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DEPARTMENT OF ECOLOGY  
SHORELANDS AND ENVIRONMENTAL ASSISTANCE PROGRAM  
SHORELINE MANAGEMENT ACT RULE MAKING 2010  
EVERETT STATION  
BEV POSTON, HEARING OFFICER  
SEPTEMBER 13, 2010

Anna Hirsch, Transcriptionist  
Flygare & Associates, Inc.  
1715 South 324<sup>th</sup> Place, Suite 250  
Federal Way, WA 98003

1 MS. POSTON: Let the record show that it is 7:44pm on  
2 Monday, September 13<sup>th</sup>, 2010 and this hearing is being held  
3 at the Everett Station Weyerhaeuser Room located at 3201  
4 Smith Avenue in Everett, Washington.

5 This hearing is about the proposed updates to the  
6 Shoreline Management Act Rules, Washington Administrative  
7 Code 173-18, 173-20, 173-22, 173-26 and 173-27. Legal ads  
8 of the public comment period in hearings were published on  
9 or around the following dates, August 18<sup>th</sup>, August 25<sup>th</sup>,  
10 September 1<sup>st</sup> and September 8<sup>th</sup> in the following papers,  
11 Idaho Lewiston Morning Tribune, Aberdeen Daily World,  
12 Bellingham Herald, Bremerton/Kitsap Sun, Centralia  
13 Chronicle, Ellensburg Daily Record, Everett Daily Herald,  
14 Kennewick/Tri City Herald, Longview Daily News, Moses  
15 Lake/Columbia Basin Herald, The Olympia, Port  
16 Angeles/Peninsula Daily News, Seattle Times, Skagit Valley  
17 Herald, Spokane Spokesman Review, Tacoma News Tribune,  
18 Vancouver Columbian, Walla Walla Union Bulletin, Wenatchee  
19 World, Yakima Herald Republic, Goldendale Sentinel,  
20 Stevenson/Skamania County Pioneer and The White Salmon  
21 Enterprise.

22 Ecology also placed information about the comment  
23 period on the rules, updates and hearings on their website  
24 and on their agency public involvement calendar. A rule  
25 proposal notice was emailed on August 17<sup>th</sup>, 2010 to a list

1 serve made up of local government planners in shellfish and  
2 environmental interests. Ecology also sent emails or  
3 letters in August 2010 to legislators and tribes interested  
4 in geoducks.

5 Okay, at this time we have one person who indicated he  
6 would like to provide testimony. And if you would read your  
7 name and your address into the record your may begin.

8  
9 **Testimony of Bill Dewey**

10 So I'm Bill Dewey, with Taylor Shellfish Company. And  
11 my home address is 704 E. Hiawatha Boulevard Shelton. So I  
12 -- besides working for Taylor Shellfish Company I also have  
13 a shellfish farm of my own in Sammish Bay and while I grow  
14 predominantly Manila clams I have a few geoduck planted on  
15 my farm as well and -- and at some point in time I may wish  
16 to expand that -- that geoduck farming. So these rules  
17 affect me personally as well as the company I work for.

18 So I'll -- I'll touch on just three general points of  
19 concern that Taylor's and others in the industry have on the  
20 proposed rules. And defer specific comments to a written  
21 testimony that we'll submit at a later time.

22 So first off, we're concerned that some of the proposed  
23 changes that are applicable to all aquaculture represent a  
24 significant departure from Ecology's current policy. And  
25 removing -- also these changes in policy remove critical

1 water quality protections for aquaculture and they also  
2 place aquaculture at the end of the line when trying to  
3 balance other conflicting uses.

4       So the -- the critical water quality or the -- the,  
5 excuse me, the critical habitat designation is something  
6 that I rely on as I work statewide on water quality issues  
7 for shellfish. It's a big part of the rationale for why  
8 we're able to get local jurisdictions to restore water  
9 quality in our shellfish growing areas is the fact that it's  
10 designated as critical saltwater habitat.

11       So as -- secondly, changes that Ecology proposes with  
12 these regulations go well beyond what the SARC  
13 recommendations were to the legislature regarding  
14 regulations for geoduck farming. I feel that there -- there  
15 that SARC deliberation went on for two years it was a  
16 difficult debate and in the end resulted in some balanced  
17 recommendations that in and of themselves were going to be  
18 significant to the industry and have an impact. And that,  
19 you know, that was -- those were hard decisions in and of  
20 themselves and -- and these new rules seem to go well beyond  
21 those SARC recommendations and that's disappointing for the  
22 growers.

23       And then thirdly, we feel that Ecology should not  
24 proceed with the rules given that the small business  
25 economic impact statement concluded that the rule has a

1 disproportionate impact on small businesses and the  
2 mitigation proposed is inadequate.

3         So those are our -- our three general concerns and --  
4 and again we'll provide more specific comments in -- in  
5 written testimony.

6         MS. POSTON: Okay, thank you. Okay. If you would  
7 like to email or send written comments they can be  
8 postmarked or emailed no later than five p.m. on October  
9 18<sup>th</sup>, 2010. Please mail your comments to Cedar Buta,  
10 Washington Department of Ecology SEA, Post Office Box 476,  
11 excuse me, 46 -- no it's 47600, Olympia, Washington 98504-  
12 7600. Email comments should be sent to the following  
13 address, shorlinerule, all one word, at ecy.wa.gov. All the  
14 testimony received at any of the four public hearings along  
15 with any written comments received by the end of the comment  
16 period, October 18<sup>th</sup>, will be part of the official record of  
17 this proposed rule revision. Whether a comment is presented  
18 orally or in writing they will all receive equal mate and --  
19 equal weight in the decision making process.

20         After the comment period Ecology staff will review all  
21 comments submitted and prepare a document called the  
22 Response To Comment Summary. People who give testimony or  
23 submitted comments will be notified when the responsiveness  
24 summary is available.

25         Adoption of the rule updates are currently scheduled

1 for December 14<sup>th</sup>. If the proposed rule amendments are  
2 adopted that day and filed with the code advisor the the  
3 rule will go into effect 31 days later which is about mid  
4 January.

5 So on behalf of Ecology thank you so much for coming.  
6 I appreciate your cooperation and courtesy. This hearing is  
7 adjourned at 7:50p.m. Thank you. I run a tight ship.

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(End of Hearing)

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IN RE: Department Of Ecology  
Shorelands And Environmental Assistance Program  
Shoreline Management Act Rule Making 2010

HELD: September 13, 2010 - Everett Station

AFFIDAVIT

I, Anna Hirsch do certify that the recordings provided to us  
of the Department Of Ecology Public Hearing, held in  
Everett, Washington was transcribed by me to the best of my  
ability.

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Anna Hirsch,  
Transcriptionist