UUID	Date Received	Format	Commenter(s)	Affiliation
1	24-Aug-15	in-line	Rick Mraz	Department of Ecology
2	28-Aug-15	email	Kelly Rupp	Planning Commission
3	8-Sep-15	in-line	Rick Mraz	Department of Ecology
4	15-Sep-15	letter	Kurt and Peggy Olds	
5	15-Sep-15	letter	Pegg Olds	
6	15-Sep-15	letter	James Clancy	Surfside Estates
7	18-Sep-15	email	Scott Winegar	Surfside Estates
8	21-Sep-15	letter	SHOA	
9	14-Oct-15	in-line	Ann LeFours	CAO TAC
10	21-Oct-15	in person	Various	Open house attendees
11	21-Oct-15	in person	Various	Open house attendees
12	21-Oct-15	comment c	Anonymous	Surfside Estates
13	21-Oct-15	comment c	Leonard Taylor	A+ Design & Consulting LLC
14	21-Oct-15	comment c	Rob Richmond	DPR
15	21-Oct-15	comment c	Anonymous	
16	21-Oct-15	letter	Kristine Nevitt	
17	22-Oct-15	in person	Chris Conklin	WDFW
18	25-Oct-15	email	Ann LeFours	CAO TAC
19	7-Dec-15	letter	Tim Trohimovich	Futurewise
20	9-Dec-15	email	Key McMurry	CAO TAC
21	6-Jan-16	email	Key McMurry	CAO TAC
22	8-Jan-16	email	Ann LeFours	CAO TAC
23	12-Jan-16	email	Key McMurry	CAO TAC
24	12-Jan-16	email	Key McMurry	CAO TAC
25	10-Mar-16	in-line	Rick Mraz	Department of Ecology
26	10-Mar-16	email	Bob Burkle	WDFW
27	18-Mar-16	in-line	CAO TAC	
28	23-Mar-16	email	Ann LeFours	CAO TAC
29	**28-Mar-16**	**letter**	**Dick Sheldon**	**Willapa Resources**
30	**3-Feb-16**	**letter**	**Rebecca Chaffee**	**Port**
31	**8-Jan-16**	**email**	**Phil Oman**	**Surfside Estates**
32	**30-Mar-16**	**email**	**Ann LeFours**	**CAO TAC**
33	**19-Mar-16**	**email**	**Ann LeFours**	**CAO TAC**
34	**25-Apr-16**	**letter**	**Tim W Morris**	**Coast Seafoods Company**
35	**1-May-16**	**letter**	**Nick Jambor**	**Ekone Oyster Company**

Monday March 28, 2016

To: Pacific County Shoreline Critical Areas Citizen Committee

From: Dick Sheldon
Willapa Resources

The Peninsula, from the north Long Beach city limits to the tip of Leadbetter Point is solely dependent upon an isolated "island" aquifer for its only potable water source. This aquifer is a finite resource entirely dependent upon rainfall for its existence and replenishment. The comprehensive plan's Peninsula development guidelines incorporates this geologic feature into its North Peninsula plan. However, past County Commissions have refused to declare this aquifer a sole source, thus leaving it vulnerable in lacking the legal protection that this designation would afford.

In the mid 80's under Commissioner Dan'l Markham, the Peninsula Flood Control District was formed to take over the defunct cranberry drainage district ditches lying outside of County's legal jurisdiction. I was on both its formations board and its following board of directors. Its operational policy was strictly excess water removal or flood control, firmly against dropping the normal water table as in a drainage district. The flood control board had the autonomy to operate the district, set fees and select and plan projects. With a change of County Commissioners these powers were taken away and administration was given to the Public Works Department. The flood control district became a drainage district and the flood board changed to advisory only to the Public Works Department. This is the present status. The County Commission then proposed making Public Works the lead agency in administering their own environmental permits, but from opposition, this did not take place.

The following page 30 and page 31 are from the 167 page 1995 report Ground-Water Flow and Water Quality in the Sand Aquifer of Long Beach Peninsula Washington by US Geological Survey, Report 95-4026 prepared for Pacific County Dept. of Community Development and WA Dept. of Ecology. The process of saltwater intrusion is well documented. Take particular note of the 40' to 1' ratio in salt water rise by the draining of each foot of fresh water from the top of the island aquifer lens.

Boundaries

The external boundaries of the freshwater ground-water system in the Long Beach Peninsula are similar to the boundaries of a homogeneous "island" ground-water flow system that can be defined by some physical principles (fig. 12). In this system, the freshwater "floats" on saltwater as a lens-shaped body. This relation occurs because the density of freshwater (1.000) is slightly less than the density of seawater (1.025).

In an island ground-water flow system, the higher the water table is above sea level, the thicker is the freshwater lens. This relation is known as the Ghyben-Herzberg principle, named after the two scientists who first discovered it. The Ghyben-Herzberg principle states that at any particular location, for every 1 ft of altitude the water table is above sea level, fresh ground water will extend 40 ft below sea level. For example, if the water table at a given site is 5 ft above sea level, the freshwater-saltwater interface is theoretically at 200 ft below sea level. The thickness of the freshwater body is, therefore, 205 ft at that site. The principle also implies that if the water table is lowered 1 ft, the interface will rise 40 ft, thereby reducing the total thickness of the freshwater lens by 41 ft.

In addition to the relative densities of freshwater and seawater, the position of the interface at any one time is also affected by the seasonal position of the water table, the hydraulic characteristics of the aquifer, recharge-discharge relations within the aquifer, and tides. The interface is not sharp, but rather is a diffusion zone in which the chloride and salt concentration of the freshwater gradually increases with distance from the freshwater body until it reaches the concentration of the surrounding saltwater body. This zone may be narrow or broad, depending on the above-mentioned factors.

The upper external boundary of the ground-water system in the Long Beach Peninsula is the water table. The water table is a dynamic boundary whose vertical position fluctuates over time. All the possible flow conditions can occur at the water-table boundary; recharge occurs from percolation of rainfall, discharge occurs by evapotranspiration, and no-flow occurs in areas with no recharge or discharge, where ground water flows parallel to the water table. The flow condition that occurs at a particular location of the water table is dependent on the complex interaction among the flow conditions at all the boundaries of the ground-water system.

The lateral and lower external boundaries of the freshwater ground-water system in the Long Beach Peninsula mostly coincide with the interface between freshwater and saltwater as described in the Ghyben-Herzberg principle and shown on figure 12. Thus, the thickness of the ground-water system is dependent on the height of the water table above sea level (altitude). During the winter, the maximum altitude of the water table is about 15 ft, and therefore the maximum thickness of the ground-water system would be about 600 ft. During the fall, ground-water levels decline and the maximum thickness would decrease to about 400 ft. Three wells on the peninsula appear to have penetrated the diffusion zone of the freshwater-saltwater interface. A water sample collected in 1968 from a 164-ft well (well 95) had a chloride concentration of 566 mg/L (Tracy, 1978, table 6) and a water sample collected in July 1982 from a nearby 235-foot well (well 98) had a chloride concentration of 250 mg/L. Well 14, which was abandoned immediately after drilling, encountered saltwater at a depth of about 250 ft (Economic and Engineering Services, Inc., written commun., October 19, 1983). The typical chloride concentration of seawater is about 19,000 mg/L and the average chloride concentration of the shallow freshwater aquifer in 1992 was about 18 mg/L.

The saltwater bodies outside of the fresh ground-water lens are the Pacific Ocean on the western side of the peninsula and Willapa Bay on the eastern and northern sides. The lower boundary is probably a combination of saltwater from the Pacific Ocean and Willapa Bay. The flow of fresh ground water will be mostly parallel to this boundary (fig. 12), but some water can move in both directions across the interface.

In two areas, the external boundary of the ground-water system of the peninsula does not coincide with the freshwater-saltwater interface. A no-flow boundary exists at the southern lateral boundary, which is the contact between the unconsolidated deposits and bedrock (fig. 7). In the southern part of the peninsula, where bedrock is shallow and less than the depth prescribed by the Ghyben-Herzberg principle, the lower boundary of the ground-water system is the contact with bedrock rather than the freshwater-saltwater interface.

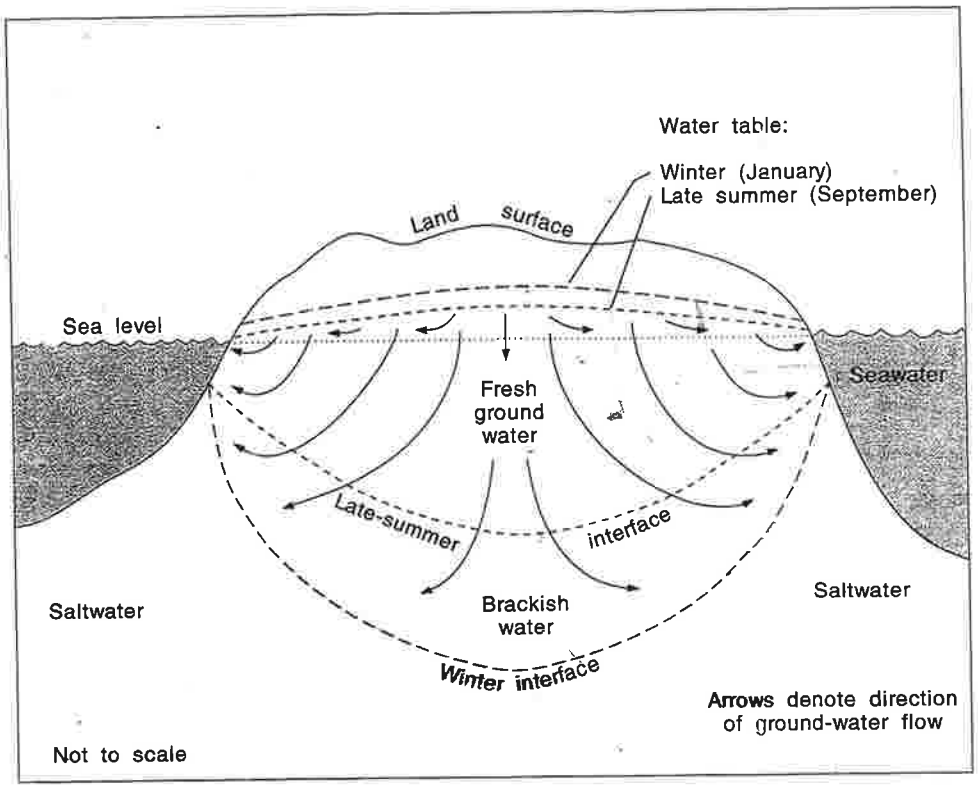

Figure 12.--Generalized flow pattern of a homogeneous island aquifer.

Many surface-water bodies, including lakes, marshes, and drainage channels, form boundaries with the ground-water system. In most areas, the permeability of the material between the surface-water body and the aquifer is sufficient to allow water to flow across the boundary. Such boundaries can be either recharge or discharge boundaries; the flow condition is dependent on the relative altitudes of the surface-water body and nearby water levels in the aquifer.

The ground-water system in the Long Beach Peninsula consists of a sand aquifer with some local lenses of silt or clay (fig. 13) that may act as confining beds. The silt or clay lenses are interspersed throughout the body of sand and the available information is not sufficient to determine if the lenses may connect to form a continuous confining bed across the entire peninsula. Near Cranberry Road, the lithologic information from several well logs and an aquifer test made on a 235-foot well (well 98) indicate that a local confining bed probably exists between altitudes of about -120 to -210 ft. In the northern part of the peninsula, lithologic data indicate that a confining bed might exist between altitudes of about -230 to -280 ft.

The biggest impact and threat to this aquifer has been and remains the refusal of County authorities to incorporate this condition into planning and operational procedures. Close behind is the WA Dept. of Ecology's complacency in this practice. The foregoing study was made for and in possession of these entities for over twenty years. However, massive drainage projects continued.

Example: Pacific County issued on-site sewage permits that were far below state standards for over 15 years until citizen pressure on WA State Dept. of Health forced the County into compliance. This resulted in hundreds of Peninsula septic systems flooded by winter water tables. The County's solution was to lower the winter water table by 4' or 5' thru massive drainage projects. Using the Ghyben-Herzberg principal of 40' to 1', this 5' of water drained in winter =205' of brackish water rise when added to the yearly 4' to 5' natural summer ground water drop at 40' to 1' another 164' to 205' of salt intrusion equals 400' upward travel of the salt or brackish water into our Peninsula's island aquifer. This example is not isolated on the North Peninsula. It takes 50 to 100 years for the brackish condition to change back to fresh once this lens is violated.

The majority of the Peninsula's major land speculation has required some drainage to develop. In some cases, nearly all of it depended on lowering groundwater levels or filling. If not at first, then later when septics began failing as an emergency matter. County approved development in wetlands with filling and drainage, almost always toward Willapa Bay, has not only imperiled our aquifer by drainage but passing on this tainted water into Willapa Estuary is a constant threat to bay water quality and its shellfish industry. These artificial drainages are among the most polluted entering west Willapa Bay.

In the mid 1970's a Peninsula sewage system was considered. The accompanying study concluded that two alternatives existed for its operation. First that the aquifer could not support the amount of water required to create flows of sewage disposed off site into the ocean. Using the aquifer as a supply would necessitate a massive drain field or series of fields to reinject the water back into the Peninsula's aquifer to keep the balance. The second was to bring offsite water from outside the Peninsula like a dam on Bear River to be the supply. The existing drain fields of all North Peninsula on site systems now function as a recharge as in the first option. A peninsula straw vote voted the sewer idea down.

My suggestion is to first, incorporate the Peninsula water study into the critical area documents. Second, make it mandatory for any substantial off peninsula drainage to address its potential impact on both the aquifer and its receiving waters. This includes County projects. Third, population control by not artificially creating buildable properties by draining or filling our natural dunal swales be made a policy. It presently exists through large lot sizes, but use of mitigation banking credits definitely erode this concept as found in the Peninsula's

Comprehensive Plan. Despite Dept. of Ecology's preferred mitigation banking option. Finally, officially declare the North Peninsula Aquifer a Sole Source Aquifer under the protection of law.

Respectfully Submitted,

Dick Sheldon
Willapa Resources
Nahcotta, WA

CC: Pacific County Planning Commission
Pacific County Board of Commissioners
Futurewize

"MEMO"

DATE: February 3, 2016
TO: Tim Crose/Planning Commission
FROM: Rebecca Chaffee
RE: Draft Pacific County Critical Area and Resource Lands Ordinance Comments

---

General Comment:

The new proposed Shoreline Management Plan overlaid with the buffers required by the Critical Areas Ordinance will eliminate or significantly reduce development on Port properties that have been identified as appropriate for High Intensity development. This in turn will eliminate or reduce needed economic activity in Pacific County. For example there is a wetland band at the edge of the Tokeland Marina boat basin. If this wetland is classified as a Category I Estuarine Wetland, a project with moderate impact would require a 150-foot buffer with an additional 15-foot setback. This 165-foot strip of property along the shoreline could not be used or even maintained.

The County should adopt the minimum allowed buffers and setbacks in areas designated as appropriate for development (i.e. industrial zones and high intensity shorelines).

Section:	Comment:
Section 4.3	Buffers should not be required for Class IV wetlands, a 1 5-foot setback is adequate to protect these non-functioning highly disturbed wetlands, which are often man made low spots created by poor drainage maintenance.
Table 4.1	Buffers should be kept to the minimum required by State law.
Table 4.1 Note 1	There should be no buffers or setbacks required for any man made canals or ditches.

Section:	Comment:
Section 5.E.4	The Marine and Estuarine Water Quality Protection Zone includes all property located within 300-feet of the OHWM of marina waters of the Pacific Coast or estuarine waters of Willapa Bay. This is in addition to the critical area buffers and setbacks and is excessive. How can the County prohibit the division of all property within 300-feet of the water?
Section 5.E.4 Note 2	The use of the HAT should be optional. Property owners should be given the option of vegetatively identifying the OHW line as required by State la w, not mandated to use the HAT because as a fixed elevation it is easier to identify.
Section 9.C	There should not be limits placed on the development of diked and filled lands that are currently in agricultural use. These lands should be managed as any other lands in the County. Would these development prohibitions on Agricultural Lands of Local Importance apply to the Port owned industrially zoned property adjacent to the Airport and/or to the property on the north side of SR105 in Baleville?
Section 9.D	There should be no setback required for development abutting agricultural lands.
Section 10.C	There should be no setback required for development abutting forestlands.
Section 10.C.2	There should be no setback from the OHWA beyond those required on other properties for buildings within transitional forestlands.

From: Phil Oman
To: Tim Crose
Subject: canal setback
Date: Friday, January 08, 2016 12:08:03 PM

Tim,

I just heard about the possible extension of the setback for the canal and lake lots in surfside. I think it would deem many of the lots unbuildable if that happens. It is very difficult in many situations as it is to put a small house on those lots and still meet the setbacks required for the tanks and drain field. Some lots only allow one story houses to be built and in many cases people don't want to build a 2 story home going into retirement.
I do think that in most cases people already are shrinking homes to meet the existing setbacks rather than building larger homes because they have a lot of room. If the lots have a smaller footprint sometimes they won't be economically feasible to build on. Taking an average of 700sqft setback for the water setback and a minimum of 800sqft for the drainfield requirements takes a large chunk out of any Surfside lot.
As a septic designer and a realtor I think this is a bad idea.

Phil Oman

From:	Ann Skelton
To:	Kelly Rupp
Cc:	Tim Crose; Jim Sayce
Subject:	Comments for CAO update Friday, March 18
Date:	Saturday, March 19, 2016 11:27:43 AM

HI Kelly,

Under 4(D) Permitted Activities, I notice that (3) is the overall prohibition policy. If the language is going to be reordered maybe this should come at the beginning?

4(E) Wetlands, Table 4-1.
The county needs to decide how much detail they want in this table vis-a vis the Classification (C) section. Tim commented that he thought that wetland mosaics should be listed (we have a lot of them)…currently the only mention is under definitions and at (C)3(a)ii (under exception to exemptions).

Interdunal wetlands are at 4(C)c but not at b. Yet interdunal mosaics between 0.1 and 1 acre are also Category III.

Interdunal mosaics one acre or greater are II (unless high habitat) and my question for Rick is whether mosaics of this size with high habitat potential (scores) could bump up to a Category I too. (Like individual units).

This is implied because of language (in bold) page 116 in the Wetland Rating Manual (2014 update) regarding units. Rick emailed and said that a mosaic could be a unit too.

To reiterate from the meeting it might be helpful to footnote in the table that with high habitat scores interdunal wetlands could move up category-wise. Rick would have to advise how the NA applies since the table comes right from their literature. Yes, the table has "Category 1, other than above" which would automatically include interdunals. But because the wetland rating delineation form automatically puts interdunals (wetlands west of the 1889 line) at a Category II and doesn't specifically mention high habitat (at least where I can see), and because we have so many of this type of wetland, I think this needs to be called out.

Regarding the table, I think you inadvertently have 3 footnotes (probably because of the page break) that will need to be numerically corrected.

RE: Coastal High Hazard Area…
I will get you the draft that Jim prepared for an earlier CAO meeting that sketches out the relationship of the FEMA high velocity area versus the 1968 line - which I am presuming is still going to be forwarded as the building setback line (except in Seaview where it is 200 feet west of the 68 line). He also makes suggestions for uses and limitations within those areas.

Was there anything else I was supposed to get to you?
Ann

From: Ann Skelton
To: Kelly Rupp
Cc: Tim Crose; Eric DeMontigny; Jim Sayce
Subject: Re: Comments in CAO Section 3
Date: Thursday, March 31, 2016 11:42:55 AM

Kelly,

Thank you for the review. I must have seen an earlier version where the sections were different. My only reply to Section 3 (J)1 (corrected) is the use of the word “consideration” and whether that is clear enough to mean the variance process, not just the “consideration” of it.

Regarding mitigation, yes, you would think that the applicant would explore all avenues of opportunity. Tim can answer this better, but from what I have seen with variance permits, the county can be at a disadvantage here if the project is really “out there” or has high public visibility…. then the staff has to do extra analysis themselves…the client may only go so far. But maybe this is just part of the process.

Tim brings up a waiver. I’m not sure how that works, especially in critical areas.
Ann

> On Mar 31, 2016, at 10:47 AM, Kelly Rupp <wkellyrupp@gmail.com> wrote:
>
> Good thoughts, Ann. My comments in “red” below…
>
> - Kelly
>
> -----Original Message-----
> From: Tim Crose [mailto:tcrose@co.pacific.wa.us]
> Sent: Thursday, March 31, 2016 7:36 AM
> To: Ann Skelton <anniskelton@comcast.net>
> Cc: Kelly Rupp <wkellyrupp@gmail.com>
> Subject: RE: CAO Section 3
>
> Hi Ann:
>
> Excellent observations. This whole " reasonable use" and "economic expectations" is so subjective that it seems impossible to work with. I have asked the same questions many times and have never gotten a clear answer. I agree with your point that an owner should go through the variance process prior to be considered for a reasonable use option unless he or she waves it.
>
> These are good questions for Watershed and/or Ecology.

Thanks,

Tim

-----Original Message-----
From: Ann Skelton [mailto:anniskelton@comcast.net]
Sent: Wednesday, March 30, 2016 2:29 PM
To: Tim Crose <tcrose@co.pacific.wa.us>
Cc: Kelly Rupp <wkellyrupp@gmail.com>
Subject: CAO Section 3

Hi Tim, Kelly,

I have some questions/ideas about Subsection (I), Reasonable Use.

Section 3, (I)1. "If economically reasonable use cannot be obtained by consideration of a variance…" language does not make it definitely clear (to me) whether an applicant has to go through the variance process before applying for reasonable use. Should the document say "cannot be obtained through the variance process (procedure…)." It seems that a project would need to be vetted through variance before going on to reasonable use exception. Or am I mistaken?

Agree that the intent of Section 3.J.1 (in the March 22 markup draft, page 23) is that an applicant goes through the Variance process before seeking a Reasonable Use exemption. Tim: would presume that we have some experience with this, such that your office has indeed directed folks in the past to follow this phased approach? Looking to establish precedence in whatever language we choose to reinforce the preferred steps.

Same paragraph: Is the document referring back to subsection 3 (J) - variance - or referring to itself (3)(I)?

Are we confused as to which version of CAO we're looking at? The March 22nd Hearing Draft as Variances as 3.I (page 22) and Reasonable Use Exceptions as 3.J (page 23)

Same sentence: after 3.I, are we missing a conjunction…"or"?

I think it's correct as is. To my reading, the phrase "pursuant to subsection 3.I" is a modifier within the sentence. Drop that phrase and the meaning of the sentence is clear: "…cannot be obtained by consideration of a variance pursuant to one or more individual requirements of this Ordinance,…". And more to the point, if we introduction "or" then we open the opportunity to bypass the Variance process and enter directly into a petition for a Reasonable Use Exemption (not our intent!).

Section 3 (I) 4. One difficulty with reasonable use is that at this point in the permit process the applicant's expectations may have already been frustrated. The "minimum necessary to meet reasonable economic use" is subjective and the county is not required to meet the applicant's "highest investment expectations". Going through a variance process the applicant's CA report ideally should identify what mitigation should follow, but often indicates only the minimum measures the applicant (or agent) has been willing to consider.

I noticed in reading about RU in other areas that one idea was to ask the applicant to provide practical project on-site solutions such as reduction in density, scope, phasing or timing, revision to site plan or building envelope, etc. This would be asking the applicant to look beyond typical mitigation measures. I have seen at least one permit where the staff did this. Would something like this help meet 3(I)4 a,c and d and further tease out what parameters the county and an applicant might agree upon and what would constitute reasonable use to minimize, to the greatest extent, loss of critical area? I don't think this would be a burden to applicant as most of the hard work through the variance process would already be completed.

Agree with the key point here: that the applicant has probably thought through how such "practical" modifications to the plan would mostly meet/mitigate impacts. But wouldn't the owner/agent have included such proposals as part of the petition in "c" (where "any proposed modification …will be the minimum necessary…"). Regardless of what's presented for consideration under this RU exemption, there's no getting around the subjective assessment that the county needs to (and should) apply in granting or refusing the exemption. Unsure what language changes would improve or enhance this subsection 4.

Net-net, Tim: do we expect that the increased buffers/setbacks in this CAO will dramatically increase requests for Variances and/or RU Exemptions? If so, then – to your judgement and experience – is the language outlining the process here sufficient to manage the applicants expectations and your authority?

Worth discussing?
Ann LeFors

COAST SEAFOODS COMPANY

SOUTH BEND CORPORATE OFFICE
P.O. Box 166
South Bend, WA 98586-0166
(360) 875-5557 FAX (360) 875-5559

April 25, 2016

Pacific County Planning Board:

Thank you for an opportunity to comment on the Critical Areas Ordinance for Pacific County.

At a recent Critical Areas Ordinance hearing, Mr Sheldon proposed that the county adopt setbacks for shellfish culture methods in Willapa Bay which is not within the jurisdiction of that ordinance. Most importantly shellfish culture is already heavily regulated by the Corp of Engineers Seattle District within NWP 48. It is not in the counties or shellfish industries best interest to seek further regulation at the county level and is not supported by the vast majority of shellfish farmers within Willapa Bay or in the state for that matter. The local shellfish industry has discussed Best Management Practices within its local association on several occasions and also at a coast wide level. To bring these BMP's as they are referred to into a local ordinance would not be in advisable now or in the future.

Thank you for your time.

Tim W Morris

Farming Manager Coast Seafoods Company

Planning Commissioners
Pacific County
May 1, 2016

Dear Sirs,

I would like to make a rebuttal to the public testimony that was provided by Dick Sheldon at the Planning Commission CAO Workshop held on April 7, 2016, in South Bend.

First, I would like to note that Mr. Sheldon does not speak for all the shellfish growers working in Willapa Bay. In fact, I would venture to say that he carries a minority position in regards to asking the County to regulate the shellfish industry.

Mr. Sheldon is asking that the County implement buffers between off-bottom and on bottom culture methods.
I would strongly suggest the County stay out of the permitting/enforcement process. We currently have numerous agencies—both State and Federal—who oversee the industry.

Mr. Sheldon states that off-bottom culture changes currents, which in turn changes water flow, which creates water siltation issues. I have spoken with a grower that says people are losing beds in the South Bay. I asked him what he attributed that to and he said beds have always moved, but there seems to be more going on now. He thought it may have more to do with the cut off channel disappearing and now all water flow is in and out at the mouth of the bay at North Cove.

I have been growing off-bottom since 1978, nearly 38 years. I have been farming my first piece of oyster ground continuously for that amount of time. In that period of time, my beds remain relatively as they were when I started farming. I also have neighbors who have been bottom farming next to me for that many years. We have been able to co-exist for that amount of time, without the County providing guidance in the form of regulations/permits.

Back in the early 1980's WGHOGA agreed in writing that off-bottom and on bottom would create a 50 foot buffer between culture methods. I have been doing that for many years where both sides agreed to that practice. So in effect, we have self imposed buffers. These are much more manageable grower to grower than having our County try to provide that service.

EKONE OYSTER CO. • 33 Holtz Road • South Bend, WA 98586 • 1-888-875-5494 • Fax (360) 875-6058
ekoneoyster@gmail.com • www.ekoneoyster.com

Mr. Sheldon makes a statement regarding floating bags. These are mesh bags with a buoy attached. Typically they may reach 5 feet up into the water column. On a very small high water, say a 6 foot tide, you might see the tops of these culture bags. During more average tides of 8 foot or above, these bags will be below the surface. Yes they do make use of a different portion of the water column, but I am not sure why that is such a bad thing. Does it not make sense to put your animals closer to the food source (algae) and allow them to feed? Actually ground farming is probably one of the lease efficient methods of providing food to your animals.

Mr. Sheldon says it is necessary to protect the people who are farming conventionally. I would like to respond that oyster farming is dynamic. I am actually farming ground that was historically used for ground cultivation. By the time I moved here, this ground was no longer in production. People had moved off this ground because it no longer produced a marketable oyster. By using a new culture method (long-lines) I was able to actually grow a marketable oyster on this abandoned tideflat.
I am fearful that if we put too many restrictions on what we can do, that eventually the industry will not be able to adapt to changing conditions. We all must work with Mother Nature, and she can be fickle at times. Perhaps if we had restrictions to protect 'conventionally' farmed ground back in 1978, I nor my company, Ekone Oyster Co. would be here. The 45 jobs that I have provided in the community for the last 30 years would not be here. The materials and contractors I have used from the community for the past 38 years would not have been used. You get my point.

I believe it is very important not to restrict the grower's ability to adapt to changes. Those changes can include what may happen with the control of burrowing shrimp, ocean acidification, and regulatory change coming from the Corps of Engineers, DNR, Fish and Wildlife, Dept. of Ecology.

Thank you for hearing my comments.

Nick Jambor

Nick Jambor
President/ Ekone Oyster Co.

EKONE OYSTER CO. • 33 Holtz Road • South Bend, WA 98586 • 1-888-875-5494 • Fax (360) 875-6058
ekoneoyster@gmail.com • www.ekoneoyster.com