

Patrick and Kathryn Townsend and Anneke Jensen
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Board of County Commissioners
Thurston County Courthouse
Building 1, Room 269
2000 Lakeridge Drive SW
Olympia, WA 98502

Project No. 214108800, Townsend/Jensen v. Sohn
Sequence No. 17-103426 VS
Appellants' Testimony to Thurston County Board of Commissioners

May 3, 2017

Dear Commissioners,

Thank you for granting us the time to address you today.

My name is Patrick Townsend. I represent the Appellants in the matter before the Board. The other Appellants are my wife, Kathryn Townsend, and Anneke Jensen, whose tideland abuts the Applicant's tideland in Zangle Cove. All of our tidelands abut one another within the Zangle Cove estuary. Please see the attached aerial photo of Zangle Cove taken by our witness, Chris Hamilton.

We are here to appeal the granting of a Shoreline Substantial Development Permit to the Applicant on his tidelands in Zangle Cove in Boston Harbor. It is our belief that the County erred in granting the permit and the hearings examiner erred in re-affirming the permit on review.

I will make reference today to portions of the Shoreline Management Act and the Thurston County Shoreline Master Plan. All these references were detailed in our original appeal to you and that appeal is attached to the document you will receive today, along with our Response Memorandum to the Applicant's Response to our Appeal.

Facts:

Zangle Cove is a freshwater estuary within the community of Boston Harbor, seven miles north of Olympia. According to research by Thurston County Title dating back to early 1900's, there is no history of commercial aquaculture activity in Boston Harbor or Zangle Cove as claimed by the Applicant.

Approximately 130 people wrote to the county opposing this operation and a 70 signature petition opposing the operation from the Boston Harbor Community was also submitted.

We fundamentally disagree with Applicant's characterization of our concerns and his interpretation of the Shoreline Management Act.

**Appellants' Testimony to Thurston County Board of Commissioners, May 3, 2017
Project No. 214108800, Townsend/Jensen v. Sohn**

Four basic areas discussed in the Appeal before the Hearing Examiner include the following:

Eelgrass:

Eelgrass is a critical species for the food web in Puget Sound. It provides important habitat for juvenile salmon and other species. Zangle Cove is unique in South Puget Sound because of natively recruited eelgrass. Thus Zangle Cove has been included in a Puget Sound wide eelgrass restoration project begun in 2013, managed by DNR and Battelle, and funded by the US Department of Energy and all of us as taxpayers.

Dr. Jeffrey Gaeckle of DNR has monitored eelgrass in Zangle Cove since 2006. Our expert, David Batker, testified that eelgrass can come and go, moving from one location to another in a given area. Eelgrass was documented by Dr. Gaeckle in 2007 on or directly adjacent to the Applicant's tideland.

In eelgrass rich areas of North Puget Sound, such as Samish Bay, that Applicant referred to in testimony, a small buffer around eelgrass beds may be sufficient to protect the eelgrass. In Zangle Cove a small buffer may be completely inadequate to protect eelgrass because of the tenuous existence of eelgrass in South Puget Sound. This is an important distinction regarding eelgrass and eelgrass restoration that was not properly addressed.

The Shoreline Management Act mandates that long term benefits take precedence over short term benefits. Eelgrass restoration is critical to the long term health of South Puget Sound. Geoduck operations have no long term benefits and are especially detrimental to eelgrass in South Puget Sound.

Plastics

It is difficult to grasp the scope of the use of plastics in geoduck operations—in this case, approximately 48,000 PVC pipes as predator protection according ACERA. This is over 7 miles of pipe weighing about 16 tons -- enough pipe to run from Boston Harbor to Olympia. Additionally the pipes are covered with heavy plastic netting and staked with rebar.

The PVC pipe used for these operations is not rated for marine or residential drinking water use. In truth we have no idea of the long term and cumulative impacts of toxics from plastics on water quality, habitat, or on creatures in the food web. Applicant states that they use PVC from 1998, manufactured nearly 20 years ago, over and over. This greatly increases the chance of degradation and leaching of harmful substances. Yet it is the simple magnitude of PVC that is mind-boggling-- seven miles of PVC in an acre of tideland! It's a bit absurd that authorities allow this and then turn around and insist citizens like us contribute to the effort to restore Puget Sound.

**Appellants' Testimony to Thurston County Board of Commissioners, May 3, 2017
Project No. 214108800, Townsend/Jensen v. Sohn**

Recreation

Zangle Cove residents enjoy boating, beach walking and swimming and Zangle Cove is a primary recreational destination from the nearby Boston Harbor Marina and other areas of Puget Sound. The Boston Harbor Marina rents kayaks, canoes, sail boats, and paddle boards. A public launch area next to the marina provides all citizens in Thurston County with the opportunity to enjoy recreation in South Puget Sound and Zangle Cove in particular.

An industrial operation in Zangle Cove is a recreational hazard. The county and hearings examiner erred by ignoring the fact that the Shoreline Management Act encourages activities that provide the widest level of *benefit for all citizens* in preference to limited and short term benefits like those of a geoduck farm.

Aesthetics

The proposed project is in the immediate view of 15 or more property owners, some who have lived here 30 -60 years. The Hearing Examiner and the Applicant cannot arbitrarily define "aesthetics" for an entire neighborhood.

Zangle Cove residents pay high property taxes for the privilege of living in an aesthetically valuable area and have every right to strongly object to an industrial operation in our front yards – literally in our front yards.

The Applicant dismisses the visibility of the operation by averaging the visibility over the year. The fact is, the operation will almost never be visible from Oct through March because the lowest tides are during the night. In summer, the lowest tides are during the day and the operation will be visible for approximately 84% of the days from April through September for up to 5 hours a day. The Applicant's visibility analysis does not include harvest activities, barges and workers.

The Shoreline Management Act gives precedence to aesthetics and the long term benefits of aesthetic enjoyment.

Following are additional points:

1. **Zangle Cove is a unique** shoreline neighborhood with high recreational use and the site of a Puget Sound wide eelgrass restoration project. According to our expert witness, David Batker, recreation is of far more economic value than a geoduck farm-
2. The County does not know where all geoduck farms are located in Thurston. No County permits exist for the four geoduck farms operating to the east of Zangle Cove on Dana Passage. **The fact is we do not know how much of this activity is taking place in our county and therefore cannot know what the cumulative impacts are. No permits for geoduck operations should be considered anywhere in Thurston County until**

**Appellants' Testimony to Thurston County Board of Commissioners, May 3, 2017
Project No. 214108800, Townsend/Jensen v. Sohn**

Thurston County documents all current geoduck operations and requires each to go through the permitting process.

3. The idea that “geoducks” clean the water” is a myth. The fact is that geoduck operators **require** clean water to get a permit. The only reason that Dr. Sohn can contemplate a geoduck operation on his tideland is because the Boston Harbor Sewer System has given us clean water in Zangle Cove. Community members each made a large initial investment in the sewer system as well as ongoing monthly payments. Dr. Sohn is not on the sewer system, so the community is subsidizing his operation at a high cost per household.
4. The Zangle Cove geoduck operation will be in the front yard of some 15 long time property owners. Applicant attempted to compare Zangle Cove to the permitted Haley farm in Pierce County. The Haley farm is on a straight beach with a high bank and no immediate neighbors. On Zangle Cove there are 29 households within 600 feet of the operation and 15 with a direct view. Ironically, the Applicant lives on a high bank and will likely not see his own operation from his picture window.
5. The Hearings Examiner granted routine illegal trespass onto neighboring tidelands to industry to pick up aquaculture trash. She also authorized trespass by allowing the impacts of harvesting—the sediment that may flow up to 300 feet from the harvest site on to neighbors’ tidelands. Geoduck harvest utilizes high pressure stinger hoses to “dredge” the sediment to a depth of three feet. These two types of trespass would never be acceptable on upland properties and we don’t believe there is legal jurisdiction for the County to mandate or allow such trespass or grant this type of easement.
6. According to Mr. John Marshall, Boston Harbor Historian, Tribal fishermen have come to Zangle Cove each fall for at least 26 years to fish for the annual run of Coho and Chinook salmon. They consider Zangle Cove their historic fishing ground. They traditionally set their weighted seine nets on the area of the Applicant’s tideland. Protruding PVC, rebar and nets would interfere with the salmon harvest.
7. Because geoducks are primarily exported, there is no tax benefit to the County. Recreation is far more valuable. Yet Thurston County supports transforming tidelands, the nurseries of Puget Sound, into geoduck feedlots.
8. The permitting of a geoduck operation in Zangle Cove is but a stepping stone to the next geoduck operation -- Dickenson Cove. The argument that Zangle Cove is small and no one will notice is a “tall tale.” Our entire community will notice and strongly objects to the alteration of Zangle Cove. Please read the dissent of SHB member in our Responsive Memorandum Submitted 4/21/17. *“I am concerned that this decision will be looked to as precedent for approval of other projects.” Dissent of SHB Member, Dave Somers, July 13, 2012, SHB No. 11-019.*
9. The Hearing examiner failed to grasp that an industrial operation in Zangle Cove is a fundamental alteration of the ecosystem, from a natural balance of organisms to a

**Appellants' Testimony to Thurston County Board of Commissioners, May 3, 2017
Project No. 214108800, Townsend/Jensen v. Sohn**

monoculture. Because geoducks live up to 168 years, some older than Washington Statehood, removing all native geoducks is equivalent to clear-cutting an old-growth forest. Once the tideland is clear-cut and densely replanted with laboratory raised geoduck seed, the ecology of the beach will never be the same.

In summary

This project impacts our entire community as well as visitors to the area.

We understand the importance of aquaculture to the State of Washington and acknowledge that aquaculture has a place. That place is not Zangle Cove.

We believe for the reasons we've talked about today, and the many additional reasons documented in our full appeal, that the county and the hearings examiner erred in approving the permit. We ask you to reverse this decision and deny the permit.

Alternatively, if the permit proceeds, we believe the county erred in establishing a Mitigated Determination of Non-Significance to this permit. We ask you to assign a Determination of Significance and require an independent Environmental Impact Study. Probably no project more obviously calls out for this action.

Thank you again for your time and your attention.

Attached are our original Appeal to the Board and our Response Memo to the Applicant's Response n to our Appeal.

I will be glad to answer any questions you might have.

Sincerely,

Patrick Townsend
Kathryn Townsend
Anneke Jensen

Attachments:

Photos of Zangle Cove take by Appellant Witness Chris Hamilton

Appellants' Response to Applicant's Responsive Memorandum, April 17, 2017

Appellants' Notice of Appeal of Hearing Examiner Decision on Reconsideration, March 23, 2017

TOWNSEND/JENSEN 56



TOWNSEND/JENSEN 57



TOWNSEND/JENSEN 58

