhibit

Examiner Olbrechts: (00:42:33):

23. Okay, great. Yeah, so those of you who want to take a close look at it, it's on the webpage at exhibit 23. Alright, go ahead. Okay, thanks.

Erin Ewald: (00:42:41):

Enhancements to the use public want at the Oakland Bay, marina Taylor is committed to assisting the marina in its renovation of the public launch. And while that need is still being determined, Taylor has in

kind expertise staff and other resources to facilitate the project and we will continue to work with them to help them meet that future need and expand service and amenities to existing public access. Next slide please. And this slide is a video if it can be played. This video shows boats traveling through the 30 foot lines at speed and the system is designed specifically for boats to travel along the lines for management. US Coast Guard rules require boaters to navigate at safe speed for the location and conditions.

Examiner Olbrechts: [\(00:43:23\)](#):

So, and, and this is the kind of facility you're gonna have, is it? Which one is this one we're looking at? This

Erin Ewald: [\(00:43:27\)](#):

Is in

Examiner Olbrechts: [\(00:43:28\)](#):

Canada. Oh, the one in Canada. Okay.

Erin Ewald: [\(00:43:32\)](#):

All right, next slide please. All right, plastics, microplastics, these bags do not utilize single use plastics. All of the gear designed for the marine environment, , they have enhanced UV resistance and durability and the containers and floats are manufactured by Taylor at its Shelton campus. The resin Taylor uses is H D P E resistant to breaking down physically and chemically within the environment. Debris. The system is robust in its construction. It has been field tested for the past 10 years in an extremely dynamic environment, much more harsh than those experienced in Oakland Bay, still per programmatic conditions. Farm VM PS as well as conditions recommended by the county staff and clarified by Taylor's August 8th letter. A dedicated crew will manage and monitor the floating bags at minimum twice each month. And again following major storms or tidal events such as king tides. Any gear wear will be noted and determined whether repair or replacement is needed. And these surveys are documented in a mobile field app and accessed by compliance managers, directors, and executives. Next slide please.

[\(00:44:47\)](#):

Wildlife use a three to five person q crew will be dedicated to this farm to manage all routine operations and maintenance. Regular management and human activity will decrease the likelihood of wildlife use. And to further discourage use of floating bags, the system does not provide a stable platform for haul out of adult marine mals. Taylor Crews have observed very limited use by small or juvenile mammals of the floating system. Vertical lines are the anchor lines and are not loose even at slack tide, thereby preventing sufficient material for entanglement. A training module has been developed for the operation. Incorporating recommendations from the Cascadia Research collective, a local authority whose staff work with , department of Fish and Wildlife on outreach, marine mammal, strandings, and NE work. This training will be shared and reviewed regularly with crews managing with the floating bags and the module will be updated as new information becomes available. One more slide. Water quality. Taylor has been a strong advocate for local wastewater treatment improvements, riparian restoration, conservation purchases, and land use planning to improve habitat and water quality in Oakland Bay. We believe the addition of shellfish will continue to aid in improvement of water quality through nutrient removal. And this benefit of water quality enhances the experience for all water dependent uses. Last slide is, thank you. Um, any questions?

Examiner Olbrechts: (00:46:19):

Yeah, just a few. So, um, somebody mentioned before how many bags are gonna be involved in this operation there?

Erin Ewald: (00:46:25):

It'll take, , approximately two to three years for us to manufacture the bags and mobilize them, install the anchors, , but at the 9.1 acres, approximately 30,000

Examiner Olbrechts: (00:46:36):

Bags and that can, you said Canada was 6,000 or something? Is that right?

Erin Ewald: (00:46:41):

On that one

Examiner Olbrechts: (00:46:41):

Farm? Pardon? Yeah. So I mean, are there any operations anywhere in the country that are this big in one place? No, not, no, no. Let let the the applicant answer <laugh>. Yeah,

Erin Ewald: (00:46:52):

This is our first permit in the United States. Mm-hmm. <affirmative> in Washington

Examiner Olbrechts: (00:46:56):

State. But I mean, are you aware of any other operation that comes close to the size for, , oyster bags, floating oyster bags?

Erin Ewald: (00:47:02):

Taylor has larger farms, F N B C, but not that are 30,000.

Examiner Olbrechts: (00:47:06):

Okay. Okay, great. Um, yeah, that's all the questions I have on this one. Thank you. Okay,

Speaker 5 (00:47:12):

Thank you. The call on Andres.

Examiner Olbrechts: (00:47:15):

Okay,

Speaker 5 (00:47:17):

<affirmative>. Oh, before we do that, um, we would request for, , Ms. Al's presentation to be entered as

Examiner Olbrechts: (00:47:24):

An exhibit. Oh, that's right. Okay. Any objections over entry to that? And , Mr. Zi, will you be able to put that on the city website? Yep. Okay. Any objections over entry to that document? Get a hearing done,



that'll be admitted as exhibit 32. Okay. I'll need to swear in. Do you, , swear or affirm tell the truth, nothing but the truth in this proceeding? I do. Alright. How do you spell your last name for the record?

Speaker 8 ([00:47:51](#)):

Andress a n m d r e Ss.

Examiner Olbrechts: ([00:47:54](#)):

Okay, great, thank you.

Speaker 5 ([00:47:57](#)):

Okay. Um, Ms. Andres does not have a presentation, so we're going to do this morning question and answer.

Examiner Olbrechts: ([00:48:02](#)):

Oh, okay. Okay. Okay.

Speaker 5 ([00:48:03](#)):

, thank you Ms. Andres, , for your time this afternoon, can you please discuss your position with Taylor Shellfish and your job responsibilities?

Speaker 8 ([00:48:11](#)):

I lead Taylor Shellfish, existing near bottom Oyster Bag Farm in Oakland Bay, um, which is located within Chapman Cove, just east of the proposed floating bag project. Taylor has been operating Chapman's Co since the 1960s and the farm was previously operated by other farmers since the late 18 hundreds. This farm has been used for clam farming throughout its history and Taylor has been farming oysters in a bag system for the last five years. In my role as the Oyster Farm lead, I oversee AC group five to six employees at the Chapman Co Farm. I I schedule and organize cultivation activities and supervised oyster farming operations. I also serve in a role as a plan harvester for the Chapman Cook. CLA harvesting takes place during low tides, which is, which occur at different times of the day depending on the season.

Speaker 5 ([00:49:13](#)):

Okay, thank you. , can you just discuss for the examiner how long you've been working at the farm and approximately how much time you spend out there?

Speaker 8 ([00:49:20](#)):

I've been working at Taylor Shellfish for 11 years now. I started at Clam Dig as a clam digger in the Doce Wallops farm and then I transferred to Oakland Bay because I wanted to take advantage of the opportunities that the company, um, well offer. And this was closer to home, so I have time spent with families. Um, I started working on the near bottom Oyster bag farm in Chapman Cove around five years ago. Between my two roles, I typically spend at least 40 hours each week out on the farm from October through April. I'm at the farm during nighttime for clam harvesting and, and, and they're during both night and some day times for oyster bag maintenance and monitoring from May through September. I am primarily there during daytime hours for both clam and oyster farming.

Speaker 5 ([00:50:16](#)):

Okay, thank you. Can you next describe for the examiner the types of navigation or recreational activities you see within Oakland Bay and how frequently you see those activities occur?

Speaker 8 ([00:50:27](#)):

Yes. Most of the motor boats we see are other work boats. Either the tribe, the crew for the mussel farm or other growers. I might see one recreational motor boat a week, but they tend to spend less than an hour a day. We don't see much of any recreational boat in the winter. We do see fishing boats in the fall when the salmon run through, but they mostly stay around bay shore, which is located at half a mile to north of the proposed project site.

Speaker 5 ([00:51:00](#)):

Okay, thank you. And can you next discuss for the examiner the relationship between the existing farm and other users within Oakland Bay?

Speaker 8 ([00:51:07](#)):

Yes. Recreation in Oakland Bay has always been light. I don't see the farm interfering with recreation. If anything, having the farm and crews out on the water has been very helpful as recreational users enjoy visiting his site and learning about culture activities. In the summer, we mostly see kayakers. Last summer we had a kayaker who wasn't familiar with the day and he was flipped out of his boat by the waves. Me and my crew were out there keeping an eye on him. When he fell in the water, we went out and brought him back to shore. Um, well there another family, two small children, um, excuse me,

Speaker 5 ([00:51:58](#)):

<laugh>. It's okay, take your time. It's office.

Speaker 8 ([00:52:00](#)):

Yep. While they're another family with two small children are about to go out and we continue them, we cautioned them of the wind in ways and encourage them not to go out on that day. Occasionally we get kayakers who circle the farm and ask questions about what we are going, what we are growing. We also have visitors who are looking at Taylor Shellfish activities and farming operations and we show them the bags and answer questions.

Speaker 5 ([00:52:32](#)):

Okay, thank you. Um, and then, , second to last question here. Can you please discuss, , your expectations with respect to how this, , farm, , will, will, , operate and, and interact with, , users in the bay?

Speaker 8 ([00:52:48](#)):

The proposed farm will use the same cultivation methods used by other farms that Taylor operates. As Aaron mentioned, the company will follow well-known conservation measures and management practices to minimize potential impacts on the environment and other users. We train regularly on the company modules for, for marine mammals, birds and debris. We do regular debris patrols, collecting debris we see on shoreline. We mainly see garbage like bottle shoes, lighters and other household stuff. We really pick up aquaculture gear. I am excited about this farm as it will provide more seed, not only to

tailor but other shellfish farms throughout the area as well as recreational shellfish farmers. I believe that the floating bag farm will be very similar in operation, in maintenance to the existing bottom bags. Right now our day is typically four to five hours because we need water at Bayshore to launch our boats. Um, and then be able to also the boats as the floating bag is built and additional bag are in operation. Mechanization in the larger work boat will help us maintain the four to five hour schedule. We don't conduct routine farming activities at night for this farm. We need to be able to see the seed and bags and be on the boat safely.

Speaker 5 ([00:54:24](#)):

Okay, thank you. Last question for you. What kind of oysters does Taylor currently farm at the Chapman Cove Farm?

Speaker 8 ([00:54:29](#)):

The Pacific Oysters.

Speaker 5 ([00:54:30](#)):

Okay, thank you. That's all the questions I have.

Examiner Olbrechts: ([00:54:33](#)):

Okay. Just a just a few. So, so for the current operation it's four to five days. The one you're involved in is that, , do you know, is that what you foresee is the, the amount of activity that's gonna be for the proposed use is four to five hours every day? Is that right? Five days a week or seven? Or how often are people gonna be out there?

Speaker 8 ([00:54:49](#)):

Our current right now is for four, um, five days a week. Mm-hmm. <affirmative>, it's like a regular, you know, Monday

Examiner Olbrechts: ([00:54:56](#)):

Through Friday. Yeah. So I am kind of just wondering what people are gonna see that live nearby. So they're gonna see crews of, I mean, how many people do you think are gonna be at this operation? I don't know. Maybe I should have asked the last person that or

Speaker 8 ([00:55:08](#)):

Like I mentioned, it'll be, you know, it won't be, it won't be max in six, you

Examiner Olbrechts: ([00:55:13](#)):

Know, more than six. It won't

Speaker 8 ([00:55:15](#)):

Max out six, it'll be four to five.

Examiner Olbrechts: ([00:55:19](#)):

Four to five hours. Right. Or four to five people. Sorry, <laugh>.

Speaker 5 ([00:55:23](#)):

Sorry, your Honor. We'd be happy to recall this, ,

Examiner Olbrechts: ([00:55:26](#)):

Email. Yeah. Okay. Sorry. Yeah, I wasn't sure. Yeah, so she knows she Yeah, yeah, yeah. My, my question was more directed at, you know, what can people expect to see when they're sitting in their backyard? You know, on a typical day, how many days per week are the crews gonna be there? Is it this gonna be a daily occurrence? How many hours? What kind of noises are they gonna be making when they're out there? Mm-hmm. <affirmative>, you know, I think somebody mentioned two or three boats are involved. Is that right? They've

Erin Ewald: ([00:55:48](#)):

Got one maintenance boat and one harvest

Examiner Olbrechts: ([00:55:49](#)):

Boat. Okay. And then, , and that's all that's involved. And it is kinda like that picture you showed, I think there was a picture showing a boat that was out there. Right?

Erin Ewald: ([00:55:58](#)):

Right. Yeah. So there's the boat that is going to load up the bags and h, <affirmative>, flip them. It, Oakland Bay is a major production facility for Taylor Shellfish and there's multiple operations. And so in the summer you're going to have farms up in head of the Bay in Bayshore. Mm-hmm. <affirmative> and Chapman Co. This is a component that is going to help support all of those other roles. , and so, , the votes for this system, , that is how they're going to access the system. That's how they're going to manage it. , and so it is likely that they would be out there five days a week. Okay. , for about four to five hours a day.

Examiner Olbrechts: ([00:56:36](#)):

Okay. Is is that like early morning or what? I mean,

Erin Ewald: ([00:56:40](#)):

It's really, it, while it's not completely tied dependent h, they are going to have to Okay. In order to get the large boats to unload and offload Yeah. To be able to go out of Bayshore, there's going to have to be enough water. And so we'll kind of rotate throughout the day, during the, the

Examiner Olbrechts: ([00:56:56](#)):

Summer. Okay.

Erin Ewald: ([00:56:57](#)):

Okay. Um, and then during the winter, obviously, um, they can work during the daylight hours that they've got

Examiner Olbrechts: ([00:57:03](#)):

And the, the equipment they use. Is it, is it noisy at all? I mean, I imagine we have the boat engines, of course, but are there winches or something that create loud noises or how, how does that work?

Erin Ewald: ([00:57:12](#)):

The main noise is going to be coming from the generator that will help pull the, the lines up onto the boat. A five horsepower engine. Um, that, , we've got sound boxes that go around it in order to muffle it. It's a lot the same, um, um, it, it's just a small generator.

Examiner Olbrechts: ([00:57:31](#)):

Okay. Um,

Erin Ewald: ([00:57:32](#)):

We are looking to battery, , operations when that technology becomes available, but right now we're, we're working with five horsepower engines.

Examiner Olbrechts: ([00:57:40](#)):

Hmm. Have you gotten any complaints about that at all? , about the noise from those? Right

Erin Ewald: ([00:57:44](#)):

Now the operation is the near bottom floating bag farm. Mm-hmm. <affirmative>, and I don't believe we've had complaints on that. I haven't

Examiner Olbrechts: ([00:57:50](#)):

Received any. I mean, do you know, I mean, if you're living 1200 feet away, do you think you would hear those or

Erin Ewald: ([00:57:56](#)):

Moderately? We have gone out and done, um, for some of the other generators that we've got. We've gone out with de decibel readers and we comply with the Mason County Noise Ordinance. Okay. So we're underneath

Examiner Olbrechts: ([00:58:07](#)):

That. Okay, great. Thanks.

Speaker 5 ([00:58:09](#)):

Okay. Thank you for your time Ms. Andrews. Thank you. Address, you can step down. , next we're gonna call Mr.

Examiner Olbrechts: ([00:58:15](#)):

Chela. Okay, good.

Examiner Olbrechts:0 ([00:58:19](#)):

Can I interrupt this real quick? Mm-hmm. <affirmative>, do we have a chance to cross examine it in a sense then? Is that what kind of is going on here? I've never been to one of these.

Examiner Olbrechts: (00:58:27):

Yeah. No, I, because there's so many people, I can't really do that. I mean, you know, because

Examiner Olbrechts: (00:58:31):

I'd like to, I direct some questions a different way to see if the outcome comes a little differently.

Examiner Olbrechts: (00:58:36):

Well, when, when it's your turn to speak, you just mention what you'd like, clarify, and we can work on that. Sure. Yeah. Alright, sir, let me swear in. Do you swear affirm and tell the truth, nothing but the truth in this proceeding? I do. And how do you spell your last name for the record? She's

Mr. Czieszla: (00:58:48):

Last C z i e S s l

Examiner Olbrechts: (00:58:51):

A. Okay, great. Thank you.

Speaker 5 (00:58:53):

Okay, thank you. And, , Mr. Chela does have a presentation, um, so we'll go and ask for that to be pulled up. We would be asking for this presentation, be entered as an exhibit. Okay. We also provided a resume for Mr. Chila. We would also ask for that to be okay.

Examiner Olbrechts: (00:59:08):

Right.

Speaker 4 (00:59:17):

Alright,

Mr. Czieszla: (00:59:18):

So next slide on, on that one kick right off. So I'm gonna cover, , the location, which we already heard some about, , the existing site conditions, focusing primarily on natural resources. Um, then a couple slides on the potential impacts and benefits of the proposed project, and then a summary that's a pretty short presentation.

Speaker 5 (00:59:38):

Mr. Tla, , if you could just provide a very brief synopsis of your education and experience as it's

Mr. Czieszla: (00:59:43):

Relevant. Sure. Yeah. So as you mentioned earlier, I have a master's in Marine fisheries biology. And for the last, , 27 or so years, I've been working as natural resource consultant, um, a senior principal at Confluence Environmental Company. And I typically work on regulatory compliance, um, state, federal, local level, both for state, federal and local clients, as well as for private clients. So I'm, um, usually evaluating projects for their environmental impacts under various regulations, including, including the Shoreline Management Act. Um, as I mentioned, I also do third party review, , on behalf of local entities

or state entities, , of applicant generated projects. And then do some research as well as, , restoration design for, for salmon enhancement projects. And have been involved with sheltered aquaculture for over 20 years back before grad school, even So longer than that.

Speaker 5 ([01:00:43](#)):

Thank you, Mr. Chi.

Mr. Czesla: ([01:00:44](#)):

Okay. Yeah. So again, I mentioned this. , next slide please. So, project location, I think we're all familiar with where we are, but a little bit more about Oakland Bay. It's a shallow Escher about four miles long, three quarters of a mile wide, um, well shallow, so 10 to 35 foot depth. Um, as we've talked about, the culture area is 9.1 acres in that 50 acre lease. Um, and then it's a floating system. And that bathymetry under the, the site is in reference to me. The low water, about minus 10 to minus, , five feet mean the low water. So there's always water under the, the operation, um, even at the most extreme low tides. Next slide.

([01:01:29](#)):

So the location is open water. , the substrate is muddy, so silts and clays fine materials. Um, there's no gras present, , in, in the, the police area. And, , macroalgae, there's no macroalgae beds. There's some drift algae that is, um, in, in the survey that showed up as coming through like some old, , but the substrate, as you know, ology requires hard substrate attached to, and this, this area does not, does not include that there are occasional pieces of debris that might have, have some, , individual pieces of ology, but no beds or other, , significant accumulations of ology. The shoreline, um, areas adjacent to the project, there's some salt marshes, some low marshes June grasses, and then, um, other vegetation riparian vegetation and residences, including some industrial, more industrial type uses. Next slide.

([01:02:26](#)):

So this represents a water quality designations as it relates to shellfish aquaculture, , and the green area represents approved areas. Um, and it's important to note as you get further southwest in the, in the bay, that they're, they are improved. So this is a good story over the long term where more areas have now have become acceptable and, and approved for, for shell shock culture. And, and that's, , you know, I think there's a strong relationship between, , shellfish and improved water quality conditions as we'll get into a little bit further. Next slide. This slide shows, um, one of the typical things that we'll look at with, with respect to shoreline projects is, , forage fish spawning locations. So want to be sensitive to not siding projects where forage fish are occurring or where they're spawning. The green stripes, um, are alt spawning areas, sort of the orange color is sand lance.

([01:03:26](#)):

And then on the far right, you'll see an area that's hashed in blue that has herring as well. Um, so as you can see, that's all away from the area, , from the project area. Unlike many of the shoreline development projects where they're, , wanna be sensitive about building a bulkhead or a pier in an area that has surface melt sand that spine or in areas where, where heron or spine. Next slide. So getting into a little bit of the, the impacts and benefits, um, from a relative's perspective, the culture as approximately 0.3% additional culture to the subtitle zone, , in Oakland Bay. Um, there are, from their array, some minor effects on circulation. As you can imagine, um, objects in the water creates some drag. However, um, in looking at the profile of the, the float array and the fact that it does flex with the lines, , those sorts of, um, effects are minimal, um, and not alter the circulation patterns in the bay.

([01:04:29](#)):

Um, because it's a floating array other than the, , anchor portions, there isn't, , an effect on the, the benthic habitat below. Um, then again, the totality of anchors occupy about 0.2 acres, , area on the bottom of the bay. Um, from a species standpoint, , you know, there is over water coverage. Um, it doesn't stay static in one place. It moves, um, and it's, um, has large, , areas in between, um, any structural water, , has, has the opportunity to attract certain species that are structural oriented. So like surf perch or pile perch. Um, even forage fish will, will, , spend time around that structure. And then of course, the, the, the fowling community or that the <inaudible> community that, that grows on those structures, , conserve as food resources for, for a variety of species as well. , especially for this fish species.

[\(01:05:25\)](#):

For juvenile salmon, since it's out in the middle of the bay, juvenile salmon tend to migrate along the shoreline, take advantage of that by right pairing have to habitat along the shoreline. So this is, you know, a thousand feet from shore. So from a juvenile migration standpoint, there really isn't much interaction. , even if juvenile salmon were to be out in the middle of the bay, um, this sort of, , entry into the water column of a few inches doesn't represent any sort of migratory barrier or impediment to their, their travels. Um, and there's been a variety of studies looking at that. I saw some comments on analogies with the canal bridge, which is a completely different system that goes over a dozen feet down into the water column stretching across the entire canal. So, , a very different setup than you would have here with, with a floating water structure that's very shallow in the surface layers. Um, visual effects, you know, we talked a little bit about that, but it's a very low profile, um, , structures that are in the water. So, um, depending on your angle, if you're low, like you saw that picture earlier boat level, it's a very minimal sort of profile, obviously from above that, that, that changes the angle and, and you're visible. But again, it's not, um, a big structure like a, a dock, pier, barge or big ship. So next slide.

[\(01:06:44\)](#):

This one also has a little video, um, component to it. Um, yeah, if you just want to hit that, you can watch on the right hand side as that changes. But the point here is that shellfish, as we know, do an excellence job of filtering the water. Um, and this is a time lapse that that represents about 15 minutes, but you can see how rapidly that tank is cleared of, of plankton. Um, that feeding has a couple of environmental benefits. One, , improved water clarity. , two, um, in terms of fiber planking blooms by through that grazing, it often modulates blooms. So you don't get into that situation where you have big blooms and big bloom die offs, which then lead to some of the negative consequences with, , oxygen use and, and, and dead zones. So this regular feeding from the shellfish is a net benefit in terms of modulating that boom bust cycle that phytoplankton can go through, especially as we have excess nutrient inputs from our various upland activities, , leading to much higher concentrations than might have been here historically for, for plankton.

[\(01:07:49\)](#):

Um, the other part is that, um, through that consumption, um, the materials incorporated into both the oyster tissue and shell and harvest of that is one of the only ways that we actually are removing the results of those that excess nutrients coming into the bay via filtering of that phytoplankton that, that are being fueled by that those nutrients. So, um, you know, there's a, on the slide I mentioned briefly that, you know, if you assume the nitrogen production by a person, you know, a farm like this removes nitrogen equivalent to, you know, hundreds of coastal residents, um, just by virtue of, of filtering that water column and then taking that out of aquatic system and, and, you know, for, for consumption, , of them. So, um, that's unlike many of the other restoration projects that we work on. Um, although there might be some nutrient removal and absorption that re mineralizes as those plants or other animals



decay in the system. So through the, the harvest part of this equation, that actually ends up being a removal of some of those excess nutrients via <inaudible>. Um, next slide

(01:08:58):

Mentioned forged fish before. Um, essentially, you know, as, as, , it's common on these, you know, we wanna look to where the farm is, , or any shoreline activities in relation to those forge fish areas. So in this case, um, we're not having any effect on forge fish given the, , farms outside of those areas. Just for reference, you know, sand land tend to spawn in that area of plus five and kind of a sandy to, to gravelly material. And sir smelt even a little bit higher in that intertidal plus seven being the low water. So again, we're, we're,

Speaker 6 (01:09:26):

Um, can someone move the mouse pad? Thank you. <laugh> or I,

Examiner Olbrechts:1 (01:09:35):

Um, it's going on with, with that. Well, that's, that's freaking idle tv. Standby. Um, hopefully the TV won't turn off soon. <laugh>, there should

Speaker 6 (01:09:45):

Be a remote on that table right here, like a tv. Oh, TV right there if you wanna <inaudible>. There

Examiner Olbrechts:1 (01:09:59):

We go.

Speaker 6 (01:10:02):

Get, switch the station, judge Judy might.

Mr. Czesla: (01:10:07):

So, um, as Aaron mentioned and as is included in a lot of the documentation, um, there was a programmatic biological opinion that's part of the Endangered Species Act consultation that was carried out for shelter aquaculture activities that identified a variety of measures to help avoid minimize potential effects. And the project will be complying with those. Um, so, and as, as many of you like you familiar, avoidance is the, is the first sequence then minimization, followed by some compensatory mitigation. And in this case, um, you know, for especially listed species and other protected species, we're really in that no effect area, which is, which is good news. , next slide.

(01:10:47):

So, as I mentioned earlier about fish and fish habitat for juveniles, were, were outside of that shoreline habitat, which are key for, for that migratory pathway. Um, you know, you may hear about over, over water structures and impacts on migrating juvenile salmon. That typically occurs when you have thing like things like a pier or other water structure that's perpendicular shoreline, creating a static environment with a sharp light dark interface that these juvenile fish will perceive and, and migrate around going into deeper waters. In this case, we're out in the deeper water, so they're not tending to migrate there if they are there, they're the larger size classes that are much more adept at, at getting around structures as well as, um, avoiding predators. Um, and then of course, given that this moves, um, it doesn't tend to create that same sort of obstacle that that appear, , from, from Shorewood.

[\(01:11:42\)](#):

Um, and then, um, floating structure itself, as I mentioned too, um, has that epithetic community, but also crab larvae and other organisms thrive within that, that, that are in turn prey for, for a variety of fish species. Both the smaller species that feed on up into, into salmon and, and other our, , larger, , top predators bird habitat, again, for the, the shorebirds and the, the, the dabbers and waiters, you know, that's, we're away from the shoreline. That's not <inaudible>, although I will say, um, a lot of the literature looking at shellfish, aquaculture and, and bird use shows a positive correlation with the birds. Um, and then as Aaron mentioned, um, for the floating culture, given there is a some activity there on it, it's not expected to become, , a roosting site. These are turned and moved. So we don't have situations where, um, long-term use of structures would, would occur. And the disturbances with the small number of crew, um, is relatively temporary, um, as well. Next slide.

[\(01:12:45\)](#):

So marine mammals, that's always a, a, a big and important topic. We have some iconic species that we have the pleasure of being able to see here in the Northwest. Um, most whales species won't make it here into Oakland Bay, as you know. Um, although it is possible that you could get, um, some, some larger whales coming in, I'd say pretty unlikely that you get a humpback or a gray or even a southern resonant the whale, you might see some of the bigs or the transient killer whales coming in looking for seals, et cetera, that you find on some of the log rooms, et cetera. So that's a possibility. And then more commonly, of course, seals and sea lines and, , variety of corpuses that you probably commonly see here, , in the bay. Um, so most, , whales and other citation, marine mammals will have no problem navigating through and around and within that structure we avoid it all together. You've been quite a bit of attention if we wanna go to the next slide.

[\(01:13:43\)](#):

There's been quite a bit of attention focused on entanglement risks in, in recent months. Probably seen articles in the paper entanglements, and there's been a focus here on the west coast as well on entanglements. Um, almost exclusively those entanglements incur in, in, in situations where you've got large amounts of loose line or a very loose line that, that they have the opportunity to get wrapped in. So you're probably hearing about commercial crab fishery along the west coast, some entanglement issues. Um, and, um, and that is something that that's, you know, being, being discussed. This system, , doesn't have loose lines. So the opportunity for that sort of entanglement, , is, is not part of the, the setup just as a sort of a purport comparison has been no reported entanglements with aquaculture gear along the west coast and worldwide since 1982. There've been a total of 19 entanglements with aquaculture gear and those were associated with mussel culture that have these long free floating lines that they used to collect spat in open water in New Zealand primarily.

[\(01:14:50\)](#):

So 19 82, 19, very, very low occurrence versus the, you know, hundreds of entanglements you, you do have reported per year related to, , lost fishing gear, net gear, um, roach associated with that. And then the more recent observations with those commercial crab pots, , along the west coast. So I think you already hit on the point as to why, um, entanglement with this type of an array is, is, is a very low risk. Um, next slide summary slide. Okay. So the culture avoids the sensitive habitats by being, being located outside of those or not above areas that are sensitive. Um, it's, , not protected to to have any sort of direct negative interactions with, with protected or vulnerable species. Um, the farm is committed to and, and will comply with a variety of best management practices that further avoid to minimize any potential for, for effects of these species and habitats. Um, it's cited explicitly to again, not interact with some of the things like forage fish and, and shoreline migration zones. Um, and then the water quality benefits that, that I mentioned as well from the filtration and the bio extraction by removing those,

those shellfish from the system. Um, and then, um, you know, from, from what, what you can see in terms of some of the installation effects be localized and limited duration and the, you know, recovery from those, from that placement of Anchorage. So that's about all I had, but I'm happy to answer.

Examiner Olbrechts: ([01:16:24](#)):

Okay. Well first of all, any objections over entry of Mr. Chelas, , PowerPoint presentation or his, , CV resume basically Okay here. And then those are admitted as 34 35 respectively. Just a few quick questions. Um, we're on 33 and 34. Okay. Alright. Yeah. Okay. You're not right, I just wanna make sure No good. I, yeah, no, I'm glad you got that. Thanks. Yeah, 34 35. Then, um, , let's see. Oh yeah, first, Mr. Vasquez's staff report said that your, , your report suggests that there's no accretion or erosion impacts. Could you maybe more directly address that then? I mean, will the anchoring create any kind of, or, or any part of the operation create any accretion or erosion impacts in your opinion?

Mr. Czesla: ([01:17:06](#)):

No, in fact, um, you know, this has been looked at at some arrays that have higher <inaudible>. So for example, the muscle array and, and tot where you've got much higher density organisms, since it's three dimensional, it's not just on the surface. So you do have, have currents. So any of that sort of bio deposition from pseudo feces, it's a fine material that'll be redistributed and not, , accumulate any appreciable amounts. Um, in terms of the anchors themselves, it's a soft substrate. So they, um, are placed in that. Um, and you know, you typically do see some very localized changes around an anchor. You, you get some attached organisms to the, to that. Um, that's, you know, a good thing from a three-dimensional structure. If you're an organism that likes three-dimensional structure, then you can benefit and you've got plenty of sort of adjoining open flat areas.

([01:17:55](#)):

So I think I mentioned it's 1 0 2 acres total, so a very small fraction that would have that sort of anchor structure. Yeah. Um, and you know, in this bay the sediments are not highly mobile where we're getting, you know, a lot of sort of mo movement of sediments out this drown sort of glacial estuary. Um, and so, , so there isn't that sort of this opportunity for that to be interrupted, um, in this setting. So, so maybe if you were at a delta or a creek or another area where there was highly mobile and those anchors would pose that sort of situation, but that's not, not what we have here.

Examiner Olbrechts: ([01:18:30](#)):

Okay. Also, I yeah, dealt with, um, the water quality issue with aquaculture a few times and the, over the last few years here and, and, , uniformly the studies I've been presented with show that they improve water quality 'cause they 'cause of filtration, that kind of thing. But in the last one, , shellfish, um, proposal that I reviewed just a few weeks ago, the H M P actually pointed out to a study that said that the, , waste excreted by the shellfish issues were goeey duck in and oysters, um, feed phytoplankton, which could actually decrease water quality. And it seemed kind of an in, in that report it was kind of inconclusive whether or not water quality would be improved. I mean, are are you familiar with that study and I mean, what do you think about that? Not,

Mr. Czesla: ([01:19:11](#)):

Not that's one specifically, although the concept, I mean, I think that's why I mentioned too kind of that, that removal part, you know, of taking the shellfish out. Yeah, they do, , excrete, um, you know, pseudo feces. The, the difference there though is, you know, that will sink to the bottom and, and be, you know, distributed, , and, and, you know, organically, , decompose, but it's, it's taking it out of the water column

mm-hmm. <affirmative> as opposed to directly, um, , stimulating additional growth. Um, but it's, it's not, you know, you can see the effect on the water clarity. Um, but there is still kind of another layer, layer of cycling that occurs in terms of that, that nutrient, since they do generate some, , sort of waste product as well, h, but it's a net, you know, they, they grow. So it's, it's a net reduction.

Examiner Olbrechts: ([01:19:56](#)):

Okay.

Mr. Czesla: ([01:19:57](#)):

It's just not a fully one unidirectional area.

Examiner Olbrechts: ([01:19:59](#)):

Oh, okay. Okay. And then, , finally, um, we used to process a lot of, um, shoreline permits for docks in Mason a few years ago. And the studies that kept coming up all the time was they had shading impacts, which would cause juvenile salmon to go to deeper water and then be subject to predation. , does, do these create any shading impacts? I mean, I understand they're in the deeper water, but I don't know if that alteration of migration might have some adverse effects.

Mr. Czesla: ([01:20:25](#)):

Well, there's a, there's a couple things there. One, um, yeah, those, those shading effects, I will point out that most of those doc studies were done in freshwater when the juvenile salmon or in lake settings like Lake Washington, et cetera. Oh, right. Um, so they're more sense of, although there's some applicability to, to some marine environments as well. And certainly that's the paradigm that's used that docs create that, that structure. But, but it is really those smaller ones that are more juvenile, sorry, shoreline oriented that run into that light dark interface and then go around. And since they're smaller, more vulnerable predation, by the time you're in open water, the, the juveniles that choose to go out there, typically larger ones, less vulnerable to, to that predation. The other part I'd say is, um, in terms of the, the types of the species that do associate the structures, including docks, this tend not to be, um, those are, um, not most often, , fish eating species, like they're not predators on salmon. So while there are pile perge and shiner perch variety of species that that associate with, with the structure, they don't in turn, um, aren't the, the salmon eaters. So, um, yeah. Okay. But, so it's, it's kind of an apples and oranges doc versus this by location and, and the type of structure.

Examiner Olbrechts: ([01:21:34](#)):

Okay. Okay. Great. Thank you, sir. Appreciate your testimony. Okay. Anything else from the applicant's?

Speaker 5 ([01:21:40](#)):

That concludes our, um, our witnesses presentation. I did just want to briefly touch on two items, h that you raised earlier mm-hmm. <affirmative>, um, to provide some responses information. So one had to do with the public trust doctrine, right. Whether that applies to use of s of bow tie, and there's two sources of authority I wanted to draw your attention to. One is an attorney general opinion. That's, , attorney general opinion 2007. Number one, that includes a note that states Washington common law also shows that the private property interest in the shellfish farm allows the farm to restrain the general public from interfering with the farm. And that, , includes a citation to a case, , Quim Bay Canning Company versus UD 49, , wash 1 27. Um, there's a second piece of authority, , a recent decision by the Court of Appeals, um, for the State of Washington denying a motion for discretionary review from a trial

court determination that the public does not have the right to use , tidelands at low tide. The Washington Court of Appeals denied the motion for discretionary review stating that that is well settled law, the public does not have the right to use privately owned tidelands at low tide. Um, that is case number 8 3 9 0 2 1. I'd be happy to provide the examiner with that decision.

Examiner Olbrechts: ([01:23:03](#)):

Yeah. So I know there's an unpublished opinion that reaches that conclusion. I don't know if that's the same one you're referring to, but, um, as I said, my personal was, it was, hadn't been addressed yet, basically, but yeah, so again, if that's recent opinion Yeah, yeah, no, I, I've got your citation, so I'll look into it. Great, thank you. Okay,

Speaker 5 ([01:23:18](#)):

Excellent. So again, that, that concludes our presentation. We would, again, respect the request that the examiner issue the permit with the proposed revisions as , as with proposed revisions, as revised by.

Examiner Olbrechts: ([01:23:31](#)):

Okay. Well let's, at this point, let's take a break till two 30 and then we'll start into the public , testimony portion of the hearing. So we'll see you at two 30

Examiner Olbrechts:2 ([01:23:41](#)):

More. Okay.

Examiner Olbrechts: ([01:24:20](#)):

All right. Should we get back

Examiner Olbrechts:2 ([01:24:22](#)):

Into it? Let's , the bathroom. Okay. Okay, <laugh>. Okay, let's,

Examiner Olbrechts: ([01:24:29](#)):

, let's get back on the record so we can get you home. Do y'all have a seat please?

Examiner Olbrechts:2 ([01:24:36](#)):

Alright.

Examiner Olbrechts: ([01:24:38](#)):

, let's see. I did have somebody who said that, that they needed to be out in a few minutes or something. There was the one person that had to leave right away. Does that person wanna speak now? Yeah, I'll get you up there sir, and then I'll go through the list. Come on up. Alright, sir, just , let me swear in. Do you swear affirm tell the truth, nothing but the truth in this proceeding? I do. And , what's your last name? How do you spell it? Wilson.

Mr. Wilson: ([01:25:00](#)):

W i l l s o

Examiner Olbrechts: (01:25:01):

N. Okay, I think I can handle that one. Okay, go ahead.

Mr. Wilson: (01:25:04):

, my name is Roger Wilson. My wife and I live on East Sunset Road in a home overlooking Oakland Bay. We are opposed to the commercial agricultural plan for both personal and community reasons. Today, Oakland Bay provides picturesque views that are postcard worthy. A floating oyster farm, I think would destroy, destroy those views. And along with it, our property value. That's obviously very appalling to me given how much I have invested in my property. But it's also appalling because this plan is not in the best interest of the Shelton community. I read material and heard, presented today material that Oakland Bay is not used recreationally or at least not used very much. I disagree. Every day we're out on our balcony, we see people out there, they are water skiing, tubing, sailing, jet skiing, paddle boarding, kayaking, fishing and swimming. All that activity going on out there in the bay.

(01:26:01):

We watched airplanes draw water out of bay while they were fighting the Q and fire last time. So despite what I've read and what I've heard, the Bay is in fact being used by the community in many ways. I think putting a natural cultural farm on the Bay would most certainly hamper those activities. Oakland Bay is a natural resource and as such should be available for the community to use. We should be striving to make Shelton a place where people want to live and enjoy the outdoors. Eliminating recreational activities on the Bay is a step in the wrong direction. I haven't heard a single person who lives on or near Oakland Bay say that they are in favor of this plan for homeowners or taxpayers. And we don't want this, we don't want our abuse destroyed, we don't want our property values to drop. We want the community, we don't want the community to be denied access to a large portion of a natural resource. And we want the bay to be available to firefighters when they need it. I believe that putting a commercial agricultural farm on Oakland Bay is not for the community and should not be approved. Thank

Examiner Olbrechts: (01:27:07):

You. Okay. Thank you sir. Um, can I have you Oh yeah. Have something in writing there you want? Well, it's in writing. Oh, okay. Well you just read. Alright. Um, yes. Just hand it up here. Yeah, that's what, or put it there. Yeah, that's good. That'll work. Thank you sir. Alright. Okay. , let's see. Alright, so now it's, I'm just basically you

Mariah Frasier: (01:27:23):

Guys over there when you're whispering we can hear it, so.

Examiner Olbrechts: (01:27:27):

Okay. Alright. Yeah, be careful about that. Um, yeah, you might not want your whispers to get into the transcript. I don't know that that could be, , alright, so this next one I can't quite read. It's, it's Chyna first name's s h i n a and I just, I can't read the last name. Did Chyna want to say something? Shena. Okay. Let's see. Um, Kyle Linz. Oh, there, she's <laugh>. Alright ma, lemme swear in. Do you swear affirm and tell the truth nothing but the truth in this proceeding? I do. Okay, great. And how do you spell your last name?

Ms. Wysock: (01:27:59):

Zaki. It's w y s O C K

Examiner Olbrechts: (01:28:01):

I. Oh, perfect. Okay, great. Go ahead.

Ms. Wysocki: (01:28:03):

, I'm Shyna Zaki and my family owns Chelsea Farms and I have the pleasure of doing business with Taylor Shellfish and have been, I'm the second generation doing it. My mom did business, has done business with Bill and Paul since she started the shellfish business. She dug clams at Bayshore. It was her first shellfish farming job. We buy sea from Taylor's shellfish and we think this project should be approved. This is a new type of aquaculture for our area, but not in general. Other farms are using this and we need to explore new options and ways to farm shellfish. The availability of seed is always stressful, the hatchery battle, climate change and ocean acidification. And we need options in how we farm shellfish. I have the pleasure of having Taylor's Shellfish farm in front of my house. I farmed in front of Bill's house. Um, I know what the

Ms. Wysocki: (01:29:01):

Visual impacts of shellfish farming is. My farm is about 10 acres on El Inlet and um, people are welcome to look at that on Google Maps and see the visual impact. So I, , welcome any questions.

Examiner Olbrechts: (01:29:17):

Okay. Thank you ma'am. Appreciate your testimony. Alright, next is Kyle Lenz and after him is Kim Thompson. And, and give people time to get up here. Is Mr. Lentz here? Alright, Mr. Lenon, you swear in. Do you swear Affirm tell the truth? Nothing about the truth, miss proceeding? I do. Okay, great. And it's L E N T Z, is that right? Yes. Alright, great. Go

Mr. Lenz: (01:29:36):

Ahead. I'll make my comments clear. I'm Kyle Linz, I'm a second generation shellfish farmer. You just heard from my sister, her and I manage our shellfish farm together for our family. Um, we're really proud of what we're able to do on the tidelands here in inside of Puget Sound. Um, my comments are in support of the application for Taylors. Like my sister said, we do a lot of work with them extensively. Um, it's great to see the opportunity for additional jobs in this county. I know that that comes with, um, opportunity for people. So I'm not gonna make a lot of comments today, but my, um, support for the

Examiner Olbrechts: (01:30:10):

Applicant. Okay. Thank you Mr. Lutz. Alright. As I said, Ken Thompson is next and after her is, , Peggy Youngberg. Ms. Thompson, you here? There she is.

Ms. Thompson: (01:30:23):

Hello, my name is Kim Thompson.

Examiner Olbrechts: (01:30:26):

Oh, swear in there. Sorry. Do you swear for him to tell the truth? Nothing but the truth in this proceeding? I do. Okay. That's t h o n p s o n. It's alright. Great. Go ahead.

Ms. Thompson: (01:30:33):

, my name is Kim Thompson. Um, thank you for this opportunity to comment. I am the executive director for the Pacific Coast Shellfish Growers Association and we represent, oyster clam mussel and other bival shellfish growers here in the state of Washington, as well as California, Oregon, Hawaii, and Alaska. But most of our members are here in the state of Washington where shellfish farms are major employers and they provide stable, well-paying jobs in rural areas which diversify and strengthen local economies. Our growers are highly dependent on healthy ecosystems and water quality. , a recurring theme in this talk, , to support their livelihoods, they strive to operate in a manner that results in the best outcomes for society and the environment. Working in collaboration with local, state, and federal agencies, tribes, NGOs, community groups, researchers and many others. Washington shellfish growers are champions and often leaders and catalyzing important research and conservation of Washington's marine ecosystems and watersheds.

(01:31:33):

Research shows that shellfish farming can provide many benefits to local communities and society at large, including a source of nutritious food that uses almost no land of fresh water. A food source that will support a more resilient food future in the changing climate. And again, a source of jobs, particularly in those rural coastal communities where other opportunities might be more scarce. They're also an important ally in the fight for clean water and healthy ecosystems. There's no such thing as zero impact food production, but shellfish farming comes pretty darn close as one of the most benign methods of food production on the planet. Taylor Shellfish is an important supplier of seed for Washington shellfish growers. Many of our members, as we've heard from some of them today, and this project is gonna provide much needed capacity and resilience for our seed supply. And in turn that will support Washington shellfish growers and the many businesses and communities that they support. We thank you very much for your consideration for this important project and we hope that you'll, um, approve and push it through. It will be an important contribution to an important source of climate friendly food as well as jobs, economic jobs in the economic activity that support local communities. Thank you for your time. Yeah,

Examiner Olbrechts: (01:32:43):

Thank you Ms. Thompson. Alright, next slide as I said is Peggy Youngberg and after her is Alice Duncan. And actually when I call, two days of both people could come up. So we, we don't have delays in one person after another. Is Ms. Youngberg out there? Nope. Okay. How about, , what is I said Alice Duncan? Yes. Alright. And after Ms. Duncan is, , Susan Davidson, so, okay, Ms. Duncan, let me swear in. Do you swear affirm and tell the truth nothing but the truth, Ms. Proceeding? I do. Okay. Do U N C A N, is that right? That's correct. All right, great. Go ahead.

Ms. Duncan: (01:33:18):

I'm against Taylor Shellfish doing any more business in Oakland Bay. It's just a beautiful place to live. I lived on Oakland Bay for five years and it was the best five years of my life and, , it would just be a total travesty for this to happen. I, I won't say anymore because I've already written what I wanted to say and it's, and it's, you've already gotten it. Mm-hmm. <affirmative>, but I do have a question for Taylor Shellfish and that is what portion of your market is international sales?

Examiner Olbrechts: (01:34:03):

And if you could answer that when during the applicant response, that'd be good. And I'll, I'll write these down too to make sure they're answered and if they're not answered, let us know and we'll, we'll



Ms. Duncan: [\(01:34:11\)](#):

Answer it. And once, once, if this is approved and they increase their production, then what would be their portion of international sales. Okay.

Examiner Olbrechts: [\(01:34:24\)](#):

Thank you. All right. Thank you. Okay. Like I said, Ms. Davidson is next and after that is, let's see here. Aaron Lauder. Okay. Alright. And Ms. Davidson, do you swear affirm tell the truth, nothing but the truth this proceeding. Okay. And that's D A V I S O N? Correct. Alright, go ahead.

Ms. Davidson: [\(01:34:42\)](#):

Alright. Um, my first statement is, is given the discussion that's been said about the existing forms, the one that is Chapman is 3000. We're talking about 30,000 bags, which doesn't make any sense. We don't have anything in which compare this against, so we don't know about the impacts, the marine impacts everything else. And so the consideration of moving from a consideration of 3000 to 30,000 doesn't make any sense. And we request that, not that not be allowed. Okay. As I'm an urban planner, um, by trade, um, I know that it's a possibility that this may be allowed. And so I'm gonna make a couple statements. Um, Mr. Confluence, I can't say his last name. Um, we do have transient organs, orcas that come through on a regular basis. I'm concerned about them. I actually live down on, off of Hammersley and we have a bell and it rings on a continuous basis.

[\(01:35:31\)](#):

So we see them on a regular basis. Orcas, seals and everything else. Don't read signs, don't take advantage of the marine fabrication. That's the things that are being done. Extra kayak places, they don't take advantage of it. They take advantage of our bay. So I have concern, um, about whether there will be harmed or not. And so my request is is that there be testing done on a regular basis and then it'd be written in, if it's approved, that there'd be regular testing done every six months or every year. And we're talking about debris, fish habitat changes, water quality issues, marine impacts, um, invasive species, the whole list and gamut that runs it. So we as a public know what's happening because if this does get approved, we want it posted somewhere every six months or every year, whatever the requirement would be. So we can see what's happening and we can push back.

[\(01:36:21\)](#):

Okay. And we can understand what the impacts are. 'cause you're talking about, you know, a massive impact in the bay. And so we're requesting that please make it public so we know what's happening within the land that we actually share. The next is, is actually we have a little, I would like, um, it to be confirmed what is actually the least, least time that's being requested. Um, in my notes say 99 years, I don't know where that came from, but I heard 10 years today. I would like it clarified in today that how long is the lease for. I would also like to know how many extensions are allowed under this lease period because we know that things get moved out and get moved out and that, that, that if there are any issues that that lease cannot be extended. There has to be some replications that if something impacts or there's some changes from something happens that we're aware of what's going on, we understand the ramifications and this company actually then actually does what they say they're gonna do.

[\(01:37:16\)](#):

That it's, that'd be fair. Okay. And that the, there are limits to the number of extensions. Um, last piece is, is um, I do request that no non-native oysters please. Um, from a woman who actually clears out Scottish broom on a regular basis. Okay. You all know what I'm talking about. Okay. Um, non-native is impactful. So we're talking about something that we just don't know how big this of impact this is gonna

have. And the request is please do not allow non-native species so we can actually, if something happens, we can measure it and know what's going on and then it could be looked at. All right. So, um, then one last request, sorry. Mm-hmm. <affirmative>, no, um, there was a request for, um, that the individual said 3000, Chapman, she's got four to five hours to work during the day. I'm requesting that the extension on both sides for the winter time not be allowed. Okay. Because that impacts the people that all live there and they're impacted by that light. And so they're aware of when the times change and such and so request that that not be allowed, that they work with, they're only working four or five hours. They work within that timeframe within the daylight hours in winter. Thank you very much.

Examiner Olbrechts: [\(01:38:30\)](#):

Okay. Thank you. Definitely can tell you're a planner. <laugh>. Alright, next is, Aaron Lauder and after that is Dean t I believe Louder Ms. , Ms. Mr. T. Oh see somebody running up here. So, alright. Okay. We swear in, do you swear firm tell the truth and nothing but the truth in this proceeding? Yes. Okay. And, let us know who you are, how to spell it.

Mr. Loader: [\(01:38:58\)](#):

Yes. Aaron Loder. L O A D

Examiner Olbrechts: [\(01:39:00\)](#):

E r. Okay, great. Go ahead.

Mr. Loader: [\(01:39:02\)](#):

Um, this is gonna be short and sweet. I'm a Sierra Pacific Industries. Um, we have already sent an email, um, detailing you to support this project that, I just wanted to publicly say that we do support this, Taylor show of this project.

Examiner Olbrechts: [\(01:39:16\)](#):

Okay, great. Thank you. Alright, next is, Dean Ewt and after him is Elizabeth Flute. Mr. Ewt, let me swear in. Do you swear Affirm tell the truth, nothing but the truth this proceeding? I do. And that's j e w e t t, is that right? Correct. Okay, great. Go ahead.

Mr. Jewett: [\(01:39:31\)](#):

It's a great article in the journal and I kind of want to touch base on, it seemed to me that Taylor was parading, individuals up here with rehearsed answers or canned answers is what it seemed like to me. That's my observation. , the nice lady that came up with the, the answers that the lawyer was asking, it didn't seem sincere, you know, whether it be truthful or not. , but, when we talked about the recreational use of Open Bay, I've been messing around on Open Bay since I've been four or five years old. I learned how to sail last time. I knew you couldn't sail a boat in 30 feet. So if we're gonna try to go through a, you know, the oyster fields, apparently we, we can't use the sailboat. Okay. , we also, you know, off the, off of the, the papers article 200 interactions, you know, that the, that the, , journalist wrote about, , 49 comments, 43 of them with concerned or in opposition seems well over 90%.

[\(01:40:37\)](#):

, my family has a contract with Taylor United down in Hammersley Inlet. I grew up on both sides of Hammersley Inlet. So I'm very well aware of what we do there. , so to say that there's only, you know, a couple boats a week that go through there. I guess they just be taking a picture of my boat and I'm the

only one that they take a picture of <laugh>. So I guess I'm just concerned about that. I mean, 'cause there's a lot of people that are, that are in there and they're in there for well over an hour. So to have somebody say that it's not a recreational boat and they're employed by Taylor United carries absolutely little to no weight. , the, , one of the studies that they refer to, , is, the project would, , be, would, would be visually evident but not obtrusive.

(01:41:22):

According to the agricultural sitting study prepared for the State Department of Ecology when 1986, as far as I know, that's just a few years after I graduated to tell you how old I am. , so I strongly oppose it. I don't think we need it. There's enough people farming shellfish up and down the bay on all those sides. They want to put something like this in, go put it up in Quie, go put it in a bay that there's not a lot of people living already. And if they don't, you know, I I guess is Taylor gonna be writing checks for diminished value on people's houses? Thank you.

Examiner Olbrechts: (01:41:57):

Okay. Thank you sir. Alright. Elizabeth Lucas I said and then after , her I looks like Anna Andre. And is it, was that an applicant witness already or Ms. Anders or? Yes, that is. Okay. So after, um, Ms. Fluke then is, , I think it's Susan Gonzalez. So is Ms. P Fluke out there. Oh, there you are. Okay. Only swear in. Do you swear affirm and tell the truth nothing but the truth Ms. Proceeding? Yes. And that's F L U K E, is that right? Okay, great. Go ahead.

Ms. Fluke: (01:42:23):

Um, I move to Shelton. Um, when I came to Washington looking for a job as a nurse and I came to this rural setting as opposed to being in Seattle where they have all that stuff on the water. 'cause this is a beautiful outdoors place where people come for outdoor vacations and, and to enjoy the peaceful setting. Um, the environmental impact on the vulnerable species is well and good, but you didn't mention the vulnerable species of people. People are vulnerable to stress and this is an environmental stress when a rural city, when when I went outside the first night I lived here, you can see all the stars if you put in this operation and they say they're not gonna do it at night, but they're gonna have lights for the Coast Guard and they'll probably have lights for security and that's light pollution. You won't see the stars anymore.

(01:43:17):

Um, and I don't know what the purpose of this is because it doesn't sound like you're gonna have a big tax base. I have a tiny little piece of property across the street from the water and I get charged for that view five over \$500 a month and it keeps going up every year. And I'm on a fixed income. And, and as soon as I started living here, I reached out to find out what our invasive species be a good neighbor, try to take out those things that are invasive, plant the native plants and who you want to have neighbors planting good plants. Um, I don't know if this is gonna help pay the property taxes. It doesn't sound like it 'cause it's the water. So I don't know how that works. I don't know if it's going to decrease our, our property taxes, but you know, we pay a lot of money to have that beautiful view. , there was something else I was gonna say but I can't remember it now. <laugh>. Okay. Anyway, I hope that you don't approve this. Oh, here we are, this small, small town atmosphere, which is very important to me. That's why I moved here. And you're gonna have the biggest ever operation of oysters and you're only going to employ four or five people. That's not making sense to me.

Examiner Olbrechts: (01:44:40):

Okay. Thank you Ms. Flu. Okay, Ms. Gonzalez. And then after Ms. Gonzalez is, , Dave Douglas, sorry, in Ms. Gonzalez, do you swear affirm tell the truth nothing but the truth this proceeding? Yes. And that's G O N Z A L E S, is that right? Correct. Okay, great. Go ahead.

Ms. Gonzales: [\(01:44:57\)](#):

We bought a house on route three, three years ago on Oakland Bay as a science teacher. This house is my final dream project. After 40 years of teaching, we could have bought anywhere in the entire world, but we chose Shelton and specifically Oakland Bay. We had researched purchasing retirement home over for five years from the Columbia to the King County area. It's not a free and clear house. We have 27 more years to pay on our dream house and we're happy to do it with a great view. I oppose this commercial project based upon the mere fact that the year numbers keep changing. There's no way that all the residents received the number 99 and we all came up with that. If we have read, read it, we'll find it today. We hear 10 years no matter what. That is too long. If it's already a done deal under the table, it should be moved to a two year lease or at least to have enough data to collect on the amount of trash effects on wildlife, especially the Oracle whales they do to or through.

[\(01:46:00\)](#):

I don't know who got that idea. We have videos, salmon and seals. I do work a lot, but I still have many recreation activities and pictures of sailboats, motorboats, yachts, water skiers, jet skiers. Because recreation may be mostly on the weekends, maybe the workers don't see that. If Taylor Shellfish truly cared about the neighborhood, they would've done more. Or maybe the county would've done more than two neighbors who received postcards and a letter that looked like junk mail. I personally went door to door for three weekends with flyers and take them on drawers to let people know it wasn't Taylor Shellfish and it wasn't our county. Let's not forget, the postage stamp size notes that are posted are eight and a half by 11 sheets at the end of Taylor's entrance to the top of that bay. The speed limit is 50 miles an hour. I videotaped it myself. It's like this. It's very small. We have a neighbor two doors down, chose to have their own shellfish development. Personally I think it's ugly and I wouldn't want to have one myself, but I don't have a problem with it because it's directly in front of their own house. Taylor is choosing to be in front of all of our houses and Taylor does not live there. As far as I know, 50 acres is really big and I can't even add a dock. Thank

Examiner Olbrechts: [\(01:47:22\)](#):

You. Okay, thank you. Alright, now we have the Douglas', Dave Douglas and Jeannie Douglas. Will, , the Zoom callers have an opportunity to make comments? Yeah. Callers will as well. Yeah. Great. Thanks. Mm-hmm. <affirmative>. Okay.

Mr. Viscusi: [\(01:47:42\)](#):

In case my comment went beyond that.

Examiner Olbrechts: [\(01:47:45\)](#):

Okay. Reasonable

Dave Douglas: [\(01:47:46\)](#):

Period. Provide a copy of the text. My name's Dave Douglas. David Douglas, my wife and I own a home at 10 20 East Sunset Road. As a point of clarification, prior to starting my remarks, I just want to state that the edge of the bank along Sunset Road really run from about five to six feet above the beach up to

about 30 to 35 feet at the entry to the park. So it's not quite as extensive a climb as I think Mr. Bizi might have intimated saying 50 to 90 elevations on the houses are probably closer to that, that, , height.

[\(01:48:31\)](#):

I'm an industrial real estate broker and been practicing Washington state since 1979. I've earned the designation as a CER certified commercial investment member of the Realtors National Marketing Institute. And since 1991, I've been an industrial designee or industrial member of the Society of Industrial Office. Realtors. My comments today are gonna address three points. One proposed conflict with the Mason County residential rural five zoning, which is adjacent both sides of the bay. The applicant's conclusion that environments in which other large scale industrial oyster operations operate are comparable to Comb Bay, which we believe is wrong. Three, the negative impact of the project on Mason County Property tax. For revenues of life, the project is significant and should be considered by the county addressing the residential five zoning. My practice is focused quite heavily upon land acquisitions and dispositions and therefore navigated the State Environmental Policy Act process several times, many times for different projects. Typically, the SEPA determination is not issued within the 120 day minimum term usual eight year experience is nine to 12 months of time before a decision can be rendered. This is the first time in over 40 years of experience where I've seen a jurisdiction issue with D N Ss or determination of nons significance within a week of the applicant's complete filing of their application.

[\(01:50:10\)](#):

Most importantly, the D N SS was issued prior to any delivery of notice to any of the neighboring ownerships which may have been impacted. The surprising thing that I find is that this is occurring in a state where we pretend to protect the environment and advocate for endangered species. Property proposed by Taylor Shellfish flies outside the urban growth boundary, which has been defined by Mason County. It's located between two land areas, zoned rural residential five acres on the north and south sides of Oakland Bay. The closest area is not classified are are five over one mile north of the proposed location at Johnson Creek, where there's a 47 acre parcel owned by Capital Land Trust, which is owned rural tourist and close to three quarters of a mile east at the end of Chapman Cove, which land is classified as agricultural resource lands. The county has identified no zoning classification over the bodies of water such as Oakland Bay.

[\(01:51:21\)](#):

Reviewing the Mason County Code section 17.0 4.22 uses permitted under Rural Residential. Five shows that single family residential hobby farm, in parentheses small scale commercial agriculture including aquaculture and woodlots church, local community recreation centers, group poems, cell towers, fire stations, fish hatchery, and public utilities are the permitted uses. The proposed 50 acre industrial aquaculture site and no understandable way would be classified as a hobby farm. The only industrial use is allowed within the R r five zoning are cottage industries, which they also classify as home occupations. The code defines this as small scale commercial or industrial activities on residential properties performed in the residence or building accessory there too. The principal practitioner must reside on the property. Cottage industries are considered as residential uses provided they do not significantly alter the character of the site as a residential property and wholesale and retail trade is minimal. The issuance of the D N Ss without any required mitigation is quite astounding, particularly for an unusual waterfront development which will be present in the setting located within and shoreline buffers in an area zone r r five. At best, this decision evidences the lack of Mason county's attention to any semblance of governmental best practices and lacks a standard of care exercised by every other county in which I have practiced real estate.

[\(01:53:04\)](#):

Okay. Moving on to the comparison to other,

Examiner Olbrechts: [\(01:53:10\)](#):

Yeah, I, I think, , yeah, Mr. Douglas, I, I think as you mentioned, yeah, this has taken a bit more than five minutes and I, I guess, you know, just to try to keep some control on the time I can have. Your wife, your, i, I take, I take it your wife is Jeanie Douglas. She could read the rest of your written statement if you honor, she has different comments. Oh, she okay. <laugh>. Okay. Well, sir, do you want, , Mr. Douglas, do you want your, do you want your written comment made in exhibit Mr. Douglas? Mr. Mr. Douglas, do you want your written comments made in exhibit, please? Oh, okay. What's the number? Did you have Cal I think we're at 34 then. Is it? It'll be 35. 35. Okay. Any objections over Mr. Douglas'? I

Mr. Viscusi: [\(01:53:46\)](#):

Did want to ask about the exhibit entrance. Would it be better that all, um, all submitted public comments since my staff report be entered as one exhibit following the hearing?

Examiner Olbrechts: [\(01:53:55\)](#):

Um, I, I think let's, let's make them separate just because they're, , so it's clear what came in during the hearing and, and there's no confusion over that, so, alright. So this is, again, this is 34, was it? I'm sorry? Or 35. 35, okay. 35. Yeah. Any objections over entry of this email or rather written statement from Mr. Douglas? Okay. Hearing none, it's entered. I'll give the copy to the applicants so they have a chance to look it over if they, and if you could give that back to me, that's my only copy, so. Alright, great. Okay, Ms.

Examiner Olbrechts:3 [\(01:54:22\)](#):

Douglas, I have a copy of my remarks that I just left.

Examiner Olbrechts: [\(01:54:24\)](#):

Oh, okay. Great. Alright.

Examiner Olbrechts:3 [\(01:54:26\)](#):

Um, under oath

Examiner Olbrechts: [\(01:54:27\)](#):

We were, oh, Ms. Douglas, let me swear in now. Yeah. Do you swear further to tell the truth? Nothing but the truth in this proceeding. I'll, okay, great. Thanks.

Ms. Douglas: [\(01:54:33\)](#):

Under oath, we were just presented with at least four renditions of what the aquaculture site is going to look like. What is the truth of what the aquaculture site is going to look like? This is what was in your application. I have seen round things, square things, flat things, all kinds of things. And I am have, I don't know what the truth is of what your aquaculture site is gonna look like. I'd like to know, that's my first question. Also, living on the bay, um, we often see Taylor Boats going weekends and nights, so I, I don't think that you're, you were being truthful in, in sharing that information. Um, get back to my remarks. My name is Jenny Douglas. My husband and I own property on East Sunset Road in Shelton. We are here

with probably a handful of others in this room, who, in my opinion, are unique in that we are not currently being held hostage by the breed of Taylor's shellfish company.

[\(01:55:25\)](#):

However, that may soon change if we are forced to accept an industrial oyster growing complex and production complex being inserted into Oakland Bay. Unlike Mason County, the Squawk Island tribe, Oakland Bay Marina, and a handful of state agencies, we are here solely to advocate for the future of Oakland Bay and its fragile ecosystem that has clearly been ravaged by industry over the decades and with full transparency to protect the value of our property. After reading Mason County's recent recommendation to approve the installation of an industrial aquaculture site in the only deep water section of Oakland Bay, I was left stunned by what seems to be the county's leadership's collective ignorance and apparent complacency and accepting the deal Taylor has made. Taylor's offer of mitigation is laughable and honestly insulting. Let's make it clear anyone who believes Taylor Fish is being generous and is offer of access to 60 and 0.169 acres of mudflats, some of which is accessible only by descending a rope in exchange for their limitless use of 50 acres of prime waterway owned by the people of the state of Washington, can only be misguided in their expectation of fair play.

[\(01:56:37\)](#):

Taylor has one goal in this and his other corporate grabs around the state, and that is to enrich Taylor Shellfish company. Not only are these mitigation parcels to remain under ownership of Taylor from which they'll still benefit, but Taylor will also be the sole beneficiary from compromising the health and safety of we the people's waterway in perpetuity or until they complete completely abandoned the project. I have seen no comment about who would be in charge of the oversight of this industrial complex. What I have heard is from d n r employees themselves who claim to be so understaffed, they couldn't supply me with a list of 22 shellfish leases that they currently have in the Bay. We have learned that Taylor doesn't make a very good neighbor and that because, and, and that makes sense and that's, and that once they grab a hold of this bar, the doors, because the president's setting nature of this project will open the literal floodgates for Taylor to move in wherever they please.

[\(01:57:32\)](#):

Please note the waterways Taylor sites where there is currently industrial floating aquaculture are in no way comparable to Oakland Bay other than being water. Truth be told, this project will insert the largest industrial aquaculture site in the state in the middle of a very small estuary. A few of us have been asked by the government how many times we kayak or sail the bay since when did the private recreation of a community become anybody's business, let alone the scale on which equal access to state managed waterways are based. Since when did the scope of some random individual's perspective represent all who live in the vicinity of this proposed project? Many of us here today have a scope with a much greater perspective. And finally, when can we once and for all say no to Taylor's greed? I beg you, sir, use your power to do that today. Thank you. Thank you Ms.

Examiner Olbrechts: [\(01:58:33\)](#):

Okay, next for the Laings, William and, , Kathy Kent, I have a question. h didn't know that we had a check to testify. Oh no. I'll, I'll ask if anybody else wants to test. Once I get done with the list and we're done with the people on the, on the virtual, we'll go to asking anybody else. So, alright. Mr. Lanning, do you swear affirm and tell the truth nothing but the truth in this proceeding? I do. And that's L a n n i n g. Okay, great. Go ahead.

Mr. Lanning: [\(01:58:58\)](#):

Good afternoon. My name's William Lanning. I've lived on Oakland Bay for the past 25 years. One cannot ask for a more beautiful, serene, and tranquil setting on this earth. Oakland Bay is considered a gemstone of our county. Hopefully it will continue to be so. If this lease application is approved, not only waterfront home residence will be affected, but all county citizens will have lost something very special in their lives. This proposed plan will forever change the nature and the character of our region. The waterfront folks won't be the only ones affected by this floating contraption that will benefit only one company's profit.

(01:59:37):

Let's see where no, the application is for a 10 year lease with options following. Think of this iso floating in the middle third of the bay for at least the next 10 years. What a tragedy this would be. All homes in the area will see diminished values as a result of this revaluation property tax revenues will be significantly diminished as well, negatively impacting city and county public services. These issues are certainly troubling, but there's one that is most concerning, that is our apathy related to what our role as humans is to our environment. I was raised believing that we have a special responsibility in ensuring that our natural environment be protected and that we are deemed appointed stewards of our special home. Let's be good stewards and protect the natural beauty of our bay.

Examiner Olbrechts: (02:00:31):

Thank you. Thank you sir. Alright, Ms. Lanning, I'll swear in. Do you swear affirm to tell the truth nothing but the truth in this proceeding? I do. And after Ms. Lanning is Bill first there, so, okay, go ahead.

Ms. Lanning: (02:00:45):

Thank you. Mm-hmm. <affirmative>.

(02:00:49):

I just wanted to, um, reference the earlier testimony about the , activity in Chapman Cove saying it was Monday through Friday. It weekends also. I've seen it, it's a lot of weekends, Saturday and Sunday. So anyway, my name is Kathy Catlan and I have resided on Oakland Bay for 30 years. My late in-laws bought the property in the 1960s. So they are familiar with Taylor Shellfish and the oyster dykes at the mouth of and in the interior of Chapman Cove. I'm sure they would've been dismayed to learn that Taylor is currently proposing an industrial floating oyster aquaculture in the middle of the bay. They loved affecting the aesthetic quality of the area and lowering home values. We now know that those log booms that were prevalent on the bay in the helped contribute wood wastes to the water, thereby adding to the contaminants presently in the sediment.

(02:01:45):

A study by the Department of Ecology in 2011 determined that Oakland Bay sediment identifies above acceptable levels of dioxins and bureaus. I'm not sure if I'm saying that right. It is prudent. Is it prudent to disturb the contaminated sediment on the sea floor by placing 60 anchors and up to 30 screw anchors installed in the center of each line. If there are 30 double lines with each line requiring 30 screw anchors, that will either be 900 or 1800 for double line screw anchors. Let us err on the side of caution. As this oyster bag floating aquaculture lease proposal is being pushed forward without truly understanding the consequences of that action, we can't underestimate the effect this unnatural barrier will have on sea life, including southern resident killer whales who have been known to feed in the area. I was excited to actually see three killer whales in our bay last summer.

(02:02:43):



The Taylor proposal will be a floating oyster net barrier that is similar to the killing fields at the Hood Canal Bridge. Salmon and other fish, fish species are thwarted in traversing past the floating bridge on their outward journey, resulting in a high mortality rate as they are picked off by hungry seals and sea lions. During this past winter, early spring, I noticed a sharp decline of ducks, yeast looms and other seabirds normally present in Oakland Bay close to Chapman Cove. I came to the conclusion it was more than likely due to all the boat human activity who worked the Oyster Bay cultivation system in Chatman Cove. We often see worker activity every day of the week as the scope of the project has increased. The environmental cost of this proposal would be a disaster for the wildlife in the rest of the bay, as they too would be adversely affected by all the farming activity. Thank you for considering my comments. I am strongly opposed to final approval of this application. The benefit of this project is not to the community, but to the bank account of Taylor Shellfish. Let us all be good stewards of open base, fragile ecosystem and preserve it for future generations to come.

Examiner Olbrechts: ([02:03:56](#)):

Thank you. Okay. And Ms. Katlan, you, you handed me a, um, study here.

Examiner Olbrechts:3 ([02:03:59](#)):

That is what I was referring to

Examiner Olbrechts: ([02:04:00](#)):

In my Okay. Do you wanna put that in the record as an exhibit? Yes. Okay. Alright. Any objections over the Bud inlet in Oakland Bay, dioxin and furs 2011 sediment results?

Speaker 5 ([02:04:10](#)):

Your Honor, um, we have no objection to the entrance of that exhibit. We are also aware that a number of comment letters were submitted, um, very recent to the, , to this hearing. Mm-hmm. <affirmative>, so we have no problem with those being part of the exhibit provided we're allowed an opportunity to provide Yeah. Some

Examiner Olbrechts: ([02:04:27](#)):

Sort of written response. Okay. I thought you might

Speaker 5 ([02:04:29](#)):

Be about a week

Examiner Olbrechts: ([02:04:29](#)):

After. Okay. Alright. Yeah, we'll deal with that at the end of the hearing, but I'll give you a chance to, to do that. Alright. And this is 36 then I admitted as 36. Alright. Okay. So next is, , as I said, Al fierce and then Florence Fierce. And I probably got your pronunciation wrong there, but lemme swear you in first, sir. , do you swear affirm to tell the truth, nothing but the truth in this proceeding? I do. Both of you. Okay. And, , how do you spell your last name? I'm not

Mr. Viscusi: ([02:04:54](#)):

Quite, it's f i e r s

Examiner Olbrechts: (02:04:57):

T. Oh, okay. Great. Okay, good.

Mr. Fiers: (02:05:00):

So we are Bill Florence Pierce. We own the property at 10 80 East Sunset Road. I'm very concerned this project and oppose it. And at the end I'll list we're, it violates code of Mason County. We spend most weekends in the summer. You won't find us out there in December. Kayaking on the beach. Last weekend we had 10 people out there with four kayaks. And next weekend we, we have friends and family coming as well. Our two grandsons have stated that this is the most beautiful place in the world and they'd rather be here on the bay kayaking than anywhere else in the world. There was some discussion about what was gonna be out there would be low to the water. Well, all the most of the houses are high to the water, so this is what it's gonna look like. It's not gonna be looking at 12 inches off the off the ground. It's going be, it's gonna be ugly as far as the aesthetics go.

(02:06:08):

It would be terrible to impede the navigation. If I start in the middle, which probably where my property is to get across the water, I'm gonna have to go 800 feet that way across the bay and 800 feet that way I'm in good shape. But that's a lot of paddling. This this project is not in the public interest. It is only in the interest of the large corporation. This next I'll go with the county codes. I won't repeat them each time, but just the ends of them. County code 17 59, 2 10, a 10 states recognition should be given for the possible impacts of aquatic activities might have on the quality of the shoreline area. And certainly looking at 600 1600 feet of these cables is, is gonna impact the, the view from the shoreline in two ten eight twelve states. Aquaculture activities should be operated in a manner that allows navigational access to shoreline and commercial traffic.

(02:07:24):

You've seen the picture that they had, the boat speeding between 'em. That's because they, they were probably 1600 feet long or more and they wanted to get through 'em in 2 10, 8 13 states polling agriculture should be reviewed with conflicts to water dependent uses in areas utilized for more wage, recreational boating, et cetera. Again, we're out there every weekend. Summers code, um, county code two 10 B one E states consistent with mitigation, sequencing, agriculture uses and developments may be required to provide mitigation when, where necessary to offset significant adverse adverse effects to normal public use of the waters. And there will be a significant impact of what we stated already. I can't get across the water without a lot of effort. In two 10 B one J states to the maximum extent practical flowing structures shall not substantially detract from aesthetic quality. Is that right? And I've already stated this is not doing that.

(02:08:44):

It, it's detracting and two 10 B one a states agricultural structures shall be placed in such a manner to be suitably sized and marked as to minimize the interference with navigation. Again, the 1600 feet is gonna interfere with my navigation and there's no way to minimize that except not approve it. And code 15 0 9, 0 5 oh c c two says development does not impact the public health, safety and welfare in the public, in in the public interest. And this is definitely not in the public interest. It, it restricts the public interest to use it and only lets Taylor Shellfish use it.

Examiner Olbrechts: (02:09:33):

Okay. Thank you sir. Appreciate your comments. All right. Next are the, , Clarks Kathy and, or excuse me, just Greg Clark is, , listed as wanting to say something after Mr. Clark is, , mark Herrick you swear in Mr.

Clark. Do you swear or affirm tell the truth, nothing but the truth, Ms. Proceeding? Yes. Okay, great. Go ahead.

Mr. Clark: [\(02:09:58\)](#):

My name, my name is Greg Clark. Um, I'm a professional engineer, , for over 45 years. And, , we bought three lots on, , Seamount Way, Seamount Way. And we, we looked down on Oakland Bay and the, it, it's beautiful and the thought of this large, exceedingly large, , grow growing culture, , to be down on the water or I'm gonna be looking down on this thing is just, I, I can't believe it. I I am so, , upset too with the notification, the public notice for this particular project. I mean, this thing has been going on for, I don't know, three, four years and I've yet to get a notice of, of this hearing without the neighbors lady down there. She walked and knocked on our door and told us about it and was like, what? And then there was some stuff in, in the, , Mason County Journal certainly, but, , the, the, the public notice was, is just wrong. I mean, more people would be here. This room should have been,

[\(02:11:08\)](#):

Should have been at the city hall and or so enough people could get in here and have, , and see this thing. Anyway, I was just the, the the other point, um, the recreational, , marine use of the Oakland Bay. I mean, if you're a sailor and you're on attack and you got this big 50 acre, , thing, you gotta tack around all the time. And if you're in a kayak, gotta be paddling, , it's way too big. I would really highly suggest that this thing be phased where you can start out with a small amount of, of a floating culture, um, and, and see how it works and see the impact has some ongoing requirements for testing and have those reviewed annually to see if they need to reduce the size of this thing or they'll allowing it to increase. Okay. Maybe. But, um, start out with 30,000 bags. The biggest one in the state just is, I think crazy. Um, anyway, I'm very much opposed to it, at least in the way it's being brought forward at this point. And, , we, we definitely need some kind of monitoring to, , help see if this thing is impacting our, our beautiful bay. Visually it's, I don't know what to say.

Examiner Olbrechts: [\(02:12:29\)](#):

Okay. Thank you sir. Alright, next is, , mark and Kristen Herricks.

Speaker 4 [\(02:12:37\)](#):

Oh, great.

Examiner Olbrechts: [\(02:12:41\)](#):

And is that, , H E R I N C K X, is that right? Yes. Okay. You swear. And sir, do you swear affirm and tell the truth nothing but the truth in this proceeding? I do. Okay, great.

Mr. Herinckx: [\(02:12:52\)](#):

My name is Mark Harings. I'm a Mason County resident. My wife and I own a waterfront Coleman Oakland Bay. After years of hard work and a long search, we found this home and bought it because of the beautiful, mostly natural view of the bay. Now the view and the bay are being threatened. Fortunately, the Mason County Shoreline Master Program has some guide rails in place to sort out competing interest for section 17 7 8 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 the environment of the shoreline area and any interference with the public's use of the water section. 17.50140 places the burden of demonstrating on the county that the proposal has not interfered

blocked or discouraged use of existing access. The county and Taylor have fallen well short of demonstrating that this criterion has been even remotely met.

[\(02:14:16\)](#):

The inherent problem with this industrial commercial installation is its massive 50 acre size. The resultant blockade of Oakland Bay and the takeover of public access by a private company. They didn't go big, they went massive. Although Taylor likes to emphasize a smaller footprint of the nets themselves, this is complete nonsense. What matters is the 50 acre footprint all placed dead center in the middle of Oakland Bay in in the area of the deepest most navigable water. I'm a long time boater in Sailor. I have a boat up here on the sound right now. It's in Olympia. And, and I'm a member of Olympia Yacht Club. And Taylor's argument that you would want to navigate between the 1800 foot moving lines is laughable. Certainly it's sailors. And I'd like to point out also in that one exhibit they're imposing, I believe it's a six mile an hour speed limit.

[\(02:15:17\)](#):

That boat was probably doing 1520 down through those bags. And I guarantee you Taylor's gonna have a big problem if you take a speedboat through those lines. Big problem. And nobody in the right mind would do it anyway because he'd get tangled up. This will effectively shut down the beta boaters usurping the best prime public anchoring area for private profit. Taylor already farms a huge portion of this bay and their offer to offset this complete takeover by offering some pathetic mud access that they currently own is woefully inadequate. This proposal does not increase public access. And the idea that Taylor is offering upgrades to a boat ramp on a bay that they intend to block access to as pathetic. See this for what it is. It's a private precedent setting, industrial growing operation of massive size that does not in any way increase public access and destroys current access.

[\(02:16:19\)](#):

Taylor must be denied. I'd also like to request that the examiner pay particular attention to Exhibit 24, which is a study how these are impacted by aquaculture installations. Taylor's assertion that the impact will be minimal is incorrect and based on low viewing angles. I'm sure you saw this when you went out East Sunset Road earlier today. The property set quite a bit higher considering that the majority of the homes surrounding the Bay have beaming angles that are 30 to 60 feet above the water or more. The cone of view of the viewer will be completely dominated by the footprint of this industrial operation. There's a huge difference between the natural view and the view of a commercial plant. Taylor has not and cannot get around this problem and has not adequately addressed this aspect of the S M P. And also in this study, you will note that all of the examples are far smaller.

[\(02:17:23\)](#):

, the study that they're using for visual impact are far, far smaller in the, in the area of about 10% of the size of this installation. , what a couple other points. Um, the idea of, , job creation. I disagree with, , two to five jobs. What's the future of Oakland Bay? What's the future of Shelton? How many jobs are provided by the surrounding properties, waterfront homes or expensive homes? They, the construction of which maintenance of which provides a lot of jobs. Not to mention people that live upland that enjoy the view of the bay. Please deny this request. Thank you.

Examiner Olbrechts: [\(02:18:08\)](#):

Thank you Mr. Hendricks. Alright. Um, Mr. Hens after Ms. Hendricks is Roger Wilson.

Examiner Olbrechts:1 [\(02:18:17\)](#):

Roger, I already

Examiner Olbrechts: (02:18:18):

Spoke. We spoke

Examiner Olbrechts:3 (02:18:19):

First. Oh,

Examiner Olbrechts: (02:18:20):

Oh, oh, that's right. I, sorry,

Examiner Olbrechts:3 (02:18:22):

I'm already sworn. No you're not <laugh>.

Examiner Olbrechts: (02:18:24):

Yeah. Lemme swear. Do you swear or affirm tell the truth, nothing but the truth in this proceeding? Yes. Okay. And after Ms. Hendricks, is, , Kevin Lorenzo then? Yeah. Alright, go ahead.

Ms. Hendricks: (02:18:34):

I'm not gonna read all of this 'cause I'll just end up being redundant. I would like to say to the gentleman who is the consultant talking about how this will clean the water. No, no. That's not what it does. And the scale is the problem. When the major problems that I see is the fact that we are talking about 50 acres of oysters. I did some math based on research of how many oysters can you put it in acre, et cetera. We are talking about 75 million oysters, a single species. Anyway. So all of the math that has been thrown around that I have heard is really incorrect. And this would be a flat out experiment because there is no site in the US of a, not just Washington, but all of the United States that has the ratio of oysters to this amount of water. For example, Humboldt Bay in California, that is 16,000 acres for the Bay for what is allowed that is not restricted because of pollution.

(02:20:00):

Dioxins created not just by Simpson Lumber, but by other companies as well. For years and years and years. I mean, we are talking way back sixties, seventies is when they started dumping crap in the water. At any rate, this has been historically a, , a zip code where industries take advantage of the general populace. And this is number two for the entire state of Washington for cancer. All cancer occurrence per capita number two. And yet we are 20th in terms of population density. And I don't think that that is a coincidence at all. So now we are talking about further raping and pillaging the bay again. Anyway, I will, I will try to stick to my remarks or my, um, let's see. , Mason County is poised to prostitute Oakland Bay on the alter of greed. Why? By Taylor's admission, they will assign existing workers to this or only a few.

(02:21:25):

The only entity Taylor Shellfish plan benefits is Taylor Shellfish. Their plan will do the following, destroy the view shed. Taylor claims a minimal percentage, the same supposed percentage if DaVinci painted the Mona Lisa with a spider coming out of her nose. Diminished value for the residents around the bay, many of whom are retirees diminished tax base for Mason County, diminished ability to navigate and enjoy the bay recreationally, especially sailboats with keels diminished habitat for salmon, orcas and other wildlife destruction of the ecosystem. A single species introduced on this scale in a small Bay Bay will gobble species up. They will gobble up the, they were talking about the phytoplankton, which was very ironic because that is what the food chain is based on. And you noticed his demonstration where

they put the bag of oysters and then wow, the old, the, the water's clear. Well, that's not necessarily good because a lot of species down the line, they depend on that. So you're talking about sucking out all of the nutrients for the other species that exist within the bay.

Examiner Olbrechts: (02:22:54):

Ms. Interrupt to five minutes. So if you could Oh, wrap it up pretty quick. Yeah.

Ms. Hendricks: (02:22:58):

Um, Taylor's offering a strip of mud to offset our loss to be accessed via private property. This is ridiculous on its face. The other thing is the diminished, , tourist dollars. Taylor has the audacity to say that their industrial aquaculture, aquaculture will be a tourist spot. Would they risk that kind of liability? No, they're not gonna give tours out there. It's ridiculous. Given options for vacationing. Most will not want to look at an ugly industrial oyster farm or smell dead oysters either. Oh, and that brings me to the other point. Stink. The gear is not infallible. The plastic bags, they break off, , then the oysters wash up and they create a stench. And on the East coast this is lawsuit where they, , anyway, I think that's about it. Okay. For the record, I am radically opposed. <laugh>.

Examiner Olbrechts: (02:24:06):

Yeah, I got that impression. Thank you. Okay, so Mr. Reso, and after Mr. Reso is Nancy Wilmer,

Mr. Viscusi: (02:24:15):

Can I just ask before the next speaker, has anybody given you any more comments that need to be entered as exhibits?

Examiner Olbrechts: (02:24:20):

No, I mean, I don't enter exhibits that are fully read into the record. So that's, that's why

Examiner Olbrechts:3 (02:24:27):

Did you put mine in.

Examiner Olbrechts: (02:24:34):

Okay. Alright. So, Mr. Renzo, after Mr. Renzo is Ms. Wilmer. So Mr. Renzo, lemme swear in. Do you swear Affirm tell the truth, nothing but the truth in this proceeding? I do. Okay, great. Go ahead.

Mr. Renzo: (02:24:44):

Um, I invite, , I put in the chat up there a couple of videos. I invite somebody if they have the authority to play those, , while I get my, my little record here. And they should be, um, um, submitted for the record. , first I'd like to mention to this appointment that I feel that I had to drive all the way down here from Vancouver Bridge, Columbia is to be here today. Oh, exhibit, exhibit eight alone, , of the proposals full of many inaccuracies as were the, um, the PowerPoint given about, , the effect on mammals. I'm sorry, the exact, , the page I cannot remember. But the proposal states clearly on state 36 on page, , 36 in regards to the, , whale population, , effects from the proposed. And I quote, the effects from the proposed project to the S R K W are expected to be minimal and vegetable due to the infrequent use of the shallow areas.

(02:25:45):

But later in the paragraph it says, , while the proposed project overlaps with depths greater than 20 feet relative to the extreme low tide, it is still within relatively shallow area. My first video shows, um, I don't know if anybody can show it, but it shows, , whales in, , the Bay. So that's proof of, , just recently Whales in the Bay. Even when I was down here last week, I did see, , other whales in the bay as well. Fortunately, I didn't get a video of that one. I can't get a video every, every time for this.

[\(02:26:24\)](#):

Um, yeah, there it is. Thank you so much. Yeah, if you just play that, um, this is just, , looking in of, of the whale population that does actually frequently bay. So this is inaccurate. Um, we obviously didn't get enough time to, , you know, take a look at this proposal because it's been sped so fast in that, but obviously we're gonna appeal it when we get there. But, um, this should have been appealed a long time ago. The second video, if you don't mind playing. Thank you so much, <laugh>. Um, I tried to share my screen but I wasn't able to, , take over. You don't allow Canadians to take over <laugh>. This, , is a video now of the float plane. Um, this is an important video because the float plane actually flies past the fire that was there, um, about a month ago, the fresh fire. So you can actually see the float planes picking up the water to go put up the fire. I guess you guys won't be able to do that. Being a Canadian, I could tell you how tough forest fires are, <laugh>.

[\(02:27:31\)](#):

So I want to know what these statements mean. Um, they're inaccurate. , I'll give Taylor the benefit of the doubt that these errors are something that you overlooked. , but this needs to be examined further, at the very least before those bags are dragged to the center of the beautiful bay. Remind my, remind me never to allow my kids to go to graduate school down here, <laugh>. I was also looking at the differences between the proposal and what is currently in my province of British Columbia. We aren't talking apple to apples, I can tell you that I spent a lot of time on Vancouver Island and outside of Denman Island as well. This is not the same. This is very small. You are making a mistake allowing this to happen. And, and I'm talking to everybody about this. It's not the same based on size.

[\(02:28:18\)](#):

Even the structure of the banks themselves. I've been at a Canadian university and I feel you all need a math lesson. Let's say that 50 residents are gonna lose an average of a hundred thousand dollars of their property value due to this floating garbage. I think that's conservative, that five mil could be used, , to appeal this. And we'll go pretty far to do that when it's only 290 bucks. Um, I think we could get a few thousand bucks together, plus that'll buy us 12 to 18 months to continue this fight, unnecessary fight. Um, and it'll allow us to investigate the stakeholders closer and follow the money. Personally I'd live, I'd like to give you an example of what you'll lose in the property surrounding the Bay. When I first bought around the Bay, , Shelton was a little bit sketchy. , I come from Vancouver, so, you know, <laugh>, I felt that the areas improved, however, and I think a lot of that has to do with property values and, and, um, the money that we're getting from those property values, which you guys are trying to destroy this chance has, this town has a chance to be Seattle's little summer home vacation retirement community.

[\(02:29:28\)](#):

But this will ruin all that and I'm sure everybody agrees. Thanks.

Examiner Olbrechts: [\(02:29:31\)](#):

Yes. Oh, Mr. Renzo question, just a couple on, on your videos there. 'cause I imagine you wanna get that in the record. Yeah. So when did, when did you take the, , the video of the whales?

Mr. Viscusi: [\(02:29:40\)](#):

Um, the video of the whales was end of last summer.

Examiner Olbrechts: (02:29:44):

Okay. Um, and that was on the, where, where did you take it from? I mean, I know it was in the bay. It was from my

Mr. Viscusi: (02:29:49):

Property. Oh, okay. It, I just happened to have my phone with me. Oh, I see. I saw them jump

Examiner Olbrechts: (02:29:53):

In. And where's your property on the bay?

Mr. Viscusi: (02:29:55):

It's on, , you drove right past me today.

Examiner Olbrechts: (02:29:57):

Oh, okay. Okay. So

Mr. Viscusi: (02:29:59):

Sunset,

Examiner Olbrechts: (02:30:00):

Sunset Road. Sunset Road. Okay. Gotcha. Gotcha. Alright. And, , yeah. Okay. So any objections over the two videos coming into the record? Okay. Hearing on those will be admitted as Exhibit 37, and Mrs. Hendricks asked that her written statement, I guess there was more in writing than she testified about. She wants to get that in the record. Any objections over that coming in as exhibit 38? Do you need a copy, applicant's or,

Mr. Viscusi: (02:30:22):

, we'd request a copy of them to review.

Examiner Olbrechts: (02:30:25):

Okay. Alright. So that's admitted as 38. Okay, great. Examiner? Yeah.

Mr. Viscusi: (02:30:30):

Um, bill Fierce, , , submitted something that he also didn't completely read from, um, paraphrase. So I asked that the

Examiner Olbrechts: (02:30:41):

Exhibit No, he did he read the whole thing? I, yeah, that's why I didn't, yeah, I watched it. Yeah. Oh yeah, he watched through every single one. I apologize. Every single citation. Yeah. Okay. Alright. So let's see, where am I at now? <laugh>? What, what was that? Ready? Oh, there you go. Okay, Ms. Wiler. Alright. After Ms. Wilmer is, , Mr. Wilmer, so let me swear you in. Do you swear for to tell the truth? Okay. And that's w I I m e r n n. Okay. Okay. N e r. Just to



Ms. Willner: (02:31:07):

Sweeten everybody up a little

Examiner Olbrechts: (02:31:09):

Bit. Oh, there you go. Yeah. You tell

Ms. Willner: (02:31:11):

I'm a retired nurse and educator.

Examiner Olbrechts: (02:31:14):

Yeah, I think we need some caffeine in there. Probably. I

Ms. Willner: (02:31:19):

On the Sunset Road. And before I start, I'm gonna try to be really fast. This was in their display, um, in, in Taylor's display. But notice that they cut this part off. Okay. Just, just f y i. So this was the red and this is, um, almost red, yellow. Um, let's see. I have a lot of versions here. I'm trying to be really fast. Nancy Carkeek Wilner, my husband and I live on East Sunset Road. My family's enjoyed the waters of the Pacific Northwest since the 18 hundreds. They left a legacy of scholarship at the UDub, a park in Seattle, a museum history of industry. And I I'm just curious what legacy Taylor wants to leave. We love being able to play on the water, especially kayaking stand out paddle boarding in Oakland Bay, the grandchildren life, poppy to toe them on inner tubes behind the boat.

(02:32:12):

We are against Taylor Shellfish further invading the public waters of Puget Sound. The proposed commercial aqua structure will benefit Taylor, only not the Mason County residents. So there's just three reasons that have already been covered. So really fast, it's too big. It's gonna alter the bay ecosystem from the benthos to the, to the um, fish to the whales and to the eagles overhead. It will almost fill the bay side to side. It's, and it's very, very shallow only, you know, 30 feet deep there. It'll be a barrier to all who live, work and play in and on the bay, including the plains, which scoop water. The commercial aqua structure will desecrate our peaceful water view. Please deny Taylor Shellfish, this commercial lease for the health of Oakland Bay and the residents of the community. There are so many other options for this bay that will bring more into the community. Thank you. Okay,

Examiner Olbrechts: (02:33:08):

Thank you. Alright, next is, , Lori Elder and after her is, , Richard Chris Christofferson.

Examiner Olbrechts:3 (02:33:18):

Excuse, I'm putting that with it 'cause shows how <inaudible> is

Examiner Olbrechts: (02:33:22):

<laugh>. Okay. Alright. So I guess exhibit 38. I've just been given a map of the Bay. Any objections over entry of exhibit 38? Okay, should be 39. 39. Okay. 39 <laugh>. There we go. Okay, let's see. And we've got, , Ms. Elder, is that right? Okay. Sirian, do you swear Affirm tell the truth, nothing but the truth in this proceeding? I do. And that's E L D E R? It is. Okay, great. Go ahead.

Ms. Elder: [\(02:33:56\)](#):

Okay. Um, yes, thank you for listening. My husband and I have lived on Oakland Bay Sunset Road for 28 years. In my mind, this project is a government takeaway from the residents, taxpayers voters of Mason County to benefit one entity. Taylor Shellfish seems to be a loan of public property for private use. I urge you to deny this permit that hurts the public good. In many ways, Taylor Shellfish can, seems to do whatever they want in this area for as long as they want. Um, I believe that 99 year reference was in the seek checklist from April May. So that is a question I have is how long is the lease? Seems like the county doesn't know and Taylor didn't address that in their remarks. So we would like to know that for sure. Um, and, um, I'm not aware of the conditions that the county has added to the permit.

[\(02:34:59\)](#):

Um, and if it requires monitoring the environmental impact in the future, should this project be implemented, in addition to losing control of the environmental health of the Bay, the public loses a beautiful natural waterway that is truly the jewel of Mason County. This, , permit essentially turns this wonderful peaceful bay into an industrial site for private gain. That natural view of the water is lost seemingly forever, if in fact it's a 99 year lease. And I was thinking it's a little bit like being a little pregnant. You either have a positive view of nature or you have a view that has a manmade structure on it. It is, it's not really a little bit, it is one or the other and the public loses unrestricted access to movement on the bay for recreational use. The size and scale of the project will eliminate forever, it seems if it's a 99 year lease to to paddle, swim, sail motor across the bay.

[\(02:36:04\)](#):

Um, I'm also unclear about the size of the project. I don't understand the nine acres and the 50 acres, but if 50 acres is what it is, just to give you a visual, that's 38 football fields that would be the size, , of the project in the middle of the bay. And I'm not even sure that there would be a navigable channel on both sides if it is that size when the tide is out. So if the county is managing natural resources on behalf of the citizens, residents, taxpayers, and voters of Mason County, I believe you have to deny this permit. And just a question, I don't have a printed version. Can I email it to you right now? Okay, thank

Examiner Olbrechts: [\(02:36:50\)](#):

You. , , printed version of what now? Of

Examiner Olbrechts:3 [\(02:36:53\)](#):

My

Examiner Olbrechts: [\(02:36:54\)](#):

Comments that I just made. Okay. Yeah. I mean, as long it <crosstalk> to print it. So, I mean, as long as you've read the entire comments, we don't need it. It'll be part of the transcript and yeah, it's in the record. Yeah. Yeah. Thank you. Alright. , so like I said, next is Richard Christopher and after that is, , gene Gonzalez. I think, and lemme say while he's coming up here, , you know, at five I think, we'll, you know, if we're not done, we'll continue to another day at four o'clock I'm gonna assess whether we can finish by five and if not, I'm gonna take the testimony of everyone who wants to be done with the hearing today and get out. And then I'm going to encourage that the continued hearing be as virtual as possible. I'll be attending virtually and then that way people don't have to come again. But there'll be that option if somebody, you know, wants to be here in person. So that makes sense. I'll, I'll go over it at four o'clock. Alright. Thank you sir. Okay. And I was, this is Mr. Christofferson and that's c h r i s t o p h e r s o n. That's right, sir. Very good. And you swear in, do you swear affirm him to tell the truth and nothing

but the truth? I do. Yeah. And you just, you have good handwriting, that's why you do that. But yeah, go ahead.

Mr. Christopherson: ([02:37:57](#)):

, well I, I'll say that I'm going to, , reduce my talk down to about 10%. Okay. And that's probably repeating what people have already said also. But what really struck me about when I started thinking about the change and what Taylor wanted to do and so forth, was the scope of it, how big it was. And it is, , and Lori was just asking, she doesn't understand how big it is, but if you don't subtract all the water between the rows, which is what they do to get the six or nine acres, , it's a very big project. , the perimeter of Taylor's oyster farm would be nearly a mile long. And if you're interested in how many square feet would be included in the space, it's right around 1,900,000 square feet. , just multiply the 1,800, , foot, , cables would be width from row to row.

([02:39:16](#)):

And that's what you get. , so, , it's a big ugly structure floating in a beautiful bay. And that's the theme that I want to deal with here. Taylor did not own, , did their own visual assessment study. It's titled Aqua Culture Siting Study Exhibit 24. And I'll quote what they concluded. , they concluded that the proposed aquaculture will be visually evident but not visually obtrusive. , not true. , some of this, something of this size made of aluminum and high density poly polyethylene mesh does visually intrude, , in fact would destroy the stunning vistas that have graced Oakland Bay for centuries. Oakland Bay is often incandescent beautiful. I like that. I fucked that up. Floating oyster bags are not, , there's no way to mitigate what would be lost if Taylor, , bills their industrial size aquaculture machine. A lot of people have pointed out that the only people who are going to benefit by this are the stakeholders in, , tailored seafood. And I think that's correct. , do the right thing, save Oakland Bay, , for all the right reasons.

Examiner Olbrechts: ([02:41:07](#)):

Okay, thank you sir. And , Mr. Christofferson didn't read precisely his letter, so I guess any objections over his written letter as Exhibit 40? Alright, hearing honor, we'll get that in there too. Alright. Okay. So, um, Mr. Gonzales, g o z a l a s, is that correct? Yes. Alright. Lemme swear you in. Do you swear affirm and tell the truth nothing but the truth in this proceeding? I do. Okay, great. And, , Janie Aiken is after Mr. Gonzalez. Okay, go ahead.

Mr. Gonzalez: ([02:41:45](#)):

My name is Jean Gonzalez and my wife and I own a house on State Route three on Oakland Bay. This development has gone as far without proper notice and consideration to those of us that live here and only two of the residents around the entire bay received the proposal letter and a yellow postcard. This is very sad to us of all of us that work hard and retired purchase our dream homes as many of you have. And we have to pay. My wife and I have to pay 27 more years to view 50 acres of this development. Um, the lease is exceptionally long. I'm now hearing 10, but originally heard 99 years. If this has already been secretly passed, it should have only gone for a trial of one year to see what type of threat this would be to the marine life, environmentalism, tourism, recreation, and the local residents. Please stop this commercial development.

Examiner Olbrechts: ([02:42:55](#)):

Thank you, sir. And now Ms. Aiken, after Ms. Aiken is, , Melissa Kennedy. And is that a i k e n a i k e n. Okay. Do you swear affirm and tell the truth nothing but the truth in this proceeding? I do. Okay, great.

Ms. Aiken: [\(02:43:12\)](#):

So my family owns property in Oakland Bay. Taylor Shellfish states numerous times in Exhibit 22 that aquaculture is a preferred water dependent use of the shorelines according to the Shoreline Management Act. Although this statement is accurate, aquaculture is only one of the preferred uses according to the shorelines and the S s m a. The other preferred uses are single family residents, ports, shoreline, recreational uses, and other developments providing public access for free. Uses are designated to recognize and protect statewide over local interests. Preserve the natural character of the shoreline, result in long-term over short-term benefit, increase public access to publicly owned shorelines, expand recreational shoreline opportunities for the public. This permit application does not protect statewide interest over local interests. Taylor Shellfish is a private commercial company using statewide waters for profit. In addition, where is the protection for Shoreline Recreational uses The S M A recognizes that the interests of all the people shall be paramount in the management of shorelines of statewide significance. I request the hearing examiner to deny this permit, protect the shorelines for all the people.

Examiner Olbrechts: [\(02:44:48\)](#):

Thank you Ms. Akin. Okay, so Melissa Kennedy is next after her, Peggy Peters. And , Ms. Kennedy, is that k e n n e d y? Correct sir. Alright. Do you swear affirm to tell the truth, nothing but the truth in this proceeding? Absolutely. Alright.

Ms. Kennedy: [\(02:45:02\)](#):

Um, first I was hoping to get just a couple clarifications answered at the end. So we had , statements that the, um, facilities would be run four to five hours a day with generators running four to five hours a day. So I want to understand, is that just generators? Is that generators and boats? And we all know that sound travels across the water, so I love my kids' music, but four to five hours below the excessive decibel is intrusive. And so I'd like to hear exactly how much sound and what sounds beyond the generators we're going to hear because sound travels over the water in those four and a half to five hours. Four to five hours, they state that navigation, that those 30 feet allow us navigation. But while they're working in there, I would assume that whatever navigation person that would choose to navigate that, that that would be off limits.

[\(02:45:59\)](#):

So those are concerns about if you take four to five hours over our day and then you tell us we can navigate that, but now we can't navigate it 'cause you're using it. That seems to be a conflict of information. Um, the other piece I was hoping to have some clarity on was the statement was made that twice monthly they would send somebody out on their maintenance boat to look at the gear and rigging and to assess whether things needed to be replaced. I would assume that this is at the point at which any missing bags or those kind of things would be noted and replaced. So every two weeks we're gonna look for bags and then when they're gone, they're obviously on our shoreline. So what is the plan to clean up our shoreline? Because floating oyster bags are going to be littering our bag. It happens in Burley Lagoon, it happens in all the other places that Taylor has FedEx and they don't get picked up in a regular basis. And so I have some concerns about the amount of debris I'm going to see on my beach as twice monthly they're gonna get checked.

[\(02:47:05\)](#):

So I've had a home on Oakland Bay for more than 20 years. , my property sits smack dab in the middle of what I'm going to be looking at 50 acres of bags. And my concern is, and what I wanna speak to today is what appears to be a lack of completeness and transparency in the documents. And, and I think we saw

a piece of that today with the reluctance to even address the fact that this is the largest type of floating aquaculture in North America. We didn't even want it. They did not. I did not interpret Taylor to want to admit that. And so that is a concern because my feeling is we are a huge experiment that is going to set a precedent for the rest of the nation. And it either is I'm just concerned about the impacts because nobody has done this before.

(02:48:02):

Yeah. 3008, 3000 bags and 30,000 bag, that's not comparable in there. My other concern when we talk about transparency is just the visual thing has been brought up. But what I want to address is the fact that it's not just what I'm looking at, it's what I don't get to look at. I don't get the reflection of the trees off the water at sunset. I won't get the ripples and the glistening from the sunshine across the water because what I get is bags, floating bags that are going to impede the waves. It also is going to root just crush the reflections that we get. Taylor doesn't speak at all about light pollution in the evenings except to state that the Coast Guard requires navigation lights. They don't address the amount of lumens that are needed, how many lights are needed on how many of the rows, what the overall impact of that is going to be. What's gonna happen is our bay is going to be lit up for light. So now my 11 year old with her telescope is going to be impacted at night by the lack of stars up there. What she sees today is not what she's gonna see in two years when this thing is up and running.

(02:49:15):

As we talk about the huge benefit of jobs to Mason County, my other concern is these aren't living wage jobs. These are people that if 18 to \$28 an hour raising a family of four, they're still gonna qualify for SNAP and free and reduced lunch. This is, as somebody said earlier, five or six jobs and they get to put 30,000 banks into oyster and turn profit on that. Those two things are not in alignment. Okay. So an approval for Taylor's request is a statement that a multimillion dollar company's profit margin is far more important than maintaining our natural resources. Please deny this request.

Examiner Olbrechts: (02:50:01):

Okay. And then, um, Cameron Phillips, maybe that one. I can't read quite

Mr. Phillips: (02:50:08):

My next.

Examiner Olbrechts: (02:50:09):

Are you Cameron Phillips? Yeah. Okay. I have a,

Mr. Phillips: (02:50:20):

I have a prop too I wanted to show.

Examiner Olbrechts: (02:50:23):

Okay. And Mr. Phelps, is that P h i l l i p s, is that right? Yes sir. Oh, okay. I'm sorry. And do you swear affirm to tell the truth, nothing but the truth in this proceeding? Yes, I do. Okay,

Mr. Phillips: (02:50:30):

Great. Um, I'm in the medical field, , off property off the 21st hundred, , off of Highway State three there and have a pretty good deal of the water where it's gonna be directly impacted pipe. Um, many have kind of gone over everything I thought I would hit too. So, um, the main thing I see that

[\(02:50:55\)](#):

Can be an impact that's not been addressed by Taylor is that there will be problems and impact with light, um, and noise pollution. And probably it sounds like it, it's gonna be the size that it is. There's gonna have to be a lot more people managing, um, out on the water so that it's gonna bring in issues with pollutants like diesel and gas on the water. And there's quite a few people already using it this time of the year. So they deal with that. Then there's kind of a reprieve over the winter time. Well, it's gonna be going 24 7 it sounds like. Um, I'll keep it real short. I don't know if this is tailored or not, but these are what the bags used to look like and I know there's other companies out there and this is just on a day when it just happened to float up a couple days ago.

[\(02:51:42\)](#):

There's gonna be many more, um, all the time. Um, I would say I observed this probably now, , since I've been up here for the two years, probably this is the third time I've noticed it on the water and went and grabbed it. It doesn't have any kind of indication on whose it is. , there are oysters in it. I'm gonna go put it back out on the water. I just brought it here for a few hours just to show this is the kind of debris that's probably gonna happen. It's manmade. There's no way of getting around it. It's gonna happen. , you can have all kind of managing practices 'cause of us being man, it's gonna happen. Um, the other thing I just wanted to bring up, I have seen the whales too. Um, last year I think a lot more people saw 'em because they're here more. I heard they're here, here in April, um, closer to or across the marina. But anyway, as um, we get to the final end here, I don't wanna have too much more to say, but I, I'm concerned, um, I'd like this to be denied. Um, there could be some further research given to us. It'd be great at some point, but for this size of a project, I, I don't think it's adequate.

Examiner Olbrechts: [\(02:52:44\)](#):

Okay. Mr. Phelps. And if you want, you know, you can take a picture of that and send it to um, Mariah, can I send

Mr. Phillips: [\(02:52:49\)](#):

Some stuff to Luke? I guess I could just send it to an email to him. Okay.

Examiner Olbrechts: [\(02:52:53\)](#):

Okay. Alright. Yeah. Get in before the end of the hearing. Yeah. Okay. Alright. So as I said at four o'clock and it kind of takes stock at where we're at 'cause I I don't want you to have to stay here past five. I'm just kinda curious in this room how many people, , didn't check off they wanted to testify, but one is testify still. I have seven more people on the list. So we have one, two. Just two. Okay. So, well, I guess, yeah, I think we'll make it with the people here. Like I said, we have a bunch of people who want to testify remotely and I know the, the applicant probably needs some time to respond to a lot of this. So like I said, I think what we'll do is, um, probably try to continue this till next Wednesday and I'll encourage virtual participation. And in order to do that, I'll participate virtually. That way you all don't have to come back twice. You can watch the rest of this from your computer. I think that's kind of the best way to, to, you know, handle this in terms of the inconvenience factor to you. So, um, would one o'clock next week work? Cal, for the staff to continue this once we're done today at five? Um,

Speaker 6 [\(02:53:47\)](#):

Works for me. Mariah, look.

Examiner Olbrechts: (02:53:52):

Yeah, so, and then you guys could, , hold it in here. So if any of you, you know, you don't have a computer or you'd just rather be there in person, you're free to come here Right. And, and watch it. But like I said, I'll be doing it virtually and I expect most of you will be too. So, um, yeah, question back there. How many people

Speaker 6 (02:54:06):

Are on Zoom? I see that arrow. So

Examiner Olbrechts: (02:54:09):

There's more. Yeah, there's like 29 or something. Yeah. Yeah. So more

Speaker 6 (02:54:12):

Than that. I see another screen. Mm-hmm. <affirmative>. Yes.

Examiner Olbrechts: (02:54:15):

Yeah, I don't know total Mariah, do you know?

Speaker 6 (02:54:17):

Um, so I'm 28 currently the most I think I saw was 36

Examiner Olbrechts: (02:54:21):

Or 35. Okay. Yeah. Yeah. And so yeah, I want, I wanna give priority to the people who showed up today so that they can say their piece and the people who are, , in doing it at home and doing won't be doing it next week then sir? ,

Mr. Viscusi: (02:54:33):

I probably just wasn't missing when we started. Can you tell us, , what happens now? What do you do with all of this stuff? Who looks at it? Who talks about

Examiner Olbrechts: (02:54:43):

It? Oh, , well that's, um, I mean, once the, the record is closed, which will be next week, then yeah, then I, I need to, , I'm gonna get a transcript of all the testimony, , go back, read all the letters, and then I just have to apply the shoreline criteria that I was talking about at the beginning of the hearing to determine whether or not it must be approved or not. So it's, it's my decision. And that's appealable to the Washington State Shoreline Hearings board, which is that board in Olympia. That's how the process works. Oh, yeah. Question back there.

Mr. Viscusi: (02:55:14):

It was very obvious to me that there was gonna be a very large gathering. h. My question is, why wasn't a larger auditorium reserved? One that the p u d has one?

Examiner Olbrechts: (02:55:26):

, I, I don't know. I just, maybe Ms. Ro maybe you can, I I don't know. That's, that's, , unfortunate. It's almost deliberate. Yeah. Well, I don't know. I, I mean, wasn't

Mr. Viscusi: ([02:55:34](#)):

Up, it wasn't, , obviously,

Examiner Olbrechts: ([02:55:36](#)):

I mean this is, this is the, you know, the biggest, , regular county meeting facility. I think

Mr. Viscusi: ([02:55:40](#)):

The, ,

Examiner Olbrechts: ([02:55:42](#)):

Yeah, yeah. <laugh>, no, so, sorry. Yeah. As I said, this is probably, this is the, yeah. Biggest group I think we've had since the, , the racetrack. And that's pretty much been it since 1997. So I don't know if, if staff was able to really anticipate that, you know, it would go beyond, , and I think we did fit everyone basically into the building. It's unfortunate it's split too. Yeah.

Speaker 6 ([02:56:05](#)):

I, that's why, I mean, we, we don't typically, you know, go, we usually use this room where we've been Zoom for the last three years. We just went person. That's why we have the Zoom, we got Mason web TV here to live stream it and ask that people that were not going to testify to leave the room for the people who were planning to testify. So nothing deliberate.

Examiner Olbrechts: ([02:56:28](#)):

Yeah,

Mr. Viscusi: ([02:56:29](#)):

No, that's not the way to run a meeting.

Examiner Olbrechts:3 ([02:56:32](#)):

Part of my question earlier was what is the actual, the actual infrastructure going to look like? And under oath you testified, showing us four different pictures, at least four different

Examiner Olbrechts: ([02:56:46](#)):

Renditions. Okay, let's, let's, um, I mean, I'm, we're still taking testimony and Yeah. Sorry, <laugh>, sorry. I just don't, I wanna make sure that the people who are here have a ch and wanna speak, have a chance to do that today. So, um, yeah, everyone can get the fair turn. So, let's see. So we'll go on till five. And at that point, like I said, we'll, we'll, , we'll continue it. So after Cameron Phillips was Arthur Parker. And after Mr. Parker is Patrick, , Patillo. Okay. Mr. Parker, do you swear for and tell the truth, nothing but the truth in this proceeding? I do. Okay, great. Go ahead.

Examiner Olbrechts:1 ([02:57:25](#)):



, I would just like to concur with the , , previous comments made and testimony for , , against , , approval and with the further point that I'm a regular boater year round Oakland Bay. So they, the premise that nobody uses Oakland Bay is completely false. Um, I'm a pretty good researcher. I did a ton of research on aquaculture farms worldwide. There are no 30,000 bag aquaculture farms anywhere. This thing is massive and it's in a very small bay. If this does go forward, potentially limit this project to existing sizes with precedent so that we know what we're dealing with. Um, that's all I have.

Examiner Olbrechts: [\(02:58:13\)](#):

Okay. Thanks Mr. Parker. And next are the Pats, Patrick and Aaron. Mr. Skipped over Peggy Peters. Her name was called, I think about five people. Did you hear that? Yes, but she didn't get to go. Oh, okay. To stand up and, okay. Well, we'll let , Ms. Peters go after the patillo then. Sorry. Yeah. Don't let me forget. Okay. Mr. Patillo. That is that P a t t I L O. Okay. Lemme swear in. Do you swear, affirm and tell the truth, nothing but the truth in this proceeding? I do. Okay, great. Go ahead.

Mr. Pattilo: [\(02:58:42\)](#):

Um, my education background is I have a bachelor degree in science with the University of Washington in quantitative applications of fish population management. And I have 36 years of experience with the State of Washington Department of Fish and Wildlife, , in biology and public process. Um, and in negotiations, I've , written plans, management plans with between the state and the Puget Sound Tribes. I've been a negotiator, , in, in the International Pacific Salmon Treaty with Canada for the United States. And I've been responsible for more than 10 years to the annual process for the public process for determining salmon fisheries throughout the waters of Washington and the ocean in Puget Sound, Columbia River. So, , I have a perspective then, both in terms of public process and, and the science. And there are some shortcomings here. , but I have, for example, um, received, I, I guess everybody received, but I'm not sure about that on July 31st.

[\(03:00:11\)](#):

And I, I do wanna say that I appreciate very much the dedicated pelvic service of Mr. Viscusi. , he has been very helpful in ensuring we have that information. But for example, after July 31st, we were presented with quite a lot of information, both scientific information and information about the process, discussions between agencies, agencies and Taylor Shellfish and Mason County, for example. Well, , I've provided you with eight pages of comments, just, just on the materials that are received and over the last week. So that's kind of a microcosm of the challenge that it is for the public to fairly reasonably participate, meaningfully participate in this process. So it, I try to stuff that frustration, you know, and then try to focus on the science. 'cause I love it. I always thought it was the reason why I got into this business that science would help resolve conflicts.

[\(03:01:22\)](#):

It could be the basis for common ground. I appreciate the work that's been produced. The study, not, not so much the studies that it's, I'll get to that. Um, but the materials that I've enjoyed, for example, the Habit Management plan, the work that Confluence Environmental has done is, is really good, but it's not enough. It's not sufficient, in my view, to demonstrate that the consistency with the Shoreline Management Plan or the, the Shoreline Management Act for Washington. And it's not sufficient to give me confidence that there will be no negative effects. That's the conclusion that Taylor has. And I don't think it's substantiated by the evidence that's in the record. Um, this kind of rings to mind a pretty famous quote, , that the absence of evidence is not the, is not evidence of absence. Actually, that was Carl <inaudible>, I think is most famous for that.

[\(03:02:37\)](#):

Oh, I know. That's a connection. This process seems a bit otherworldly. How's that at times? , I don't feel like I'm there. I'm not participating. It's a struggle to be for, for me, individually meaningful involved. And I think that's true with so many people here that I've talked to, that I'm involved with. Um, they range from just the people with passion opinions and not, I, I really have not been able to engage much on the science. I like the Socratic approach to science. I like to, to, , provide an opinion and have that discussion with scientists that can exchange our views. And perhaps there's a resolution, perhaps there's a misinterpretation. There's not been the time for that. And so, , it may be true, for example, that, , as was brought up today, that example that I'm the one that brought up the Hood Canal Bridge and it's potential effects on steelhead e s a listed steelheads.

[\(03:03:50\)](#):

I think it should be treated seriously, not just because they're e s A listed. They need every break they can get. Think if you're a little fish like that and you're migrating downstream in effect, and you happen to be, it's, it's documented. They swim in deep water, but they swim in the top three feet. That's, that was quite apparent from what happened at the Hood Canal Bridge is still happening. 'cause they're spending millions and millions of dollars retrofitting that bridge so that they can have the Smolts swim around the bridge. It is like this proposal, it is a large floating structure that in the, that much of the water fish swimming along, they hit that, , oh wait, where will we go now? And suddenly there's a seal and seals consume, like per salmon. They, they consume 25% of the outgoing migrating smoltz for chinook salmon.

[\(03:04:59\)](#):

That's well documented. It's not studied like that for steelhead. But this is a case in so many ways that lack of evidence is driving this lack of the opportunity for us to exchange our views and have a, a constructive dialogue. Um, so I, I challenged the process. I hope you will, , enjoy my comments. There's, that's the third submission that I had. And so I've probably got about 20 total. Okay. Forgive me. But, um, hopefully it's interesting and, , entertaining. And, and that's, I know that's not what I'm here for, to entertain you, but, um, please consider that consider, for example, reasonable and prudent alternatives. That's something that hasn't even been considered. What about a, a, a smaller project? What about a stepwise project with monitoring and moving, starting small going forward? That's what was pro was recommended with the 1986, , aquatic sighting study that wasn't, that's old, but it wasn't such a, it's not, it's still very relevant. And it mostly, it was written as a means of resolving conflicts over shellfish, siting, aquaculture, siting. It's still an applicable tool for managing this conflict for an outcome. Well, I'll, I'll wrap it up there and thank you very much.

Examiner Olbrechts: [\(03:06:30\)](#):

Okay. Thanks Mr. Patillo. Yeah, I'll look at your, , submissions really closely there. And, , was Aaron Patillo? Did you wanna say anything before we get to Peggy Peters? Was Aaron Patillo Okay. No, I got my comments. Okay, that's fine. Alright. , Ms. Peters, come on up. And that's P e t e r I take it. And, , let me swear in there. Do you swear for and tell the truth, nothing but the truth in this proceeding? Yes. Okay, great. Go ahead.

Ms. Peters: [\(03:07:02\)](#):

At this time, I would basically like to, , speak through my heart. , I have enjoyed, , Oakland Bay, my home there, , a great deal. I am against the construction of this.

[\(03:07:18\)](#):

Um, I see the recreational use. I'm actually, I actually see it when I don't see it. 'cause I hear, 'cause my pup tells me when we have the boats going by and the people skiing and all the things that are happening, plus Taylor Taylor's own boats themselves, which I have a little bit of concern even though I'm on Highway three. I don't have the high banks. I have a lower bank, mid bank, but my neighbors have a very low bank. And the erosion is, I'm thinking that with this project, you're gonna have a lot more boat traffic on the edges. That may create some of the erosions that could happen. Another concern I had, of course, of course is the pollution, the plastic, the light trash that is brought in. I see the wild, , life on the shores. I see the birds nesting. I see migration.

(03:08:18):

I have concerns about that. I see the birds feeding in the little hose. And I enjoy this. I can tell you what I see and how I feel. Um, one of the things I do know, and I have talked to the natural resources at, , qua Island Tribe, is that the, that they say that if the restrictions are ever lifted from Oakland Bay for fishing, that they would remove this. I have a hard time believing that a big corporation would have that much money placed into this kind of a, , built in construction. But they're gonna actually remove this, um, remove it because of fishing being opened. And so I think that's also something which is, that would be important that they, I know they have some kind of agreement going on with that. , I enjoy the view at night. I see Mount Rainier. , I have a different perspective than the other people across the shore, but, , I do not want to see this being constructed. Thank you. Okay.

Examiner Olbrechts: (03:09:28):

Thank you. Alright, next is Eric Val, after him is, , Brian Legen. All right. Mr. Val. Want me swear in? Do you swear Affirm, tell the truth, nothing but the truth in this proceeding. And that's V A I I E y? Yes. It's okay.

Mr. Valley: (03:09:49):

I'm a Mason County resident, fourth generation Mason County resident. I live at Deer Creek. I've kayaked here. Put that on the record. As someone, as, as other people have said, you know, I I, I use this. I've, I've seen it used. Um, here's another opportunity to win friends and influence people. I'll just start with this. , this is gross. And it's disgusting. Both the substance and the procedure. The substance is who wants to put a 50 acre farm in the middle of that tiny little bay? Um, and I'll get back to that 'cause I have a couple of threads here that interweave. Um, and what's disgusting about the procedure is, is how, and disgusting, just, it's just a big mean word for distasteful. Um, Shak Ong goot in in French, you know, to each his own taste. Um, and, and, and what's harmful about the procedure is the lack of public input.

(03:10:39):

And, and it seems like we're going straight and only on statutory criteria. Um, and I understand that. But here's the thing. Um, who wants to do something like this? The only people who have spoken, and I like Bill Taylor. I I, I know him socially. I see him over there at the Tumwater Valley Athletic Club. When we swim in the pool. I don't like going against a, a person who's not quite a friend of mine, but someone I like and respect. And I've asked him about this privately. And, and he gave me a very politic answer, which was mostly me talking, um, which is something I can do. <laugh> the only people who've, and and here's the thing. Credibility is always relevant, always. Credibility has many parts. The first part is perception. Another part is bias. Another part is veracity. The only people who have spoken in favor of this have a financial interest in it.

(03:11:34):

Now, who wants to put a 50 Now, and I learned today too, and I think it's right, oh, nine acres is 50 acres with gaps that in between it. Well, that changes things drastically. And that's disgusting 'cause it's misleading. So I thought they were first, but I think they were second. And of course I'm using they a plural pronoun to indicate one person, the woman, the person who spoke for Sierra Pacific. What kind of people want to do this? The kind of people who own Sierra Pacific. Sierra Pacific occupies the Simpson Timber Company. The Reed Family Mill, which denies all of us all access to our downtown waterfront, all of it. Mm-hmm. <affirmative> Sierra Pacific is a private family owned company, which is one of the five largest landowners in the United States of America. They don't have our public interest at, at stake. They employ some people. That mill that they bought from Simpson could and should be up on Johns prairie. They don't need to be taking our waterfront. So the people who deny us our waterfront want to help tailor deny us more of our waterfront. So they have no credibility. Um, I've only got a few minutes, and five minutes is not a long time. You can barely introduce yourself in five minutes <laugh>. Um, but, but I, I just made, you know, scribbling notes

[\(03:12:56\)](#):

And what they have, there's no consideration in the criteria, the statutory criteria that people have addressed. First off, most foremost in my mind is, is the, is the aesthetics. And that is one of the factors. And here's another point I wanted to make. I represented Mason County in Growth Management Act litigation when it was new. There are 13 goals in the Growth Management Act. And the Growth Management Act explicitly says these 13 goals conflict. I don't know whether the S M A says that, but I do know it lists different goals. And I do know that one of those goals, one of those favorite uses is aquaculture. That favored use, impedes, restricts and, and, and does terrible things to all of the other uses. And as I say, addressing the hearings examiner, I, I don't know if, if that conflict is inherent, but I hope that it would be a statutory criteria on which to deny this because the one favored use wreaks havoc on all the other uses. So there's been no consideration of sound, no consideration of light, no consideration of the effect that this vast footprint itself would have. There's also the fact, I was just watching this documentary on this buoy somewhere in about how attracted the, or attracted the orifice. And, and the one thing I learned is in six months you got algae growing out your ears on these cables. I haven't heard anything about that. And maybe it's in there, but, so the, the footprint itself is huge. No consideration of sound or light. Um

Mr. Valley: [\(03:14:21\)](#):

No consideration, as somebody else mentioned of remedying the negative impacts. That's grounds for denial right there. Oh, they failed to, they failed to say, oh, some of these laws, some of these bags are gonna break away. They're gonna end up on the beach again. Other people have made this, this point. Um, I doubt, I doubt that this is a, a statutory criteria on, um, but oh, and, and the guy, guy after me is Brian lager bird. I, I think, and I think he's gone. And I think he submitted his, his comments in writing. Someone's gonna, oh, I don't mean to speak for somebody else. Um, this what I'm saying, what I'm saying is, I, I doubt this is a statutory, statutory criterion, but this, okay, I know it was Brian who told me. 'cause I missed a little bit of the early part of the meeting. There are no new jobs with this. As people have said, this benefits Taylor United.

[\(03:15:16\)](#):

They're not gonna create any new jobs. They're gonna transfer people from another job, not living wage jobs. Basically, this is slavery. This is economic servitude. This is almost reverse of, of eminent domain and condemnation. And again, somebody else said this, this is taking a, and that's why I started fourth generation Mason County resident. Oh, I'll finish here 'cause I know I'm running out of time. I remember a few years ago I sat at, at what I call Bay Shore Point. There's a point you can almost walk across the

water. And I looked towards Shelton and I'm just in a, in a, in a marveling in a wondrous state of mind. And I thought, wow, how long has all of this been here just like this? And I've read a little bit of na native culture and, and, and Oakland Bay from Bayshore looking down towards Shelton. First off, Peter Puget missed it. Peter Puget missed Hammersley Inlet and he missed Oakland Bay. So let's keep it the way it is, because it has been this way since there were plants and animals here since the animals were people and the people were animals. And that's what I'm saying. Who, I'm gonna say this. I wrote it. I didn't think I, I thought I wouldn't say it. Have you? No shame.

Examiner Olbrechts: [\(03:16:31\)](#):

, Brian Berg after that. James

Ms. Robinson: [\(03:16:34\)](#):

Brian's my neighbor. I'm Kim Robinson h <affirmative>, , he had a leave. May I catch him? I did, I did give a statement. Um, but may I speak

Examiner Olbrechts: [\(03:16:41\)](#):

You, you have something in writing from him or I have right

Erin Ewald: [\(03:16:44\)](#):

There. The

Examiner Olbrechts: [\(03:16:44\)](#):

Something in writing. Oh, okay. It does have it. Yeah. If you wanna read a statement, that's fine.

Ms. Robinson: [\(03:16:48\)](#):

Yeah. Actually, I don't wanna read a statement. My, make my own statement

Examiner Olbrechts: [\(03:16:51\)](#):

Still. Because you already had your chance. Yeah, I mean I need to No, I haven't had my chance. Well, I thought you said you did speak already. No, I to speak. Okay. Alright. Well come on up then. Yeah. Okay.

Ms. Robinson: [\(03:16:58\)](#):

Peggy's my neighbor. Okay.

Examiner Olbrechts: [\(03:16:59\)](#):

The ones the location. Okay. Lemme swear you in though. Do you swear firm tell the truth, nothing but the truth in this proceeding? Of course. And how do you say your last name or she, Robinson. Okay. R o b e s o n i s s o n. Okay, great. Go ahead.

Ms. Robinson: [\(03:17:10\)](#):

Yes. So, , the gonzalez's, thank you for being here. I'm in the Black House on Highway three, the medical professional. I live by you. Mark. I, for those of you who said we don't recreationally use the bay, shame under you don't know that we do. I paddle boarded across the bay last weekend and met Mark and his family and his grandkids. And I just wanna say I'm extremely grateful for this community coming together. And what we're asking you to do today is please have the courage to look at the benefits

realization of what's happening here. The benefit realization is benefiting Taylor Shellfish and it's not benefiting those of us who pay taxes. And so there was a woman who was extremely insightful earlier today who made a comment and said, I have a question at the end of this, how much of your production will go international?

(03:18:02):

The reason why she asked that is because you don't pay any taxes at all on production that goes international. You pay taxes on what stays in the United States. So that's why that is key. So if you company like Taylor Shellfish that made \$72 million in revenue in 2022, but they're not paying taxes such as sales tax, export tax, excise tax business and occupational tax property taxes. It's us, the tax payers that are subsidizing the operations and the permit fees and the expenses are coming from the communities. So that's why I'm asking you to look at the benefit realization of who does this benefit. It does not benefit that are paying higher taxes than it is for Taylor Shellfish. So I'll just reinforce that the, in general, the shellfish industry generates limited tax revenues that don't offset the considerable state expenditures and privatization of public waters. And we're here to fight against the privatization of public waters.

Examiner Olbrechts: (03:19:07):

Okay. Thank you. And I think James Kissinger, is that right? Okay. Or Ray Cusing. Those are the last two I have on the list. No takers there. Okay. There were other people who, um, are here who didn't sign up. Ma'am, why don't you come on up. Okay. What's your name for the record? I'm

Examiner Olbrechts:5 (03:19:36):

Ro Mateo.

Examiner Olbrechts: (03:19:36):

Oh, how do you spell your last name?

Examiner Olbrechts:5 (03:19:38):

, e l g u e r o hyphen m a t

Examiner Olbrechts: (03:19:42):

E O. Oh, great. Okay. Do you swear affirm tell the truth, nothing but the truth in this proceeding? Yes. Okay, great. Yes, I do. Go ahead. Thank you.

Ms. Elguero-Mateo: (03:19:47):

Um, so I wanted to first say one thing, um, and I wanted to say like, do I look like the people in here <laugh>? No. Um, my mom has been working, um, for Taylor Shellfish for a while now. Um, I think it's the first one that I remember my dad walking us out, like, so I have eight, I mean I have six siblings. I mean, I have siblings. I'm one of those six. Um, and my dad, who is um, unfortunately undocumented and was not able to continue working for Taylor Shellfish, but my mom, who is a resident, does work for Taylor Shellfish. And I think because of the employment and the opportunities that my family has been given through Taylor Shellfish, um, as well as the lovely individual over there, my older sister, um, I've been able to, , grow and prosper in Mason County.

(03:20:47):

Um, I think one thing that's really disappointing is to say that this is all coming from a side of privilege. I did not grow through that. And so going out and paddle boarding or kayaking, going on a boat was never something I could do until the last two years through my sister, um, and my friends. Um, so growing up in, as a first generation college student, the first one to be in college, actually out of my five siblings now, my two younger siblings are pursuing that. Um, Taylor Shellfish has really given that employment and like my sister said, she's the lead right now in the cove. I actually have the opportunity to, um, work this summer with Taylor, um, hopefully getting my first car. Um, because I work those four to five hours out, um, in the morning, early mornings. I mean, I don't mind them, but I'm personally a night owl.

(03:21:51):

Um, because I wanna be around my sister because there's so many opportunities given through the income. Not only like during the summer, maybe I'll come back next summer, we'll see. But like being able to buy a kayak, being able to have extra money, um, so that my mom doesn't have to pay for gas when we go to work, pay for the power aid, she's called the power woman out on work. 'cause she's always, and she's by the way, 50, almost 55 years old. I know someone that's 60 years old out digging on those beaches, sorry, <laugh> on those beaches. I'm also, you know, not the strongest person. I'm not the tallest person out there. But being able to work in an interracial and intergenerational environment is not something I could see myself doing at Fred Meyer like I did during Covid because it just wasn't the environment.

(03:22:45):

But Taylor Shellfish has given that, um, environment and that opportunity while I've been here this summer, I currently go to Gonzaga University. I am a rising junior. And um, I've been, you know, throughout my high school experience, I've been involved in a lot of clubs. I've been involved and I was a lifeguard at the pool. So if you had your grandchildren there during, before, um, COVID, I most likely taught them how to swim or was one of them. Um, and I just wanted to say that like, again, this is all coming from a side of privilege from what I've seen today. Um, and I want you to take into consideration that the people who are out there in those boats going by you, um, you're, you know, I can't, my family can't afford to live out there. So unfortunately there's that. But Taylor Shellfish has given us that opportunity to be with our community.

(03:23:44):

Um, our crew, our clam crew is like 16 people and it's a majority of Hispanic, um, population. Not all, you know, citizens, but residents. Um, and I've been able to have that opportunity to have, um, discussions in Spanish, be able to talk about my pursuits in what I want in this future and then maybe be able to buy a, , property out by sunset, um, road. Um, and then also like just be able to, you know, have those recreational pursuits that you guys are able to have. Um, and then also just see the seals, see the birds, um, and then be able to take those photos. Actually I take a lot of photos out there. Um, of course 'cause it's 5:00 AM um, and stuff like that. And I share it on my Instagram. I even did a takeover for Gonzaga Instagram about what I do and what I have been doing, um, out there. And you know what people say? They're like, oh my God, that's so beautiful. Yeah, we

Examiner Olbrechts: (03:24:50):

Want it to keep, stay beautiful. Okay, let's, yeah, let's, okay, let's now, now let's, okay, you're talking to me. We're not getting an argument with the audience. Okay.

Examiner Olbrechts:5 (03:24:59):

Because they see that it's, um, reflecting on, oh, what's those bags? That's so cool. Or I'll take a photo of the seals and they're like, oh,

Examiner Olbrechts: ([03:25:06](#)):

What's that? Okay, I think you're at your five. So are you about done? Yeah. Okay, well thank you. That's all I wanted to Oh, great. Thank you very much. Okay, so, okay, so then anybody else who didn't sign up? I mean, I'm gonna go to the, , remotes then first. Alright. Um, Mariah, if you can help me on that at, at this point, like I said, we're continuing till next Monday. We have another at four 50. I wanna, , wrap it up to, um, deal with some procedural issues. Monday, Wednesday, sorry, next Wednesday. Yeah, one o'clock. Next Wednesday, one o'clock. , I, I'm talking to people who are participating remotely. So those of you who can't come back next, , Wednesday at one, maybe if you just raise the virtual hand at the bottom of your zoom screen there, we'll try to get you in to speak today. So do you have any takers, Marissa or Mariah? Sorry, Juan. Just one out there. Okay, let's get her on. And what's her name?

Examiner Olbrechts:6 ([03:25:58](#)):

Anna. Richard said again.

Examiner Olbrechts: ([03:26:00](#)):

Oh, okay. Oh,

Speaker 2 ([03:26:04](#)):

Keep your hand raised if you wanted to.

Examiner Olbrechts: ([03:26:07](#)):

Okay, so we got a couple tapers there and if I

Speaker 2 ([03:26:09](#)):

Ask you to unmute, go ahead.

Examiner Olbrechts: ([03:26:11](#)):

Okay. So who do we have first? Mariah or Yeah,

Speaker 2 ([03:26:15](#)):

Have the name on here is M C K.

Examiner Olbrechts: ([03:26:20](#)):

Okay. And you'll have to unmute yourself. M C K O P. Can you, that's me. There you go. Okay. , yeah. Do you swear affirm to tell the truth, nothing about the truth in this proceeding?

Examiner Olbrechts:6 ([03:26:30](#)):

I do.

Examiner Olbrechts: ([03:26:31](#)):

Okay. And what's your last name? Could you spell it for the record please?



Ms. Kopac: (03:26:34):

Last name is Copaz, K O P A C

Examiner Olbrechts: (03:26:38):

Z. Okay, great. Mary. Okay, great. Go ahead.

Ms. Kopac: (03:26:42):

, I've owned property on Shelton Bay since 1999. Um, we bought that property with the expectation of having a nice retirement home. , I live off, or my property is located on <inaudible> Road, so it's not directly impacted by the visual nature of what's going on, but I wanna say that this project is oversized for the community. It does not benefit Shelton, despite what the last speaker says. There's only a couple of jobs that are gonna be added to this, and I don't see that that's a financial benefit for the community. It's a private taking of public resources that does not allow us to, , share in the Bay. While all public beaches, all beaches are public in the state of Washington, the mitigation suggestion doesn't help us because we already have access to those bans. Why not they have to dig up the clams or oysters, but all beaches are public, so that doesn't help us in any way.

(03:27:46):

Chris, the project as described is incompatible with the residential nature of the community. More than three quarters of Oakland Bay is residential and you're asking to put in a major industrial complex in the middle of a residential community. It's incompatible. As the former planning commissioner for the city of Newcastle, Washington, I can tell you that this is not an appropriate use of the resources for the community. The other thing I wanted to discuss as the applicant's o consultant said that the size of this project will create an impact in the community. And one of the effects they stated was the decrease in velocity of the water, which increases sedimentation. I saw no evidence submitted by the applicant that referred to the, , impacts 10 years down the road of 30,000 oyster bags and the decrease in velocity of the water. What that means to the sedimentation, what that means to growth on the bottom of the, of the bay, and how that affects any other, , aquaculture in there. Any other sea life, any other plant life in 10 years of water being blocked is going to cause shoreline erosion because it creates new currents. And what does that mean to the community when the shorelines change direction? Because we've now got this massive industrial complex in the middle of our, , beyond all the aesthetics and the community uses, , it's, , inappropriate use of the, of the space available and inevitably impacts the community. And I'm vociferously against the project as it is currently planned.

Examiner Olbrechts: (03:29:43):

That's it. Thank you Ms. Pop Lopez. Alright, he's up next.

Examiner Olbrechts:7 (03:29:49):

All right. , last name Debit.

Examiner Olbrechts: (03:29:53):

Okay, Mr. Det. ,

Examiner Olbrechts:7 (03:29:54):

, and the, and the last name is Barnett. Can you hear me? Am I muted? Yes,

Examiner Olbrechts: (03:29:58):

We hear you. Let me. Okay, good. Let me start in Mr. Barnett, , my name.

Examiner Olbrechts:7 (03:30:03):

Yeah.

Examiner Olbrechts: (03:30:03):

Yeah. Do you swear affirm to tell the truth, nothing but the truth this proceeding?

Examiner Olbrechts:7 (03:30:07):

Yes, I

Examiner Olbrechts: (03:30:08):

Do. Okay, great. Thank you.

Mr. Barnett: (03:30:09):

Um, my name's Debit Barnett. I'm a tax lawyer, , with Eisenhower Carlson in Tacoma. My wife and I have owned a home on Sunset Road in Mason County for a little more than 33 years. We've seen a lot in those 33 years. , suffice it to say we were there when the Simpson log booms were in place. They were horrendous and we're glad to see that long gone years ago. But, um, , the big point I'd like to make today is really two observations and then a and then a request. Um, I understand the importance of not repeating what's been said. First of all, my observation is that for the first time in more than 30 years, we've actually seen Orca enter the, , Oakland Bay area. And there many of the neighbors have pictures of that. We saw him in 2022, we saw him in 2023.

(03:31:03):

I'm gonna suggest there's a reason for that. I'm not a marine biologist, but I can tell you it has something to do with water quality, food supply, lack of, , boat activity, lack of commercial activity. There's gotta be a reason and, , people need to pay attention to that. That's important. Second observation is, is a real simple one, but it has a, a complicated implication and it has to do with the temperature of the water. Um, I can't tell you precisely why, but Oakland Bay is warmer, , than the out, out, , outer areas in Pu sound. When you go out hammers land inlet. If you go to Hope Island or the tip of squawk, the tip of ham, , Stein, the waters are colder. , what's the importance of that? What it tells me is intuitively the waters in Oakland Bay tend to probably move back and forth, back and forth, and they heat up in the nicer months, I would say on average, your temperature's gonna be somewhere four to maybe six, seven degrees warmer.

(03:32:05):

So, um, the lack of any flush, if you will, or taking that water out of the bay through Hammersley and out into Johnson's point, narrows bridge, anything else is important. And I, I don't think any any consideration has been given to that. Um, bottom line is, I think it raises an issue of, , the specter of fragility. It's a fragile bay. If that water's moving back and forth, then you can't look at the pictures we saw earlier today with all those wide expanses of water with floating, , wraps and say, gee, same, same. I think it's different. So what, what am I suggesting? You've got people on both sides of the equation. I would slow the application process down because of the important nature of the long-term effects of what this is gonna mean. I would, frankly, if it's gonna be approved, I would shrink the size of the, , the proposed application to some reasonable level that could be agreed upon. And then require monitoring,

reporting to appropriate agencies and community disclosure so that we can continue to be involved in this. This should not, in my opinion, be a, a winner takes all situation. If there's a compromise, it should be shrink the footprint, slow it down and get this right. We, we cannot afford to get it wrong again, like the old law boom days. Thank you very much.

Examiner Olbrechts: [\(03:33:31\)](#):

Okay, thank you. And like I said, just , you know, if you wanna talk today, just make sure it's, 'cause you, you can't do it next. 'cause I'm gonna try to get this wrapped up at 10 to five so people can, , get home for dinner, but, alright. So we got, , who's next? Mariah?

Examiner Olbrechts:7 [\(03:33:44\)](#):

Um, j l

Examiner Olbrechts: [\(03:33:46\)](#):

Gibbons. Okay, Mr. Gibbons. There we go. Alright, Mr. Gibbons, let me swear in to raise your right hand. Do you swear Affirm tell the truth, nothing but the truth, Mr. Proceeding?

Examiner Olbrechts:7 [\(03:33:56\)](#):

I

Examiner Olbrechts: [\(03:33:56\)](#):

Do. Okay, great. And, and Mariah, there, there's somebody waving their hand up there. Maybe you can figure out who that's been for a while. So I'll do that next. Yeah. Okay, thanks. Yeah. Okay, go ahead Mr. Gibbons.

Mr. Gibbons: [\(03:34:05\)](#):

, I'm strongly supportive of Taylor Shellfish, Oakland Bay Floating Oyster Project, a project I believe that I believe will benefit Mason County. I'm the president and founder of Sale of Shellfish, a Mason County company currently employing 85 individuals, 62 full-time and 23 seasonal or part-time and 2022 are average full-time salary, including bonuses was over 60,000. That average does not include my salary or C f O or operation manager's salaries. We also give our employees health and dental coverage and a matching retirement plan. Shellfish jobs are very important to a healthy Mason County economy and they're good paying jobs. Taylor Shellfish was instrumental in helping me start my company 27 years ago. Much of what I've learned about <inaudible> farming, our primary focus came with their help and guidance. Although they are our main competitor in <inaudible> farming, they're also customers, business partners and White West involved community members, and maybe most importantly, their friends.

[\(03:35:16\)](#):

With regards to character Taylor's character, I can't say enough positives about them. Taylor Shellfish, not only the leader in shellfish farming, being the largest employer, employer in Farm Shellfish in the United States, they're also very involved in Puget Sound and disposable communities. They're extremely strong advocates of clean water and a healthy ecosystem. Also contributing time and resources to non-profits, particularly those focused on our youth. While most of our employees work in our <inaudible> operation, we do employ seven to 10 people in our oyster operation. We would like to grow this business. Taylor's floating oyster operation will help us do that. Um, all of all of our seven to 10 point

employees are Mason County residents, but they're not necessarily homeowners adjoining Oakland Bay. To grow our business, we need bigger seed. This project proposes to grow big seed for Taylor's seed and other growers as well.

(03:36:19):

In short approval of this project will grow the oyster business in Washington, provide more good paying jobs, strengthen the local economy, economy, and be good for the environment. Two final notes. I personally live on the water and have a shellfish in front of our home. Several years ago, our company did an analysis analysis of whether having a shellfish farm in front of your home had any effect on your property value. Assessed value showed no differences. My understanding is that the project will add more than just the five jobs at the site in local Bloom Bay. It is, it is growing seed with what Taylor is doing and it will be used to expand other Washington shellfish farms. So it's not just five farms, five jobs we're talking about. Thank you very much.

Examiner Olbrechts: (03:37:10):

Thank you Mr. Gibbons. Okay. Mariah, you had the, , person that was waving her hand. Alright.

Examiner Olbrechts:6 (03:37:15):

Yeah. Looks like Galaxy note.

Examiner Olbrechts: (03:37:18):

Okay. Ms. Know your

Examiner Olbrechts:6 (03:37:19):

Name.

Examiner Olbrechts: (03:37:20):

Alright, is she muted or no? Okay. Ms. Galaxy note, <laugh> <laugh>. There you are. My name is

Ms. Hagen: (03:37:28):

Anna Richards Hagan.

Examiner Olbrechts: (03:37:30):

Okay. Can you spell your last name for the record?

Ms. Hagen: (03:37:33):

R i c h e r c h a g e

Examiner Olbrechts: (03:37:36):

N. Okay. And, , do you raise your right hand? Do you swear affirm and tell the truth nothing but the truth in this proceeding?

Examiner Olbrechts:6 (03:37:42):

I

Examiner Olbrechts: (03:37:43):

Do. Okay, great. Go ahead.

Ms. Hagen: (03:37:45):

I just wanna, um, tell you, I've been a resident of Shelton since 2000. I am, um, um, , living on a fixed income. So I'm not, , somebody who's a privileged person and I enjoy the area around the Oakland Bay and I am distress by the, um, idea of having the oyster farm in the neighborhood. Um, I don't feel like enough research has been done to, um, accurately, um, study all the long-term effects of what might be repercussions. And so, um, I encourage you to, um, evaluate the, um, process and push for further study or deny it. And that's what I had to say.

Examiner Olbrechts: (03:38:49):

Great. Thank you. Thank you. Okay. Here we got there next. Is that Mr. Epps or I can't, , two

Mr. Mortensen: (03:38:55):

More. , Brad

Examiner Olbrechts: (03:38:57):

Mortenson. Oh, okay. Mr. Mortenson, raise your right hand. Do you swear Affirm tell the truth, nothing but the truth in this proceeding?

Mr. Mortensen: (03:39:03):

Yes,

Examiner Olbrechts: (03:39:04):

Sir. And is that m o r t e n S s e n I can't read very well from here. Yes, sir. Okay, great. Go ahead.

Mr. Mortensen: (03:39:10):

So at, as you see, my name's Brad Mortensen. I'm a resident and also the president of Bayshore Community here down at the end of Oakland Bay. Um, ive own property for a very short period of time, and my age is about as long as a lot of you all in the room has owned property on the water there. So, , I, I'd love to be a representative of the, the younger generation. I'm a father of two beautiful young girls that are one three years old. We recreate on Oakland Bay almost every single day, even in the winter, , we're not actually getting out and in the water. We're by it and absolutely enjoying it. Um, I've led partnership growth opportunities for a number of multimillion dollar technology companies and have had the opportunity to focus rhetoric argumentation and I, I know the position we're in here as like the general public and as an individual it's, it's been extremely difficult to find information about this project, which has been disappointing for me.

(03:40:04):

Um, from the ability to look up things on the internet for the ability for me to call, I have had extreme difficulty finding the other side of the argumentation. So I've really enjoyed being able to listen to both sides today and come in with an open mind. Um, through all this, I'm firmly against what's going on here for a number of different reasons, property values. Sure, that's a fantastic point. But again, proceeds to the individual. What I'm most concerned about is the privatization of public waters, which has been

mentioned before growing up in Mason County and then spending 18 years of my life trying to figure out how to leave and never come back. I came back, I came back and I started a family here for the serenity of the area that we have and the sheer access to the public waters that we do have, whether you are on the water, whether you're not, I would love to see our public waters remain public.

(03:40:59):

There's a couple other things that I absolutely love as well. I love capitalism. I love opportunity and I love community. What I am seeing, what I am hearing is the main source of benefit is Taylor Shellfish. They've done a tremendous amount of work for our community and have hired many, many people. This 50 acre farm does not improve anything of what Taylor Shellfish has done in the past, other than the back pocket of which the company is leaning on. I'm not seeing the, , how do you say the, the opportunity to overcome a number of different things that Taylor Shellfish is trying to say here. So I'm extremely excited to see what Taylor Shellfish has to say in the future to see how this will benefit the community because I'm simply not seeing it today. What I would like to see and what I really, really like to bene, or excuse me emphasize, is public waters remaining public.

(03:41:56):

The ability for us to access the waters that we love and enjoy and for us to continue to be the, the beautiful and serene community that we are, the one that I chose to come back to raise my family of two that I have my wife and I enjoy the community and what it has to offer. We enjoy the opportunity that Shelton has to offer. I enjoy working from home here and working in an absolutely beautiful area. So let's keep the waters public, let's look at what this community does have to offer and let's make sure that opportunities like this that come across benefit the community, not just a singular entity. So what I'd encourage all of us to do, if this does go through, let's vote with our wallets, right? We understand how to do that. We understand how to communicate, we understand which restaurants and communities that Taylor Shellfish is selling into, and let's make sure we do vote with our wallets and ensuring that the community has a voice beyond what we have here. So thanks for the time. I appreciate it and , I look forward to seeing where this all goes. And I hope public waters remain public.

Examiner Olbrechts: (03:43:01):

Thank you Mr. Mortenson. Okay,

Examiner Olbrechts:8 (03:43:05):

Next

Examiner Olbrechts: (03:43:05):

Is, , Mr. Epps there online? Mr. Reps, do you, , swear affirm tell the truth, nothing but the truth in this proceeding?

Mr. Epps: (03:43:13):

I do, yes. Okay, great. Hi, , my, like you said, my name is, , Derek DPPs and you spell that e p p s, echo Palm Sierra. I live in World Mason County as well. I'm on Stein Island. Um, and I still have D S L at my location, so my connection to grades to some degree as I know one carries it. Um, but I'm, and then I, so please bear with me or issues. I try to call <inaudible>. You may not be. Um, I, , strongly agree and add the hearing examiner to approve this project. I, um, I'm an employee. I have a day job. I work with Seattle Shellfish. Um, and then I also have, , for eight years I've also had my own small shellfish farm too.

Um, but I'm in the process of trying to expand that through the Army Corps, , application through a couple of applications.

(03:44:11):

There was to the Army Corps in ecology at the moment to include both oyster to include oysters and vanilla lands. Um, after I'd done that, I was, , kind discussing with my neighbors about the process. They go through what been going on and I found out, so for them, um, out of the, you know, six farmers in my small bay on the east side of Stein Island, , three of three of them had stopped farming oysters all together. One is still farming oysters and the, , two had failed. And you have the fourth one is, um, sorry. The, the fourth one is actually doing some like ecotourism as a part of their business now instead of, , farming oysters and only doing <inaudible>. One of the biggest problems with them, um, and they had related to me during the process was not to waste my money because there isn't enough seed and the seed that you can get is too small to actually grow, um, sustainably, , in the environment.

(03:45:01):

So again, this is probably like to reiterate kind of Jim's comments, echo those as well as Ken Thompsons from P C S G A, , and how important this is to the local economies as well as, um, , just, you know, how important this having seed supply, , is critical factor to a lot of small farms that are on the verge of, um, being sustainable and, and encouraging increasing jobs from that type of perspective as well too. That really hasn't been mentioned much here. So, um, the, , and I think that's, , pretty much everything.

Examiner Olbrechts: (03:45:38):

Okay. Thanks Mr. S thank you for your comments. Okay. So like I said, we're gonna continue till , next Wednesday one o'clock and, , look two questions for you. Yeah.

Mr. Viscusi: (03:45:48):

Um, I had a comment from Brian Gerberg should be entered as an exhibit.

Examiner Olbrechts: (03:45:53):

Did he ask it to be admitted or? Yes. Okay. Alright. Yeah, any que um, any objections to entry of his letter? Okay. Hearing then that'll be , exhibit 41. Okay. And then

Mr. Viscusi: (03:46:03):

The second one is, since we're extending till next week, does the public comment period close or is it also

Examiner Olbrechts: (03:46:10):

Yeah, I was gonna talk about that. Yeah. Okay. So, um, yeah, so it's, you know, you can submit written comments until, , next Wednesday at one o'clock. So, , it's okay if you already submit written ones, you can submit some more, that's fine. Um, but, you know, you know, you only get to talk once. So make sure you're, you know, if you want to say something else, get your written comments in there. 'cause we, we've gotta close the hearing someday. So, and, and hopefully that'll be next Wednesday. I think it, , it will be, , and just, , some, , um, questions for the applicant or, or yes, some requested information. Um, I mean, you know, the scale of the project compared to other ones across the country, I think it is pretty pertinent if this is like the biggest thing anyone's ever done for, for this kind of, , aqua farming.

(03:46:53):

Because when you talk about all the studies that are done and all the intensive regulation, if those studies and regulation have all been directed, you know, smaller projects is no one's ever done something this big that's kind of a, that's a little bit of a red flag. And I think that at least at the, at the least would justify some kind of monitoring since this is such a unique situation. So I, you know, and if, if there are projects that are this big, I I think that I and the audience would love to see pictures of what that looks like because I, I agree with the audience. I'd really like to see what, you know, I, I appreciate the artist rendering that you did, but you know, that's rendering, it would be nice to see what something actually looks like out there that's of a comparable scale to this so that, that we get an idea of really what the aesthetic impacts are.

[\(03:47:33\)](#):

And like I said, and if there's been nothing of this scale, then I, I really, I, I'd love to hear from your, , biologist about, you know, whether all these studies are really applicable to something of this scale in relation to such a small bay and that kind of thing. I think that's a, a valid concern and um, like I said, at the least would, would, , bring into play whether monitoring is appropriate. 'cause I think monitoring is an appropriate mitigation measure when you're dealing with something of unknown impacts, which this could be if, 'cause it's so large. So if, if you could address that, that would be really great at the, by next Wednesday. So anyway, we'll see ya in a week, , from today. I guess. Thank you all for sitting through this and I look forward to next Wednesday. So Luke, let me give you this and then we will exchange emails about how to clean up the exhibit list. I'll have a transcript done. It'll show, , you know, what's been admitted Exactly. And then we can get an exact list

August 16, 2023

Speaker 1 [\(00:00:02\)](#):

Afternoon,

Speaker 2 [\(00:00:03\)](#):

This is with Taylor Shellfish. I'll be attending virtually as well as Chris Confluence. Jesse De will be joining us here in a little, he's been delayed.

Speaker 3 [\(00:00:15\)](#):

Okay. I guess we can wait for Mr. Dena a few minutes since he's your legal counsel. Is that correct?

Speaker 2 [\(00:00:21\)](#):

That

Speaker 3 [\(00:00:21\)](#):

Is correct. Okay. Yeah, let's give him a few minutes then, since I do have some formatting questions to ask him at the beginning of the hearing, so let's wait a couple to see if hopefully he'll make it here pretty soon. So we will wait to start the meeting for a little bit till 1 0 5. Sure. I'll just say real quick for people



that are logging in and wondering what's going on, we're just waiting for the applicant team to get fully together. I'll give them until one oh and then we'll probably get started at that point. So hang on, we've just got a couple more minutes to go. Okay. Is the applicant team ready to go yet or how are you doing out there?

Speaker 2 ([00:05:08](#)):

He responded that he is on his way.

Speaker 3 ([00:05:10](#)):

Oh, he's still, okay. Well, let me ask you, Ms. Eal maybe, does the applicant team plan on still providing written response to a bunch of the public comments that were submitted? We had some fairly lengthy ones. I know from the Audubon Society. Mr. Pilate I think also had given a lot of new information. There were a couple other ones that were like several dozen pages long. Did you plan on just addressing all that verbally today or were you going to be asking for some kind of closed, well, some written response time for that.

Speaker 2 ([00:05:46](#)):

Thank you very much for asking. Yes, we were asking because I believe exhibits are allowed up until today's journey and many of them were quite likely we're asking for two weeks

Speaker 3 ([00:06:01](#)):

To be

Speaker 2 ([00:06:01](#)):

Able to provide that to you in response.

Speaker 3 ([00:06:05](#)):

Okay, that's perfect then. Yeah, so I'll let the audience know too. I think the way I'm going to handle the format is because I'm going to be asking the applicants for some additional information on the scenic impact, the visual impact of the project, so the applicant can combine that with their response to the written comments and that'll be due within two weeks after the hearing is over. And since those responses may involve some new information, I'm going to give them the public a chance to respond to that and then the applicant will have final say and so I think it'll be, I'll total like a three and a half week process once we close the hearing to get all those comments arranged and out of the way. And I guess I see Mr. Nik is here with us today, Mr. Mike. Oh, and let's, yeah, we can get it recording as well.

([00:06:54](#)):

I guess since this wasn't being recorded, let me kind of summarize what I just went through for the record. This is August 16th, 2023. We're at 1:07 PM this is s h r 2023 dash 0 0 0 3 continuation from last week. And I was just talking to a member of the applicant team, Ms. Ewald, about whether they wanted to submit any written responses to the extensive public comments that were submitted and Ms. Ewald said yes, they would like to have a couple weeks to do that. I mentioned I'll also be asking for a little bit more information on visual impacts and so that can be hopefully submitted as part of all that. And since there is so much information and the response may involve a significant amount of new information, I'll give the public a chance to provide a written response to the applicant's written comments and then applicant will get a two or three days after that to issue a final reply.

[\(00:07:46\)](#):

And then after that point, then I'll have my 10 business days to issue that final decision. Also for people out there that are participating remotely, if you have any questions you'd like me to ask of the applicant team, just put them in the chat there and I'll ask them once we get done with public comments. There is a right of cross-examination of technical witnesses and land use hearings. I mean, when you have something that involves so many members of the public like we do here, that's not manageable. By letting me have 20 people go up and do cross-examination, that doesn't work too well. So the way that I try to handle it then is to have people submit written comments and then I forward them to the applicant team to respond at that point. And also, if you haven't spoken yet when it's your turn to speak, you can also tell me what questions you want ask of the applicant and I'll make sure they get forwarded.

[\(00:08:39\)](#):

I remember Mr. Phillips asked at the beginning of the hearing last Wednesday if he could cross and I said, well just wait until it's your turn to speak. And then he didn't ask any questions when it was his turn to speak. So I'm hoping he understood that he did have that right. I did tell him I looked over the transcript and it was there. But anyway, like I said, it's not too late anytime until we get to the end of public testimony. If your questions are in chat, I'll go ahead and ask them. Obviously if you're out in the commissioner's chambers, I'll give you a chance just to ask questions to me and I'll ask the applicant to answer them as well. So everyone who's participating today have a chance to ask questions one way or another. I also want to thank people for participating remotely today.

[\(00:09:21\)](#):

I intentionally am participating remotely so that way people wouldn't feel they were at a disadvantage and feel obligated to go out and participate in person for the second continued hearing date. We kind of experimenting with how these hybrid meetings work. And this is something I'm just trying out because I know for some people it's a long drive to get to the council chambers, especially the one individual who came down from Vancouver bc certainly didn't want 'em to have to do that twice, so that's why I'm participating remotely today. But even if you're out there in person, obviously you're going to have a chance to speak today. Don't worry about that if you haven't had a chance to speak before. A couple other preliminary things, just so everybody understands, because sometimes this is a little unclear as is pretty typical of controversial shoreline cases. There's a lot of citations made to scientific studies and I just want to be clear that whenever a scientific study is cited in a written comment that I consider that to be part of the record, that I can look up that study and read it and I have a degree in molecular biology, I actually understand some of that stuff.

[\(00:10:27\)](#):

So I will be reading some of those studies to the extent that they're pertinent. Let's see. I think that's everything I got here. So with that, unless there are any other preliminary questions, like I said, when we get to the end of the hearing, we'll deal with scheduling the responses and replies and all that kind of thing. And at that point, like I said, I'll also be asking for that additional visual impact information and also for the letters the city has. And Mr. Viscusi, thank you so much for working so hard on the exhibits and having them posted all of your letters. Right. Mr. Visi should be posted online at this point, so at least up until how recent, where are we at this point,

Speaker 4 [\(00:11:17\)](#):

Mariah, where? So 10 30. So everything that was sent prior to 10 30 this morning has been posted. I think just got five more public comments prior to 1:00 PM By the time it posts that it'll probably be tomorrow.

Speaker 3 ([00:11:31](#)):

Okay. Okay. Alright. So yeah, I mean if you submitted a comment letter, be sure, and it's important to you, and I imagine it is, check on the, or county, excuse me, county's website to make sure your letters in the collection of letters there and if it's not, email Mr. Visco or give a call to the planning department and say you submitted a letter before the cutoff date and you don't see it in the collection. And then the staff will make sure that it gets in there one way or another. I suspect that they're all there, but we just want to be safe about that and just get back to the county though, we'll say by Friday at noon, check the website Friday by noon to see if your letters are in there and if they're not, let Mr. Visco know and then he'll take care of that. Or should it be Mariah or Mr. Visco, which one of you two wants to be in charge of letters?

Speaker 5 ([00:12:28](#)):

Either of us. It's easier if you send it to me and I send it to Mariah, just the way we've been working

Speaker 3 ([00:12:33](#)):

So far. Okay. Alright. Yeah, so email Mr. Visco if you have his email address or give him a call in the planning department, you guys can work out how to make sure your letter gets in there, I believe. And Mr. Visco, I'm trying to remember how long did I say what was the cutoff? I think the cutoff for submitting letters was basically the beginning of the hearing, right? Yeah. 1:00 PM Yeah, 1:00 PM. So yeah. Yeah, so if you got your letter in four one and you don't see it there, let staff know and they'll get that in there. Okay. With that, I think at this point I'll start off just today I'm going to give a preference to the remote participators and once I'm done with that, I'll go back to people who are physically present in the council chambers. Is anyone out there I want to say anything more on this project? If you do, just raise your virtual hand, not seeing any takers, which is fine. I know that we got one, Mr. Burgess. Okay. Mr. Burgess, let's, if you could unmute yourself, raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 5 ([00:13:29](#)):

Yes,

Speaker 3 ([00:13:29](#)):

I do. Okay, great. Go ahead.

Speaker 5 ([00:13:32](#)):

Hi there. Thank you. I've submitted some written comments. I'm a homeowner. My wife and I have owned a home on the Oakland Bay since about the year 2000, and I think Taylor Shellfish is a great local company, so I have nothing against 'em making this proposal. That's what corporations are supposed to do is find ways to increase their revenues and profits. And so I understand that. At the same time, I don't feel that the priority should be given to them from reading the Shoreline Management Act and R C W 90.5 8.020 lists a number of priorities and declaring the interest of all the peoples and preference in order of preference, there's, let's see, 1, 2, 3, 4, 5, 6, 7, and I think in most of those cases in the preferences, this would go against interests that the preferences of the preferences that are listed. I won't review all of those because I think you all know those.

([00:15:01](#)):

The very last preference, number seven is any other element deemed appropriate or necessary in R C W 90.58 100? And I don't believe this is necessary. It's not necessary. It's in the Taylor Shellfish owns plenty of Tidelands where they could plant these nine acres. It doesn't have to be in the middle of the Bay and the programs that are listed in terms of commerce and so forth under 90.58 100, it may be appropriate in the sense of, in a business sense, but I don't feel that it's appropriate in terms of protecting the rights of the general public. So if this was approved, it would be prioritizing the rights of a individual company over the general public, which is the opposite of what the intent of the acts, the Shoreline Management Acts and further legislation related to that are. So it just seems very clear to me that if the county in making this decision follows the preferences listed in the Shoreline Management Act, they will clearly need to decide that this does not, is not a priority for the community, it's a priority for one local business. And so just in summary, I'm opposed to it and I wish Taylor good luck with her business and just I think it needs to be in different locations could be on those acres of shoreline that they own on the east side of the Bay or other areas that they may own in the South Bay, south Puget Sound region. I think it's not necessary and it goes against the needs of the general public and certainly in Mason County, but in the state of Washington as a whole.

Speaker 3 ([00:17:29](#)):

Thank you. Okay, great. Thank you Mr. Burgess. Alright. It looks like Mr. Dewey would like to say something. Mr. Dewey, just raise your right hand. Do you swear Affirm tell the truth, nothing but the truth in this proceeding? I do. Okay, great. Go ahead.

Speaker 6 ([00:17:42](#)):

Thank you Mr. Examiner. So I wasn't originally planning to testify regarding this proposal, however, after sitting in on the August 9th hearing and listening to multiple people mischaracterized Taylor's shellfish as only caring about their bottom line, I wanted to weigh in to reassure you that couldn't be further from the truth. So I'm director of public Affairs for Taylor Shellfish and have been since Taylor's created that position 32 years ago. So recognizing the importance of restoring and protecting water quality and supporting the communities in which we farm to the future of the business, Taylor's had the foresight to create my job to do that. Taylor Shellfish, as you've heard, is a family business. Many of the family members were in the audience and last week's hearing based here in Mason County, they're leaders in the industry and in the communities in which they farm. They've been growing shellfish here in Washington since 1890 and have received numerous local, national and international awards for their leadership, sustainability and philanthropy.

([00:18:51](#)):

Taylor Shellfish was the first shellfish company in the United States that I'm aware of to develop an environmental code of practice or ecop over 20 years ago to ensure their farming practices for having the lightest touch on the environment possible. They're committed to implementing it with routine training for employees and that EOP has served as a model and motivation for a West coast industry-wide EOP people testifying about how beautiful Oakland Bay is have Taylors and other shellfish growers to tank for it Collectively, they've fought to restore and maintain water quality in the bay, starting with suing the pulp mill many, many decades ago and testifying in Congress in support of the Clean Water Act when the Bay was so polluted. No marine life including shellfish survival. Today's efforts include working with multiple stakeholders and agencies to address various sources of non-point pollution. I also want to share how proud we are of our gender and ethnically diverse workforce. Some of whom you heard from last week. Our employees are earning family wages with medical vacation and retirement benefits. Fifth generation, Marcel Taylor does an amazing job managing our human resources to ensure that our

employees are trained, recognized, and rewarded. We have many employees like me who have worked for the company for decades, which I think speaks volumes about the character and quality of the companies and the tailored family.

(00:20:21):

So I wanted just to share these observations with you to reassure you that this permit's approved, it'll be operated responsibly and will be an asset that Mason County will be proud of.

Speaker 3 (00:20:31):

Thank you. Alright, thank you Mr. Dewey. Appreciate your comments. Let's move on. Anybody else want to say anything? Mr. Bloomfield? It looks like, okay. Mr. Bloomfield, raise your right hand. Do you swear Affirm, tell the truth, nothing but the truth in this proceeding?

Speaker 6 (00:20:45):

I

Speaker 3 (00:20:45):

Do. Okay, great. Go ahead.

Speaker 6 (00:20:47):

I would just like to say that I'm a shellfish grower. I'm actually, Taylor Shellfish are technically my competitors. I have a farm site in Oklahoma Bay with the current D n R lease and I would welcome them as my neighbor. They're good players, they do a good job. I've had the privilege of serving on the Oakland Bay Clean Water District Advisory Board and now it's the Mason County Clean Water District Advisory Board for something in the neighborhood of 15 to 20 years. And we have fought very hard to maintain water quality specifically in Oakland Bay, and it is frustrating to me that we will make some progress and then we will have water quality downgrades. We as a community, the state, the county, the city of Shelton, all work very hard to maintain a water quality in Oakland Bay. It's upland inputs that really affect the water quality phosphorus and nitrogen loading.

(00:21:52):

Taylor's are good players, their farm, my only frustration is I don't think that they will grow enough shellfish there to make a huge impact, but I do believe that this proposal would be some form of mitigation to remove some of the excess nutrients that are loading Oakland Bay that will protect my shellfish farm and it will protect it for public use. I've heard people testify about using Oakland Bay for fishing and boating and things like that. Nobody would want to be in a polluted stagnant bay that's devoid of life, including the waterfront property owners who, it is frustrating to me that many of them seem to think that their lawn needs to look like the ninth hole at Pebble Beach, so they fertilize and they throw their lawn clippings over their bulkheads. Well, in some small way, this helps protect Oakland Bay. My only wish is that the proposal was bigger in scope so that it could make more of a positive impact. Thank you.

Speaker 3 (00:22:55):

Alright, thanks Mr. Bloomfield. Okay, let's see if we got any more remote takers. I think we got all the remote, so, alright, Mr. Viscusi, is there anyone out in the commissioner's chambers that would like to speak at this point? Oh, hold on. I got a Mr B, well, let's see. B Norton, I guess. Mr. Norton, did you want to say something? Okay, lemme swear you in.

Speaker 7 ([00:23:22](#)):

My name's Betsy

Speaker 3 ([00:23:23](#)):

Norton. Oh, Betsy Norton. Okay, let me swear in. Do you swear firm tell the truth, nothing but the truth in this proceeding? Yes, I do. And that's N O R T O N, correct? Correct. Okay, great. Go ahead

Speaker 7 ([00:23:34](#)):

Speaking. I'm a member of the Black Hills Outbound Society and we submitted some comments to you and so I'd just like to make brief statements just to highlight a couple of things in there. We think this project poses risks to endangered species and other wildlife, and we think it may be great the local wildlife habitat. We think the assessment of the project's environmental impact to date is insufficient, and for these reasons we are requesting that you require a full environmental impact statement. On this proposal. I just wanted to draw your attention to a couple of things. Our analysis indicates the project doesn't necessarily meet the requirements of the eight Patriot Species Act with regard to Shana D F W is documented Chinook in Jones Creek. It's on their swift map and the habitat management plan's use of the operations that quote, minimize impact implies some amount of an incidental take of that species. There's no evidence that Taylor has an incidental take permit for the local Chinook salmon not performing an environmental impact statement on this project, we think leaves this risk unexamined and Mason County at risk of permitting activities that will violate the a.

([00:24:58](#)):

Secondly, we're concerned for similar reasons about the transient workers and the harbor seals, which are protected species under the Marine Mammals Protection Act. We fear the extensive length of rope associated with the gear and potential to entangle those species and the plastic ditching and potential toxins stretched up from the anchor apparatus could introduce pollutants to the water that harm 'em. I'll put a couple of things in the chat when I'm done here so you can just to reference these pieces of legislation. The aquaculture installation also is not just a float, but it's essentially a permanently mowed structure replete with the use of hydraulic machinery to install the 90 acres in water. Some of those likely six feet deep, I believe, I'm not quite sure because Taylor didn't say explicitly, but under R C W 77 55, any construction state waters requires a hydraulic project approval from the Department of Fish Wildlife.

([00:26:01](#)):

We didn't see this permit or this prudent process anywhere on the documentation, but we think that it would be important to go through this process to assess the impacts on habitat potential to pollution of the bay waters and adjacent wetlands and also the resulting impacts on the wildlife from the installation process and ongoing operations. Just as a couple of examples of what we're thinking about shading from the bags and artificial lighting from the navigation lights can both affect salmon behavior. Toxic substances, residents in the different straight out of the sediments can also be released back into the bay water when they drill the anchors into the, so those are just a couple of things I wanted to highlight. I'll put these links in the chat.

Speaker 8 ([00:26:52](#)):

Do

Speaker 7 ([00:26:53](#)):

You have any

Speaker 3 ([00:26:53](#)):

Questions? Yeah, actually, well one comment and then a few questions for your request for an environmental impact statement. I believe the appeals period for the CIPA threshold determination or determination that an environmental impact statement isn't required is probably pretty expired a long time ago. So lately I don't believe I have the authority to require an environmental impact statement at this point. I think it's too late. If you or anyone else has a different legal interpretation, of course let me know, but that's usually pretty solid once the appeals period is done, that's kind of a done deal. But in terms of my questions, I was curious about, did you have any biologists help you write that letter? I found it to be a really good and thorough letter and I'm hoping for a pretty thorough response by the applicant. I think you've really dug into all the main scientific issues associated with this proposal. I'm just kind of curious what expertise went into play in putting that letter together?

Speaker 7 ([00:27:54](#)):

Well, I have course, I'm just a person, but yeah, I did have help from Bonnie Wessing and I did pass it by a couple of other people who write about stuff

Speaker 3 ([00:28:07](#)):

Like this. Oh, I see. Okay. Okay. Okay, great. Thanks Ms. Norton. Yeah, and I'll look forward to seeing your links in the chat there. I'm assuming you want those documents to be entered in the record, is that correct?

Speaker 7 ([00:28:19](#)):

Yeah, I put the links there because last time you said you wanted to know explicitly what we were referring to, so that's why those are there. I think they're also in the documents that

Speaker 3 ([00:28:29](#)):

We sent to you. Oh, they're already there. Okay. Okay. Sounds good. Alright, thanks Ms. Norton, appreciate your comments. Alright, let's see, who else have we got there? Okay, I think that's it for remote comments. So Mr. Viscusi, is there anyone out there who wants to or Ms. Frazier or anyone in the hearing room that wants to say something at this point?

Speaker 7 ([00:28:52](#)):

None.

Speaker 3 ([00:28:53](#)):

Okay. Alright, well I think we spent enough time talking about this last meeting probably. Let me see what I got in the chat links here. Let's see. Hmm. Mr, any objection over those three? I think I'd need more time to look 'em over, but I don't know if you can tell just by looking at 'em right now,

Speaker 9 ([00:29:28](#)):

We don't have any objection to them again provided we have an opportunity to respond.

Speaker 3 ([00:29:33](#)):

Okay. Alright, so I'll admit the three links as, let's see, let me pull up, shoot, I had those, just give me a second here. Alright, so that would be exhibit 42, 43 and 44, right Mr. Viscusi?

Speaker 4 ([00:29:54](#)):

Right.

Speaker 3 ([00:29:54](#)):

Okay, great. Alright, so let's then move on to the staff presentation or I guess response. Mr. Viscusi, did you have any comments you wanted to make in response to the public testimony or

Speaker 4 ([00:30:12](#)):

The only,

Speaker 3 ([00:30:14](#)):

Well, and I'll say you're just still under oath from the continued hearing. Okay, go ahead.

Speaker 4 ([00:30:19](#)):

The only thing I wanted to clarify is the question you had asked about Bush Act to me in response to my staff report, just I looked that over when you refer to the fallback property, which is Chapman Cove. Chapman Cove is almost entirely Bush Act lens. So Mason County code one 7.5 0.210 B one D considered AK lens to be existing ongoing maintenance harvest, replanting, restock or changing the culture technique or species cultivated for any existing aquaculture activity shall not require shoreline review or a new permit under two conditions. So unless or until the operation changes scope and intent of the original permit or the facility proposes to cultivate non-native species not previously cultivated in the state of Washington. So last week we were asking about changing out an aquaculture species to a non-native species under this code that is allowed as long as that non-native species has been previously cultivated in the state of Washington.

([00:31:24](#)):

So there's butch act land in which a grower is growing Pacific oyster and they decide we want to change that to Kumamoto oyster still non-native. They don't need to go through a shoreline permit review process under this code because Kumamoto oysters have been previously cultivated in the state of Washington. Now if they wanted to change their Pacific oysters to goeey duck because Mason code Mason County code requires conditional use permit for goeey duck, that changes the scope and intent of the permit that they would need to go through shoreline review for. So any existing shellfish farms, if the general intent and scope of that permit isn't changing but they're just changing the culture generally they're not going to need new shoreline review. But it is based on the culture and the techniques and the intent of that scope.

Speaker 3 ([00:32:14](#)):

So they can change from, like I said, oysters to goeey ducks or something as long as that's something that's been cultured before in Washington. Is that what it boils down to? Because it seems like if you're changing culture, if you're changing species, you're changing the impacts of the proposal which weren't assessed in the granting of the permit.

Speaker 4 ([00:32:34](#)):



Yes. This is just what Mason County code is saying, exact species as long as it is being cultivated in the state of Washington before, even if it's not native and even if it wasn't in the original permit.

Speaker 3 ([00:32:48](#)):

Okay. Okay, interesting. You want to take a stab at answering the first two questions in the chat there as tailored limited to the nine acres of pods and also is their permit transferable? Can you answer those two questions?

Speaker 4 ([00:33:02](#)):

So Taylor would be limited to the nine acres under specific other permit conditions. So it most likely be, and Taylor can correct me if I'm wrong on this, r we corps of engineers permit that section 10 and then the lease from the D N R would be the two that would really limit them to that 9.1 acres. Can you repeat the second question

Speaker 3 ([00:33:26](#)):

Again? Oh, well it was more specifically says if Taylor sells their company even to a foreign corporation, does the permit pass to that company?

Speaker 4 ([00:33:34](#)):

So a perfect example of this is there's muscle rafts just north of where Taylor is proposing this project. Those muscle rafts have changed hands about four or five times in their existence. So yes, an existing farm can change hands, they don't need to go for another review and that goes back to what I was saying before, unless the scope or intent of that project is changing, we don't need another review, we can pretty much just change the grower. So we just kind of update our own documentation that the growers change for the project and that's it.

Speaker 3 ([00:34:08](#)):

Okay, and another question just came in, is Luke saying the species in the cove only, would that be true in the Bay?

Speaker 4 ([00:34:18](#)):

I just want to say that is say you have a floating oyster bag project that has kumamoto oysters in it by this provision in Mason County Code. I'm sure this is open to other interpretations, but Mason County Code makes it seem as if you can take out those kuma mortar oysters and put in Pacific oysters because your operations don't change. It's just the culture that, or sorry, it's just the species that is changing under that code provision, they would be allowed to change what is in the bags.

Speaker 3 ([00:34:49](#)):

Okay. Alright. Okay, thanks Mr. Viscusi. Anything else from staff then? Is that it?

Speaker 4 ([00:34:57](#)):

Everything else in the staff report?

Speaker 3 ([00:34:59](#)):

Alright. Okay, well I'll move on to applicant and applicant team. I'll let you make your comments and then I'll have a bunch of questions I have written up here, but I'll let you go first. You might answer a lot of 'em to begin with. So Mr. Dy, I'll just transfer the show over to you at this point.

Speaker 9 ([00:35:14](#)):

Great, thank you Mr. Examiner. And I want to start off by apologizing for being late this afternoon. I could try to explain why that was, but I'm not going to do that. I really apologize for

Speaker 3 ([00:35:24](#)):

Whom? No, no problem.

Speaker 9 ([00:35:26](#)):

So I'm going to provide a few brief opening remarks and then we're going to have some additional presentations by Ms. Ewald and Mr. Chelo who you had heard from previously to answer some questions that you had as well as respond to additional public comments that were raised. So I'm going to try to keep my remarks fairly brief here, but I'll just want to start by providing a brief overall response to what we've heard and how we're viewing what's been the articulated vision for appropriate activities within Oakland Bay. So as with the written comments, we've heard several comments during the hearing in support of the project. We've also heard many comments in opposition to the project as expected those opposed. It's so largely on the basis that they have a different vision for Oakland Bay. That vision prioritizes the aesthetic and residential interests overall. Others including Shelby AquaPure as one commenter put it, they envision Oakland Bay as having an opportunity to be in Seattle's nicest bedroom or summer community and are concern that this project could compromise that potential.

([00:36:32](#)):

But that's not the vision that Mason County has adopted for bay, nor has the legislature of the Department of Ecology. Collectively, they've stated in the Shoreline Management Act implementing regulations at WAC chapter 173 dash 26 and in the Shoreline Master Program for Mason County that floating aquaculture is a permitted use in Oakland Bay that shellfish aquaculture is a preferred use of the water that's in the statewide interest can result in long-term or short-term benefit and can protect the resources and ecology of the shoreline. They've also said that priorities should be given to aquaculture uses in areas that have a high potential for it given potential vocations for selfish farming are relatively restricted and Mason County's gone even further and really clarified in their July master program that the county's priority is to strengthen and diversify the local economy by encouraging aquaculture uses. Of course Taylor understands that even if this isn't allowed and preferred use, it still must design it appropriately so that it does not have unacceptable impacts under the s and p.

([00:37:35](#)):

We also appreciate the examiners has requested information regarding the size of this project, whether scientific studies for other farms are useful for considering this farms potential impacts. Again, Ms. Ewald and Mr. Chela will provide information in response to the examiner's request confirming that this is a relatively modest sized farm whose impacts are well understood and minimally adverse to beneficial. It's appropriately sized and scaled for convey and as proposing conditioned meets all approval criteria. While one comment or suggest Taylor could resolve opponent's concerns by sitting down with them and reach an agreement on a different perhaps reduced sized project, many others threw cold water on that approach confirming that the dead on arrival and stating there's no way to mitigate or minimize their concerns other than by denying the proposal outright. Again, it's not remarkable that some residents of the area are principally opposed of the project.

[\(00:38:33\)](#):

These objections illustrate something that happens a lot in my new settings. People retire or buy vacation homes to enjoy a rural community and then object to the natural resource based activities that drive a rural economy that they've decided to move into, whether that's farming timber or here shellfish shock culture. Again, the legislature envisioned this tension would occur and it resolved it by identifying uses such as shellfish aquaculture that are preferred and given priority. Taylor also does not begrudge commenters who oppose the project because it does not fit with their vision of Oakland Bay. Those individuals are motivated by their individual views, their individual recreation activities and their individual property values. They're acting in their own individualized interests. By the same token, it's inappropriate to criticize Taylor for pursuing this project because it's in Taylor's interests. Taylor is a business and of course it's pursuing this form because it's in its interest, but as others have testified and you just heard from Taylor's also a key member and supporter of the broader shellfish community as well as the broader Mason County community.

[\(00:39:36\)](#):

It's an entity that invests significantly in clean water and that's the main reason why Oakland Bay can now maintain shellfish farms and why there are these recreational opportunities in the bay where people feel comfortable going out and recreating the waters. Taylor also supports numerous other community organizations from education to land conservation and this project will support commercial and recreational shellfish shock culture more broadly, which is in activity that's in the broader statewide interests. There's nothing nefarious and no black hats here. This is an issue of competing interests in Mason County to resolve these competing interests in its S M P in favor of shellfish farming. As many cases of held as the examiner's well aware, too many disclosure cannot be a basis for permit denial. In fact, under the legislatively dawn constraints of the SS M A, it can't even be the basis for drafting use policies and regulations that restrict shellfish farming given its status as a preferred water depending use that has relatively few locations where it be located.

[\(00:40:41\)](#):

Rather use restrictions like permitt. Decisions must be based on scientific and technical information. This was recently affirmed in a growth management hearings board, central board case number 18 dash three dash zero one C. Mr. VII's detailed staff report along with supporting project materials including Taylor's supplemental consistency analysis of Exhibit 11, demonstrate this form as a preferred use that's consistent with the policies and regulations of the S M A and S M P for reason stated in the materials and presented hearing all approval criteria have been satisfied and we will respectfully request for the permit to be granted. With that, I'll conclude my opening remarks and turn it over to Ms. Eal.

Speaker 3 [\(00:41:27\)](#):

Okay, Ms. Eald, you're still under oath from the last hearing date, correct.

Speaker 2 [\(00:41:34\)](#):

Would it be better for me to share my screen or did the county wish to present the slides that I sent earlier?

Speaker 3 [\(00:41:44\)](#):

Ms. Frasier, what do you think

Speaker 2 [\(00:41:47\)](#):

She can share?

Speaker 3 ([00:41:48](#)):

Okay, yeah, it's usually easier.

Speaker 2 ([00:41:51](#)):

Got it. Alright. Alright, can you see it?

Speaker 3 ([00:42:04](#)):

Yeah. Yes.

Speaker 2 ([00:42:05](#)):

All right, perfect. Alright.

([00:42:12](#)):

Alright. This system again will be situated approximately thousand 1500 feet from the shoreline Brooklyn Bay. The lease footprint for the project is 50 acres and the boundary is needed as the lines will even blow with the tide and the gear footprint is therefore required to stay within the boundary. The farm cannot be expanded without amending the lease with Washington d n r and revising Federal removal permits, federal permit renewals and revision for prior public notice and the Army Corps permits are generally seven to 10 years. Washington d n R product leases are 10 to 12 years. Taylor has applied for a 10 year lease as shown in exhibit 13 and D n R has indicated that if they approve it, it will be within the 10 to 12 year range.

([00:43:05](#)):

The surface area footprint is approximately 9.1 acres and corner to corner, including the farm water between the lines is 36 acres. Full buildout is expected to take two to three years, 30,000 bags distributed along up to 30 double the farm will door and boost oyster. Oyster species grown in Washington include Pacific Kumamoto and eastern oyster. While these species are not native, they were introduced to Washington State waters in 1920 when the native Olympia oyster was over harvested and decreasing water quality prevented natural improvement. Pacific oysters are now established in Washington state, are regulated and approved for transfers throughout local growing areas by Washington Department of Fish and Wildlife, and are a major part in Washington economy. Pacific Oyster has been primarily cultivated the primary cultivated oyster since the early 19 hundreds. Tribes, growers and recreational harvesters have invested and relying on Pacific oyster shell water quality and cultivate reefs for restoration.

([00:44:17](#)):

Pacific oysters are routinely tested and monitored for pathogens since early 1990s and Oakland based shellfish have been inspected and monitored by U S D A and local accredited veterinary staff annually since that time and no reportable disease have been discovered. These floating bags have been used in other countries for decades and the design function are similar to oyster bags that have been used in Washington state for shellfish cultivation over the past 10 years. The bag configuration is constantly evolving to incorporate improvements to design and whether that is improved resistance to biofouling mechanics of the structure and how it operates on the line or how it's lifted and flipped for maintenance. With respect to floating bags, in particular early containers such as both EP on the left are smaller and lengthened width while newer generations are larger and taller. While each generation of

bags is slightly modified, the surface aerial will be monitored and required to be maintained at 19 9.1 acres.

[\(00:45:29\)](#):

Alright, farm type floating oyster cultivation is an established and well-known cultivation method that has been thoroughly studied. In 2016, the US Army Corps of Engineers, along with National Marine Fishery Service and US Fish and Wildlife Service completed a programmatic consultation for continuing and new shellfish activities in Washington state. The consultation covers common methods of shellfish farming that have well-known and understood impacts including cultivation of oysters, clams, mussels and greeet. The consultation expressly covers Taylor's proposal as a type of floating oyster culture map. Oyster floating culture occurs using lantern nets, bags, trays, cages or vertical ropes or wires, bed from surface long lines or ramps similar to that described above for muscles Bloating culture occurs in the subtitle zone surface long lines are heavy lines suspended by floats or buoys attached to inner moles along the lines and anchored in place at each end. Lantern nets adopted Japanese shellfish culture are stacked of round mesh cover wire trade both with the top plastic netting and the nets bags. Trade agents or vertical ropes or wires are pumped from the surface of long lines are more broadly speaking. Oyster bank cultivation is the common cultivation that Alright,

[\(00:47:11\)](#):

I just wanted to add that New Zealand operations are seven five farm similar bay with one mile wide three miles long and the will the Bay Enterprises has been approved permit to cultivate up to 161 acres of waste and up to 451,787 floating containers here. Makes sense. This farm set up will be set up with three lines grouping with say 15 feet apart where Taylor is proposing 30 foot baker at 30,000. Alright. Washington State has a long history of shellfish farming. There are numerous shellfish farms throughout Washington state and many of these farms are much larger than tailored from Oyster Farm. These farms and their environment intact have been thoroughly studied by resource agencies including the programmatic consultation which analyze 36,999 acres of continuing shelter activities in Washington state and 1,401 acres of new activities. The numbers presented in this slide display the number of continuing farms that were evaluated in the programmatic consultation according to three different categories, farms that are at least 9.1 acres, which is the size of the proposals, active actual cultivation area including supporting lines, 36 acres, which is the size of the gear plus all of the water area in between the lines and 50 acres, which is the total project area.

[\(00:48:56\)](#):

As shown here, there are three 20 AC farms in the state that are 9.1 acres or larger, 178, 36 acres or larger and 148 that are 50 acres or larger. South Puget Sound has the second highest number of these farms at the regional scale and even at the water body scale, this would be a normal sized farm. There are currently five parts greater than 9.1 acres, three with 36 or more, and two with more than 50 acres.

Speaker 3 [\(00:49:28\)](#):

Ms. Al just can I ask you a question about that? So there are actually two farms in Oakland Bay that are already bigger than 50 acres. Are these floating farms or what are these? I'm just kind of curious.

Speaker 2 [\(00:49:40\)](#):

Sure, thank you for asking. That is the Taylor Shellfish head of the bank farm, which is on bottom Oyster and Taylor's check Boat Farm with a 90 acres.

Speaker 3 [\(00:49:55\)](#):

Oh great. Okay, thank you.

Speaker 2 ([00:50:01](#)):

All right. Scale y 9.1 acres and 50 acre boundary, significant resources and effort go into applying for and obtaining permits and a lease in subtitle grounds. There are very limited areas which are environmentally suitable and logistically feasible and Taylor has the infrastructure to support and employees with expertise to manage this farm and Mason County has been historically supportive of natural resource industries. Finally, with proximity to feed operations, ship facility and the majority of farms were out planting Oakland Bay is an ideal location for this proposed farm. The farm is relatively small in the context of Oakland Bank and the project, proposed project at approximately 0.3% culture and the combined amount of existing and proposed culture in the subtitle zone in Oakland and Hammersley inlet result in less than 1%.

([00:51:03](#)):

As just discussed, the 50 acre boundary of the farm is small in scale to other operations including those known the Bay Taylor currently farms 173 total acres in Oakland. Taylor also operates 175 acres in Berlingo, which is a 300 acre boundary and 32 acres of S scum with an eight AC per boundary. There are many farms in Washington that have more oyster bed than is proposed for this project. As an example, the image on the right is a portion of a 45 acre boundary with over 37,000 flip beds. This farm is in there are also farms with more than 30,000 beds in huget thousand including Taylor's farm establishment which has over 15,000 bed. That farm also includes a 50 acre long line farm, which is shown is just a portion and the image document, excuse me. So the operations for this farm will occur during daylight hours lighting. The lights currently used on Taylor's muscle farms are expected to be required for this farm. These lights are solar powered and provide six lumens. Looking at other light, this brightness that is typical of solar pathway lights, night lights, both safety lights and small battery upgraded flashlights. Lights are installed on the four corners and are directional to the sides. US Coast Guard lights on aquaculture is relatively minor and no security lighting will be installed.

([00:52:44](#)):

Noise the Taylor Shellfish will provide with the county's noise ordinance. Taylor has extensive knowledge of these ordinances and we work carefully to meet them. The boats are four stroke engines and the generator is applied force power unit. Tailored is noise, Ming boxes and blankets to reduce the noise of the generator and no other, no other noise generating device is expected to be used on this farm odors on shellfish farm, the shorelines in general odors are caused by a panic decay and this is usually where the weather gets caught and the tides are exposed extended periods, whether that is from cwe, dead shellfish or other organisms or depoing bacterial maps. This farm is subtitled and the S contained are always the limiting sun exposure and the floating bed farms are flipped on a routine schedule to prevent buildup material including particles. In addition, seed densities are smaller than on our farms. Therefore each of the scenarios potentially found on intertidal farms is negated for significantly reduced here.

([00:54:00](#)):

This farm lymphoid three to five full-time crew, the floating system is designed for increased mechanization to reduce strain on employees with strenuous and repetitive functions. The work hours, while the current intertidal farm can only provide halftime hours, this farm will require crews to manage it full time. Not all hours will be spent on the farm and some of those hours will be used for things like safety, picking up seed for epilepsy, boat ramp or repairing or installing or monitoring gear and sorting seed for sale to farms. In contrast with intertidal farming, which is high dependent and requires its death of nighttime work, floating aquaculture can be mostly conducted during daylight hours, but there is a need to conduct some activities during periods of the year when there's limited daylight hours. And the

S M P recognizes the importance of granting farmers latitude stating that permits shall include allowance will work at night or on weekends, but may require limits and conditions to reduce impacts such as noise and lighting to therefore between October and April. Taylor is requesting one hour before and after dawn and dusk with those limited daylight hours. This extension would still comply with Mason County's noise ordinance, which defines daytime hours 7:00 AM to 10:00 PM Finally, Taylor requests the ability to respond to emergencies on any farm on the farm at any hour. Those emergencies would include situations that must be addressed immediately in order to prevent loss or harm to light or system failure due to extreme weather or accidents.

[\(00:55:46\)](#):

Aesthetics. We believe that renderings submitted for this project and included in the visual impact assessment provide the best representation of what this specific barn would look like at this location, but we did also want to respond to the examiner request for photos showing operations in other areas. For purposes of comparison, the photos on the previous slide showed bottom farms that are larger than Taylor's Oakland Bay floating farm and are three dimensional within the water colony. They grow out to market size adding higher density and they also extend from high elevation from the tide of that. On this slide and the next slide, we are showing larger operations that have already been installed and are in operation. These images were taken from earth and depict floating by farms in new ceilings where these floating system originated. The bays they're located in are still limited size. The Oakland Bay approximately three quarters to a mile wide and three miles on the photo. On the left is 94 acre farm in Pigeon Bay, which where the bay, it's approximately three fours of mile and the photo on the right is in Port Levy Beach, which is an 80 acre farm also in bay. That's approximately three fours mile.

[\(00:57:14\)](#):

These two photos further illustrate those 70 to 2000 acre farms and how those navigate any impacts on. I also wanted to provide some photos of this type of ag system in operation in Washington state. These two photos were taken on Taylor's South Bend Farm in Gulf Bay and show the generation two or the smaller fanic size of Taylor's floating bags. This system is an intertidal location so it is floating most of the time, but at very low times in rest. On bottom this system is 35 lines and the lines are 300 feet off. The photo on the left is approximately five to 5,400 feet horizontal with vertical and the image on the right is the same font but within the line. As you can see, the bags do not protrude more than a few inches above the water and as shown in the image on the left, if there is a bit of chalk, they blended very well. Open Bay does not recognize that the major recreational destination or a high use area for recreation other than summertime, non-motorized use by SHO land presence. It is however recognized as an industrial area, both historically and currently. The project is approved. It is appropriately scaled with respect to the size of open bay with the total area covered by floating here at 9.1 acres within a 50 acre boun.

[\(00:58:51\)](#):

This is similar to projects in other similar locations and much smaller than the Will Bay Enterprise project. The public is able to conduct many recreational activities within the project's line. The police are bed which are space 30 feet apart and it would not prohibit people from using the areas between lines during hours so long as it did not. Outrageous.

[\(00:59:18\)](#):

This project is also located at least one, excuse me, 1000 feet from all adjacent shorelines allowing for recreation and ion on all sides of the project and throughout the bay. For anyone who cannot or chooses not to recreate between the lines, both navigation throughout Oakland Bay and Cameron Bay Inlet is difficult at extreme low tides. Oakland Bay is approximately a negative five to the negative 12 mean low

water and those votes who draft over three foot and traveling throughout all of Oakland Bay Hammerly Inlet and Extreme Low should take caution. Due to the shallowness of the water and the multiple Sandbars Taylor's experience, givers have navigated between Bayshore Chapel and along Sunset Road North. She at low tide without issue.

[\(01:00:08\)](#):

Taylor is offering significant mitigation that more than offsets any impact providing the public the right to use 16.6 acres of the company owned titles. Taylor's Bayshore parcel sits between the walking trails of beach access from Land Trust and the W D F W public Fishing and Shellfishing access point. This parcel heavy summer traffic because of its location on higher intertidal firm substrate and easy access between W D F W ground and the Bayshore Preserve. While existing maps at Bayshore and D F W parking area show the location of nearby private parcel and urge visitors to refrain from crossing those tiles. To date, Taylor has chosen not to mark up the property. The photo on the left posted on Wws website is just found materials parcel by formally allowing passive recreation visitors would be welcome to access the parcel for walking and children Taylor's Highland of Sunset Road will provide formal right to the public to access the 15 acres of Taylor's on property to the southeast of the project site visit can use of property for any number of purposes including beach walking and picnic. It can also be used at the Kayak West Point for those following the Washington Water Trails Cascadia Marine Trail, whose current map is in the middle of the frame.

[\(01:01:38\)](#):

Activities encouraged and other identified points listed on the Washington Water Trail site includes bird watching, beach rock hunting, fishing, historical markers, local information. In conversations with the water trails organization staff were excited to be able to extend their approved access into Oakland Bay and provide visitors with new opportunities to enjoy learning about the area. Staff noted that they would be able to install a kiosk and include information about the organization, other points of local interest and information about shellfish operations. Finally, the launch at Oak Bay Marina is multi-use and serves the public as the only boat launch from Bay working with the marina to improve infrastructure and services will improve access for visitors and those who don't operate

[\(01:02:38\)](#):

Product leases are 10 to 12 years. Taylor, again has requested a tender year lease and has the flexibility to go up to 12 through the state constitution and legislature manages its land to ensure the balance of benefits for the citizens of Washington from the use of product land. These benefits include commerce and navigation, public use and access, use of renewable resources, protection of the environment to generate an economic return to citizens when appropriate does have a stewardship program and reviews its leases for appropriate conditions for the environment they're in. As steward of Washington State owned aquatic researches and identifies practices that protect the aquatic environment and imposes conditions on its leases to ensure environmental protection through its stewardship program, including to address, including addressing shading water movement, waves and habitat and contamination. The A product lands enhancement account for AALIYA provides funds for public access. The these projects protect and reestablish the natural ecological functions of the product land in Washington state and they're funded through revenue generated from state vote to plan land leases including those for this lease. These funds go back to helping restore product requirements. Examples of the projects funded by the idea count include examples like removal of bulkheads and order to restore natural beach function. Restoring estuaries and restoring shorelines for habitat. Taylor doesn't. That's similar to other typical floating off culture leases will require monitoring for use of wedge anchors to ensure that they perform as expected and do not cause unanticipated movement or as well as reporting for gear use and production.



[\(01:04:45\)](#):

The Shoreline Management Act and Shoreline Management Program are used for floating aquaculture. This use for floating aquaculture is expressly allowed in Oakland Bay with the substantial development permit. Shelter farming is for use of statewide interests with important environmental and economic debt. Shellfish farming has a particularly strong presence in Oakland Bay and shellfish has been commercially farmed here since the 18 hundreds and by Taylor's 1960s. As discussed earlier, this bay currently supports shellfish farming, including farms that are largely IT proposal shellfish. Farmers have fought hard to improve water quality in the bay. This effort, as Tom mentioned earlier, began pressuring regulation limiting lumber mill from discharge pollution and polluting water quality. Taylor has taken part in many land conservation programs which protect water quality such as the Big Shore Reserve. Taylor has had an active seat on the Oakland Bay Water Protection Group, which brought together members from Fox and I the tribe, Mason County Health Department, the city of Shelton, Washington State Health Department, other growers, community members and stakeholders.

[\(01:06:05\)](#):

This group helped to communicate water quality impact and find solutions. Taylor has also helped install farm best management practices on Auckland Farms in the area to prevent bacteria from entering the bay, as well as to fund educational programs which engage in great water quality Army Core conditions, which apply to aquaculture farms include maintaining gear, best vehicle maintenance, fueling debris control, repairing, spot monitoring, et cetera, and industry VFPs, which were established in 2000 by Taylor. She, and then later taken up by the industry provided guidance and documentation on aquaculture best management practices. This guidances reviews, culture practices highlighting farm BMPs that growers can take to reduce potential impacts in the environment and surrounding humidity. These topics include noise, lights, odor, turbidity, again, vessel making. Village Taylor sells a majority of its project product domestically. In fact, over 70% of all of its shellfish sold from the United States.

[\(01:07:20\)](#):

Primary use of this farm will be to supply seed for grow out on other farms in the south, south annually, Taylor sells over \$5 million in feed with almost half of that being Pacific oysters. Most of Taylor's cultivated oysters, 76% are sold domestic with either directly to customers, wholesale or restaurant. These markets rely on product that can be delivered fresh overnight, are high quality, sustainably sourced and reliably available. Taylor does work to cultivate international markets in order to diversify its sales and he'll combat the US seafood trade deficit, which is thinning at over 17 billion as of 2020. This farm will support and stabilize hundreds of employment positions by defined critical seed for Taylors and other Grove's farms, including employees who work on those farms, work in processing plants, drive trucks, work in sales and other support jobs, and work in restaurants. Taylor pays high wages and provides good benefits. The average farm worker X Taylors paid over \$27 an hour plus benefits. Shellfish farming is critical to Mason County's economy contributing to sales tax jobs and many other direct account.

[\(01:08:45\)](#):

This farm is relatively modest in size, but incredibly valuable. Seed is critical to farms and the availability limits farm's ability to grow and meet domestic and international market demands. The ability to store and boost feed to larger sizes in open growing areas will improve access to feed and stabilize farming operations. This farm will allow food to currently work several positions to now work solely on this farm, opening up additional positions to replace theirs on the harvest. In addition, as more speed is available, farms are more productive, creating more job on piece there. This farm feels a critical need to hold and boost seed and approved growing area. Waters seed from this farm will be used to support every Taylor farm in Washington state to cultivate seed. Increased production will require the people to manage,

including hatchery workers, farmers, skippers, truck drivers, profiting plant workers, sales and marketing. And as Taylor is vertically integrated with employees managing each week, this seed goes to more than 30 additional commercial growers and more than 500 recreational growers annual in Washington, where that indirect impact is amplified.

[\(01:10:08\)](#):

Comments were raised during the initial hearing regarding the need to conduct monitoring of the farm. Taylor will perform numerous monitoring actions for this farm. Some of these have been specifically designed by expert resource agency through the programmatic consultation to ensure activities will not unacceptably impact sensitive species account. Others will be imposed by D N R upon lease approval and others will be followed to ensure compliance with Taylor's own environmental codes and practice, which Taylor voluntarily developed and followed to reduce potential impacts to natural and those requirements. Taylor is comfortable with the hearing examiner posing these monitoring actions which are listed on the following slides and has been provided earlier to the examiner today as direct conditions of the shoreline.

[\(01:11:08\)](#):

Going through a couple of those monitoring conditions was again the programmatic consultation, these requiring surveying or monitoring, again, pairing swan surveys during the hering swan window when bags would be written. They inspected prior to moving those for fish surveys for uplift access onto new farms. There are monitoring and other regulations for fueling boats and other gas powered vehicles where that needs to be done 150 feet away from the water body or fuel ducts. Then you have vehicle in vessel maintenance and monitoring for leaks before they go out. You have quarterly beach patrols for debris that are required with the consultation and then when performing other activities on site, the grower shall routinely inspect for and document any fish and wildlife, not tangled depths or other shelved equipment.

[\(01:12:12\)](#):

The other monitoring agency or regulatory agency would be D N R with conditions. While we don't have a lease assigned lease with D N R, we do anticipate monitoring requirements associated with this lease just based on other leases that Taylor has. This would include monetary reporting on the anchor systems where Taylor must conduct retain surveys to ensure that the anchors remain in place or to relocate the acres to their original install position and Taylor shall maintain a record of all oyster bags installed in the project along with the total service coverage of the product gear.

[\(01:12:57\)](#):

Finally, production surveys are usually submitted to Washington d r to calculate rent or to provide a tool to measure production trends within Washington State waters. And then there's the Taylor Ecop or Environmental Codes of Practice. This is a hefty document that is regularly updated and reviewed containing new scientific information, new best manage practices, those within the ecop that would tend to apply to this farm, including taking a look at healthy seed. We do, Taylor does cultivate the seed that will see hatchery me. The hatchery is a high health facility that is inspected annually by with S D A APHIS bes. This inspection includes the review of my security practices and management and review of all pathology reports. Seed from the hatchery is then sent out to Taylor Seed nursery and the floating bags for boosting to larger size before they sent out to the farms for final throw up.

[\(01:14:02\)](#):

Secure the farm has a dedicated crew assigned to its maintenance, monitoring and harvest operations. These crews will have eyes on the system several times a week to watch for gear wear in order to prevent debris from occurring in the first place. Debris patrols surrounding the floating farm as well as

tailors other operations occur every tidal cycle approximately every two weeks to look for displayed gear, other debris and most debris found on farms. As mentioned in the previous current hearing within Oakland Bay could include residential garbage such as cans, bottles, styrofoam, and general garbage. Another industry hub is visual impacts aesthetics, so maintaining that constantly, consistently arrange the tight arm through those aesthetics and gear maintenance and employee training assistance effort. Taylor does maintain current D F W transfer permits, removing seed to its operations in Washington Farms. This also has conditions for invasive species prevention and the debris patrols include expedient response to community concerns. And finally, vessel maintenance and inspection conducted regularly and supported digitally by maintenance. I think I've hit all of the questions that you had originally asked earlier in some notes that have been goes by the community. And so with that'd like to thank you for your

Speaker 3 ([01:15:42](#)):

Time. Okay. I have a few questions and when I'm done, I think I'll let you go through the chat and answer the questions that are there. And I just want to remind the public the chat was just for asking questions, not for making additional comments. And Ms. Ewald, I think I talked to Ms. Frazier before the hearing started and she said that she's able to keep a recording of all the chats and we'll make sure to get that to you. And then as part of your two week comment response, you can also respond to the chat comments as well. But today, if you could answer the questions that are directly raised, that would be helpful after I ask you my questions. And just for the public's benefit, like I said, once the applicant gets their comments in two weeks, you'll have a one week to respond to those comments and I'll include the information that was provided in today's applicant comments as well. You can respond to that as part of your response to the written comments that the applicant provides in a couple of weeks. Yeah, I've got a few, let me pull up Milas. At this point there were a lot of written concerns about the debris issue, about oyster bags washing up in someone's backyard, that kind of thing. If what I recall, I think is it correct that your most comparable floating oyster operation, is that the one in Canada? Is that correct?

Speaker 2 ([01:17:02](#)):

The largest of the floating bank operations are up in Canada. Okay. One that is similar is the little of the bag that has the 35 lines. There's people lines.

Speaker 3 ([01:17:15](#)):

Okay, so I take it you probably do a little debris inspections there as well, or patrols I should say. Do you know about what rate of attrition your bags have in terms of how many break off and end up showing up on someone's shoreline?

Speaker 2 ([01:17:38](#)):

I would have to look at documentation that we collect for that. Debris management specifically for floating bags, all aquaculture. So for floating bags, the bags themselves are required to be right now tagged so they have the grower's information in order to be able to be responsible for that, for whoever collects it to be able to identify who it is and to reach out to 'em. As far as the incidents of debris, based on the information that we've collected through our realtime application, rarely is it through those debris patrols. We rarely find aqua agriculture debris on those patrols. It is mostly that either nothing has been found or garbage been found. When there is an incident of debris and we get a complaint regarding it, we respond immediately and work with the complaint to go out and collect that gear and be able to then identify where it's coming from and be able to address that issue.

Speaker 3 ([01:18:58](#)):

I mean, if a bag ends up, because I guess the patrols will be every two weeks, like you said, if a bag does end up washing up on someone's shore and sitting there for a couple of weeks, does that create an odor problem in that period of time or not? Can you

Speaker 2 ([01:19:13](#)):

Say one bag did not create an odor problem.

Speaker 3 ([01:19:15](#)):

Okay. Okay. And another few comments that came up were about the navigation lights and people thinking this would create light pollution, that kind of thing. I know this is regulated by another permitting agency. Do you have any estimates at this point about how many lights you'll need and what I take it? These are probably going to be what those red lights that blink, is that what we're talking about for navigation lights or what are these things going to look like?

Speaker 2 ([01:19:42](#)):

How many? The first part that indicated is exactly what it is that they're looking for. On Taylor's Muscle Farm, they are top hat lights, they're consistent light is solar powered lights that gives off six movements lights. They are fairly low intensity. It doesn't directionally point up, does point sideways just like a boat light on your,

Speaker 3 ([01:20:13](#)):

Okay. And how many acres is the mussel farm?

Speaker 2 ([01:20:18](#)):

We've got three mussel farms here. There are roughly about three to five

Speaker 3 ([01:20:28](#)):

Acres. And how many navigation lights are about in those? There's

Speaker 2 ([01:20:32](#)):

One on each one.

Speaker 3 ([01:20:34](#)):

Just one not light for each one. And that's it, correct. Sorry. Oh, okay. Okay. Alright. Yes. And you said there's solar powered, so I take it there's no generators or something that makes noise involved in operating these lights, is that correct?

Speaker 2 ([01:20:48](#)):

Correct.

Speaker 3 ([01:20:49](#)):

Okay. Okay. And then there were questions about the generators that you're using. You said you've tested them for compliance with Mason County regulations. So do you recall what kind of decibels they do, the generators you use currently generate?

Speaker 2 ([01:21:06](#)):

That's a good question. I believe the last time they went out a few weeks ago, they were getting more readings off the road than they were off the generator.

Speaker 3 ([01:21:17](#)):

Okay, okay. And there was a question asked about do you have boats, engines going and generators going at the same time or is it usually you boat out some more stop and then turn on the generator? How does that typically work?

Speaker 2 ([01:21:30](#)):

The boats normally would just be going through, you would have boats and generator when you're actively lifting and flipping the banks.

Speaker 3 ([01:21:43](#)):

Okay. Okay. And you might've already answered this when you were talking about the public access tracks you're offering as mitigation. I apologize if I'm making you retread that, but there was a kind of detailed question asking how are people expected to move their boats and just get stuck in the mud or something? I mean, could you kind of diagram if it's even possible someone to mow a boat and then if they wanted to get to the mainland through your property, how that would be done? Or is that not the purpose of these access tracks?

Speaker 2 ([01:22:16](#)):

Are we talking about the Bay shore track or the sunset? They're not meant for waring anchoring a boat onto those farms. They are active shellfish farms. I see. But as being able to stop being able to land the kayak, being able to rent your paddleboard, being to walk along the beach, that is perfectly acceptable. But anchoring and staying overnight is probably not what we were looking

Speaker 3 ([01:22:44](#)):

At. Okay. And then there was one commenter that was talking about the spacing between the rows of the oyster bags. I think the staff report said the spacing is approximately 30 feet. The H M P said it was 20 to 30 feet. And then the H M P diagram shows that it's 20 feet between the lines that sort of anchor the bags in place. And so the bags themselves take up part of that 20 feet as well. I mean, can you say what's the most accurate depiction there?

Speaker 2 ([01:23:18](#)):

30 foot anchoring, the lines will move and so they will move together depending on what the tide is. And so it's between 20 and 30 feet that you're going to have between the lines with the bags installed.

Speaker 3 ([01:23:33](#)):

Okay. So the bags themselves take up some space, so you could have times when it's less than 20 feet actually, right? Is that correct?

Speaker 2 ([01:23:40](#)):

Correct. Yeah.

Speaker 3 ([01:23:41](#)):

Okay. And I mean, can you be a little more specific about what kind of improvements you're talking about for the Oakland Bay Marina? It is a little vague. I'm not quite following what you plan on doing there.

Speaker 2 ([01:23:54](#)):

Sure. So as far as what Oakland Bay Marina is looking at, those conversations are early as far as what it is that they're specifically needing. They have yet to get all of their permits. And so where best Taylor can provide whatever patient department and make able to help them manufacture and create the grading for their docks, whether it is something that they need heavy equipment operators, if they need biologists for forage fish surveys in order to do that work, whether they just need cash in order to be able to apply for additional grants. Those are all items that Taylor has worked with other marinas on light objects.

Speaker 3 ([01:24:46](#)):

Okay. Okay. And final question from me. I got a few comments about the health impacts of having oysters grow in an area that's had some pollution problems in the past. My understanding is that's a little beyond Shoreline Management Act, regulatory jurisdiction, that that's already covered by other agencies. Can you just, I think mainly for public benefit kind of described how the health impacts of the shellfish are regulated by the state and federal agencies. In other words, it's not going to contain these poison. Someone's testing for that.

Speaker 2 ([01:25:25](#)):

Sure. Let's see. I think I understand your question so I can just kind of reiterate it. What you're asking is if we're growing oysters and it's fed who's regulating the health of oysters or who's regulated the health of the Fed,

Speaker 3 ([01:25:48](#)):

The health of the oysters? In other words, are these oysters going to contain some of the toxins in the sediments and become a health hazard to people who eat them?

Speaker 2 ([01:25:57](#)):

There was a very robust dioxin study that was done I think about 10 or 15, maybe four years ago. And that it found that most of the dioxins and its drift are well flowed well south of where this farm is proposed that makes that the anchors are not designed to drift. And so whether it's wedge anchors or helical anchors, you're basically putting an anchor in the ground and while you might get some sediment that comes up during the installation, these anchors are meant to stay put. They're meant, we've got done video of our acres out in Gallagher and Deep Water and Totman that shows an enemies growing on top of it and a lot of mud sediments on top after they've been sort into the ground. And so continuous release of oxidants or of other bacteria is unlikely due to the anchors as far as the health of the shellfish that is monitored by the Department of State, Washington State Department of Health,

they have authority. And so they go out on a monthly basis and collect water quality samples, which are looking for bacteria.

[\(01:27:28\)](#):

And so there's that. And so if the bacteria is increased, that's how they condition the growing areas, whether they're approved, whether they're conditionally improved restriction. And that's why the around Shelton and wastewater treatment plant, that growing areas is prohibited because growing fish for commercial sale is much riskier. Whereas within growing areas approved such as this farm, those waters pretty clean. Those waters tend to grow very healthy and good shellfish. During the summer months. We have vile protections because it's hotter and because of viruses like vi paralytic that can grow and shellfish, there are additional restrictions including time, temperature controls that Taylor has that need exceed on regular.

Speaker 3 [\(01:28:31\)](#):

Is there also, isn't there some agencies that's also testing the ity of the shellfish themselves after they're harvested? Or

Speaker 2 [\(01:28:43\)](#):

As far as testing the shellfish themselves? There are areas that are in air, recreational beaches. And then for information, the Washington State Health Biotoxin Lab collects shelter samples and did monitor for vital toxins and for other things.

Speaker 3 [\(01:29:03\)](#):

Okay. Okay. That's great. Alright. Yeah. At this point, if you just want to kind of scroll through the chat and pick out the questions and answer them and then we'll take a break and move on to the applicant's next witness. I take it is that Mr. Cler that's going to go next, Mr. Nona, is that right?

Speaker 9 [\(01:29:19\)](#):

Yes, that's right. And I don't want to disrupt Missy Walt's ability to respond to your request to go through those questions. I do know I'm saying that there's 35 items in there, but just knowing myself it could be difficult for her to run through all those and answer them on the spot.

Speaker 3 [\(01:29:36\)](#):

And like I said, she just needs to answer the ones that are actual questions and the ones that are just statements or kind of argumentative you can address in your written response and it's due in a couple of weeks, so. Okay,

Speaker 9 [\(01:29:46\)](#):

Thank you.

Speaker 2 [\(01:29:50\)](#):

Let's see. I've got it. I didn't answer the questions. Are the floating farms on which slide?

Speaker 8 [\(01:30:01\)](#):

Okay.

Speaker 2 ([01:30:03](#)):

I'm guessing basically with the second question that those are not currently 50 acres of bags. I think I did answer that and that those are on bottom farms. So floating bags are basically a two dimensional structure, whereas flip bags, muscle farms, long lines, those are all three dimensional structures. This floating system is designed to boost seed, which is also much less dense than full-size oysters, which feeds much larger farms are intended to raise. So while these are not floating farms, they are much larger in size and would pull much greater density of oysters. So if you're looking at phytoplankton use, if you're looking at impact, the two dimensional market size oysters are going to be or take up more nutrients. None of the pictures shown are floating bags. I think I answered that picture of larger installations. They're both in much more rural locations with significantly fewer homes nearby.

Speaker 3 ([01:31:13](#)):

And again, you just have to answer the questions at this point. The argumentative statements, you can submit a written response later on that

Speaker 2 ([01:31:36](#)):

Please ask about history of use of pesticides and herbicides to protect their investment in will Bay oysters and other shellfish may be very benign, useful organism for cleaning up polluted water. But the shellfish industry has a very checkered past and protecting blah, blah. Okay. So chemicals, pesticides, herbicides, tailored has publicly stated that it does not used public to pesticides and herbicides on its shellfish beds. These were herbicides, pesticides were approved or used in Phillippe only, and Taylor has not used those chemicals in sound and has stopped using. Then Willka Bay, as of I believe 2016 or 2017, there is no current permit, existing permit nor is tailored intending to apply for a permit to apply herbicide in pesticides. And in fact, floating bags are one mechanism that Taylor is using in order to address issues that brought on by invasive species noxious weeds in order to successfully continue to farm in areas and have less of an environment that

Speaker 3 ([01:32:58](#)):

Ms. Well, what I'll do just to make this easier for is I'll figure out which ones are the questions and ask them. I think we can get a little faster. I'm a little more used to doing this. I know it's hard to both answer questions and figure out which ones are questions. So yeah. So next one is, will the listing of access to Taylor Shurling properties lead to increased trespassing onto adjacent private property? Do you have any thoughts about that or?

Speaker 2 ([01:33:29](#)):

Well, for Bay Store, my guess is that folks are coming from D F W coming from the capital Land Trust. And so that will just make a really succinct and easy trail access. And so I don't believe that the issue of trespassing would be there. I'm curious, the folks that are worried about this also said that the Sunset speech parcels would not be accessed and that they weren't garbage. But I would assume that with correct marking of where Taylor's property is, where other private property is that we can communicate then and reduce that risk.

Speaker 3 ([01:34:16](#)):

Okay. Okay. And there's another question about the transferability of the permit. It says, do I understand it correctly, but if Taylor sells the company to Chinese owned company will be able to just hand it over, no further review would be necessary. That's more of maybe a staff question, but



Speaker 2 ([01:34:34](#)):

Taylor has been in business since for over 30 years and they intend to be here for another 30

Speaker 3 ([01:34:40](#)):

Years. Okay. And there was a question about did you says no new jobs question, I don't recall. Did you address whether this would create new jobs or is it just taking existing staff or how's that going to work?

Speaker 2 ([01:34:54](#)):

Directly and indirectly, this will create many jobs, if not on this farm. It will create through additional seeds positions on other farms by being able to expand those farms, being able to harvest more shellfish, being able to employ more processing. So this is a critical link and to Taylor's growth. So we're not just looking within the 50 acre boundary. This is within all of Taylor's operations. And so as part of that, we expect significantly more additional jobs.

Speaker 3 ([01:35:29](#)):

Okay. Okay. Yeah, there's another jobs question after that. I just want to say for the benefit of the public, the economic impacts of this proposal aren't directly relevant to Shoreline review. They might be relevant in kind of weighing the priority uses and that kind of thing, but that may play a factor in the regulations that the county put together where the county commissioners emphasize that that aquaculture is to be a preferred use and there very well could have been an economic consideration for that. But in terms of the shoreline regulations that I'm supposed to implement, economics aren't, I don't recall directly implicated there. Obviously when members of the public are writing your responses to the applicant comments in a few weeks, if you find some regulations that directly address economics, but feel free to point it out. But from what I've heard so far and the regulations I've seen so far at this level of review, we're just looking at the impacts of the environment and we're looking at the impacts to the adjoining property owners and whether or not this creates a lot of jobs, I don't know if that's directly relevant. Again, I'm still looking at that issue and if you guys can come up with an interpretation that makes that a big consideration, I'll certainly consider it. But so far, again, we're looking at the impacts to you as property owners and we're looking at the impacts of the environment. Let's see. So I'm going to focus more on those impacts.

([01:37:02](#)):

Let's see. There was a question about, the question has yet to be answered is how did Taylor engage the public on access? And I guess the broader question is, I mean, has Taylor Shellfish engaged in any public consultation beyond this public hearing for this project or what kind of efforts were done in that score?

Speaker 2 ([01:37:29](#)):

Sure. Well, Taylor contributed and participated in the Shoreline Management program in developing that plan and helping community plan and provided input. And so as far as what's tailored at the table, absolutely to identify where those public access points are, where some of that emphasis could go, and how Taylor itself can play a partnering role within that. As far as what public access out there, Taylor took a look at what properties it has in order to benefit Oakland Bay. There are plenty of other areas throughout Washington State that we could have tried to offer mitigation, but within Oakland Bay it's fairly limited. And so taking a look at its own title and where it can benefit the community and more in the community is what we took a look at. And so providing that parcel off of Bayshore for public access, which is where farm crews, farm executives see a majority of the public enjoying their access and the marina seemed the most appropriate.

[\(01:38:52\)](#):

We had taken a look at the Sunset Love Park or Sunset Beach Park, which was an upland access point that could connect down. And we heard back from the city that we heard back from the county that park had some issues with drug use and trespassers there. And so that didn't seem like a good fit. And so working with the county, working with parks department, we settled on this area just below where the farm was accessed and then reached out to Washington Water channels to see if that was something that they were interested in, which they respond to the

Speaker 3 [\(01:39:43\)](#):

Okay. Next question is, will employees request permission from property owners to inspect for debris? How's that done?

Speaker 2 [\(01:39:52\)](#):

Sure. On other areas we go where we have access. If property owners do not want Taylor Crews to access, it's their private tidelands, then we won't cross it. If they would like us, if there is debris and they'd like us to come and collect it, we can access it via the road or some other mechanism. If they want to keep it and use it, that's up to them.

Speaker 3 [\(01:40:21\)](#):

Okay. And next question, what's the three year installation going to entail? I think maybe just give a broad stroke of step-by-step how this is going to be put together.

Speaker 2 [\(01:40:31\)](#):

Sure. So Taylor can't manufacture 30,000 vans overnight. Our manufacturing facility is here in Shelton, so they have been for a few install the anchors get the line to get infrastructure all in place. And so that two to three years is really a, when we can get that equipment, it's very expensive equipment. It's very expensive materials, and so it will just take a little while to build that in.

Speaker 3 [\(01:41:10\)](#):

Okay. And so I take it you're first going to go out there and do some drilling. What kind of apparatus is used to drill in the anchors and that kind of thing?

Speaker 2 [\(01:41:25\)](#):

I would have to get back to regarding the anchors. I'm not as familiar with those, but as far as wedge anchors, those are fabricated here in Shelton. And we basically go out there with G P S coordinates and a boat and it's dropped off with a crane to a specific location, and then it's kind of tugged and then anchors are already installed on it, so there's no drilling with it. It's dropping a wedge anchor down and it basically looks like a

Speaker 3 [\(01:41:58\)](#):

Oh, I see. So you just drop it into the, and there's no digging or displacement of sediment other than just dropping it into its particular location. And so as you said, you kind of add these bags incrementally. Does that mean the anchors are going to be spaced out incrementally as well? So maybe you have a third of them put the first year and a third, the second and third is that kind of how the process will probably work? Okay. Okay. Let's see. Next question is why does shellfish want to put this out in open

water instead of using their unused tidelands? At this point? I think audio's coming in a little, we're having a little trouble hearing you. I don't know. I think that's on, you're on Mariah. Is the audio okay on your side?

Speaker 2 ([01:43:06](#)):

It's a little dark.

Speaker 3 ([01:43:08](#)):

Okay. Yeah, so maybe Missy Weld, if you get a little closer to your microphone or something, we can hear you a little better.

Speaker 2 ([01:43:15](#)):

Is this better?

Speaker 3 ([01:43:16](#)):

Yes, that's better. Yeah.

Speaker 2 ([01:43:17](#)):

Okay. I apologize for that. So subtitle, farms have a significant benefit in that they will facilitate the ability to manage them during daylight hours. So when they're a subtitle, they're really going to be dependent on being able to use mechanization based on the time. And so if it's a subtitle farm, then you can use the daylight hours because you're going out there in a boat. It is really a direction that Taylor is wanting to go. We are showing less of an impact to the environment for shading for that intertidal habitat use where you've got forage fish, you've got potentially eelgrass areas, whereas with subtitle areas, you don't have those interactions. So for the future of the direction that Taylor is looking for employees, being able to mechanize more of the work and being able to reduce the impact on the environment, subtitle, farms are showing a lot of benefit.

Speaker 3 ([01:44:26](#)):

Okay. Then the next question is, is there a picture of what this will look like on Oakland Bay? And I think you showed pictures of what your smaller operation looks like in Vancouver BC and then you showed pictures of what really larger ones look like in New Zealand. Is there anything else you'd want to say in response to that question?

Speaker 2 ([01:44:45](#)):

Sure. In the original presentation, we did provide two images of renderings that we had done for Oakland Bay. And so it was really the best image that we've got was how we look at Oakland Bay. So we had 'em at a thousand feet horizontal, and then we had six foot, and then I think it was six to 20 foot vertical.

Speaker 3 ([01:45:12](#)):

Okay. And next question, somebody just was a little confused. They believe that last week the information presented stated this would be the largest form of its kind in the US and this week it looks like it's one of the smaller operations. Was there any test information presented? This was going to be the biggest one of its kind. I don't recall that specifically.

Speaker 2 ([01:45:33](#)):

Sure. So when I answered the question last week, this will be the largest of the floating the two Ds on the surface farm. But as far as the largest bag farm, it would be very comparable with other operations that we have and really less of an impact than three dimensional structures such as flip beds where I mentioned that we've got a 37,000 flip bed farm with, we've got 50,000 beds up in salmon. So as far as density of operations and number of beds, this would be small, but floating systems, it is just a different array

Speaker 3 ([01:46:21](#)):

Of that. So it's the largest floating system. But you do have, in other words, there are other three DSS and kind of in the tidal lens projects that are bigger, is that what you're saying?

Speaker 2 ([01:46:33](#)):

Correct.

Speaker 3 ([01:46:34](#)):

Okay. Okay.

Speaker 9 ([01:46:36](#)):

And examiner, if I may, I believe Ms. Al discussed in her presentation that there was a much larger farm that has of this very specific type that of this specific type of big system that has been permitted in Will Buffet Bay, Ms. Ald. Was that correct?

Speaker 3 ([01:46:53](#)):

That is correct. And Mr. Nakey, when you say permitted, I mean is it already there or has that just been permitted and it's going to be there later?

Speaker 9 ([01:47:03](#)):

I can't speak to that. I do

Speaker 3 ([01:47:05](#)):

Not know. Okay. It

Speaker 2 ([01:47:06](#)):

Has been permitted and they're working on IT

Speaker 3 ([01:47:09](#)):

Infrastructure, they're putting it together. Yep. Okay. Okay. Let's see. Next question. Doesn't the contaminated water move through the bags? Isn't that why we can, we can't eat the rust. She fields, excuse me. Why we can't eat the raw shellfish now?

Speaker 2 ([01:47:30](#)):

I'm not understanding the question. I'm sorry.

Speaker 3 ([01:47:33](#)):

Well, I guess, yeah, this question presumes there's contaminated water and it's moving through the bags. I think your response earlier was that the water's not contaminated. Is that correct?

Speaker 2 ([01:47:41](#)):

The water is clean and froze. It's very healthy shellfish.

Speaker 3 ([01:47:44](#)):

Okay. Alright. Yeah. Next question. Who's testing the shellfish and I believe you said department of health, at least the water. And then you also mentioned that the shellfish themselves are tested every once in a while.

Speaker 2 ([01:47:57](#)):

The Department of Health, their bio lab has areas where they go and collect shellfish for testing and what they're looking at is biochemical.

Speaker 3 ([01:48:07](#)):

Okay. Okay.

Speaker 8 ([01:48:10](#)):

Let's see.

Speaker 3 ([01:48:12](#)):

I'm looking for the questions now. Next question is, what's the benefit to the community? They're saying they don't get business and occupation tax revenue from Taylor, no new jobs you created. I know you've answered that a little bit. Is there anything else you want to add to that?

Speaker 2 ([01:48:39](#)):

I think that Taylor has created significant job opportunities within Mason County. They've supported a lot of community groups, including the local schools, local, a lot of nonprofit organizations within the area that have direct and indirect impacts and benefits to the local community. And Taylor has just been a good neighbor. Taylor has been a participant within the processes that improve modern quality, that improve open space.

Speaker 3 ([01:49:12](#)):

Okay. Next question. What chemical is added to your H D P E to make it UV resistant?

Speaker 2 ([01:49:21](#)):

I would look, would have to look at it. Okay. I'm not familiar with plastics enough to be able to fully answer that.

Speaker 3 ([01:49:30](#)):

Okay. Yeah, I'm getting a few questions about salmon predation, that kind of stuff. That's more questions for Mr. Chela, so save that for him. Let's see. Alright, how can we know the impact of on the

environment without an E i s and Mr. Msy wel, maybe you can kind of discuss the environmental review that has been done for this project.

Speaker 2 ([01:49:56](#)):

Sure. So the programmatic consultation that was done by the services, we took a look at floating aquaculture and aquaculture in general and the impacts to the environment took a look at it cumulatively activity based and came up with a set of conditions in order to reduce those risks. In addition, prior to this proposal, we had confluence take a look at, provide a habitat plan, which also identified additional impact and interactions for this farm specifically.

Speaker 3 ([01:50:41](#)):

Okay. Let's see. And someone else was asking, they just wanted more information on the installation process. They heard one cranial views to set the anchors. What happens after that?

Speaker 2 ([01:50:55](#)):

So once the anchors are set, then we attach a line with hooey so that we can go back down and find that and attach the rest of stuff. But as far as vertical lines, he didn't ask the question. But as far as vertical lines or interaction with wildlife, the only vertical lines would be those anchor lines.

Speaker 3 ([01:51:16](#)):

Okay. Okay.

Speaker 2 ([01:51:19](#)):

Oakland Bay is fairly shallow, again mentioned a minus 12 water. So there's no loose ropes, there's no unsecured ropes. And we have run this system past the folks at ca Media Research Collective and showed them the entire system, explained how it worked and they were comfortable with it, knowing that over time that other information would be found and we continued to create an open feedback loop.

Speaker 3 ([01:52:01](#)):

After you have the anchors in place, do you have just floating horizontal lines and you attach the bags one at a time, or the bags already strung up in a line and then you just throw the entire line out? How's that next step done?

Speaker 2 ([01:52:16](#)):

So with the third generation, the larger of the bags, that line integrated within the bag itself. And so the line and the bags are just connected and so correct. Where you would have a line, you would have the line, the lines anchored on the ends, the bags would be there, and so it would be pre-stroke.

Speaker 3 ([01:52:40](#)):

Oh, okay. So that's all done on land basically, and you go out there and you just throw out the entire line and hook 'em up to the anchor lines and that's it. Is that

Speaker 2 ([01:52:48](#)):

Correct? Okay. We found that there's a lot less wear on the ropes and on the gear by having this integrated line. And so we're building better mouse tracks and it's something that these bed systems are constantly evolving in order to make a decision with the environment that they're in.

Speaker 3 ([01:53:09](#)):

Okay. And I'll just read this question and it says if the water's clean now, why have you stated The objective of the floating oyster bag system is Clean Upland Bay.

Speaker 2 ([01:53:24](#)):

So there are constantly nutrients that come in to the system. So it's not a closed system and whether it's from land use on outlets or whether it's coming in from the rest of the south, you have nutrients loading within Oakland Bay. One note that I've heard is that it used to take three years for a market size oyster. Now you can grow and waste in much less time just because of all of the nutrients that load into the bay. You've got a wastewater treatment plants, you've got a lot of natural debris that's going into the water producing nutrients. And so being able to often set and take up those nutrients and pull 'em out of the system allows for better water quality. So it could be now where we have heavy nutrients about a decade ago, and you have these enormous dead zones, it's what happens when you have overload of nutrients, you get excessive seeding growths, you've got a lot of other issues that occur, and shellfish are one of the tools, one of the mechanisms that can help balance that.

Speaker 3 ([01:54:39](#)):

Okay. Okay. Another question on installation. When you're putting in these lines, how many people are you talking about? Do you have loud boats and what kind of noises are involved?

Speaker 2 ([01:54:52](#)):

So the boats that would be used are boats that have already been in Oakland Bay, their existing vessels. And so it would be, you've got the anchors that need to be installed. And so that taking the time, being able to lift them off the boat and being able to drop them in water. And then the bands and the lines themselves, we can bloat them over these, again, lines are meant to be moved to be unfocused from anchoring systems and being able to move them across bodies of water. So as far as noise, that really shouldn't be impact.

Speaker 3 ([01:55:30](#)):

Okay. I mean, is the crane using machinery at all to lift things or how does that work?

Speaker 2 ([01:55:36](#)):

The crane is used currently in Oakland Bay in order to lift baskets of oysters, the tide limits for harnessing. And so think that's used for those operations.

Speaker 3 ([01:55:49](#)):

Okay. Okay. And so I take that uses the boat engine then, is that right? To operate the crane?

Speaker 2 ([01:55:55](#)):

Correct. Okay.

Speaker 3 ([01:55:56](#)):

Okay. Okay. Alright. Well I was told Mariah said there's somebody out in the audience that had a question, so I'll let them ask their question.

Speaker 4 ([01:56:19](#)):

Yes, I have a question. Aesthetics are a big part of the code and the presentation that they've shown have shown pictures that are not aesthetically pleasing, but yet when the director of public relation gets on, I see a background which is far worse. And I'm wondering if the presentation, those items were selected and the wound, the director of public relations just happened to be there without watching what they're doing. And that's really what we're going to end up with, not the ones that were in the presentation.

Speaker 3 ([01:57:05](#)):

And Mr Well yeah, I take it you recall, if you recall, Mr. Dewey, there were some, I think those were land-based, that was a land-based agriculture operation, but you could maybe comment on what that was.

Speaker 2 ([01:57:21](#)):

I've seen Mr. Dewey's presentation many times and I've always appreciated the backgrounds that he puts on there because I think that they're beautiful examples of shellfish operations. But I believe those were long line symptoms.

Speaker 3 ([01:57:38](#)):

Yeah, they were posts in the ground. And so that wouldn't be the floating operation, is that right?

Speaker 2 ([01:57:43](#)):

That is not the floating operation. Those are long lines and those, we've got long line operations in our sandwich bank facility.

Speaker 3 ([01:57:55](#)):

Okay, okay. And

Speaker 2 ([01:57:57](#)):

That's not what this is.

Speaker 3 ([01:57:58](#)):

Okay. Alright. Yeah, the only thing in the ground is going to be the anchors in this operation is my understanding. Is that correct?

Speaker 2 ([01:58:04](#)):

Correct.

Speaker 3 ([01:58:05](#)):



Okay. Okay. Alright. Anybody else out in the real world in the commissioner's chambers? Alright, why don't we take a break till three 15. I think we're all pretty tired at this point and then we'll get into Mr. Che's testimony at that point. So we'll see you in 15 minutes. Thank you very much. Thank you Ms. Al. Thank you. Thank you.

Speaker 2 ([01:58:27](#)):

Recording stopped. Recording in progress.

Speaker 3 ([02:00:07](#)):

Okay, let's get back on the record on the Taylor Shellfish, Charlene substantial development permit application at this point, Ms. Eal, would you like to have your PowerPoint presentation entered into the record?

Speaker 2 ([02:00:21](#)):

Thank you. I would. I sent a P D F version of it to Brian earlier

Speaker 3 ([02:00:26](#)):

Today. Okay. Yeah, and I think, like I said, I'm going to give the chance or the public to respond to the comments made in the applicant's presentation today. So it'd be useful to have that at the city's or keep on saying city the county's website. Is any objections out there over entry of the PowerPoint presentation as exhibit 45? Okay. Seeing none, I'll go ahead and admit exhibit 45. Ms. Al, you mentioned some other materials that were sent to me earlier I'd have a chance to look at because they came in about an hour before the hearing. Is that something that Mr. Cheese will be addressing or do we need to get that into the record now?

Speaker 2 ([02:01:03](#)):

I sent it off again with the P D F version of the PowerPoint presentation. It was basically listing out the monitoring conditions that are currently required for the farm.

Speaker 3 ([02:01:15](#)):

Okay. Alright. Any objections over the monitoring requirements that are been, are these requirements that other agencies are requiring? You're saying that I could add to the shoreline condition or project as well? Is that what you're talking about or?

Speaker 2 ([02:01:32](#)):

Correct.

Speaker 3 ([02:01:32](#)):

Okay. Alright. Any objections over that list? And again, it'll be posted on the county's website if it's admitted into the record and that'll give you all an opportunity to comment it if you so choose any objections over that list of monitoring conditions. Okay. Seeing none, we'll admit that then as exhibit 46 and type that in my list. And with that, I think Missy Weld, unless there's anything else you wanted to say, I think we're done with your testimony.

Speaker 6 ([02:02:01](#)):

Thank you very much.

Speaker 3 ([02:02:03](#)):

Okay, thank you. It was really helpful. Alright, Mr. Chela, you get the hot seat now. I thought you were going to be the one that was stuck talking for a while and you might still be, I don't know. I have a lot of questions for you too. You're still under oath from last week and I don't know, did you just have a presentation prepared or was Mr. Denki going to question you? How did you guys want to do it?

Speaker 6 ([02:02:25](#)):

Yes, Mr. Examiner. So Ms. Al, one of the documents that she sent prior to today's hearing is the second presentation that Mr. T given. We would, we'll go through it, but we would also ask for it to be admitted as a hearing today.

Speaker 3 ([02:02:39](#)):

Okay, great.

Speaker 6 ([02:02:41](#)):

Great. Okay, I'll go ahead and share my screen. Let me know if this works well for folks to see or if I need to change the sizing or format.

Speaker 3 ([02:02:52](#)):

Yeah, you don't have it on full screen right now, but it's still visible.

Speaker 6 ([02:02:56](#)):

Okay. Would you like me to make it larger if I do full screen? Well, let's try it and see what happens here. How's that?

Speaker 3 ([02:03:07](#)):

Oh, it looks smaller now. Yeah,

Speaker 6 ([02:03:09](#)):

I've got a funky monitor

Speaker 3 ([02:03:11](#)):

Set either way is fine. Yeah, that's probably better I guess. Sure, yeah. Okay.

Speaker 6 ([02:03:15](#)):

It's a little bit bigger if that helps.

Speaker 3 ([02:03:17](#)):

Yeah.

Speaker 6 ([02:03:18](#)):

Okay. So again, this is a follow-up presentation and I'll try to address some of the comments that we heard last time as well as some of your questions. Generally I'm going to talk about these four topics and some of which things I'm going to talk about Ms. Alt has covered already and so I can move through those a little bit quicker, but if there's questions of course, I'm happy to answer those.

Speaker 3 ([02:03:40](#)):

And Mr. Chile, just to interrupt real quick because this will make it a little easier for us later, I just want to reiterate to the audience only put questions in the chat and try to make them as brief and direct as you can, especially as we get near the end of the day. It's going to be hard to follow if you've got two paragraphs of foundational comments before you ask your question. Just if you can just get to the question and then I'll be able to forward that to Mr. Chela once he's done with his presentation. So, alright, Ms, go ahead.

Speaker 6 ([02:04:10](#)):

Great. Yeah, so we go over the scale of the proposed culture, some of the environmental concerns and issues that we've been talking about and what has been looked at to date a little bit about marine mammals since that came up as well. And then repeating some of the monitoring pieces that we just heard about from Ms. Al as well. So thinking about the proposed project, I know there's been a lot of comments about this as being unprecedented or a very large, and I think it really is important to think about this project in the context of is being put out there and the number of bags and the type of culture. It's really more of configuration than it is really a question of the intensity or relationship with environmental impacts with respect to the amount of culture occurring. So for context, again, we're talking about 50 acres and this is amongst the some odd 45,000 acres of shellfish culture in Washington state and then 5,000 acres of that in South Tut sound alone.

[\(02:05:16\)](#):

We mentioned earlier already that there is another larger floating culture operation of approved in Willapa Bay. It has tighter spacing and substantially more pages authorized versus this project and that was fully reviewed and approved by all the agency's permits are issued and it's in the process of being installed. Some parts are out there, some parts are not a similar situation where that will be developed over a number of years. And of course Willa and Oakland Bay are different. However, I'm thinking about both species use and habitat types. There's many, many similarities of marine estuan system. So this graphic, this is from the programmatic biologic assessment. I'll speak a little bit more about that later, but just to be clear, that's the programmatic biological assessment prepared to comply with endangered species Act section seven. So farming operations in Washington state, both existing as well as a number of contemplated future projects, which has limits that this would fall under we're comprehensively analyze as part of that programmatic consultation.

[\(02:06:32\)](#):

Looking at effects to listed species that any critical habitat, central fish habitat, and again that programmatic opinion concluded that these types of projects and floating culture was specifically contemplated within that do not result in unauthorized take the concerns that were identified related largely to eelgrass or eelgrass suppression. And then for ey duck aquaculture netting use, there were some concerns expressed about loose canopy netting. Those are the two issues, only two issues that can remain from that culture from that consultation. And then as we've also talked about quite a bit, there are a series of conditions to help avoid and minimize any other environmental negative environmental interactions. And those are conditions in part that will be adhering to those completely, but it's just part

of all the conditions that Taylor would be adhering to. So this graphic again just shows you the nature of oyster cultivation.

[\(02:07:42\)](#):

It's a little difficult quite in size to see, but we can provide a more detailed version of this to you or in the documents. But generally we have farms throughout South Sound, including Oakland Bay that are in that sort of 10 to a hundred acres scale. And then there's a couple of locations where it's a little larger or smaller, but you can see quite a lot of acreage in south sound under cultivation. Again, to get at the 50 acres size of which only 9.1 acres is really the bag area. And then that's where that 30 acre, 30 or 36 acre that if you take the water space in between the lines, which I think one of the key points here is that that spacing is much higher than you typically see in bag arrays. And we'll speak to that about some of the environmental impacts.

[\(02:08:29\)](#):

So as I was mentioning, these floating bags are really a subset of these common culture methods that includes oysters on long lines, flip bags on lines, which are another version of bags that have a float show, some pictures in a second, SEPA baskets, another type of basket that's again suspended on lines and then these suspended or floating bags on lines. So it was kind of a schematic to show you a little bit about what those look like in the water column in relation to the ground, some of these floating systems, the bottom one represented here are in the intertidal setting where they would then at certain times of the tide ground on the ground. And then of course as we're talking about it would remain floating throughout the entire tidal cycle, which has a number of advantages for the environmental issues. There's just some pictures in the top left here.

[\(02:09:21\)](#):

We've got the oysters on the lines themselves of the clusters of oysters, the top right, those are those flip bags where you've got a series of bags that have a float and then as the tide comes in, those rotate themselves with that float. Bottom right of the SEPA baskets. Bottom left, it's bag on racks. So these are racks some that are set up with bags on top. So really this floating culture system is a subset of these operations that are in place. So this is again, kind of that picture of it. You can see on the image there what it looks like in terms of the rows of bags out there. And then in the schematic its relationship to the substrate. Some of those environmental benefits I was mentioning include no grounding, reduced shading and then increased spacing, which can help with circulation and other types of issues.

[\(02:10:24\)](#):

But I'll speak to that in a little more detail as we talk about some of the more dense arrays. So shading for this operation, as we've talked about before, there is no eelgrass under the area and no substantial macro ology, so shading isn't an issue. Just to start with. That being said, even in intertidal settings or areas that we're to have the shading impacts because of the way these floating systems are set up is much reduced as Aaron alluded to, these lines aren't static with the tides, they'll move to some degree. So the shade is really never in one place and that allows quite a bit of light still to reach the bottom, especially for any sort of given location underneath the lines as they move back and forth to a certain degree with the tides interacting. So that's something that's really promising for floating systems in areas with eelgrass or macarro, which this one doesn't have.

[\(02:11:27\)](#):

But we've done some work on an array of floating lines in ish bay and it was in an area where there was eelgrass and it really showed very limited change to no change in the eelgrass around those structures. So a positive result there. So I mentioned the 30 foot spacing, there are other settings where that spacing is tighter and that's still showing a benefit. So circulation erosion, accretion, I think that's

something that was brought up. It's important to remember that these floating arrays end up kind of in that top six inches of the water column. If you look at the structure of some of the flip bag systems or if you think about muscle wraps and you've got a three-dimensional structure that occupies much more of the water column. And so these topics of what's that going to do to currents has come up before we did a study on one of the farms in Willapa Bay where we looked at an array of flip bags and it was a setting where the flip bags were spaced approximately five feet apart and then were over the intertidal area with very fine sediments.

[\(02:12:38\)](#):

And that study showed that currents were not modified to any significant degree and where they were slightly altered, it was within that fluctuation that you're seeing within the tile exchange anyhow. And then the other part of it was that there wasn't any substantial accumulation or erosion of the sediments. And so that study well in a different location and density is actually a more sensitive study when thinking about the risk of that sort of impact to occur because you've got mechanisms in terms of occupancy of the water column and the nature of the fine sediments that really would've shown a change if that mechanism were to start controlling the distribution and dynamics. In this case, we've got 10 to 30 feet of water and a very much lower profile within the water quality itself, plus much greater spacing. So we would not expect to see any significant change at all in the water circulation or the processes that water circulation then controls water quality.

[\(02:13:49\)](#):

I think it's a good point. This I think we talked about last time, it's not unidirectional. This isn't just filtering and filtering, filtering in a static bathtub or tank like the video had shown, but this isn't a system where you've got a lot of nutrient input, a lot of primary production that then the oysters are helping to modulate, especially since they're being harvested and taken out of the system. We're in a situation in Chi Sound and South Sound in particular where our upland land uses and contributions to these water bodies are greatly increasing. The bio loading state has several programs trying to get ahead of that, both for treatment plants and all the other sort of sources that are coming in. And oysters are one of the tools that may be a part of a solution here over time to help keep those nutrients from really overwhelming system and going to a more atrophic system, which as Aaron mentioned, can lead to a lot of negative consequences when you've got phytoplankton booms that die off and then anoxic conditions, et cetera. In this case, we have a relatively low stocking density compared to other bag systems. So we're kind of in that in-between spot. This isn't going to clear out the water or solve all the water quality problems, but it's a contributor in the right direction to take the edge off of those excess nutrients coming in.

[\(02:15:21\)](#):

So I'm going to switch gears and talk about marine mammals since there appeared to be some confusion in terms of what I presented last time, at least for some of the folks listening. And so this is the slide I used last time. So there's no concept of most male species, highly unlikely likely for the humpback ray and southern resident killer whale and an uncommon occurrence of the transient killer whales. And maybe it might be important to just note that there are these two ecotypes of killer whales, the protected southern resident killer whale, which are the fish eating version. The killer whale are beloved JPay and L pods. They are not common occurrences in South sound, although not unheard of. Very uncommon. And then at least in looking through the last three year dataset, zero occurrences in Oakland Bay and the surrounding areas. Transients on the other hand are more common throughout Tive sound. These are ones that are the marine mammal eating version. They're slightly smaller, the resident species and they are not listed as endangered, but they are still protected on the main memo protection Act. Those do occur and have occurred in open bay, but it's uncommon.

[\(02:16:42\):](#)

I'll just fast forward here to the next slide just to give you an idea what I'm talking about. So the whale museum keeps the most comprehensive data set of whale sightings including both resident transient and other species of whales. Orca network, a variety of other groups, feed their data into the whale museum data set and then the whale museum categorizes those by these quadrats. And I'll zoom in a little bit on the next slide here to show you where we're talking about. So this is that South sound portion and Oakland Bay, you can see my cursor is this corner down here. The quadrat that includes Oakland Bay is this 4 32, which includes these areas outside here around Stein Island and all the way out. So it's a larger area than just Oakland Bay itself. And the data set is combined for that entire area, whale sightings because there is this issue with many people see the same whale.

[\(02:17:43\):](#)

So how do you normalize for citing effort or reciting the same species? So whale sightings and occurrences are typically reported as citing days. So if you have a sighting of a whale on a day or multiple sightings, it's a day that a whale was cited as opposed to being eight times on the same day by eight different people or the same person. And so that's the way the data normally reported. And so just for perspective, again, and this is just looking at a substantive data, it's a very large data set. This is what we had on hand is this 20 through 20, 22. You can see for southern residents, no documented occurrence in that quadrat for the transient. In 2020 we had three occurrences or three sighting days, 20, 21, 8 and then 20 22 5 just for comparison purposes to something like Commencement Bay. You can see the numbers citing days are higher and even commencement Bay would be considered a relatively low area when you compare it to areas like the San Juans or elsewhere, especially for southern residents.

[\(02:19:01\):](#)

So again, stick with what I said initially about uncommon occurrence of the transients. Highly unlikely for the southern residents and other whale species, but not impossible, humpback, similar again, quad, fourth grade two, where we're seeing a couple of sightings in any given year. I'll say it's encouraging Humpbacks are becoming more frequent visitors to Puget Sound and we've had several individuals that have spent some time in the bash on island area and even down in the South sound. And that's really, you can see that on Commencement Bay there was a juvenile that hung out there for the better part of a month. So it's not that there's a lot of individuals coming, but there are a few individuals that are spending some time and that's encouraging as that species continues to recover. That's great news for Open Bay is not an area where that's going to be very likely at all.

[\(02:20:07\):](#)

Very, very unlikely given the restricted waterways coming in there and the way into the sound. Even the rest of Puget Sound is not a common place for these whales to go. They're mainly along the coasts, maybe coming into the wan, but they're really on their path between either Mexico and Hawaii or Hawaii up to Alaska or Mexico to Alaska with the various stocks of compacts. So I want to go back just to make the point though, that whales will have a easy time avoiding the culture moving in around that there are no loose lines, which is really the risk to the marine mammals with the entanglement issues that have been occurring along the West coast with crab pots, et cetera. Similarly, harbor seals, otter sea lions, if anybody's watched how they are on YouTube videos in Marinas, et cetera. They're very adept at moving in around structures and things in the water. So we've not represent any sort of impediment to them, and the floats are not that substantial that you get the risk of haul outs or other sort of aggregations of the species.

[\(02:21:30\):](#)

So back to the last slide here on monitoring. I wanted to mention both the habitat management plan that was done. There were some comments about the environmental analysis being prepared, but I think the habitat management plan that delved into any of the potential issues, again, with the conclusion of no net loss of ecological function, as well as that programmatic consultation which looked at floating culture in Washington state, including an allocation for these future, these projects coming online if they're permitted over the next coming years. Those were all considered within that, both individually and cumulatively. And again, with not only looking at the listed species, but all of the ecosystem elements that those species rely on and for us between the marine mammals and salmon species really have virtually every issue covered. And I think that's one of the points that is important to think about in terms of the location in the open water, moving it away from areas where you might have that support submerge product vegetation, you're moving away from areas that might have forage fish or forage fish spawning, and you're moving it away from the primary salmon, juvenile salmon out migration route, which is in those shallow shorelines and rip perion zones.

[\(02:22:55\)](#):

And so really represents a great opportunity to have an aquaculture project in a setting that is fairly well isolated from many of the habitat features that we're working so hard to restore in many areas.

[\(02:23:14\)](#):

And so this is one of those situations, but from that environmental standpoint, really looking at a good situation, I won't go through all of these monitoring measures again because I think you all covered those pretty well, but again, the herring spine debris controls fish and wildlife inspections, and then some of the work around the anchor placement to make sure that they're staying in place. And we'll mention in terms of helical anchors, the way those work, think about a corkscrew is essentially what they look like, so a hewlett shape, and those are twisted into the sediment, so there's not jetting or excavation. It's a process of twisting those in down into the sediment and then they create that holding power through that corkscrew sort of action. So pretty benign installation versus having to excavator, jet or otherwise bury the engine. I think that covers what I was going to cover, so I'm happy to take any questions.

Speaker 3 [\(02:24:21\)](#):

So there's two kinds of whales and one is endangered under the E S A and the other one is you said protected or what's the status of

Speaker 6 [\(02:24:30\)](#):

The other one? Yeah, so there's the Southern resident killer whale, which the 72 odd individuals that are within those three pods, JK and L, those are listed on the Endangered Species Act because of those low numbers and the challenges that they face for a variety of issues. The other ecotype are transient or big killer whales. These are marine mammal eating species versus our residents, which are salmon specialists. Our resident endangered ones primarily Chinook salmon. Another reason why Southside isn't that attractive Chinook ones, they're really picking off Frazier River Salmon up north and Skagit River Salmon. So they're spending their summers up north in the winter. They start to move a little bit down here as those salmon runs stop. But again, really not seen in South Sound commonly at all, although not unheard of. Very, very uncommon in South Sound. The transients, again, eating harbor seals, sea lions, sometimes even fores, those are not listed. They're just protected under the Marine Mammal Protection Act like any other marine

Speaker 3 [\(02:25:40\)](#):

Mammal. So they're not a priority species under W D F W either?

Speaker 6 ([02:25:46](#)):

I don't believe they are, but I need to check where they are on DFWs list.

Speaker 3 ([02:25:52](#)):

Okay.

Speaker 6 ([02:25:53](#)):

But again, we wouldn't want any impacts to transients either. Just to clarify though, that their population is healthy as opposed to the listed stock and the ones that are a big concern, transients again in Open Bay, that would be relatively uncommon, but quite possible there are seals that haul out on the log booms down by a Yankees operation there, and they'll come in every once in a while and prey on those sea lands and those populations get larger. And that's definitely occurs in Oakland Bay and South Sound, but uncommon compared to the other places that they're more commonly observed.

Speaker 3 ([02:26:38](#)):

So not going to get the transients aren't going to get entangled into anchor lines though, because that's submerged.

Speaker 6 ([02:26:44](#)):

Right? Well first there's been very few entanglements with killer worlds in general worldwide. There have been a few documented ones with crab pots. The thought is that they're fairly curious on a crab pot line. They play with that line. And because there's that slack, it just has a lightweight float on it. And when you drop a crab pot, there's all that excess line because the float isn't set perfectly for the depth. And so they easily can get that wrapped around. There's been a couple instances, one along the Oregon Post where a juvenile killer whale had a pot wrapped around its tail. There was also an instance where a killer whale had a crab pot up in DC and they've successfully freed it from that crab pot. It was dragging it along. That's, but again, with more top lines, no slack, that's not an issue. They navigate their highly sophisticated navigators both through their echo location abilities as well as their physical awareness in the water column.

Speaker 3 ([02:27:58](#)):

So I mean, if they're out in hot pursuit of a seal or something and they're charging across these lines perpendicularly, isn't there a chance they could end up dragging a bunch of oyster bags behind them as they plow through these lines?

Speaker 6 ([02:28:13](#)):

Well, I think that would be highly unlikely. For example, they come into the pen cove area where there's a variety of muscle floats and same sort of interactions. And pen cove has had its muscle fats out there for many, many years and they swim through and amongst them, there's some images online from Friday Harbor where they're in the marina moving along and poking out at some of the seals that are up on the docks there. And so their abilities to navigate it through these obstacles is highly sophisticated, and so they tend not to just charge destructively.



Speaker 3 ([02:28:55](#)):

So you mentioned that the anchor lines have some kind of a twist anchor, because I thought I was under the impression they're just kind of dropped into the sediment. So they're actually, how's that done?

Speaker 6 ([02:29:06](#)):

There's anchor that Aaron alluded to by the crane, and then there's the helical screw anchor, and that's that twist anchor, so it's screwed down there. So those are the smaller ones. And then the bigger wedge anchors are essentially by weight almost.

Speaker 3 ([02:29:21](#)):

Yeah. So how's the twist one twisted then? What kind of machinery is used for that?

Speaker 6 ([02:29:27](#)):

Yeah, there's a couple of different ways. They're often diver installed and just use a lengthy bar.

Speaker 3 ([02:29:33](#)):

Oh, I see.

Speaker 6 ([02:29:35](#)):

And get leveraged that way. And then there are some machines that do that as well, but I'm guessing that when they get to that stage, but I would imagine they'll be diver installed. Okay.

Speaker 3 ([02:29:48](#)):

And when you put these anchors in, whether it be dropped or twisted in, I mean, is there a problem with kind of disrupting the sediment that there's a lot of information in the record about the dioxin, that kind of stuff? Is that creating a health hazard doing that?

Speaker 6 ([02:30:06](#)):

Yeah, I mean think to think about it in terms of it, it is a very short term disruption. So this is something that you drop that down, you'd get some disruption of that sediment and then that would settle back out within hours. And so that is a very limited short term effect that wouldn't persist in the water column. And then in terms of that, these are being installed before you've got a bunch of organisms in there, so they're not, and oysters are selectively feed, so they don't eat the sand and wood and other things that are in the water column. They eat the phytoplankton. And those other components that aren't full of the nutrients they need are excreted as sup pieces and go back down the sediment. So that's not incorporated into them.

Speaker 3 ([02:31:06](#)):

And then in terms of the scale of the project, so I mean it sounds like we have a lot of aquaculture operations that are of similar size, but that floating operations are not common. I mean, have there been any studies done of the impacts of floating aquaculture operations of this magnitude and what impacts they have?

Speaker 6 ([02:31:29](#)):

Well, I think what has been done are looking at settings like Muscle RAFs, which as mentioned, those are several acres of RAFs. It's not a 50 acre continuous, but the difference is that that is very, very dense. And so these lines are 30 feet long that hang below the rafts and are full of muscles close together. And so when you look at that and see that in those, you can see right within that muscle array, you can see a slight drop in chlorophyll as they're filter feeding. But that really around the muscle wrapped, you don't see that effect. And similarly with the currents, you see the water slightly slowing within that big three-dimensional, tightly packed array, but you don't see that affecting areas well beyond the muscle. So

Speaker 3 ([02:32:32](#)):

Are these arrays of comparable scale though? I mean are these like 50 acre?

Speaker 6 ([02:32:37](#)):

Well, they're not 50 acres continuous, but you have to think about this more as that nine acres of rasp with a lot of water in between. So yes, it's comparable scale to the nine acres of the floats themselves if you look at the muscle RAF array. But in this sense, it's spread out and thinner with big spaces in between, which really all reduce those types of potential impacts that were studied even in the denser arrays.

Speaker 3 ([02:33:09](#)):

Okay. And then there were a few comments about the lack of flushing action in the bay because the temperature is evidenced by increases in temperature, that kind of thing, and your H M P acknowledged that, but I didn't see any analysis of how that affects impacts the Bay. I mean, do you see the fact that the flushing action is low and that the bay is relatively small as being a problem for this project of this scale?

Speaker 6 ([02:33:40](#)):

No, and primarily for two reasons. Again, it's kind of back to that stocking density. This is lower than the other farm settings that you have already in the bay and you're talking about a lot of seed size oysters as opposed to do so they're the fulfilling capacity. So we're looking at, as Aaron mentioned, sort of a continual removal of some of the excess nutrients coming in, but we're not at that tipping point, if you will, where now suddenly there isn't enough food to go around. This is something that's been looked at in a variety of settings with much higher stocking densities. And there's literature out there in other places in the world in particular where stocking densities are so high that you start to see some of those effects due to not enough circulation. But that's definitely not the case here for the Pacific Northwest.

([02:34:35](#)):

Even with Oakland Bay having low flushing, that's not low compared to if you think about some East coast estuaries or other settings, we've got this 12 foot to 15 foot tile exchange that even if it's relatively restricted like Oakland Bay, that's a tremendous amount of flushing compared to other settings. We might have a two or three foot tile exchange. And so there are examples in the literature from around the world where you've got very high stocking densities with really low flushing where it's too much and you see that right away in the growth of the organisms. As Aaron mentioned also here, we're seeing probably the opposite where we're getting more rapid growth than in the past. So again, that's not, so the idea of it being too much or too many, we're not at that near that point at all.

Speaker 3 ([02:35:23](#)):

So stocking density, is that where your 0.3% figure comes from? I think that's like the amount of surface area that's occupied by the floating operation. Is that what that is? Okay. And so what is the tipping point? What would be, I mean obviously you can't be that specific, but I mean what kind of general numbers are we looking at? What would be a tipping point for a bay of this nature

Speaker 6 ([02:35:48](#)):

That would be a difficult experiment to run it? The problem there is that you've got not only the consumption rate, which varies at there are different stages of growth. We've got also how much is endogenously being produced, but within how much is being infected coming in out of the system? So there have been some attempts at looking at that in various bays, but I couldn't give you a number on that. But I would say that in proportion to other areas, other inlets in South sound, this still represents a low density stocking density compared to those areas which have similar circulation or flushing.

Speaker 3 ([02:36:32](#)):

So is the 0.3%, is that a high tide or low tide or what state of the bay is that? Is it at 0.3%?

Speaker 6 ([02:36:44](#)):

I'd have to look back at the specific calculation for that, but I believe that was represented at probably the net mean high level, but I need to look.

Speaker 3 ([02:36:59](#)):

Alright. And it's comments about the decrease in water velocity and that impact on flushing. Do you see that as significant at all?

Speaker 6 ([02:37:09](#)):

No. Again, because talking about floats that are in that sort of six inches of the water column, so you've got the vast majority of the water column that is unaffected, and so that's going to be a very nominal. Okay.

Speaker 3 ([02:37:22](#)):

Okay. And then there was the issue about impacts on steelhead migration patterns, and I think you addressed it a little bit last time in differentiating the Hood Canal bridge scenario, but how many feet deep was the Hood Canal bridge again? Was that three feet below or

Speaker 6 ([02:37:42](#)):

15

Speaker 3 ([02:37:42](#)):

Feet? Oh, 15 feet. Okay. Okay.

Speaker 6 ([02:37:44](#)):

So 15 feet. And so not only does that represent and juvenile seven do occupy that top part of the water column, but it is kind of in that first 10 to 15 feet of water, not in the top six inches. And there really aren't surface surface oriented when they say they're surface oriented, we're talking about the top 15 feet and shallow water. So they're going to be more along the shoreline if they are out in the bay, those

are going to be the larger individuals which are even less surface oriented. They'll probably take advantage of those structures both as areas of fut, there were predators as well as fray resources with the different critters and EpiPen or epithetic organisms that attach. And so there's a bunch of brighter copo and plods. If you look at these baskets, there's a lot of little stuff that's growing on there, even when they flip and keep it from getting really massive growth. There's a lot of little stuff that's on there. And that's tremendous food resource for these juveniles and salmon that are out the grading. Yeah.

Speaker 3 ([02:38:51](#)):

We talked a little bit about this last time about the fact that they avoid the docs and swim around them, but you're saying for these things they might actually be attracted to them because of the,

Speaker 6 ([02:38:59](#)):

I wouldn't say attracted to them as much as they'll interact with 'em. You have to remember, they're pretty highly motivated to keep on migrating out. So these aren't fish that are just hanging out here for months at a time and Google are spending a couple of days to weeks as they move out of Puget Sound. And on that they may, depending on their size path, spend a little bit of time around their natal stream as they get acclimated to the salt water. But again, that's kind of around those creek balance that they're being oriented. So the shade issue really relates to work that studies that have been done in freshwater systems primarily where you have a really sharp, light, dark interface that they're reluctant to go through. And in those freshwater systems, they're an earlier size class, so they're smaller and they have at least what the studies talk about there is you get some of the structure oriented non-native species like small mouth, fast, large mouth fast, that then take advantage of that setting and can eat, consume those juveniles. That's the peer situation here.

Speaker 3 ([02:40:09](#)):

Yeah. Oh, sorry.

Speaker 6 ([02:40:10](#)):

And I know there was a comment about striped strip bass, not really a bass here as well. Very uncommon. It's a relatively newer phenomenon that they're present here. They're not tructure oriented. They're also more of a migratory moving fish. So they're not going to be hanging out at these studies that looked at the fish in the marine settings that are structural oriented. Those are largely non precipitous fish. So they're not eating other fish, they eat the things that are on those structures, so they'll eat the worms and co composites, et cetera. So that's the pile of perch and shiner perch, and those are fish species that are most commonly structured marine environments that end up not being salmon predators. So there's some work by Simons that Nightingale that really did sort of a whole literature search on this topic, and I forward that on.

Speaker 3 ([02:41:08](#)):

But in terms of your conclusion that it doesn't affect the migratory patterns only six feet under, is that based on studies that specifically address these kind of shallow encroachments into the water table or?

Speaker 6 ([02:41:21](#)):

Well, I wouldn't say that there's a specific study that was at a shallow encroachment, but I will say that there are many settings where in the natural settings where you've got trees and wood and other obstacles that are in the way and they're out migrating juveniles like that complex habitat, but are

readily able to navigate through and hit amongst that, I'll say we did do a study looking at the five 20 floating grid where we tagged the whole host of juvenile salmon. And even there again with the old five 20 was 10 feet depth. We're talking about a couple of hours of change in delay associated with that structure, not days or weeks or anything like that. And again, very, very different structures. I wouldn't even want to do parallels, but that is something that migratory delay has been looked at. Again, with it being away from the shoreline, you're really not in a setting where this is right in their path.

Speaker 3 ([02:42:27](#)):

Okay. Yeah, I think one of the comments was somebody saying that these floating structures will alter the migratory pathways and then they'll be predators positioned to get them in their new direction or something, sea lines or something of that nature. What I'm hearing you saying is it's not going to alter their pathways that much

Speaker 6 ([02:42:48](#)):

And got, if you think about the orientation of the lines too, so this isn't perpendicular to the path that's in the line with the path, but again, the majority of them are going to be along the shoreline, but we don't have anything. And then with a six inch structure, most of them will be below that to start with. They might come check it out, get some food off of it. I think they're probably at an advantage compared to competitors in that setting because they can hide in amongst those cages versus the competitors which are larger, which you're going to have a harder time with that. But again, I don't think that interaction is kind of apples and oranges with the bridges and also very different than a pier coming from the shoreline.

Speaker 3 ([02:43:34](#)):

Okay. Okay. And another comment was there's, I guess a couple salmon and estuary habitat restoration projects on either end of the project your client's proposing, and they're concerned that it'll affect the migration between those two projects. I mean, did you have any thoughts about that or

Speaker 6 ([02:43:54](#)):

Yeah, I mean, think that's, sorry, you mentioned that there were a couple of restoration projects on

Speaker 3 ([02:44:01](#)):

On either side apparently, and that there's a feeling that the fish might migrate between the two or something or of that nature and this would affect that.

Speaker 6 ([02:44:09](#)):

Yeah, well, so again, these restoration projects are along the shoreline where they should be. And the fish, although it's not fully unidirectional over time, it is, right? They've got to get to the ocean. So we're, it's not really kind of like a resident sort of fish situation where it's going to be popping from one area to the next. They're going to spend a little bit of time at those sites and move their way. For the most part, the fish do stick to that shoreline, so they might be on one side or the other, but they don't tend to hop across those open bodies of water until they're big enough to be able to do so safely, essentially. So, yeah.

Speaker 3 ([02:44:46](#)):

And what about what kind of growth are the cables going to attract? There was a comment about algae growing on the cables, that kind of thing. Will that create any adverse impacts?

Speaker 6 ([02:44:56](#)):

There will be no bio valuing that goes on those lines. The value bowing sounds bad, but it's not. So that's kelp and macro value that has a whole host of organisms within that. So I think biofouling on the cages isn't good for the water circulation through the cages, but from a habitat perspective, having some of that growth on the lines or the anchors themselves is just fine.

Speaker 3 ([02:45:27](#)):

Okay. And I know there were a lot of comments that came in since the last hearing date and the day of the last hearing. Black Hills Audubon Association presented a pretty lengthy study. There's another one that didn't have the author on it, I couldn't tell if it was right after the updated Patillo comments of August 9th where it had a long table of contents and it was like 50 pages longer. Are you planning on responding to all the detailed things that they raised in those documents?

Speaker 6 ([02:45:54](#)):

Yeah, I have not had the chance to review those yet, but planning on responding to those and

Speaker 3 ([02:46:01](#)):

Yeah, I'd really like to get the applicant's side on that because there was a lot of thought put into those comments and research and yeah. I'm curious to see what your response is. Someone else raised the issue about diseases and parasites such as flatworms and mud worms. I guess is that a problem with these kind of floating operations?

Speaker 6 ([02:46:23](#)):

Well, one, the diseases, that's something I think that Aaron spoke to in terms of how that's monitored for Flatworms. And those are organisms that are out there. They're not am mono lists as being invasive or obnoxious in some way. So I think of flat worms and mud worms is part of the ecosystem. Again, Sarah said there's no herbicides or pesticides or control of those, and I don't think that that's something that would be associated with this setting any greater extent than other Oracle what was Rockle culture or general setting with Native Clams and Bud and other places, but those live.

Speaker 3 ([02:47:11](#)):

Okay. And then there was also concern about the wetlands associated with the Bay. Do you see this proposal affecting the wetlands that are connected to the Bay?

Speaker 6 ([02:47:22](#)):

I don't see how it could, we talked about the circulation patterns and so certainly, and there's no effects there. And so this doesn't really have interaction with those wetlands.

Speaker 3 ([02:47:36](#)):

And then finally, I was curious on the Will PA Bay project, you know, was that appeal to the shoreline hearings board at all or was there any controversy over it or

Speaker 6 ([02:47:45](#)):

No, it was not. So the permits are in place, as I mentioned, it was not appealed and I don't believe that there was a significant controversy.

Speaker 3 ([02:47:56](#)):

Okay. Okay. Well let's move on to the chat questions. And I'm not even sure where we start on this. I'm just looking for them. Alright. Alright. Yeah, I see somebody was asking if Will Pa Bay and Oakland Bay are similar in size, and I think you already answered that. There's a big difference in size, right?

Speaker 6 ([02:48:27](#)):

There's a big difference in size, but currents recurrence and waves through waves and sediments or sediments. So there's a lot of similarities. Similarities too in terms of the settings, for instance, on the questions that we're trying to use those analogies for.

Speaker 3 ([02:48:45](#)):

Okay. And then the next question is, are you the applicant's expert paid by the applicant and how can the public be assured you're being unbiased then,

Speaker 6 ([02:48:55](#)):

Right? Well, I am working for Taylor Shellfish in this instance, but I guess my point would be that I do this review on the other side of the table just as commonly. I also work for the state and the feds in reviewing projects. And so I'm looking at these issues as we look at all of the projects. So we've been on the other side of this equation on any projects as well.

Speaker 3 ([02:49:18](#)):

And someone else is asking, doesn't it matter that they're even just a few whales coming in? And I think your conclusion is it just doesn't affect them, is your position.

Speaker 6 ([02:49:27](#)):

Yeah, we don't have the mechanisms, the loose lines. That's the risk.

Speaker 3 ([02:49:31](#)):

Okay. Next one is, doesn't third party monitoring make more sense than tailor monitoring itself?

Speaker 6 ([02:49:38](#)):

Your honor, I'm going to jump in just here real quick. Sure. Certainly Mr. Chela can respond to the extent that he might have expertise on this. That question may be better suited for Ms. Eal though.

Speaker 3 ([02:49:48](#)):

Okay. Alright. Yeah, she wants to answer. Well, if I forget, if someone could remind me to ask her once I'm done with Mr. Cheese on, that'd be great. Yeah,

Speaker 6 ([02:49:57](#)):

I mean, just my thought on it. I know there are many instances, and in fact most instances where monitoring is done by the applicant, they are often best situated and in tune with being out there and being present to actually collect good data and information. And plus it serves as a really good reminder about what we're concerned about. So I see that happening more commonly than third party monitoring is being required.

Speaker 3 ([02:50:30](#)):

Okay. Let's see. Please explain why there's no management plan for bird interactions with the floating proposal when it is an issue big enough for New York State to require harvesters to present management plans for it on the east coast, and then they provided some link to that.

Speaker 6 ([02:50:54](#)):

Yeah, we've looked at Berg interactions, especially in Longline culture, and there's a whole variety of species that really interact positively. Again, taking advantage of some of the prairie resources that are there. I think this is one where from the floats that have been out both since Samish and in Oakland Bay and the idea that these bags aren't long-term static surfaces, they're being managed. So there's the temporary use as birds come in, but isn't the long-term use either. And so we're not seeing the mechanism of impact to bird or bird populations.

Speaker 3 ([02:51:46](#)):

Next question is which anchors will be used for the Oakland Bay project is going to be the twist ones or the ones that are dropped?

Speaker 6 ([02:51:54](#)):

Aaron can answer that better, but I believe it's both. I think the large main lines are anchored with the wedge anchors. And then there are some other ancillary lines that are with the helical, but again, they're that better. I could look back and see diagrams too.

Speaker 3 ([02:52:12](#)):

Okay. Next question is about impacts to bald eagles. Is that going to be looked at all? There's some a few comments saying people obscene bald eagles in that area.

Speaker 6 ([02:52:23](#)):

Well, again, I'm not seeing how this would be impacting bald eagles. They can forage successfully in and amongst as well as in the other areas of the bay. And so if anything that might stop and pull apart a fish on a float or something, but not really seeing it as an impact. And bald eagles are a great success story with recovering. And so unlike in 15, 20 years ago where every project had a bald eagle management plan, that's no longer kind of the standard unless you're taking out nest trees or working near nest trees. That's the typical type of interaction where you'd want to do a management plan associated with that disturbance of their roosting nesting.

Speaker 3 ([02:53:09](#)):

Okay. Next question is, what about the vertical lines? Potentially entangling seals? They don't use echo location to navigate like oils do.



Speaker 6 ([02:53:19](#)):

Right? Again, we don't have slack lines here, so it's not something that they can get wrapped in and around themselves. And as we know seals in so many settings and environments, they're incredibly adept at finding their way around in a marine environment, even in areas of high human use and high human structures.

Speaker 3 ([02:53:45](#)):

Okay. And what are the tipping point studies that were referred to? I dunno if you had any specific tipping studies in mind when we were talking about that.

Speaker 6 ([02:53:56](#)):

Well, I referenced some studies that were done out of China where there were too high stocking densities and some consequences occurred. I think there's some European ones as well where you've got some areas with incredibly, and this is something we could look up, but comparing the stocking densities in those estuaries compared to what we have, even in areas that are sound, that are higher density than what's happening in open bay and the order of magnitude apart in terms of those stocking densities and difference based. So that's what I was referring to is that there are settings elsewhere in the world where those tipping points have been reached.

Speaker 3 ([02:54:38](#)):

Okay. That's

Speaker 6 ([02:54:39](#)):

Not the situation

Speaker 3 ([02:54:39](#)):

Here. And next question, do seals, stripe, perch or other predators of salmon use the lines or floats?

Speaker 6 ([02:54:47](#)):

Well, I mean I think seals are curious, so they'll be in and amongst the lines just like they are anywhere you look. I mean if you're out on the water, seals will pop up and check you out. And so they will be there, but I don't see this as an area where they would be aggregating or otherwise. They may find some fish that they can pick off there, some of the ones that are structure oriented that might be around the lines, but again, not to any significant degree.

Speaker 3 ([02:55:21](#)):

Okay. And what are the three stack systems for the bags? Quote three stack systems, unquote? I think you referred to those in one of your previous answers.

Speaker 6 ([02:55:31](#)):

The three stack Stack

Speaker 3 ([02:55:32](#)):

Systems. Stack systems? Yeah.

Speaker 6 ([02:55:36](#)):

I not, that's not ringing. Okay.

Speaker 3 ([02:55:39](#)):

Okay.

Speaker 6 ([02:55:40](#)):

Help me out here.

Speaker 3 ([02:55:42](#)):

Yeah, I mean I'm not sure, I don't recall the term three stack systems. I remember you might've talked about vertical systems three. Yeah, three dimensional, yeah, three dimensional dimensional.

Speaker 6 ([02:55:50](#)):

So what I'm referring to there is, so here if you think about it, we've got bags that are pretty much six inches or so and it's just horizontal in the water column. And when you've got other types of bags, they're either vertical in the water column or in case of things like mussel or those lantern systems that you've got from the rafts, you've got these arrays hanging down

Speaker 3 ([02:56:13](#)):

And I think you said they go down 30 feet or something was the examples you were using.

Speaker 6 ([02:56:19](#)):

So those are out there as well, ENT out there. And those interact more with the water column and

Speaker 3 ([02:56:29](#)):

Yeah. Okay.

Speaker 6 ([02:56:31](#)):

Higher stocking density.

Speaker 3 ([02:56:32](#)):

And the next question is about microplastics. Any studies been done on that from what kind of microplastics dissolve from these kind of bags and what impacts they have?

Speaker 6 ([02:56:43](#)):

Yeah, these are, when you think about H D P E, this is what we use in all of our plumbing pipes. And so if you think about our water systems have all H D P E, so this isn't something that's degrading and generating a lot of the microplastics. If you look at some of the studies on microplastics, we're talking about things like fibers from poly from our clothing, things like really fine plastics that are bleached out in the sun and then breaking apart over time. And so here we've got new equipment that's being exchanged and maintained regularly. So it's not getting to that stake where it's out there for decades and breaking apart. And then it's also of a material type that is used very commonly and isn't known to

degrade and send off a lot of pieces and particles, which is what we're typically talking about when we're thinking about microplastic pollution and those risks that we're reading a lot about these days.

Speaker 3 ([02:57:49](#)):

Okay. Next question is, I guess this is kind of a reversal of concern from the salmon to the seals. Will the salmon being able to hide under the baskets take away from the normal hunting abilities of harbor seals? Does it affect the seals?

Speaker 2 ([02:58:05](#)):

Well, first of all, I mean seals, their primary prey aren't al salmon, right? They're eating all kinds of fish and other organisms. And so this is how these systems work. There's advantages and disadvantages.

Speaker 3 ([02:58:24](#)):

Well, I tell you, I mean the seals aren't protected, are they? So we're worried about Sam and not the seals unfortunately set up know if it protects the sam, that's a good thing. Probably you

Speaker 2 ([02:58:35](#)):

Help us when you hurt that one.

Speaker 3 ([02:58:36](#)):

Yeah, yeah. Okay. Alright, there we go. Those are pretty much the questions that have been asked. Thank you Mr. Chela, for your responses. And like I said, yeah, I look forward to responding to those detailed comments from the Audubon Society and that really long one, there's no author provided, but you'll see it, there's like two pages, the table of contents and then 50 pages of studies and things referenced there. So I'd love to hear your response on that. So anyway, thanks for your responses today. That's really helpful. And Ms. Ial, we have the question about monitoring. Should we do third party monitoring? Why or why not for this project?

Speaker 2 ([02:59:20](#)):

Yeah, thank you for the question. Taylor has done third party monitoring. We're currently certified with Food Alliance and they come out every three years and do an assessment, take a look at all of our records, they take a look at all of our leases, they take a brief look at what Taylor has done within the community. They go out onto the farms and make sure that Taylor is complying with all of its regulations that affect aquaculture. And so they do that on a regular basis. In addition, we do have regular inspections from the regular agencies, including Washington Department of Fish and Wildlife. They're taking a look at the conditions that they impose on our transfer permits on invasive species management, on how the plans are processing so that we can put feedback out onto additional. We've got D N R who does inspections to ensure that their stewardship conditions are being complied with.

([03:00:23](#)):

We've got, every year we get compliance checks from the Army Corps to ensure that we're in compliance with those. And Department of Ology has done inspections as well as Department of Health has done inspections. And so there are a lot of regulations and when the authorities come out, they're taking a look at all of our documentation they're taking a look at to make sure that we're doing what we say we're doing. And if we're not, we create a plan. But for the most part, our records are very complete. We have a system that lets for real time documentation and we've got systems in place that

really are taking a look and ensuring that those compliance measures are being followed through. We have time compliance manager who goes out and works with the farmers and ensures that does our own internal audit on a regular basis. And so there are multi levels of compliance checks, both tailor regulatory and the third party.

Speaker 3 ([03:01:31](#)):

Because I haven't had a chance to look at the monitoring conditions out there, but I mean, does the monitor go so far that say for example, that the conclusions made for authorizing this project that it doesn't affect endangered fish, that doesn't adversely affect water quality. If it turns out that it does, do these agencies then have the authority to scale down the project or something? Or is it just an issue of they're just making sure you follow the conditions of approval and that's it?

Speaker 2 ([03:02:04](#)):

Could you give me an example of what it is that,

Speaker 3 ([03:02:07](#)):

Well, let's say that they find out that, for example, that the endangered salmon, their migration routes are changed and a bunch of seals are capitalizing on this and wiping out the fish run. Is there something then that the regulatory agencies could say, okay, you got to reduce your farm size by half or something to prevent this from happening. Or another example is that the excretions of these oysters actually do reach a tipping point and adversely affects water quality and creates a photo phytic bloom. Could they come in and say, there's too many oysters here, the studies were wrong and we have to scale back. I mean, in other words, if this creates adverse impacts that we didn't believe would happen, but they happen anyways, do the regulatory agencies have some means of doing something about it?

Speaker 9 ([03:02:57](#)):

Mr. Examiner, if I may a part of that component of that question, address the E S A compliance, and I'm happy to address that from a legal perspective that see wall can weigh in. But with respect to E S A consultation and compliance, there are multiple triggers for needing to reinitiate consultation. As Mr. You all Mr. Tla discussed, this project is consistent with and covered by the programmatic consultation, which includes certain take incidental take authorization, but one of those triggers. So one trigger for that REINITIATING consultation would be if that take is exceeded, I don't think we have any reason to think that would happen here. Another is that there's new scientific information that comes out that commences the services, that there would be different impacts then they projected when they completed that consultation. So that's where the E S A side, I'll let missal later on anything additional she has.

Speaker 3 ([03:03:52](#)):

Okay. Alright. Yeah, if you have anything else to say, missal, if not, we'll move on to the next issues.

Speaker 2 ([03:03:59](#)):

As far as water quality goes, that seems to be kind of a questioning issue is Oakland Bay is one of the most productive bays in south South and it's a very important production area for Taylor, not only for its brew stock, for seed production, but also for its market size, clams and oysters that are high in demand around the world. And so having a system that we would impact, it would be definitely shooting ourselves in foot as far as causing any kind of pollution. We do have controls in there with Department

of Health and other agencies that are taking a look at water quality, well fresh and green. And if there was an impact directly associated with this farm, it would be something that we would have to take a look at and develop a plan in order today.

Speaker 3 ([03:04:57](#)):

Okay. Okay. Thanks. Yeah, that helps. Okay. Alright. Well yeah, as I said, I had some more questions about visual impacts and I studied the 1986 D O E guidelines on how to assess visual impacts. I don't have enough information, I think to make a really informed application yet there are three factors in the study that I need some more information on. One is they say, is the number of people affected by the project and the visual study prepared by the applicants says it's a rural setting. There aren't many people there, but that gives you a general idea. Maybe it's somewhat sparsely populated, but I see some of the pictures and videos and there's a lot of homes along the shoreline. I mean, even in rural areas, you can have a lot of homes along the shoreline because Waterview property is in high demand, obviously. I mean, at the least I'd like to see a parcel map that shows how many homes potentially are affected by this within line of sight.

([03:06:01](#)):

I mean, even better would be just have some estimate of how many waterfront homes are going to be seeing this project. Another factor in the visual assessment was what's the landscape like right now already that putting something in front of a bunch of docs is going to have a lot less visual impact than putting something in a pristine environment where nothing's been built. The visual assessment often references the fact that this is an industrial type setting, but that's on the south end of the lake. And having driven around, or excuse me, the bay having driven around the bay myself, it kind of seems like on the northern end you don't see much of the southern industrial site. What you see on the northern end is just a pristine area that doesn't even have any docks or very few, I don't recall seeing any. So what are people seeing out there?

([03:06:53](#)):

And like I said, I'm going to allow the public to respond. So whatever information you give me on that, keep in mind they're going to be likable for my house. I can't see anything except undeveloped shoreline. I think that's an important factor. So any information you can give to me as to what these people are seeing beyond the proposal would be very helpful. It doesn't seem to me that the industrially developed portions of the shoreline make up a very big part of their scenic viewpoint, if anything at all. And the third issue is the elevation. I mean, I looked at the transcripts and the written comments and I'm getting numbers all over the place. I mean, I even had one member of the public oppose the project kind of shooting himself in the foot saying, well, all these elevations are wrong. We were right at the water level or something.

([03:07:40](#)):

Whereas obviously from the project opponent standpoint, you're better off saying you're higher up because you get a worse view, I guess, of the proposal as it stands. So if you can maybe clarify what these elevations are around here or not, or just reiterate what your position is on that elevation. And again, I mean, I don't want you to put a lot of spend money on this, but at the very least, just a parcel map and kind of identifying who's going to be able to see this from the parcel map, at least the waterfront properties. That gives me an idea of who's most affected there. And then maybe some idea of how much of the industrial portion of the shoreline is actually within their, what do they call it, their cone of vision or whatever that was, that would help too. Again, nothing really fancy, but like I said, just keep in mind the public's going to have a chance to respond to that information and they very well could come back with some more detailed information. It seems like those three factors are very important

and it just wasn't addressed in the study. And Mr. Denki, who can you cite who wrote the study? I don't think it even had an author on it. I mean, was this written by a design professional or?

Speaker 2 ([03:08:54](#)):

I think Ms. Eald has to answer that question.

Speaker 3 ([03:08:56](#)):

Oh, okay. Ms. Eald. Yeah, I was just kind curious where that visual assessment came from.

Speaker 2 ([03:09:02](#)):

I followed the guidance and I wrote the

Speaker 3 ([03:09:04](#)):

Oh, you wrote it up? Okay. Okay. Yeah,

Speaker 2 ([03:09:07](#)):

I did take a look. We did hire a professional firm to do the project renderings and provide us with some insight as far as what that visual impact would be.

Speaker 3 ([03:09:19](#)):

Okay.

Speaker 2 ([03:09:21](#)):

But yeah, the guidance that was written in 1986 or published by Ecology in 1986, I did reach out to ecology to find out if there were more updated information and guidance that we could follow. And they responded that there was nothing out there.

Speaker 3 ([03:09:39](#)):

Okay. Okay. No, and I appreciate voluntarily bringing that up. It sounds like that's probably the most objective set of guidelines that are available out there. The county doesn't have anything really specific, so that gives me something I sink my teeth into to assess visual impacts. I know there was a comment from actually one attorney saying, you can't regulate aesthetics. I mean, that's true for most types of development, but this is a little different because you're building in public waters. And so I know the Charline hearings board is pretty active in regulating on the basis of aesthetics. So I'm willing to go along that route too, as long as I have some fairly objective and objective standards that I can apply. I think aesthetics in this case is particularly important because as recognized in the county Shoreline regulations, there's a lot of redundancy when it comes to regulating these projects.

([03:10:33](#)):

You have the state and federal agencies that are all over the adverse impacts and impacts on navigation. I think the one area where this review process is a little more out on its own is these aesthetic impacts. This is where the review process makes the most difference. And so I'm focusing on that and I think that's probably one of the biggest concerns of everyone involved as well. And the objective standards the applicant has come up with do say 1500 feet is desirable and you're arguing a thousand feet is okay. So that'll be something I'll be looking at pretty closely as I assess those impacts. So let's see. I think

Speaker 2 ([03:11:18](#)):

If I might, I apologize. The guidance by Apology was written back when aquaculture that was being installed included muscle wraps, dogs, marinas, and things with very high structure. Whereas in the last 30 years, aquaculture has really evolved and taking a look at different kinds of mechanisms. And so having something that is much lower to the horizon was not even in the space of consideration. And so taking a look at that, really taking a look at not only the renderings, but additional farms that are out there, how the banks interact within the environment, what the visual impact is, is something that Taylor has taken a look at over the last 10 years that they've developed this system. And so we felt very confident that the distance from the shoreline was applicable.

Speaker 3 ([03:12:15](#)):

Okay. Alright. Well that's good to know. And if you have any more information on that within two weeks, that'd be great. Yeah. Yeah. So, alright. Well, like I said, what I was thinking of was Missy Weld, you mentioned you need two weeks to respond to all those comments. And like I said, kind of throw in any additional information you can do on the visual impact analysis and we can make that do, let's see, so that'd be the 30th, then August 30th. And then let's see, I guess Mr. Kuzi, any problem with staff getting all that posted by the next day,

Speaker 9 ([03:12:54](#)):

It shouldn't be any problem on

Speaker 3 ([03:12:56](#)):

Our end. Okay. So I'll give the public then a chance to respond by the 7th of September. And again, just to be clear, for the public, that is a chance to respond to the comments made by the applicants today and their PowerPoint presentations. That kind of thing will be posted at the city's web or keep saying City at the county's website. And then you can also expect the applicant's comment responses to all the written comments to be posted by the seventh. And I'll just need to get the public comments by the 14th. And let me ask Mr. Dai, how much time do you want for your final, you get final word on all that and you're the ones that have to deal with the delay. So how much time do you want to provide a final reply?

Speaker 9 ([03:13:40](#)):

I would put a week after.

Speaker 3 ([03:13:41](#)):

Okay. The 21st, I

Speaker 9 ([03:13:42](#)):

Ask the week after we get the public information.

Speaker 3 ([03:13:45](#)):

Alright, the 21st then, and Ms. Frazier or Mr. Visco, if you could maybe post the email address at the chat for people to know where to send those to. So they'll post that at the email chat, or excuse me at the Zoom chat. And if for whatever reason you don't catch it, just call up Ms. Frazier over at Community

Development or Mr. Visia and they'll give you the address to get those comments too. So any questions before we wrap it up today or

Speaker 9 ([03:14:15](#)):

The examiner? I was trying to jot down notes while you were listing all those things. If you could just one more time re-articulate those specific dates, I would appreciate it.

Speaker 3 ([03:14:23](#)):

Oh yeah, sure. Let's see. So

Speaker 1 ([03:14:27](#)):

Shoot.

Speaker 3 ([03:14:34](#)):

Sorry, my calendar is acting a little strange. So today's the 16th. So actually the 30th I guess would be when your comments are due, Mr. Nike and then the 14th, or excuse me, sorry,

Speaker 1 ([03:14:48](#)):

What am I doing there?

Speaker 3 ([03:14:53](#)):

Yeah. Okay, now I got those dates off a little bit. Then we'll say the seventh will be when the public response to the applicant's comments are due and then the 14th will be the final applicant reply. So I anticipate that the staff will have all the applicant comments posted by the 31st. I was off on that date, not the seventh, that they'll be posted by the 31st. And public response to those written comments will be due the seventh and then applicant replied the 14th.

Speaker 9 ([03:15:25](#)):

Perfect. Thank you very much.

Speaker 3 ([03:15:26](#)):

Okay. Well you've given me a lot of information to mull over. I know this is a really important decision to the community out there, both to the applicant obviously, and the people living around there. It is a beautiful bay. I mean, as far as floating operation goes, it could be a lot worse, but it doesn't meet criteria. That's the ultimate issue that has to be decided here. And as I said, that deals with a pretty intense application of the visual assessment. And then I'm going to be looking at a lot of the scientific studies and that kind of thing as well. I see we got a raised hand in the Commissioner chambers, Mr. Visi.

Speaker 4 ([03:16:09](#)):

Yes. It was just to clarify the Confluence environmental presentation from Mr. Chela that didn't officially

Speaker 3 ([03:16:18](#)):

Get recorded. Yeah, let's get that. Yeah, let's get that in as Exhibit 47. Any objections over entry of Mr. Chelas PowerPoint presentation? Alright, hearing and we'll make that 47. Yeah. Thanks Mr. Sco. Thank



Speaker 4 ([03:16:30](#)):

You.

Speaker 3 ([03:16:31](#)):

Alright, so yeah, this is going to be, I think one of the tougher decisions I've ever had to do and I've done a couple thousand of 'em. So it's going to be a lot of work. But like I said, my job is to follow the law. That's what I intend to do here and whatever. I come up with you, I mean, my decisions are very detailed. You'll see exactly how I came to that decision. And again, that will be appealable to the Shoreline Hearings board if you disagree with it. So anyway, we're adjourned for today. Thanks again for all your hard work and sitting through all this, and I hope you enjoy the rest of the week. So bye.