

October 5, 2007

Pierce County Council
Attention: Denice Johnson, Clerk
930 Tacoma Avenue South
County-City Building, Room 1046
Tacoma, WA 98402-2176

Dear Council Members:

The Pacific Coast Shellfish Growers Association ("PCSGA") submits these comments regarding Proposed Ordinance 2007-34s. As you are aware, the proposed ordinance would amend the County's shoreline use regulations related to cultivation of geoduck clams.

PCSGA recognizes that the Council is grappling with a legitimate conflicting use issue related to its shoreline areas. However, as PCSGA has pointed out in previous comments, the County should not try to address that issue by adopting interim regulations over geoduck culture in isolation. Isolated shoreline rulemaking is inconsistent with the Department of Ecology's Shoreline Guidelines, which require that significant modifications to Shoreline Master Programs only be undertaken as part of a comprehensive review and amendment of the County's Shoreline Master Program.

PCSGA would like to propose an alternate means of addressing the conflicting use issues related to the use of Pierce County's shoreline areas for shellfish aquaculture. As discussed in more detail below, the National Oceanic and Atmospheric Administration ("NOAA") is currently accepting preliminary proposals to fund, through its National Marine Aquaculture grant competition, environmental models and GIS tools to be used in siting new aquaculture facilities. PCSGA would like to explore the possibility of partnering with Pierce County on a proposal under this program. If a partnering agreement can be reached between the County and PCSGA, the results of that effort could then be used by the County to designate and protect Shoreline areas of Pierce County where shellfish aquaculture is appropriate as part of the County's Shoreline Master Program, and GMA Comprehensive Planning, processes.

I. Background.

In most areas of the State containing shellfish farms, the farming operations have been in place for decades, in many cases over a century. Indeed, much of the land currently devoted to shellfish farming in Washington was transferred from the State under the Bush and Callow Acts for the express purpose of farming shellfish, and the State retained reversionary rights to those areas that are triggered if the area is used for anything other than shellfish farming. PCSGA

strongly believes that the continued use of these historic areas for shellfish farming must be protected against conflicting residential, commercial and industrial development.

PCSGA also recognizes that some areas in Pierce County, because of environmental constraints, existing development patterns, or other considerations, may not be appropriate for siting new aquaculture facilities. That said, PCSGA rejects the notion that shellfish farming should be prohibited in all residential areas. Shellfish farming and residential development are not inherently incompatible. In fact, PCSGA members have farms on many tidelands with adjacent residential uses and, in most cases, those uses have co-existed without notable problems.

PCSGA also strongly disagrees with the claims some people have made regarding the environmental impacts of shellfish farming in general, and geoduck farming in particular. Attachment 1 to this letter contains excerpts of a PowerPoint presentation Taylor Shellfish Farms has prepared to refute some of these environmental claims. In summary, the scientific studies to date demonstrate:

- ◆ Shellfish aquaculture gear increases habitat for many species, including federally protected salmon species.
- ◆ Because shellfish are filter feeders, shellfish aquaculture cleans the water, which helps mitigate impacts from nutrient loading, a significant issue in Puget Sound because of increased development.
- ◆ The impacts of geoduck harvesting are temporary and well within the range of disturbance caused by boat wakes or a winter storm.
- ◆ The effects of shellfish farming on bird species are likely beneficial, but are at worst benign.

In short, existing scientific studies do not support a finding that geoduck farming has significant adverse environmental impacts. That conclusion is consistent with the conclusions of the County's own Environmental Biologist. *See* March 21, 2007 memo from Dave Risvold, Environmental Biologist III to Kathleen Larrabee, Supervisor Resource Management (attached here as Attachment 2).

PCSGA also believes that opponents to geoduck farming exaggerate the impacts of geoduck aquaculture from a use conflict perspective. For example, opponents often complain about the aesthetic impacts of geoduck farms, arguing that these operations are undertaken around the clock, constantly encroaching on adjacent residential uses. Actually, on a one-acre geoduck farm, workers are present on the farm less than 3% of the days of a six-year crop cycle. Similarly, the PVC tubes used for geoduck farming are only visible for a very limited amount of time at low tide, approximately 6.9% of daylight hours of any year they are present. *See* Attachment 1 at 59-61.

PCSGA acknowledges that residential uses can, in some instances, conflict with farming shellfish on tidelands. While the proposed interim ordinance focuses on conflicts that may be caused by geoduck farms, residential uses, with their attendant stormwater runoff, septic discharges, and shoreline armoring, can also negatively impact not only adjacent shellfish farms but the marine ecosystem as a whole. However, because the interim ordinance is being

considered outside of the County's comprehensive Shoreline Master Program update, it impermissibly focuses only on part of the use conflict issue: potential impacts of geoduck farming on residential uses.

II. Comprehensive Aquaculture Planning.

PCSGA believes that the current shoreline use conflict should be addressed through a comprehensive planning effort that is focused on determining the most appropriate locations for locating new shellfish aquaculture operations in Pierce County. The first step in such a process is gathering relevant information that can be used to make well-supported siting decisions.

Grant funding currently available through NOAA's National Marine Aquaculture Program could provide just such a tool. More information on that program is available at:

http://www.nmfs.noaa.gov/aquaculture/docs/NMAI_2008_Announcement_WEB_090607.pdf. Essentially NOAA has approximately \$8 million in funding available to undertake research that will help to develop sustainable marine aquaculture in the United States. One of the funding priorities for those grant funds is: "Development of environmental models and Geographical Information System (GIS) tools to aid site selection for new facilities."

PCSGA is working on a pre-proposal through this program to try to access grant funds to develop models and information to assist in selecting new shellfish aquaculture sites in an as-yet-undetermined County in South Puget Sound. Pierce County is a logical location for undertaking these efforts. PCSGA would like to explore the possibility of partnering with the County on its pre-proposal, and then, if that grant is awarded, working with the County on developing the information necessary for siting new aquaculture facilities. If the County is supportive of partnering on this effort, we may also want to consider exploring other potential partners, such as state agencies or land conservation organizations.

Once siting information is developed, that data could be used in County land use processes, under both the Shoreline Management Act and the Growth Management Act, to designate and protect appropriate areas for commercially significant shellfish culture operations. Those land use processes present a much more comprehensive means of addressing these shoreline use conflicts than the approach taken in the interim ordinance. Such a process would allow the County to consider all of the applicable goals and policies of the County's Shoreline Master Program, including those policies, ignored in the proposed interim ordinance, that recognize aquaculture as a preferred shoreline use:

PCC 20.24.020(A)(1): "The use of shoreline areas for aquaculture shall be encouraged for the production of commodities for human consumption and utilization."

PCC 20.24.030(A)(10): "Shoreline areas having the prerequisite qualities for aquaculture uses shall have priority in order to protect Pierce County's aquaculture potential."

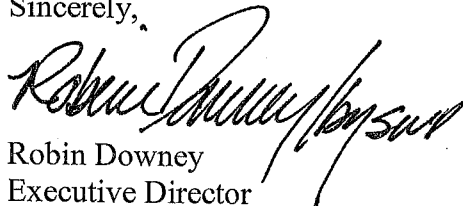
These provisions of the Pierce County Code are consistent with, and implement, the Department of Ecology's shoreline guidelines, which define commercial shellfish beds as "critical saltwater habitat" that should be afforded a higher level of protection because of the "important ecological functions they provide." WAC 173-26-221(2)(c)(iii)(a).

PCSGA urges the County to reject the proposed interim ordinance's piecemeal approach to addressing this shoreline use conflict issue. Instead, the County should explore the possibility of working to obtain NOAA grant funding to obtain information that can be used as a platform for a more comprehensive approach to addressing this use conflict issue.

III. Conclusion.

PCSGA acknowledges that geoduck farming in Pierce County has presented the council with a legitimate issue related to the use of its shorelines. PCSGA believes that the proposed interim ordinance only considers part of the use conflict and is therefore the wrong approach to addressing these issues. Instead, PCSGA requests that the County explore the possibility of working with PCSGA to obtain funding to compile the information necessary to address these issues in a more comprehensive fashion.

Sincerely,



Robin Downey
Executive Director
2023 E. Sims Way #235
Pt. Townsend, Washington 98368
360-379-9041