

November 20, 2010
 Cedar Bouta
 Department of Ecology
 PO Box 47600
 Olympia, WA 98504-7600

Department of Ecology
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 Shorelands & Environmental
 Assistance Program

Dear Cedar Bouta,

I would like to take this opportunity to address the guidelines that Ecology is proposing to provide to County Governments as they update their SMP's. I would like to apologize for my hurried approach to writing this letter. With the Governor's Executive Order 10-06, I assumed that these comments would not be necessary. I now feel compelled to have my comments become part of the public record, but also feel pressured since not only am I trying to run a small business successfully, but feel it necessary to address policy proposed by Ecology.

I will try to address those Guidelines that seem the most troubling to my company.

1. Prohibiting or limiting the practice of placing tanks or pools or other impervious materials directly on the intertidal sediments.

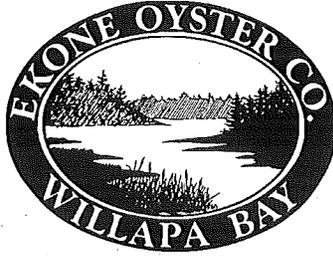
SARC did not consider prohibiting this practice. We did discuss limiting the number of pools and area covered. Other impervious materials could easily be seen as something as not allowing a skiff to go dry on the intertidal sediments. This is such a vague statement that it needs to be changed or removed entirely.

2. Prohibiting or limiting the use of trucks, tractors, forklifts, and other motorized equipment below the ordinary high water mark and requiring that such equipment, when authorized, use a single identified lane to cross the upper intertidal to minimize impacts.

This could easily spill over into other culture methods. There are mechanical methods of harvesting hard shell clams which may actually have a softer touch than hand digging. My concern is that this guidance needs to mention geoduck in every point, so that Counties do not misunderstand your intent.

3. Limiting alterations to the natural condition of the site, including removal of vegetation or rocks, re-grading of the natural slope and sediments or redirecting freshwater flows.

This should be addressed to site preparation only. That was the intent of SARC. What happens when geoduck culture allows the re-introduction of vegetation and the County prohibits harvest since there is now vegetation of significance on this bed?



4. Limiting the area of the site that can be planted or harvested at one time, to limit the areal extent of impacts.

In a sense now you are creating a type of buffer, which at the very least the Economist should include in their SBEIS.

5. Limiting the portion of a site that can be covered by predator exclusion devices at any one time.

Ecology might as well say you can only plant a certain percentage of your acreage. From my observations of geoduck farming, all young ducks need to be protected at time of planting. So this could be calculated the same as the economist calculated buffer areas. What portion of a site then would need to be known to make those calculations?

6. Requiring installation of property corner markers that are visible at low tide. Great idea, though practically impossible to accomplish.

SARC was unable to provide any guidance on how to mark beds. Do you want to use impervious concrete tiles, bright plastic discs, non-permanent stakes like we use in Willapa? So when a storm removes the marker you will have more debris and possibly the costs of a new survey. Once tubes and netting are removed, do you really want to be seeing bright orange markers at low tide?

7. Requiring measures to minimize impacts to navigation, including recreational uses of the water over the site at high tide.

So first off, if your markers are only visible at low tide, how does the navigator know where they are? Second, at what stage of high tide do you refer? Typical mean high tide? Top of the tide? An incoming tide? What about during a high low tide? I am unaware of anything discussed during the SARC process that addressed impacts to navigation. What exactly is Ecology asking for here? Since no measures are suggested, it is impossible for the economist to even address this issue.

Thank you once again for allowing me to provide comments.

Nick Jambor
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