

## Washington Department of Ecology Transcript:

### Draft Individual Permit for the Control of Burrowing Shrimp using Imidacloprid on Commercial Shellfish Beds in Willapa Bay and Grays Harbor

CHAIR: OK. Let the record show it is 12:35 PM, yeah, on Tuesday, December 2 2014, and this hearing is being held at the Willapa Harbor Community Center, 916 W. 1st St., South Bend, Washington 98686. The purpose of this hearing is to receive formal comments on the draft environmental impact statement, the sediment impact zone application, and the draft individual permit for the control of burrowing shrimp using imidacloprid on commercial shellfish beds in Willapa Bay in Grays Harbor. We had considerable outreach for this effort. Email notification went out to approximately 200 people on October 24th of this year, a news release was posted on Ecology's website on October 24th. News releases were distributed to radio, print and television media outlets for Grays Harbor and Pacific County, also on October 24th. The draft permit, sediment impact zone documents, fact sheet, draft environmental impact statement, Willapa Bay and Grays Harbor SIZ application, and the SIZ public notice letter are available on the Ecology website, at [www.ecy.wa.gov/programs/wq/pesticides/imidacloprid/index.html](http://www.ecy.wa.gov/programs/wq/pesticides/imidacloprid/index.html). Mailed notices went to more than 1200 addresses including property owners, nearby residents, and other interested parties referencing the proposed sediment impact zone application, which is a condition of the draft individual permit for the control of burrowing shrimp using imidacloprid on commercial shellfish beds in Willapa Bay in Grays Harbor.

I note that 10 or 11 people have indicated that they would like to provide formal testimony - after they are done I will give others a final opportunity. When I call your name, please come up here, slowly and clearly state your name, address - if you're representing an organization, please state that as well, and then you can begin your testimony. So at that point...First person up: Fritz Cohen.

FRITZY COHEN (sp?): *(unintelligible)*

CHAIR: Pardon me?

FC: Do I have to be the first person - can I waive my, testimony, at this point until later?

CHAIR: Well, when I call your name, if you don't want to, at that point you can say "No, I want to wait to the end." You can certainly do that. Yeah. Oh, is that you?

FC: Yeah. (*unintelligible*)

CHAIR: Oh, OK (chuckles). Oh, it's *Fritzy*. Oh, I'm sorry.

FC: (*unintelligible*)

CHAIR: Ok, ok, then I'll come back to you afterwards. So the next person I have is Keith Stavrom (sp?), and I apologize in advance if I get your names wrong.

CHAIR: If I pronounce it wrong.

So let me see if the meter is still running - yes it is. Hi.

KEITH STAVROM: Hi

CHAIR: ... So your name?

KS: Keith Stavrom

CHAIR: Address?

KS: 25814 Sandridge Road, Ocean Park, Washington.

CHAIR: Zip code?

KS: 98637.

CHAIR. OK. Are you representing any organization?

KS: No.

CHAIR: No? OK, then let me start the clock...so that it's a fair process for everybody. There's your five, first five minutes than you'll have one more minute afterwards, so...

KS: OK. Basically, uh, I was involved in some way, shape or form with a lawsuit, um, against the state Department of Ag, and, and so on

and, uh, the attorn-, state's attorney general was part of their defensive team, and uh, during the lawsuit, um, it had to do with some chemical drift, some die-off, property damage, so on, and, uh, state's attorney's stand at the time, and probably still is, was that how can you blame us, Willapa Bay's been a chemical soup, forever. Now this a matter of court record, it's a statement by the state's attorney, representing the Department of Ag, and I under- I understand you're the Department of Ecology, but when such a statement is made and then the same group of people ask you to do a survey or studies to represent them to present something to add more chemicals to what they call a chemical soup, I think that you should question that a little bit and find out what that is all about. Also, there was a study done, seven years ago I think it was, on the Green Sturgeon of Willapa Bay, where they actually caught them, tested the blood, the DNA, and half of the sturgeon, the Green Sturgeon, that were in Willapa Bay at the time, were the Southern Green Sturgeon, which are on a federal endangered species list. And so, my question to that would be, should you be looking at things in water quality a little different when there's a federal endangered species living in the water you're about to apply chemicals to? But, again, they probably are immune because they live in a chemical soup. Um, that's basically all I got to say, so I'll leave it at that.

CHAIR: OK.

KS: Thank you.

CHAIR: Thank you.

...

CHAIR: OK. That was number one. OK. Next one up - Terry Larson (sp?)

...

Terry Larson: Hi.

CHAIR: Give your name, address, if you're representing somebody, and then I will start the clock after that.

TL: OK. My name's Terry Larson, address, Tokeland, Washington, and I represent myself. I'm a farmer and a fisherman. Uh...I uh - our f-, I know a little bit about the situation - I'm a biologist, uh, and the ocean's been my lab for 50 years. Uh, also a teacher. Uh, and I do know something about the oysters. Our family, (coughs) our family

started in the oyster business in the 1800s, and continued through. We have a farm, and, uh, a crab cannery for years. And I'm death against pesticides being sprayed in the water made- contro-, to control the shrimp. Uh, I'm ju-, I'm gonna limit my testimony to just a couple things. Uh, we have elevated cancer in Grays Harbor and Pacific County so it's gonna be interesting now that they stopped carbaryl...what happens to that ratio. So, kind of be aware of that. And the other thing that concerns me, is uh, this new, uh, salt-water bacteria that's affecting the public, and I stopped, I uh, (coughs) I attracted it when I - I love oysters so I eat 'em all the time, I love raw oysters and I, I caught this bacteria and wound up in emergency, and, uh...and that's where I found out, in the emergency room, how frequent this, uh, sickness is becoming. And I just pulled up an article about the raw oysters and this bacteria and how it's, how it's affected here lately. Now, I don't know if it's the new type of oyster that they produce year round - it never used to be a problem. So, uh, I hope the oyster-, oystermen aren't cutting their own throats but, uh...we don't hear anything about this quite yet. So. Those two things, uh, we need to be aware of. I won't talk about all the other things, but, uh, my notes are full and, I'll let other people talk. Thank you.

CHAIR: Thank you.

OK. Next up I have Larry Warnburg (sp?)...

OK, give your name, address, if you're affiliated with an organization, and then I'll start the clock.

LARRY WARNBURG: Uh, Larry Warnburg, uh, 31 Hurt Road, Raymond...

Uh, I'm a retired oyster farmer. I farmed oysters around Nahcotta and the bay for 25 years, using off-bottom culture. Uh, I didn't need to use any shrimp pesticide, I found that my oysters did quite well with other management methods. Uh, so I think it's unnecessary and unwise for the growers to pursue this permit. Um, I've already submitted more detailed comments, um, so I won't review all that here, uh, but I, I do want to, uh, suggest to the growers that they might be missing a good opportunity to get some allies in their concerns about keeping this bay pristine, as they like to claim it is. Uh, the best thing they could do t-, is to boost their industry and, and gain allies now that we're facing, um, acidification as a serious impact on the shellfish industry. Y-, they could gain allies by abandoning this effort to maintain a pesticide for shrimp control. There are good alternative methods that don't require the pesticide, and that's what -, that's what worked for me. Thanks.

CHAIR: Thank you.

...

And if you're wondering what I'm doing on the back of whoever is up here testifying, I'm just writing a couple of notes, and that will help us when we go back and listen to the transcription, to make sure that it all lines up correctly. Just in case you're wondering.

Okay, the next person I have listed is Jacob Moore (sp?).

Name, address, affiliation if you have one -

Jacob Moore: OK.

CHAIR: And, the-, I will start the timer.

JM: My name is Jacob Moore, as you know. Uh, my address is P.O Box - well, do you want my mailing address or physical?

CHAIR: Mailing address.

JM: OK. Let's do P.O. Box 338 in Bay Center (?) Washington.

CHAIR: What's the zip code there?

JM: I don't know.

CHAIR: OK, We'll find it. OK?

JM: And uh, I'm affiliated, well I represent the Goose Point Oyster Company.

CHAIR: OK.

JM: On top of that.

So for, um, for the last year and a couple months, I've worked on the Goose Point Oyster Farm, and I've gained some first-hand experience concerning this pest, and this is after two and a half years of working as the integrated pest management project coordinator for the Willapa Grays Harbor Bay Oyster Grower's Association.

...

So after gaining a background in policy and regulation, and working

with various agencies and organizations, I got some first-hand experience, after spending a lot more time out on the bay and working within a farm, a cannery. And, uh, I would say that Goose Point is very concerned with the conditional zone up in the, the north part of Willapa Bay. We have a couple of really productive beds up there that, uh, are bordered by some really, uh, really intense ghost shrimp infestations. Uh... the density is so great that the substrate is of a, a different color and composition. I think that it, uh, hosts a much lower, uh, biodiversity. After doing very extensive recruitment monitoring for the oyster growers, I can say with utmost confidence that there isn't a whole lot living in the substrate around this bed except for the ghost shrimp, and, uh, a species of amphipod that I can't name, but I can identify it. Um, whereas, within the oyster bed, where the shrimp have been controlled, um, there is abundant life-forms and of course many, many critters that leave markings on the surface of the substrate. So, in other words, um... without a control tool in this particular place, especially these, uh, incredibly dense populations of shrimp, um, over the course of as little as a year, could move across this bed and essentially take over and dramatically reduce the biodiversity, along with making it just impossible to farm oysters...

And that is all.

CHAIR: Thank you.

UNNAMED SPEAKER: I, I have a request. With all due respect. It seems to me that you've set this up so that we can't even hear what the people are saying when they testify, and maybe we should switch seats with the person who's testifying so that, I mean, we can hear.

CHAIR: I appreciate and understand your comment, however our policy and procedures are the way that we always handle the public hearings, is that you are hear to testify to Ecology, and so this is Ecology, these are the folks that you are coming to provide testimony for. We will have, all of the comments will be included, and I will say this a little later, too, after everyone has finished. All of the comments will be included in a response to comments document that is prepared with the permit. So then you have the benefit of all of the questions or statements, and Ecology's responses. So while you are not getting the benefit of that today, you will get the benefit of that when it's completed.

UNNAMED SPEAKER: So this is not a public hearing, then.

CHAIR: Well, the public hearing is for the public to talk to Ecology, and to go on the record with saying this is what we want, but, what you're off-, what you're referring to is we usually call just a public meeting, where, um, we're just getting up, we're giving information, and then in that case we do want to make sure that there is an active dialog, and everyone can hear. But the purpose of the hearing is for you to go on the record to talk about what your concerns are or ask your questions. And again, we will follow up with that in a formal document, and if you signed up today, you will get a copy of that, and it will also be available online.

UNNAMED SPEAKER: So is there another opportunity for then what you call a "public meeting?"

CHAIR: Well, the public meeting that we had was the open house, and then the presentation and the question and answer. That was the first part of today's session. That was where, you know, you got to hear all the dialog, you got to ask all your questions. This is different part of the process. This is the formal process where we're, you're going on record. You can provide public comment by the comment forms back there, you do it in writing and send it to us, you can send it to email, or you can testify digitally on the record today. Those are the options that are available to provide comment. But again, this part of the process is for people to come up and go on the record to provide their, their questions, their concerns, their grievances, whatever it is that they want to say. It is not intended for a forum for everyone else to hear. You will get the record of that. So I want to, I want to stress that point - you will get a copy if you signed up or you go onto our website, and you'll get the benefit of everyone's comments, not just today, but all the email comments and all the written comments that have been received. So. OK.

So the next person I have on the list is Ross Barkhurst (sp?)

(unintelligible) Ok.

So if you'll just give me your name, address, if you have an affiliation, and then

ROSS BARKHURST: I'm Ro-, Ross Barkhurst, 151 North Nema (sp?) Road West, South Bend, Washington. Uh, representing myself, and waterfowl ecology, in general. Um, comment on these workshops, I don't think that they're serving the purpose, uh, and they're run by Department of Ecology. Couple years ago we had one about Zostera

japonica, duck grass, and said, well, there'll be buffer zones and there will be acreage limits. Any concerned citizen that trusted his government wouldn't keep going to all these hearings, and two years later we get a permit, and no acreage limit, no buffer zones between the two kinds of eelgrass. So I don't have a lot of faith in that.

Last year we had a workshop here introducing us to Imidacloprid. We were told that, not to worry, you'll have public input before this stuff is turned loose. Within six months, uh, hundreds of acres, it was turned loose, without public input, and called a test. We weren't given any test results today. Um...the draft permit is unrefor-, uninformed with respect to habitat and wildlife. There are species directly impacted, uh, Coastal Fall Chinook, chum salmon, Pacific Brant, Northern Pintail, White Sturgeon and Green Sturgeon, and when asked in public and private, tell me about the WFW input, uh, about these species, the answer was, "Well, we didn't really get any." So, uh, it's defective, uh, and some of these are impacted directly, in the case of the sturgeon, they eat the shrimp. During the carbaryl period, these sturgeon have all but disappeared. This year is the first year I know in history that you can't keep one White sturgeon in Willapa Bay, because they're almost gone and the Green sturgeon are endangered. We need to start acting like they're endangered. (Coughs) When I hear about adaptive management, I have to cringe, because, uh, these are species that really need adaptive management, and, uh, there's less than minimum detectable. Before we go into another permit where we're being told "there will be adaptive management." A 25-foot buffer zone is not adequate. Uh, I've read papers about dispersal that show this stuff spreading a lot farther than you are telling us. Um, monitoring of fauna is weak. Or just monitoring of the sediment and so forth, that's good. Uh, I don't see monitoring of the fauna in your program. Um, far as we know, this is the first place it's going to be applied be in an estuary in the United States, and we're, uh, having no independent monitoring. We need independent monitoring. The individual, and I think he's a fine person, writing this permit, OK? Is writing a permit that - it's a job security, it's his job to monitor this spraying and he's, and he's in charge of writing the permit, which will perpetuate his job. Not a good situation, you shouldn't put him in that situation, and you shouldn't have the public relying on that kind of a situation.

Um... This is not a public hearing. If people can't hear the people testify, you could, we could just, uh, go down to the corner cafe and give you our input. I believe a public hearing needs to be done such that the public can hear it. Thank you.

CHAIR: 'K. Eric Hall (sp?)(*unintelligible*) ... 'K. Um, name, address, organization, if you're representing one, and then I'll start the timer.

ERIC HALL: My name is Eric Hall, and my address is P.O. Box 76, Nahcotta, Washington 98637, and I am here to represent Taylor (sp?) Shellfish Company.

CHAIR: Floor is yours.

EH: Um, again, my name is Eric Hall, and um, I've been farming shellfish in Washington State since 1982, and I'm here to support the issuing of the permit to control burrowing shrimp, in Willapa Bay and Grays Harbor. It is highly critical to our farming operations, our business, and our employees, to have the ability to control burrowing shrimp on our shellfish beds. We currently employ 35 full-time employees in Pacific County. These employees and their families depend on our ability to c-, to continue farming shellfish in Willapa Bay. Without an effective tool to control burrowing shrimp on our beds, the economic impact would be severe and ripple through our local towns and businesses. Shellfish farming is very labor intense. Nearly one-third of our total revenue goes out into our community as income. As a farmer, it is vitally important to us that we have the ability to not only, to make an impact in our community, but also have the ability to compete with other farmers in the global shellfish community. And lastly, and personally, I'm very concerned about the future of the shellfish industry in Willapa Bay.

...

CHAIR: (*unintelligible*)

EH: That's all I have.

CHAIR: OK... Thank you.

EH: Thank you.

...

CHAIR: OK. Kim Patten? P-a-t-t-e-n? (*unintelligible*)

"K. Name, address, uh, if you're representing anyone, and then I'll start the clock.

KIM PATTEN: OK. Uh, Kim Patten, uh, I represent, uh, WSU (?), and, um, address is there? 2907 Pioneer Rd.,

CHAIR: Um-hmm.

KP: Long Beach, Washington?

CHAIR: Got it.

KP: OK. Uh ... thank you for, uh, this meeting, and you guys did a very good job, very professional, and I commend you on that, uh, several comments I'm also submitting a letter. Uh, the first has to do with sort of the, the exclusion zone and the conditional use zone, and, um, I will, I understand that there are, uh, higher organic sediments and lower flows in the zones in some unquestion-, some uncertainty regarding the impacts to the benthic and, and epibenthic infauna (?) in those zones. But in both of those areas, the conditional use areas and the exclusion zones, there are lots of sediment that are quite sandy with low organics, and with high flow. And so that, you know, it's, and, and they're very commer-, and they're commercially viable shellfish operations, and so that, uh, regardless of the impact, uh, that might be related to the high, uh, organic sediments, we need to have some sort of ability to address, uh, these other sites within those zones, and, 'cause the implications are pretty serious, so I, uh, there has to be some consideration for, uh, (sighs) how to deal with that, and I don't think it's adequate just excluding major areas because there's some parts within those areas that hi-, have high organic sediments, uh, are low flows is, is, I don't think it's acceptable.

The second, uh, comment has to do with the sediment quality standard book, uh, the, and this is the WAC (?) 173204415, uh, section 1F, and I'll just read a section here:

"The department, uh, shall consider technical feasibility and cost and determine the minimal practical and chemical contamination of biological effects level." And, the, um, Ecology has proposed a very elaborate, uh, monitoring, uh, during the five years of this, uh, MPDS (?) permit, and (coughs), that looks at both the sediment, the water and the benthic, uh, invertebrates, and if you look at the practicality of doing that and the cost of doing that, it's very expensive, ah, and WSU (?), which has done it in the past, uh, is not a monitoring organization, and they have no interest in doing that in future. Uh, we will do it in 2015 to sort of finish out our phase of this, but after that we are, we, from, representing, we, from WSU Long Beach, are not interested in continuing, just because of the expense, and, and the, it's, and so that the cost considerations that I put for with earlier have to be quadrupled or, or even more so because it'll go to consultants, and

consultants are a lot more expensive than we are, because we're non-rec (?) state organization. So, uh, and the, the other issue in, in regards to that is this, the monitor (unintelligible) laid out in 2015, uh, it would pretty much take up the entire, all the little tides during the entire summer to complete all that, and that does not allow any time to look at how to make this chemistry work better, how to look at efficacy, how to look at some of the more practical things that the industry needs to achieve efficacy, so it, it sort of compromises the end game of trying to control shrimp if we have to do all this exhaustive monitoring. So I think there needs to be a dialog, uh, on what do we need to look at as far as monitoring that would keep the department, and, and satisfy the WACS (?), uh, keep the department happy and satisfy the WACS, yet still be practical, feasible, and, and technically, and cost effective. Um ...

Lastly, um, this is, this, again on WAC (?) 173204320, um, section 3, uh, it talks about the, uh... and Barry addressed this, the SIZ impact, and ma-, the maximum biological effects, uh, with 50% exceeding the standards, or the reference stan-, sediment, and my question would be, or my concern is, it doesn't uh, necessarily, have a time frame in there. So what has been used in the past has been 14 days, so after 14 days, if there's an impact, uh, that exceeds 50% it's a violation of the sediment impact zone, uh, and considered a failure, and that the 14 days, in my mind, is not a biologically relevant time frame, uh, to look at, look at this.

(Timer beeps)

Uh, and we might want to look at longer timeframe, uh, 24 or 28 days, or something that has a bigger context. Um, also, that if we might want to, and I'm not sure what the legality is, so, it doesn't address what happens if you don't do anything. So the, the no-effect impact on the SIZ. So if we don't farm those, what is the 50%, uh, what is the change compared to the reference standard? And, is there a 50% reduction, or, ah, ah, is there a failure by not doing something? And I don't believe that that is addressed, uh, and I'm not sure if it's part of the sediment impact, uh, sediment quality standards, but I think it's very relevant here, because if you look at the science that's been done in the Willapa over the last two decades, um, by, uh, U. of Dub (?) and EPA, (timer beeps) and the studies that have looked at the, um, quality, uh, or what's happening to the benthic infauna (?), it's habitat driven, So that it's, that's the main driver, is the type of habitat, whether it's got the burrowing shrimp, or whether it's a shellfish bed, uh, eelgrass - those are the drivers and it's the ecology.

CHAIR: Sorry, you need to wrap up.

Oh, I'm done. OK. I didn't know there was a time limit, but I'm done. All right. Thank you.

CHAIR: Thank you. ... And again, I'm not trying to be rude when I interrupt you, but we did-, I did state very clearly at the beginning that there were six minutes, I have one timer set for five, another timer set for one, and so everybody is getting a maximum of six minutes. If you choose not to use that time, that's your choice, but that is your allowable time. So again, I'm not trying to be rude, but that was what we established in the beginning. So I'm following through with that throughout the entire process.

So the next person up is Dick Sheldon, which I believe is you.

UNNAMED SPEAKER: Is it permissible to pass on the six minutes allotted to each participant to Mr. Sheldon...

CHAIR: No.

UNNAMED SPEAKER: ...or to anybody else (unintelligible)

CHAIR: No. I very clearly stated the ground rules in the beginning. I asked if anybody had comments; we could have negotiated at that point, but we've already started, we've already had seven people who've come up and testified and complied with this process, so we will continue for the rest of the time.

So. Um, as with the others, if you'll just state your name, your address, and if you're affiliated with anyone, and then I will start the timer.

DICK SHELDON: My name's Dick Sheldon. Um, I'm, uh, retired, uh, owner of, ah, Northern Oyster Company,, my son runs it now, and, uh, my, my address is Box, uh, 365 Ocean Park.

CHAIR: 'K. Floor's yours.

DS: Well, to begin with, I'd like to , uh, compliment, uh, Kim Patten (sp?), he, he, uh, he has the first substantial information, and it's very unfortunate that you had to cut him off, um, we don't have too many people here to testify, and he certainly had, had testimony that you

should have heard through. But, but that's your rules and you can't change that.

Um, I sold my first oyster crop at 18 years old. 4700 bushels. It took four years to raise that crop. I'll be 80 next month - that's how long I've been an oyster man.

1965, our beds began to fail. Losses were so high on some of our best beds that I stopped farming them. The cause was ghost shrimp. Washington Department of Fisheries and Ag came up with a solution, carbaryl, and we were back in business. For years, Ecology had no problem. Carbaryl worked. Other than for crabs left on the beds at low tide during the treatment, no problems were ever found.

Then things changed. I've been to this hearing at least 40 times, since 1970. Whatever the issue, from *Spartina shrimp japonica* (?), all catastrophic, to the marine habitat in Willapa Bay, not just oysters, but the ecosystem that feeds into oyster, ocean fisheries and the county that depends on it. I'm not gonna re-submit the same letter I've given Ecology so many times over the past years, my son Brian's from Northern Oyster Company tells that story once again.

I served on the DOE's shrimp committee as a crab representative. This group was to, by science, put this issue to rest. DOE cancelled the committee of stakeholders, after a year of investigation with no final report, because the findings would have been overwhelming in support of the continued use of carbaryl, and that includes on crab.

The growers are the best friends that DOE and the interest of the state could possibly have in the protection of Willapa's resources. To date, unfortunately, your bosses, I mean DOE, just can't seem to accept this. Over years we've dumped millions of dollars that should have been directed to growing our farms and jobs, uh, satisfying Department of Ecology demands, studies that have changed nothing. Yet you solicit and bestow credibility to opposition with agendas, using a false cover of environmentalism, and those who cannot accept that farming tideland is acceptable, but with no equal demand for science backing...their claims. All the while, growers finance the most extensive studies of these issues in history. I predict that the growers will get only a portion of what is needed. And politically, DOE will again pacify the opposition by stacking on more costs, demands, and delays. This is a hell of a way to treat the strongest environmental organization in southwest Washington, and that's our growers.

And I have one request, and it's a very simple one: Prove me wrong.

CHAIR: Thank you. 'K, uh, Dan Gillies (sp?)

DON GILLIES: It's "Don."

CHAIR: Oh. I'm sorry.

DG: (unintelligible)

CHAIR: Oh, it did look like, (unintelligible) correct that then. Don Gillies. Can just state your name, address, uh, organization if you represent one, and then I'll start the clock.

DG: My name is Don Gillies. My address is 6931 US Highway 101, South Bend, Washington, and I'm here, uh, I am the owner of Stony Point Oyster Company.

Uh, first point I want to make is that one of the options in the environmental impact statement, uh, is to investigate the no, no control, um, probability, and I'm not convinced that, uh, there was enough effort put into that section in regards to what happens to the inter-tidal zone of Willapa Bay, and specifically the controlled areas that are now being treated. What happens to those areas if they lose control and are, and become infested with burrowing shrimp. (Clears throat) I think that should be, maybe, looked at a little further and elaborated on in the, uh, no control section of the (*yeahyes?*). Um, I just want to state that, uh, my family's farm is dependent on the control burrowing shrimp for its existence, that if we lose the option to control this fest, our farm will fail and, um, our livelihood will disappear.

I also have a comment on the monitoring that is set out in the, uh, sediment impact zone draft, and specifi-, uh, the monitoring general, I think, is over-reaching the goals of what it should be set up for to determine, uh, over the length of the five-year plan it, it just seems a little bit too aggressive in reproducing results that could potentially happen year after year after year, study after study, with the same results. It just doesn't make sense. (Clears throat)

Another question I have, or concern, is the sediment type, the, the sediment type evaluation of the south bay zone that has been declared, uh, not part of the EI-, uh, the SIZ, or spray for the, because of the SIZ, and I think that there should be a little bit further

investigation into the actual composition of the sediments there and whether or not their theory of that carbon, high-carbon content is holding true.

Uh, the other, the other and the last comment I have is that I think, I hope that everyone is aware of the economic impact the shellfish industry has in Pacific County and Grays Harbor, and that that is taken into account when decisions are made regarding the permit and the, the sediment impact zone evaluations. That's it.

CHAIR: Thank you.

...

(unintelligible) Hope I say this right. Kathleen Nisbitt Moncy? Did I say that right?

KATHLEEN NISBIT MONCY: Um-hmm.

CHAIR: 'K. Name, address, um, affiliation, and then I'll start the timer.

KNM: My name's Kathleen Nisbitt Moncy, my address is P.O. Box 338, Bay Center, Washington, 98527. I'm affiliated with, uh, Nisbitt Oyster Company.

My family started their business, um, just almost 40 years ago. I currently, I recently came back into the business about eight years ago. I was born and raised in the shellfish farming, um, environment, and in the early 1980s, or late 1980s, early 1990s after we had finished our, building our processing plant that we currently operate in we were forced to shut down due to the amount of burrowing shrimp that were infested in our beds, and we shut down for a significant period of time and it was very difficult for our family to be able to maintain themselves during that shutdown. Recently, we've seen a reduced amount of burrowing shrimp in the bay, and we are coming up to levels again that could reach levels of shutdown if we do not have a pest management program for, for the bay. And we currently employ about 80 people in Pacific County, and I would urge people to take a look at the economic impact that would have on our county, and the people that exist in it, 'cause not only would there be layoffs, but it would also affect the amount of money that's circulated in our community, um, and affect other businesses as well.

Um, I went to, um, Portland State University, and I was in a class of about 100 students, and I was the only one in that class of 100

students who knew of anybody that produced a food. I take a lot of pride in the product that we produce, and that we do produce an amazing product in Willapa Bay.

The ecosystem in which we operate in is - in order for it to be viable for us, we take into consideration the benthic, and the water quality of that. Though we have the best interest at heart when we're out there and we're farming this product, and we would never do anything that would degrade that to a point that, not only would our oysters not survive, but nothing else in the bay.

A lot of people like to take into consideration that there's a chemical being introduced into the bay, so it's easy, it's easy to blame the chemical instead of actually looking at the evolution of the bay. Um, since the 1940s, um, we've put a lot of different chemicals out in the environment, in general, and also our, our planet has been evolving, and we go through cyclical things, and we have to take a lot of those into consideration and know that what is here today may not be here tomorrow. We have to do an analysis of everything and not necessarily just focus in, hyper-focus in on just one thing, and just use that the blame for some other causes that are within our means to control, or may not be within our means to control.

So we support the issuance of the permit for shellfish farmers to be a viable part of this community for decades to come. I'm, uh, second generation into the business. I hope that there's fourth, fifth, sixth generations coming into the shellfish business, so that we can be, not only a part of the shellfish industry, but to maintain a healthy community, and to grow that community to have, um, a sustainable community that can really focus on what it does for the environment, and the health of the ecosystem in which we farm.

Thank you.

CHAIR: 'K. Westin Taylor (sp?)

WESTIN TAYLOR: Hello.

CHAIR: (unintelligible) have you speak your name, your address, who you're representing, and then I'll start the clock.

WT: My name is Westin L. Taylor. Address is 130 SE Lynch Road, Shelton, Washington, 98584, and I represent Taylor Shellfish Farms.

So, my name is Wes Taylor. Again, I am part of the fifth generation of shellfish farmers with Taylor Shellfish. Um, our business, uh, relies on the continued ability to be able to farm shellfish in Willapa Bay. Uh, we grow (unintelligible) clams, oysters, both for meats, as well as well as for the singles market. Uh, we farm and own, uh, 3400 acres in the bay. Um, as mentioned earlier, our business provides, uh, for 35 jobs in the local economy. For people and their families. Um, I also wanted to add, in addition to that, um, those, that product, and the activities from Willapa Bay provide for an additional, uh, 30 jobs in the Mason County area, and that, uh, um, we hope that we can continue to do business and operate and grow product in Willapa Bay.

That's all I got. Thank you.

CHAIR: Yeah. Thank you.

Eric Petit. (sp?) 'K. Give your name, address...

ERIC PETIT: My name is Eric Petit. P.O Box...

CHAIR: I'm sorry.

EP: 524, South Bend, Washington. I represent my own farm, Willapa Fish and Oyster.

CHAIR: Willapa Fish and Oyster.

EP: My family's taken their, uh, their living from this bay for the last five generations. Uh, we've owned a farm for about the last 30 years. I run it now. Um, this is all I've ever done is worked out of this bay, whether it's been shellfish, crab, salmon. We've, that's how we've always made our living here.

And the idea of, of not having a chemical to control shrimp on my farm, pretty much spells the end of my farm. I mean, I've been able to expand to where I'm farming around 100 acres, I'm a small farmer here, but without some way to control burrowing shrimp, that will be the end of me. And that will be the end of the jobs for the five to six people I provide in the springtime, and the one full-time employee I have now. And it's kind of, uh, I guess, looking at it from as long as my family's lived here, it's, it's kind of heartbreaking, to be able see that what's built up go away here, and that's what the end of having a chemical to take care of burrowing shrimp pretty much spells for me.

So I think the whole idea, I mean, that big building down there of Coast Seafoods, those people all be, will all be looking for a job within 10 to 15 years here, if there isn't a way to control these shrimp. And if you've spent any time on the ground, a lot of people get up and talk, but if you've spent any time on the ground in places where there's burrowing shrimp, nothing else survives. There's no eelgrass, there's no crabs. Nothing lives there. It's a desert.

So, I really hope there's some way that we can work this out, to have a tool to control these.

Thank you.

CHAIR: Thank you.

OK, I'm back to the beginning. Fritzy? Did I say it right this time?

FRITZY COHEN (sp?): Yes.

CHAIR: So your name, address, if you represent anyone, and then I will start the clock.

FC: OK, Uh, Fritzi Cohen of the Moby Dick Hotel and Oyster Farm. Uh, Nahcotta, Washington.

CHAIR: OK. Floor is yours.

FC: I'm a very, have been a very small oyster farmer who has always been concerned over the past 20-some years that I've been at the Moby Dick, with the quality of the water that my oysters are ingesting. Uh, and as a result of my litigation, which brought up the issue of carbaryl soup, it was because my beds were, were drifted on by imazapyr and glyphosate.

I would like to say that where I differ from the aquaculture industry in Washington State, is that I don't believe that the oyster just simply filters things in and out of it's body. It's a very special animal, and it has a huge filtering capacity. However, there has really been no, ma-, not many studies that have shown whether these pesticides that are filtered through the oysters stick, except for one instance, by the way, when a scientist by the name of Kris Screw (?) had an abstract, just the abstract that I've saw online, where they found that glyphosate was stuck in the gonads of Willapa Bay oysters. They were going to study, six months later, and report on whether there were any

reproductive repercussions as a result of that. Uh, my understanding is because we did do a public records request, we never got a study on which that abstract was based. But I would like to say this, is that, my feeling is, is that these pesticides do harm the oysters. An oyster will not die until there's a - it's in a superfund, pollution capacity, or environment.

And so, my concern has always been the health, not only of, of, of the oyster and of those who consume it. When my husband bought the Moby Dick, and myself, he was buying me a lifetime supply of oysters, because I also loved oysters. And now, I wouldn't touch an oyster from Willapa Bay.

Thank you.

...

CHAIR: OK. That is all the people that had filled out a card. Are there any of you left who have not already testified who would like to come up and speak?

Let me make sure I have your name on here so I've got all your information so (unintelligible) have a card.

BRADY INGVALL(?): Brady.

CHAIR: Brady, OK. And you will be number 14. OK, if you just give me your name, address and who you represent, and then I will start the clock.

BI: My name is Brady Ingvall. I live at 3714 Oyster Place East, Aberdeen, Washington, 98520.

I'm representing myself, as a shellfish advocate for the Washington coast.

CHAIR: 'K.

BI: So originally, I was working in the oyster industry in Grays Harbor when the shrimp came about. We were losing hundreds of acres of shellfish to the shrimp.

Over time the shellfish growers were looking for a method to stay in business. About 20 years ago, there was a committee formed. It was called The Burrowing Shrimp Committee. There are two people here

that were on that committee besides myself - Dick Wilson, Dick Sheldon.

On that committee there was crab fisherman, there were scientists, there was elected officials, there was a broad spectrum of people that had a interest in preserving the shellfish industry on the Washington coast.

So within that document that we prepared, there was the matrix. And the matrix listed all the different methods that could be used to eliminate the shrimp. An example or two of some of the things on the matrix were: Compression. You could run tractors on the mudflats and compress the soil, and compress the shrimp at the same time. There was Dick Wilson presented another method, was called "Many Feet A-Tramping." So if we all got out on the mud flats and jumped up and down on the soil, eventually we'd kill all the shrimp.

So there were some chemicals also in that matrix. And none of the chemicals met the needs to eliminate the shrimp, and at the same time be biological viable. So then, at the end of this committee, an EAS wa-, was prepared. And it wasn't detailed enough. So then a SEIS was prepared, and over time, it was agreed in this committee, by consensus, that carbaryl would be the best method to use.

Now carbaryl is been, being eliminated. Now we're looking for a new chemical. Compare Willapa at 90 square miles of surface area, Grays Harbor at 90 square miles of surface area, 100 square miles, or 180 square miles of surface area and mud flats, and marine environment, compared to what is going to be needed for the new chemical. I think it's a good trade-off. We can preserve the economic benefits to Grays Harbor and Willapa, and at the same time, we can have a light touch on the environment. And it's been demonstrated that after an oyster bed is sprayed, in a very short time, all of it, animals that were there presently, will return. The economic benefit and the ecological benefit to these animals, to the environment, and to all th-, to all the other animals that live in the environment, it's a net positive, and not a negative.

Thank you.

CHAIR: 'K. Anyone else? No? Last call...

OK. Then I have a few more things that I need to say for the record. So I have, I have no other name, I have no other names of people

wanting to testify. Uh, let's see. We've done that part. OK.

As a final reminder, all testimony received at this public hearing is part of the official record for this proposal. I'll stand up so you can hear me better, Plus, my legs were (unintelligible).

You can provide written comments on the draft environmental impact statement, the sediment impact zone application, and the draft individual permit for the control of burrowing shrimp using Imidacloprid on commercial shellfish beds in Willapa Bay and Grays Harbor, by email, or by regular mail, or today in the public comment, the comment cards back there.

Ecology prefers you to send comments by email, and if you do so, please include your name and postal address. Comments sent by postal mail must be postmarked by December 8th, 2014. When possible, comments should reference the specific permit text, and which of the three items that you are commenting on. That will just help us sort out as we do the proof, um, response to comments.

You can submit comments on any or all of the three items that were talked about today, in the same written document, or the verbal testimony. You can email your comments to Derek, [derek.rockett@ecy.wa.gov](mailto:derek.rockett@ecy.wa.gov). Or you can send written comments to Attention: Derek Rockett, Department of Ecology, Water Quality Program, SW Regional Office, post office box 47775, Olympia, Washington, 98504-7775.

Ecology will consider all comments for this draft permit which are received by 5 o'clock PM, or postmarked on December 8th, 2014. Ecology expects to issue this permit in the spring of 2015. After the comment period has closed, Ecology will develop a final environmental impact statement, will update the permit fact sheet to include the responses to comments, will post both documents on the website, and post the presentation slides from today's meeting. If you commented this afternoon and provided your address on the sign-in sheet, you will automatically receive a copy. If you did not comment, but would like to receive one, please see me when the hearing is over so we have that notation.

If you have any other questions about the presentation you heard today, Ecology staff is available after the conclusion of this hearing to speak with you. If you did not sign in already, please do so before leaving so we have an accurate record of who attended today.

On behalf of the Department of Ecology, we thank you for coming today. We do appreciate your time and your comments, and your commitment to coming and hear about these issues.

Let the record show this hearing is adjourned at 1:35 PM. Thank you.

(Applause)