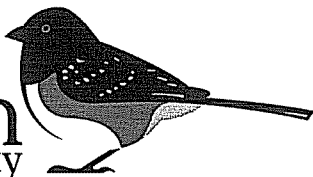


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February 11, 2008

Washington Dept. of Ecology  
SEA Program/Shellfish Committee  
Attn: Candice Holcombe  
PO Box 47600  
Olympia, WA 98504-7600

RE: land use conflicts discussion

Dear SARC committee members,

At our January 14, 2008 regular committee meeting, there was discussion on the various land use conflicts and possible solutions, as presented by the Department of Ecology staff. Because of the agreed upon structure and rules of the SARC meetings, valuable public comments, including those from other 'neighbor' stakeholders, were not permitted until the public testimony portion following the meeting. The committee asked Laura Hendricks to ask other residential shoreline property owner stakeholders for any additional perspectives on land use conflict issues with regard to intertidal geoduck aquaculture.

Because Tahoma Audubon has a close relationship with one of those 'neighbor' stakeholders, Save Our Shoreline!, I contacted Laurie Brauneis, President of SOS! and asked for her comments. I would like to present those comments and include them in the discussion today and for further review by Dept. of Ecology staff. There are many shoreline property owners, and just as many perspectives on this issue. The attached letter from SOS! represents one group's perspectives on this.

I would like to present Pierce County's interim geoduck aquaculture regulations (Ordinance No. 2007-34s2), unanimously approved by the Pierce County Council last fall, and currently under review by the Dept. of Ecology, as one example of how several land use conflict issues could be addressed by this committee. Tahoma Audubon advocates for local solutions to these issues, recognizing the diversity of circumstances requires local considerations be handled at a local level, and therefore we do not propose these interim regulations for all counties, but rather as potential solutions to land use issues that should be discussed and considered.

Tahoma Audubon participated in the process of developing and passing these regulations, along with many others, including shoreline property owners who wrote letters and testified at many public hearings and meetings throughout 2006-2007. That numerous shoreline property owners and organizations spoke in favor of these interim regulations

indicates that they found some solutions to the same land use conflicts that the SARC committee discussed at our January meeting.

The interim geoduck aquaculture regulations for Pierce County applicable to this discussion include the following regulations to reduce land use conflicts (in no particular order):

- Access should be primarily from the water; when designated parking and staging areas are provided land access may be allowed; use of vehicles/heavy equipment on intertidal areas and beaches is discouraged. (Ch.20.24.020 B 2 a-c)
- Hours and Days of Operation are to be identified as a condition of approval of an operation and consistent with management practices set forth in WA Commercial Geoduck Fishery Management Plan (May 23, 2001); night and weekend seeding and harvest operations are permitted only where operations are 1000 feet or more away from residential dwelling and public parks. (Ch.20.24.020 B 3 a-b)
- Visual Impacts: no permanent lighting is allowed; minimum lighting of nighttime activities for safe and efficient operations are permitted; tubes and netting should be a neutral color (i.e. not white); tools and products of harvest activities are to be removed from the site when each day's harvest is completed. (Ch.20.24.020 B 4 a-c)
- Public Use/Access includes removal of all materials from beach as soon as is geoducks are not vulnerable to predators; adjoining neighbors should be notified at least 5 days in advance; noise should be minimized and consistent with Pierce County and WA noise standards; a 10 foot setback should be maintained between adjoining properties and aquaculture operations. (Ch.20.24.020 B 5 a-d)
- Litter Control: all tubes, nets and other equipment left on site should be marked so as to identify ownership; excess unsecured materials should be removed from beach prior to next high tide to prevent litter; predator exclusion nets should be durable; individual tube netting should be secured with UV-resistant fasteners; nets should be tagged for identification purposes; nets should be designed to minimize risk to wildlife and humans; a tube placement and removal schedule is a condition of approval for a substantial development permit; a per tube bond is required; beaches within a half a mile of either side of a project should be patrolled, on a schedule, to retrieve debris. (Ch.20.24.020 B 6 a-f)
- Zoning: In Pierce County, our shorelines are divided up into 5 types of environments. Urban and Rural-Residential Environments permit aquaculture that does not involve the use of tubes, netting, or other materials placed in intertidal areas. In Rural and

Conservancy Environment's intertidal aquaculture is permitted with Substantial Development Permits required. In the Natural Environment, our most pristine and protected marine shorelines, aquaculture that does not use equipment as listed above is not allowed. (Ch.20.24.030 A-C)

While this last issue of aquaculture zoning, as a tool for reducing land use conflicts and protecting critical habitats, was not discussed in detail at the last meeting, we believe it provides one example of a way to reduce land use conflicts, and it should be a tool available for counties to use, as they so choose. Zoning aquaculture activities away from dense residential areas will reduce land use conflicts.

With the size of the committee and limited meeting time, it can be difficult to get down to the details. We hope that these specific examples are useful in furthering the discussion on land use conflicts and solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Krystal Kyer", with a long horizontal flourish extending to the right.

Krystal Kyer  
Conservation Coordinator