

BEFORE THE SHORELINES HEARINGS BOARD
OF THE STATE OF WASHINGTON

PATRICK TOWNSEND, KATHRYN)	
TOWNSEND, and ANNEKE JENSEN,)	
)	
Plaintiff(s),)	
)	17-009
vs.)	
)	
CHANGMOOK SOHN, and THURSTON)	
COUNTY,)	
)	
Defendant(s).)	

DEPOSITION UPON ORAL EXAMINATION OF
CHANGMOOK SOHN

10:12 A.M.
JULY 25, 2017
811 FIRST AVENUE, SUITE 630
SEATTLE, WASHINGTON

REPORTED BY: PATSY D. JACOY, CCR 2348

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1	A P P E A R A N C E S	1	EXHIBITS FOR IDENTIFICATION (cont') PAGE
2		2	Exhibit 10 Chart of recreational boats 102
3	FOR THE PETITIONERS:	3	in Zangle Cove
4	THANE W. TIENSON	4	Exhibit 11 July 2007 Zangle Cove Zostera 103
5	Landye Bennett Blumstein LLP	5	Marina L. Survey
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19	ALSO PRESENT:	19	
20	KATHRYN TOWNSEND	20	
21	PATRICK TOWNSEND	21	
22		22	
23		23	
24		24	
25		25	

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1	I N D E X	1	SEATTLE, WASHINGTON; JULY 25, 2017
2		2	10:12 A.M.
3	EXAMINATION BY: PAGE(S)	3	--oOo--
4	MR. TIENSON 5	4	
5	MR. DeNIKE 111	5	CHANGMOOK SOHN,
6	MR. TIENSON 113	6	sworn as a witness by the Certified Court Reporter,
7		7	testified as follows:
8		8	
9		9	EXAMINATION
10		10	BY MR. TIENSON:
11		11	Q. And you go by "Dr. Sohn"? Are you a Ph.D., I
12	EXHIBITS FOR IDENTIFICATION PAGE	12	take it, or a medical doctor? I don't know so I'm
13	Exhibit 1 Two photographs 35	13	asking the question.
14	Exhibit 2 Photograph 38	14	A. I'm an economist. Economist.
15	Exhibit 3 Photograph 38	15	Q. Economist, all right. So the "Dr." is an
16	Exhibit 4 Tideland Survey Plan View 55	16	honorific for the Ph.D. then; is that correct? Is that
17	Exhibit 5 List of recreation in Zangle 56	17	the name you prefer to go by?
18	Cove	18	A. My first name Changmook.
19	Exhibit 6 Application to Purchase Tide, 80	19	Q. Well, I won't call you by your first name. I
20	Shore or Oyster Lands	20	would typically call you Mr. Sohn or something like
21	Exhibit 7 4/1/15 letter to Tony Kantas 81	21	that if that's okay. All right. Mr. Sohn, my name is
22	Exhibit 8 Attachments to 4/1/15 letter to 84	22	Thane Tienson. We were very briefly introduced a
23	Tony Kantas	23	moment ago. As you know, I represent the Townsends in
24	Exhibit 9 Geoduck Farm Visibility For 97	24	this matter so our interests are different or adverse
25	Years 2010 to 2015	25	today. Have you had, as I assume you have, an

1 opportunity to confer with your attorney, Mr. DeNike,
2 who's sitting next to you today about this proceeding
3 this morning?

4 **A. Yes.**

5 Q. All right. You know then that even though
6 we're not in a courtroom or a hearing room before a
7 judge or a panel of hearing officers that your
8 testimony is under penalty of perjury and just as if we
9 were; do you understand that?

10 **A. Absolutely.**

11 Q. All right. I'm going to be asking you
12 obviously a series of questions. If you do not
13 understand my question or you would like me to repeat
14 or clarify the question, please do so. I'm -- and I'm
15 happy to do so. If, however, I ask you a question and
16 you respond by answering, I'm going to assume that you
17 understood my question and answered it fully and
18 truthfully to the best of your ability. Is that fair?

19 **A. Yes.**

20 Q. All right. Have you ever testified before
21 outside of this proceeding and the one that precedes
22 it? You know, the hearing officer matter and that sort
23 of thing, other than this particular dispute, have you
24 testified in other contexts --

25 **A. No.**

1 Q. -- before? All right. Is there anything
2 about your physical or mental condition today,
3 medication, you know, anything that would prevent you
4 from testifying truthfully today?

5 **A. No.**

6 Q. All right. Your full legal name as I
7 understand it is Changmook Sohn; is that correct?

8 **A. Yes.**

9 Q. All right. And have you ever gone by any
10 other name?

11 **A. No.**

12 Q. Where were you born, Mr. Sohn?

13 **A. In South Korea.**

14 Q. In South Korea. And tell me a little bit
15 about your background. When did you come to the U.S.
16 and what have you -- tell me about your education, that
17 sort of thing.

18 **A. Okay. I came here in 1969, and I went school
19 for five years and got my Ph.D. and -- in economics,
20 and I stayed in the U.S. ever since, so 48 years.**

21 Q. And are you a U.S. citizen?

22 **A. Yes.**

23 Q. And when did you become a citizen?

24 **A. 1975.**

25 Q. And do you hold dual citizenships, South Korea

1 as well?

2 **A. No.**

3 Q. Just U.S.?

4 **A. Uh-huh.**

5 Q. All right. And where did you get your Ph.D.
6 from?

7 **A. State University of New York.**

8 Q. SUNY, okay. Very good. So tell me just
9 generally what you have done since graduating with your
10 Ph.D. from SUNY, what have you done?

11 **A. I was the chief economist in Oregon from 1977
12 through 1984 and in Olympia, Washington since 1984
13 through 2008, and I retired.**

14 Q. I see. And did I understand you to say,
15 excuse me, that you were the chief economist for the
16 State?

17 **A. Yes.**

18 Q. All right. And that was true both in Oregon
19 and Washington?

20 **A. Uh-huh.**

21 Q. Is that a "yes"?

22 **A. Yes.**

23 Q. All right. Very good. And what's your date
24 of birth? How old are you?

25 **A. 1944.**

1 Q. '44, all right. Well, we're about the same
2 age. You look good and you're married as I understand
3 it?

4 **A. Yes.**

5 Q. And what's your wife's name?

6 **A. Sukjoo, S-U-K-J-O-O.**

7 Q. And for how long have you been married?

8 **A. 45 years.**

9 Q. All right. Do you have children and
10 grandchildren?

11 **A. Two children.**

12 Q. Two children?

13 **A. Yes.**

14 Q. And -- all right. And tell me then since your
15 retirement, have you sought any other employment on a
16 consulting arrangement or teaching or anything of that
17 nature?

18 **A. No. Briefly did some consulting on housing,
19 but other than that, I haven't done anything, and maybe
20 that's for three months, four years, five years ago.**

21 Q. All right. I see.

22 **A. The consulting.**

23 Q. And the residence address in Zangle Cove, is
24 that where your primary residence is today?

25 **A. Yes.**

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1 Q. And what's the address there?
 2 **A. 930 - 76th Avenue Northeast.**
 3 Q. All right. And approximately when did you
 4 purchase that property?
 5 **A. I built the home three years after -- four**
 6 **years, I don't remember exactly, but around 1990...**
 7 Q. 1990?
 8 **A. '94, '95, yeah. And I built the home in 1997.**
 9 Q. All right. I just ask for an approximate date
 10 so that's fine.
 11 All right. Within the field of economics, do
 12 you have a subspecialty?
 13 **A. Yes, public finance.**
 14 Q. Public finance. That would make perfect sense
 15 of course, yeah. All right. And how about your
 16 spouse, your wife, is she employed outside the home
 17 presently or is she retired as well?
 18 **A. She is still working.**
 19 Q. Still working. Where does she work?
 20 **A. She works for the Van Dorm Realty company in**
 21 **Olympia.**
 22 Q. Is that residential real estate sales?
 23 **A. Yes.**
 24 Q. For approximately how long has she done that?
 25 **A. 30 years.**

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1 Q. All right. Tell me, do you have any
 2 experience in the commercial shellfish industry?
 3 **A. No.**
 4 Q. What prompted you to decide to try to be
 5 authorized to have and operate a commercial geoduck
 6 farm on your tidelands? What's the genesis?
 7 **A. I always wanted to be a farmer.**
 8 Q. Pardon me?
 9 **A. I always wanted to be a farmer like my**
 10 **grandfather.**
 11 Q. Okay. And when you say "farmer," I take it
 12 you're thinking -- your grandfather was an agricultural
 13 farmer?
 14 **A. Agricultural, yes.**
 15 Q. Do you have any history in the family of
 16 aquaculture?
 17 **A. Not that I know.**
 18 Q. Okay. So this is something then that you
 19 initiated yourself?
 20 **A. Yes.**
 21 Q. All right. How did you go about doing that?
 22 Can you explain that for me? Did you contact -- some
 23 kind of research you did, you know, who you talked to,
 24 what did you do to take the first steps to initiate
 25 this effort to secure a permit to operate a commercial

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1 geoduck farm?
 2 **A. Okay, I can -- I can explain. Couple of my**
 3 **friends are geoduck farmers.**
 4 Q. Okay. And who are they?
 5 **A. Bill Taylor is my friend.**
 6 Q. Sure.
 7 **A. And Sib Wilson is my friend.**
 8 Q. Sib Wilson?
 9 **A. Sib Wilson.**
 10 Q. It's S-I-B probably?
 11 **A. Yeah.**
 12 Q. Uh-huh, okay. All right. Go ahead. And were
 13 they people then that before you knew as friends before
 14 you --
 15 **A. Right.**
 16 Q. -- undertook this effort?
 17 **A. Right.**
 18 Q. How did you get to know Bill Taylor?
 19 **A. Oh, I don't know, friendship goes back maybe**
 20 **30 years. Right after I came to Olympia I met him.**
 21 Q. I see. And under what circumstance did you
 22 meet him?
 23 **A. I -- I think I met him because lieutenant**
 24 **governor introduced me to him.**
 25 Q. Which -- is that Numro or which one was it?

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1 **A. No. What's his name? He's retired now.**
 2 Q. That's all right.
 3 **A. Yeah.**
 4 Q. And did you do any work on behalf of the --
 5 either Mr. Taylor or Taylor Shellfish or the -- or the
 6 shellfish industry generally in your capacity as the
 7 State economist?
 8 **A. No.**
 9 Q. So in speaking with Mr. Taylor about the
 10 prospect of operating a commercial farm, when is it
 11 that you made the decision to identify geoduck as the
 12 species that you wanted to --
 13 **A. About ten years ago.**
 14 Q. And how did that come about?
 15 **A. Just interested in geoduck and interested in**
 16 **farming, that's all. Interested in farming.**
 17 Q. Interested in farming?
 18 **A. Yeah.**
 19 Q. Well, clearly, as I understand it, the farming
 20 of geoduck is a fairly recent phenomenon dating back
 21 only to the mid 1990's. Is that consistent with your
 22 understanding?
 23 **A. I --**
 24 MR. DeNIKE: Objection, the question is
 25 vague and ambiguous.

1 Q. (BY MR. TIENSON) You can go ahead and answer.

2 **A. I don't know.**

3 Q. Was the profitability of the geoduck farming a
4 factor in your thinking?

5 **A. No. I told you that my goal is to become a
6 farmer.**

7 Q. Okay. But why not oysters or mussels or --

8 **A. Well, if I were in Iowa I'm sure I was in corn
9 farming.**

10 Q. No, I'm talking about other shellfish species
11 like oysters or mussels, why geoduck -- or Manila
12 clams, why geoduck clams?

13 **A. Well, I heard that the tideland that we own is
14 very ideal place to grow geoduck.**

15 Q. Who told you that? You said you heard that.
16 Where did you hear that?

17 **A. Bill Taylor.**

18 Q. Bill Taylor told you that. Do you know what
19 led him to believe that or tell you that?

20 **A. I don't know.**

21 Q. Has he kind of surveyed or, you know, a visit
22 to your property to kind of determine whether it would
23 be suitable for geoduck farming?

24 **A. I don't know --**

25 MR. DeNIKE: Objection, calls for

1 Q. How many such, you know -- and I'm going to
2 betray my ignorance here -- of the -- you know, of the
3 spat did you obtain, how much --

4 **A. Oh, I don't know how many, maybe --**

5 Q. How many did you plant do you think?

6 **A. Maybe 50. I don't know.**

7 Q. 15?

8 **A. Around 50, five-zero.**

9 Q. Five-zero, I see. How did you identify where
10 to plant them? How did you determine that? In other
11 words, on your tideland how did you decide where in the
12 tideland to plant the 50 or so geoduck that you
13 obtained?

14 **A. I heard the good place would be about zero --
15 you know, the line or --**

16 Q. Uh-huh.

17 **A. -- around that spot is good.**

18 Q. On the tide line?

19 **A. Yeah, tide line.**

20 Q. All right. So did you have any assistance in
21 the planting?

22 **A. No.**

23 Q. Did anybody oversee it or supervise it?

24 **A. No.**

25 Q. How did it work out?

1 speculation. Dr. Sohn just testified he did not know.

2 **A. I don't know whether he visited, I don't know.
3 I don't remember.**

4 Q. (BY MR. TIENSON) What is it then that led him
5 to believe, as you understand it, that your property
6 would be well suited for geoduck farming?

7 MR. DeNIKE: Objection, repetitive,
8 asked and answered already.

9 Q. (BY MR. TIENSON) You can go ahead and answer.

10 **A. I don't know.**

11 Q. Okay. Had you done any -- had you gone
12 clamming for geoduck on your own property before for
13 the wild geoduck?

14 **A. I planted -- I got some seedlings some ten
15 years ago, and then I planted the geoduck on a small
16 basis.**

17 Q. I'm sorry, did you say you planted some?

18 **A. I think I -- yeah, I got some seedlings from
19 the Taylors, and then I planted a few on my own then.**

20 Q. All right. So tell me more -- a little bit
21 more about that. So you've got -- you went -- did you
22 get this geoduck stock from a Taylor nursery then?

23 **A. Uh-huh.**

24 Q. Is that a "yes"?

25 **A. Uh-huh, yes.**

1 **A. Work out good.**

2 Q. So how long -- did you use PVC tubes to plant
3 them?

4 **A. Yes, yes.**

5 Q. How large -- again, this is the planting that
6 you initially did, how many PVC tubes did you use for
7 those 50 geoduck?

8 **A. Maybe a dozen or so.**

9 Q. All right. So you put more than three in each
10 tube?

11 **A. Maybe three or four.**

12 Q. I see. All right. Were there any problems
13 that were encountered?

14 **A. No.**

15 Q. So how long did you keep the tubes in place
16 when you planted these about ten years ago?

17 **A. About -- oh, about two years, year and a half.**

18 Q. Three and a half years?

19 **A. Two -- year and a half.**

20 Q. Year and a half, okay. And why did you decide
21 to remove them at that point?

22 **A. I heard that's the time to move.**

23 Q. And where did you -- is that from Mr. Taylor?
24 Is he the one that's providing this advice to you?

25 **A. I don't know from where.**

1 Q. Okay. Well, did you do any research or
 2 consult any --
 3 **A. Yeah, yes, I did.**
 4 Q. What kind of research did you do?
 5 **A. I read some book.**
 6 Q. You -- I'm sorry?
 7 **A. Some book.**
 8 Q. Some book. Do you recall what book it was you
 9 read or books?
 10 **A. No, I don't.**
 11 Q. Do you have them at home?
 12 **A. No.**
 13 Q. Where did you read them, on line?
 14 **A. I don't remember. I don't remember. In the**
 15 **library or our home, I don't remember.**
 16 Q. All right. So did you harvest these geoduck?
 17 Did you -- I mean, you actually pulled them up --
 18 **A. From time to time.**
 19 Q. -- yourself?
 20 **A. Yeah, yeah.**
 21 Q. Did you sell them?
 22 **A. No.**
 23 Q. What did you do with them?
 24 **A. I gave to my friends and I consume myself.**
 25 Q. All right. And how long after you planted

1 made to plant geoduck before you formally applied for
 2 the shoreline substantial development permit?
 3 **A. Yes.**
 4 Q. All right. Tell me, did you look at any of
 5 your -- did you do a title search for your property to
 6 determine whether there were any restrictions for the
 7 property that would in any way interfere with your
 8 ability to operate a commercial shellfish farm on the
 9 tidelands?
 10 **A. No.**
 11 MR. DeNIKE: Objection, relevance.
 12 Q. (BY MR. TIENSON) You can go ahead and answer.
 13 **A. No.**
 14 Q. Did you consult with your neighbors in any way
 15 about their reaction or if they had any concerns about
 16 you doing that?
 17 MR. DeNIKE: Objection, relevance.
 18 Q. (BY MR. TIENSON) You can go ahead and answer.
 19 **A. No.**
 20 Q. Why not?
 21 MR. DeNIKE: Objection, again,
 22 relevance.
 23 **A. Because I don't need to.**
 24 Q. (BY MR. TIENSON) Do you have any social
 25 relationships with any of your neighbors there at

1 them did you harvest them?
 2 **A. About six years.**
 3 Q. Okay. And, again, that was what you either
 4 learned from the book or Mr. Taylor told you to do?
 5 **A. From the book, not Mr. Taylor.**
 6 Q. And how did you go about harvesting them? Did
 7 you use this liquid hose?
 8 **A. No.**
 9 Q. How did you go about doing that?
 10 **A. A shovel and hand.**
 11 Q. Shovel and hand?
 12 **A. Yeah.**
 13 Q. How far down did you have to dig,
 14 approximately, to harvest them?
 15 **A. I don't know, maybe two, three feet.**
 16 Q. Okay. So did you receive any license or
 17 authorization or permit from any government agency to
 18 do that?
 19 **A. No.**
 20 MR. DeNIKE: Objection, relevance.
 21 Q. (BY MR. TIENSON) You can go ahead and answer.
 22 **A. I answered.**
 23 Q. I'm sorry. I missed it then. What was --
 24 **A. No.**
 25 Q. No, okay. So was that the only effort you

1 Zangle Cove?
 2 **A. Absolutely.**
 3 MR. DeNIKE: Objection, again,
 4 relevance.
 5 Q. (BY MR. TIENSON) Pardon me?
 6 **A. Yes.**
 7 Q. Who do you consider to be at least nominally
 8 friends who are neighbors there and also have property
 9 in Zangle Cove?
 10 MR. DeNIKE: Objection, vague,
 11 relevance.
 12 Q. (BY MR. TIENSON) You can go ahead and answer.
 13 **A. Next question.**
 14 Q. You're refusing to answer?
 15 **A. He said objection.**
 16 Q. Oh, it's not -- the way it works is he has the
 17 ability to make, as he has done, objections for the
 18 record, and as he may or may not have told you he does
 19 that, but unless he instructs you not to answer a
 20 question, then you should nonetheless answer the
 21 question, and then if there's a dispute later on in the
 22 proceeding about whether or not the question that I
 23 asked you and your answer is sufficiently relevant or
 24 proper and admissible into evidence, that's what they
 25 make hearing officers for.

1 So, again, I would like an answer. Do you
2 have -- whom among the Zangle Cove property owners that
3 also have waterfront property do you consider to be, as
4 I say, at least nominally friends?

5 **A. Next-door neighbors.**

6 Q. Okay. And who are those when you use that
7 term? Who are you thinking of? Can you give me a last
8 name?

9 **A. Last name Lane.**

10 Q. Lane?

11 **A. L-A-N-E.**

12 Q. Uh-huh, uh-huh, Lane, and anybody else?

13 **A. I don't remember their last name.**

14 Q. Okay.

15 **A. I don't know of a last name.**

16 Q. Are you familiar with the Townsends at all?
17 Have you ever met them?

18 **A. I met him. I met them.**

19 Q. And when did you first meet them?

20 **A. I don't know exactly, maybe three or four
21 years ago, he visit me.**

22 Q. He?

23 **A. He visited me.**

24 Q. Visited you. And what was the circumstance,
25 do you recall? Did it have anything to do with this

1 preparing the necessary applications for the
2 establishment and operation of a commercial geoduck
3 farm?

4 **A. Confluence.**

5 Q. Confluence?

6 **A. Yeah. Her name was -- I forgot her name.**

7 Q. Was that a -- a company suggested to you by
8 Mr. Taylor?

9 **A. No.**

10 Q. How did you identify Confluence then?

11 **A. I don't remember.**

12 Q. What is it that Confluence did for you then in
13 conjunction with this -- the establishment and
14 operation of your commercial geoduck farm?

15 **A. They prepared biological -- some study. I
16 don't know exact name, but as a consultant they help me
17 to prepare the application form.**

18 Q. All right. What role did you play in -- if
19 any, in preparing the application other than signing
20 it? Did you actually do anything yourself?

21 **A. No.**

22 Q. Did you do -- you're an economist. Did you do
23 any research about the economics of the geoduck farming
24 business?

25 **A. No.**

1 proposed geoduck farm or was it simply a social visit
2 or was there a particular purpose that he had in
3 visiting you, do you recall?

4 **A. You must ask him.**

5 Q. Okay. Do you recall yourself?

6 **A. Huh?**

7 Q. Do you recall what you discussed?

8 **A. I think -- I vaguely recall he came to my
9 place with my old State colleague. That's all I
10 remember.**

11 Q. Okay, all right. But you haven't visited very
12 often with him then before this dispute arose; is that
13 fair to say?

14 **A. No, never visited him.**

15 Q. All right. To your knowledge, have there ever
16 been any commercial shellfish that have been planted on
17 the property that you own other than the geoduck that
18 you yourself planted some ten years ago or so?

19 **A. No, I don't. I don't.**

20 Q. Did you speak with any government officials
21 about your interest in establishing and operating a
22 commercial geoduck farm before you started preparing
23 the paperwork?

24 **A. No.**

25 Q. Whom did you have assist you, if anyone, in

1 Q. Did you grow up in Korea eating geoduck on
2 occasion? Is that something you ever did?

3 **A. Not at the time, it was not there.**

4 Q. What do you understand about the -- the
5 economics of the business today?

6 MR. DeNIKE: Objection, vague and not
7 relevant.

8 Q. (BY MR. TIENSON) Okay. Well, what's -- where
9 do you intend to sell your -- if you're -- if you're
10 successful in establishing and operating this farm,
11 where are you going to be selling those geoduck?

12 **A. I have not even studied the planting, and
13 that's way too far away. I don't know any distribution
14 channel or any buyers. I have no idea.**

15 Q. So do you know who is going to be managing the
16 farm or operating it?

17 **A. Taylor.**

18 Q. Taylor is?

19 **A. (Witness nodding head.)**

20 Q. Okay. And do you have a written agreement
21 with him?

22 **A. No.**

23 Q. But you're going to; is that correct?

24 **A. Uh-huh.**

25 Q. Is that a "yes"?

1 **A. Uh-huh. Yes.**
 2 MR. DeNIKE: Just a suggestion, Counsel,
 3 perhaps you could remind him too, answer either yes or
 4 no rather than --
 5 MR. TIENSON: Yeah, sure, that's fine.
 6 Q. (BY MR. TIENSON) I'm doing it -- just 40
 7 years of habit, but it's -- you know, a lot of people,
 8 and you're no exception and nor am I, will kind of nod
 9 their head or go uh-huh, yep, that sort of thing. For
 10 the record, it's better --
 11 **A. Right, I understand.**
 12 Q. -- to have a yes or no.
 13 **A. I understand.**
 14 Q. And so I'm not trying to be rude or anything.
 15 I'm just trying to make sure we have a clear
 16 understanding of your answer.
 17 Tell me about your understanding of the
 18 ecology of Zangle Cove.
 19 MR. DeNIKE: Objection, vague.
 20 Q. (BY MR. TIENSON) All right. Well, let's --
 21 that may be fair, but let's talk about is Zangle Cove
 22 an estuary?
 23 **A. That's the way that I understand.**
 24 Q. Okay. What does that mean to you?
 25 **A. I don't know.**

1 discussed his house being on a bluff. I don't think
 2 he's testified to that.
 3 MR. TIENSON: That's fair. I don't
 4 know.
 5 Q. (BY MR. TIENSON) Independent of whether it's
 6 on a bluff or not, will you be able to see that
 7 yourself from your front window?
 8 **A. I can see the tideland.**
 9 Q. How much of it can you see? I mean, for
 10 example, when you planted the geoduck some ten years
 11 ago, could you see all of those PVC pipes from your
 12 front window?
 13 **A. I don't remember. If I really try to see, I'm**
 14 **sure I can see that.**
 15 Q. Okay. Have you seen a commercial geoduck farm
 16 at low tide? Have you --
 17 **A. Yeah.**
 18 Q. -- seen one?
 19 **A. Yeah.**
 20 Q. All right. Can you -- can you understand why
 21 that might upset your neighbors to see that?
 22 MR. DeNIKE: Objection, vague, calls for
 23 speculation, relevance.
 24 Q. (BY MR. TIENSON) You can go ahead and answer.
 25 **A. What is your question?**

1 Q. No idea what an estuary means?
 2 **A. No.**
 3 Q. What kind of aquatic life do you see or have
 4 you seen in your tidelands over the years that you have
 5 owned it? Sea stars, geoduck, other types of
 6 shellfish, what have you seen there, just on your
 7 tideland yourself, you and your wife?
 8 **A. Oh, I don't recall any particular other than**
 9 **geoduck and oyster that I planted, I don't recall**
 10 **anything.**
 11 Q. Do you go out on your tideland and -- just to
 12 walk around --
 13 **A. Seldom.**
 14 Q. Pardon me?
 15 **A. Very seldom.**
 16 Q. Very seldom. And why is that, just not
 17 interested?
 18 **A. No.**
 19 Q. Can you -- from your house -- as I understand
 20 it, your house is situated a little bit on a bluff.
 21 Can you -- will you be able to actually see the farm,
 22 that is to say, the -- these PVC pipes that are used to
 23 plant the geoduck, from your front windows, will you be
 24 able to see that when it's established?
 25 MR. DeNIKE: Objection to the extent you

1 Q. Yeah, can you understand why the sight of a
 2 commercial geoduck farm, particularly at low tide when
 3 you can see the exposed PVC pipes and at least
 4 initially the netting, can you understand why that is
 5 upsetting to at least some of your neighbors, if not
 6 all of them?
 7 **A. I understand.**
 8 Q. Okay. Do you have an understanding as to how
 9 often those PVC pipes will be exposed and visible
 10 during the daylight hours generally once it's up and
 11 operating?
 12 **A. I don't know exact hours, but during the**
 13 **summer usually daytime low tide, sure, you can see more**
 14 **tidelands, but during the winter, nothing.**
 15 Q. Because the tides are -- the lower tides are
 16 in the --
 17 **A. Night.**
 18 Q. -- evening hours?
 19 **A. Yeah.**
 20 Q. And early morning hours when --
 21 **A. Right.**
 22 Q. All right. But, again, would you agree that
 23 those same -- the months of higher visibility, April to
 24 roughly October, that six-month period, end of
 25 September, something like that, would you agree that

1 that's when the PVC pipes are likely to be the most
 2 visible to neighbors and visitors to the area?
 3 **A. When the -- when tide is low, yes.**
 4 Q. All right. And do you have any sense of
 5 approximately how often just in terms of during
 6 daylight hours during those summer months that you
 7 would actually be able to see the actual exposed PVC
 8 pipes or netting?
 9 **A. I don't know.**
 10 Q. Are you -- how much of the -- you've got about
 11 a 1.1-acre parcel as I understand it; is that correct?
 12 MR. DeNIKE: Objection, it's vague
 13 whether you're talking about the size of the farm or
 14 the parcel.
 15 MR. TIENSON: Fair enough.
 16 Q. (BY MR. TIENSON) The actual intertidal area
 17 where you will be operating this farm.
 18 **A. Yes, yes.**
 19 Q. All right. Now, there's some dispute as I
 20 understand it with you with your neighbors about
 21 precisely where that boundary line between your
 22 property on the intertidal area and theirs falls; is
 23 that correct?
 24 MR. DeNIKE: Objection, relevance.
 25 Q. (BY MR. TIENSON) You can go ahead and answer.

1 speculation. I don't think he knows.
 2 Q. (BY MR. TIENSON) Yeah. I mean, do you have
 3 an understanding as to, you know, where on the
 4 intertidal area of your property the geoduck will be
 5 planted?
 6 **A. Just in general terms, but I don't know**
 7 **exactly the lines, boundaries.**
 8 Q. In general terms where will they be planted?
 9 **A. Within my tideland.**
 10 Q. Is that a decision that you intend to leave to
 11 Taylor to determine?
 12 **A. I don't know. Up to the expert on that.**
 13 Q. Okay. Well, is that Taylor? I mean, who is
 14 the expert or experts that you're referring to?
 15 **A. I have no idea at this point.**
 16 Q. Okay. Is there some entity or person other
 17 than Taylor that you intend to enter into some sort of
 18 a commercial relationship with to assist you in the
 19 establishment of the farm?
 20 **A. No.**
 21 Q. What role, if any, will you be playing in the
 22 operation of the geoduck farm?
 23 **A. I'll be playing supervising and as much as**
 24 **possible participating in the whole operation.**
 25 Q. Okay. And tell me what -- when you say

1 **A. No.**
 2 Q. You're not aware of any dispute?
 3 **A. I am aware of the dispute.**
 4 Q. You're aware of it. What do you understand it
 5 to be? Just generally speaking, how would you
 6 characterize the dispute?
 7 **A. The dispute is between two surveyors'**
 8 **methodology.**
 9 Q. Okay. And how much of the intertidal area is
 10 involved in the dispute, approximately?
 11 **A. I don't know.**
 12 Q. How much of the intertidal area do you intend
 13 to devote to the actual geoduck farm?
 14 **A. I think 1.1 acre.**
 15 Q. As much of it as possible?
 16 MR. DeNIKE: Objection, vague. I don't
 17 understand what that question is asking.
 18 Q. (BY MR. TIENSON) Just is there going to be
 19 any kind of a buffer between where -- wherever your
 20 property line is and the actual location of the PVC
 21 tubes and the planted geoduck?
 22 **A. I don't know.**
 23 Q. You haven't made that decision? Is that
 24 something you're going to leave to Taylor?
 25 MR. DeNIKE: Objection, calls for

1 "supervising," what is it more specifically that you
 2 will be supervising?
 3 **A. Because I live right above the tideland.**
 4 Q. Yeah.
 5 **A. So I'm in 24 hours a day, so naturally I**
 6 **grow -- grow the geoduck, and I want to participate as**
 7 **much as possible so I want to supervise how they do and**
 8 **make sure that they do it right.**
 9 Q. Okay. But presently do you know how to do it
 10 right? I mean, I don't mean to be argumentative. I'm
 11 just trying -- I understood you to say really that you
 12 don't have any experience right now in geoduck farming,
 13 correct?
 14 **A. Well, you don't need experience. You get the**
 15 **experience.**
 16 Q. All right. So you're going to have kind of
 17 on-the-job training, if you will?
 18 **A. Well, there are so many ways to learn.**
 19 Q. All right. Tell me -- again, just I'm trying
 20 to visualize and understand more specifically the role
 21 that you will play, and it may grow or change over
 22 time, I can imagine that, but I'm just trying to
 23 understand more specifically what it is that you will
 24 be doing in this supervisory role.
 25 **A. Make sure that what we do comply with 18 MDNS**

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1 **conditions and make sure we comply with 14 conditions**
 2 **that the hearing examiner set.**
 3 Q. All right. Are you concerned at all about the
 4 impact of the geoduck farm on -- on the ecology or
 5 ecological function of the Zangle Cove area?
 6 MR. DeNIKE: Objection, vague, lack of
 7 foundation, relevance.
 8 Q. (BY MR. TIENSON) You can go ahead and answer.
 9 **A. What is the question?**
 10 Q. Yeah. Tell me, are you concerned at all about
 11 the impact that your farm will have on the ecological
 12 function of Zangle Cove?
 13 **A. Yes, I am concerned, and I am going to do**
 14 **everything that I can to make sure that it satisfies**
 15 **the conditions that's set, you know, by the County.**
 16 Q. Why are you concerned about the ecological
 17 function potentially being impacted by your farm?
 18 **A. I'm always concerned about the ecology and**
 19 **environment.**
 20 Q. Are you familiar with the native eelgrass, the
 21 Zostera marina species?
 22 MR. DeNIKE: Objection, vague.
 23 Q. (BY MR. TIENSON) Okay. Do you -- do you know
 24 native eelgrass? You've seen it, right?
 25 **A. What is the --**

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1 Q. Eelgrass, do you know eelgrass?
 2 **A. Yeah, yeah.**
 3 Q. Okay. My understanding is that you -- in
 4 fact, let me show you. I've got a whole -- here, a
 5 whole packet of photos.
 6 MR. TIENSON: But here's one for you,
 7 Jesse.
 8 (Deposition Exhibit 1 was
 9 marked for identification.)
 10 Q. (BY MR. TIENSON) All right. I'm showing you
 11 what has been marked as Exhibit 1, which as you can see
 12 is identified at the bottom as describing Dr. and
 13 Mrs. Sohn raking in eelgrass for crabs with a date of
 14 5/13, May 13, 2006. One, do you recognize yourself and
 15 your wife in that photo?
 16 **A. I don't.**
 17 Q. Pardon me?
 18 **A. I don't.**
 19 Q. You do not?
 20 **A. No.**
 21 Q. Do you dispute that that is you and your wife?
 22 **A. No, that is my -- myself and wife -- my wife,**
 23 **but the bottom one, so many crabs, red crab -- red rock**
 24 **crabs, no, I do not -- I don't recall this at all.**
 25 Q. All right. What I'm hearing you say is the

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1 top photo, yes, that is you and your wife, the bottom
 2 photo, though, you don't recognize?
 3 **A. No.**
 4 Q. Is that correct?
 5 **A. Right.**
 6 Q. All right. As you can see, actually in both
 7 photos certainly here you've got what looks to be
 8 eelgrass and here as well. My understanding is that
 9 there has been eelgrass on your intertidal property.
 10 Is that consistent with your own understanding?
 11 MR. DeNIKE: Objection to the extent
 12 that counsel is asking him to testify as to counsel's
 13 understanding and also lack of foundation with respect
 14 to what connection that question has with respect to
 15 these pictures.
 16 MR. TIENSON: Well, that's fine.
 17 Q. (BY MR. TIENSON) You can go ahead and answer.
 18 Have you had eelgrass on your property?
 19 MR. DeNIKE: Objection to the extent
 20 it's needed to distinguish between native and nonnative
 21 eelgrass.
 22 Q. (BY MR. TIENSON) Native eelgrass, have you
 23 had native eelgrass on your property?
 24 **A. If I see the eelgrass I would not know.**
 25 Q. You wouldn't know?

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1 **A. No.**
 2 Q. Okay. Looking at this photo, do you recognize
 3 the green vegetation there as being eelgrass? Do you
 4 recognize that as eelgrass?
 5 MR. DeNIKE: Objection, Dr. Sohn just
 6 testified that he does not know.
 7 MR. TIENSON: No, he can go ahead and
 8 answer.
 9 **A. I told you I don't know if I see it.**
 10 Q. (BY MR. TIENSON) Okay. What does eelgrass
 11 look like to you, native eelgrass? Describe it for me.
 12 **A. What?**
 13 Q. What does it look like?
 14 MR. DeNIKE: Objection, asked and
 15 answered.
 16 Q. (BY MR. TIENSON) What does native eelgrass
 17 look like?
 18 **A. I have no idea.**
 19 Q. Do you think you could recognize it if you saw
 20 it?
 21 **A. No.**
 22 Q. What role -- does eelgrass play an important
 23 ecological function as you understand it in the ecology
 24 of Zangle Cove and South Puget Sound generally?
 25 MR. DeNIKE: Objection, lack of

1 foundation.
 2 Q. (BY MR. TIENSON) You can go ahead and answer.
 3 **A. This is the eelgrass?**
 4 Q. No, I'm just talking about generally. Forget
 5 the photo for a moment.
 6 **A. No, no, I am asking you, is this --**
 7 Q. I believe that to be eelgrass, yes.
 8 **A. This is eelgrass?**
 9 Q. I believe that to be true, yes.
 10 **A. I have no idea at the time and I have no idea**
 11 **now.**
 12 Q. All right. Let me show you here -- there's a
 13 couple other photos. Let's mark this.
 14 **A. To me it is just --**
 15 Q. Weeds?
 16 **A. -- seaweed.**
 17 Q. Seaweed, okay. I'll show you -- hang on a
 18 second.
 19 MR. TIENSON: I've got a copy for you,
 20 Jesse.
 21 (Deposition Exhibits 2 and 3 were
 22 marked for identification.)
 23 Q. (BY MR. TIENSON) Okay. I'm showing you now
 24 what we've just had marked as Exhibits 2 and 3 to your
 25 deposition. Looking at those photos, do you recognize

1 Q. Did you understand that there's actually an
 2 eelgrass restoration effort that the Department of
 3 Natural Resources is participating in located just very
 4 near within, what, several hundred yards anyway of your
 5 intertidal parcel? Did you understand that?
 6 MR. DeNIKE: Objection to the extent
 7 it's argumentative, characterizing several hundred
 8 yards as very near.
 9 MR. TIENSON: Yeah.
 10 **A. Several hundred yards?**
 11 Q. (BY MR. TIENSON) Several hundred I'm saying.
 12 **A. Several hundred.**
 13 KATHRYN TOWNSEND: 300 feet maybe.
 14 MR. TIENSON: 300 feet? Okay. Yeah.
 15 Q. (BY MR. TIENSON) Yeah. Did you understand
 16 that there's a Department of Natural Resources
 17 cosponsored effort to restore eelgrass located
 18 within -- let's call it no more than 200 yards of your
 19 intertidal parcel? Did you understand that?
 20 **A. Currently?**
 21 Q. Yes.
 22 **A. No, I don't understand. I didn't.**
 23 Q. How about in the past, were you aware of any
 24 such effort?
 25 **A. I heard in the past.**

1 the vegetation depicted in those photos?
 2 **A. I don't know I recognize these particular**
 3 **photos, but I remember seeing Exhibit 2, but Exhibit 3**
 4 **I don't recognize.**
 5 Q. All right. So what is your understanding of
 6 the significance, if any, of eelgrass in -- in both
 7 Zangle Cove and Puget Sound? What does it do? Is it a
 8 good thing, bad thing? What role does it play? What
 9 function does it have?
 10 **A. It helps some species grow, and that's all I**
 11 **understand.**
 12 Q. And you say "it helps some species grow," what
 13 species does it help grow, do you know?
 14 **A. I don't know.**
 15 Q. Do you know how it helps them grow?
 16 **A. I don't know.**
 17 Q. And what is the basis for that understanding?
 18 When you say that you understand that it helps some
 19 species grow, where did you hear that or read that
 20 or --
 21 **A. I read somewhere and I remember vaguely.**
 22 Q. Okay. Do you know that there's an eelgrass
 23 restoration effort going on in Puget Sound right now as
 24 we speak?
 25 **A. No.**

1 Q. Okay. And how did you hear that? How did
 2 you -- what's your source of information?
 3 **A. I read somewhere.**
 4 Q. All right. And what did you understand to be
 5 the significance of that? Why were they doing that,
 6 any idea?
 7 **A. No idea.**
 8 Q. Do you know anything about the mobility or
 9 expansion of eelgrass beds?
 10 **A. No.**
 11 Q. Is it important to you to do as much as you
 12 can to protect eelgrass in the area in which your
 13 intertidal parcel is located?
 14 MR. DeNIKE: Objection, vague and not
 15 relevant.
 16 Q. (BY MR. TIENSON) You can go ahead and answer.
 17 **A. That's the marine scientist's job, that's not**
 18 **my job and I don't understand.**
 19 Q. You don't understand -- what is it -- I'm
 20 sorry. I misunderstood. What is it you don't
 21 understand?
 22 **A. That's the marine scientist's job.**
 23 Q. Oh, that's the marine scientist's job, not
 24 your job; is that it?
 25 **A. No.**

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1 Q. Is that correct? Is that what you're saying?
 2 **A. Yes.**
 3 Q. Have you or your wife or anybody acting on
 4 your behalf made any efforts to remove or eradicate
 5 eelgrass from your own intertidal parcel at any time?
 6 **A. No.**
 7 Q. How about removal of other aquatic creatures,
 8 starfish, moon snails, anything of that nature, have
 9 you made any effort to remove those from your
 10 intertidal parcel?
 11 **A. No.**
 12 Q. Do you intend to do that before operating --
 13 beginning the operation of your geoduck farm?
 14 **A. No.**
 15 Q. Why not?
 16 **A. Why? Why do I have to do?**
 17 Q. What do you understand, if anything, will be
 18 necessary to prepare your intertidal parcel for the
 19 establishment of a commercial geoduck farm? Do they
 20 need to do anything to the sediments to the bed of the
 21 parcel to prepare it for --
 22 **A. I don't know.**
 23 Q. That's something you will leave to Taylor to
 24 decide?
 25 **A. Yes.**

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1 Q. In terms of -- how would you characterize
 2 Zangle Cove in terms of its ecological significance?
 3 Do you think it's important in any way to the larger
 4 South Puget Sound area from an ecological standpoint?
 5 MR. DeNIKE: Objection, vague, lack of
 6 foundation and relevance.
 7 Q. (BY MR. TIENSON) You can go ahead and answer.
 8 **A. I don't know.**
 9 Q. When you and your wife decided to buy property
 10 there, what is it that attracted you to that area, to
 11 that particular cove?
 12 MR. DeNIKE: Objection, relevance.
 13 **A. It was on the market and I liked it and I**
 14 **purchase that.**
 15 Q. (BY MR. TIENSON) What is it you liked about
 16 it?
 17 MR. DeNIKE: Objection, relevance.
 18 Q. (BY MR. TIENSON) What is it you liked about
 19 it?
 20 **A. Views from the lot.**
 21 Q. Uh-huh. Views of the water?
 22 **A. Water, mountain, island, whatever.**
 23 Q. Do you see people recreating in boats or on
 24 paddleboards and kayaks and that sort of thing in front
 25 of your property during -- during the summer months?

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1 Is that something you see?
 2 **A. Very seldom, hardly any.**
 3 Q. When you say "very seldom," what does that
 4 mean? Can you be -- can you quantify it in any more
 5 specific way?
 6 **A. What I see outside there's no boat, no**
 7 **activity, nothing.**
 8 Q. How often do you actually look to see whether
 9 that's -- particularly during the summer months?
 10 **A. I don't know, I don't know, maybe early in the**
 11 **morning or -- and then for months, I don't even see**
 12 **particular area from my house.**
 13 Q. Uh-huh. And when you see them, these people
 14 recreating in the water, what are they doing? What do
 15 you see them doing?
 16 **A. I said I saw recreation activity very seldom,**
 17 **hardly any.**
 18 Q. Okay. But when you see them what are they
 19 doing? Are they paddling? Are they surfing? Are they
 20 motorboating? What are they doing?
 21 **A. I saw some boat and I -- I don't recall seeing**
 22 **any activities.**
 23 Q. And how close are they to your parcel? Are
 24 they actually in it? Are they actually in your -- when
 25 the water is high enough are they actually on, over and

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1 above your intertidal parcel?
 2 **A. How close?**
 3 Q. Yes.
 4 **A. I don't know how close.**
 5 Q. Do you recognize that the public has a right
 6 to actually recreate in the water above your intertidal
 7 parcel?
 8 MR. DeNIKE: Objection, calls for
 9 Dr. Sohn to opine on a legal matter.
 10 Q. (BY MR. TIENSON) Well, just your
 11 understanding, do you have an understanding whether the
 12 public has a right to actually float or paddle in the
 13 water above your intertidal bed?
 14 **A. I'm sure they do.**
 15 Q. And clearly that -- would you agree that's
 16 going to be adversely affected by the installation of
 17 these PVC pipes and netting, wouldn't it?
 18 MR. DeNIKE: Objection, argumentative,
 19 asks for Dr. Sohn to again draw a legal conclusion.
 20 Q. (BY MR. TIENSON) You can go ahead and answer.
 21 **A. No.**
 22 Q. Why not?
 23 **A. Why that affects like a two inch from the**
 24 **above or one inch from the above the ground will affect**
 25 **any activities?**

1 Q. So how much -- excuse me. What is the -- if
2 you have an understanding of the -- the depth at --
3 between -- or the depth of the water, I guess, is what
4 I'm trying to get at. When it's high tide, you know,
5 normal high tide, not your maximum extreme tides but
6 generally high tides, what's the range of the depth of
7 those tides? How much water would you have, say, in
8 the middle of your intertidal parcel at the zero line?

9 **A. No idea.**

10 Q. How much clearance do you believe there would
11 be between the top of those PVC tubes and the actual
12 top of the water column?

13 MR. DeNIKE: Objection, I have -- it's
14 vague, don't know what water level you're talking about
15 here.

16 Q. (BY MR. TIENSON) Again, at the zero foot
17 level that you've talked about.

18 **A. No idea.**

19 Q. No idea at all. How much clearance do you
20 think you need to operate a kayak or a paddleboard over
21 the water in your area?

22 **A. No idea.**

23 Q. Do you actually recreate yourself? I mean, do
24 you ever go out in a boat or a kayak or a paddleboard?
25 Is that something you ever do or your wife ever does?

1 Q. Three?

2 **A. One or two inches.**

3 Q. One or two inches?

4 **A. Yeah.**

5 Q. Are you certain of that?

6 **A. I'm not certain, but that's...**

7 Q. Okay. How about the netting, how far above
8 the actual bed of the intertidal area will the netting
9 be placed, do you know?

10 **A. No.**

11 Q. Can you estimate in any way how far it is, how
12 high?

13 MR. DeNIKE: Objection, calls for
14 speculation.

15 **A. I -- I haven't seen that actual netting.**

16 Q. (BY MR. TIENSON) Okay. Do you agree, though,
17 that that is the plan that you will have netting over
18 these PVC tubes for, what, two years, something like
19 that, or up to two years?

20 **A. Yes, that's my understanding.**

21 Q. All right. And this is plastic netting,
22 correct?

23 **A. I don't know the material.**

24 Q. Is that something you're going to leave to
25 Taylor --

1 **A. Long time ago.**

2 Q. Okay. Meaning what, 20 years plus ago,
3 something like that?

4 **A. Maybe 40 years ago.**

5 Q. How close is the Boston Marina Harbor to your
6 property?

7 **A. I don't know how close. I don't know the
8 distance.**

9 Q. Okay. Is it -- is that an area where -- where
10 people actually have access to the -- to the waters of
11 Zangle Cove?

12 MR. DeNIKE: Objection, vague.

13 Q. (BY MR. TIENSON) They can actually, you know,
14 park there, rent watercraft there and then enter into
15 the water to recreate. Is that something you've seen
16 them do or understand they can do?

17 **A. They can do I'm sure.**

18 Q. Yeah. Do you have any idea as to how much --
19 many people take advantage of that on a --

20 **A. I said very seldom. I said few, very few
21 people does that.**

22 Q. How much -- at low tide, how much of the PVC
23 pipe will be exposed? What's your understanding? How
24 far outside from -- outside the bed of the --

25 **A. One or two inches.**

1 **A. Yes.**

2 Q. -- to decide?

3 **A. Yes.**

4 Q. Have you visited other geoduck farms to
5 actually witness the harvesting operation?

6 **A. No.**

7 Q. What do you understand is involved or will be
8 involved in the commercial harvest of the geoducks on
9 your property?

10 **A. I have no idea.**

11 Q. You don't know at all?

12 **A. No.**

13 Q. Is that something you're going to leave,
14 again, to --

15 **A. Right.**

16 Q. -- the Taylors?

17 **A. Yes.**

18 Q. And for how long approximately will the actual
19 harvest take place during any given cycle, any idea?

20 **A. Again, I don't know.**

21 Q. Do you intend to be involved in the actual
22 harvest yourself?

23 **A. When we started.**

24 Q. Pardon me?

25 **A. When we start, yes.**

1 Q. If you don't know how to -- how to conduct the
2 harvesting, how will you be able to supervise it?

3 **A. I will learn.**

4 Q. Pardon me? You will learn?

5 **A. I will learn, yes.**

6 Q. Have you made arrangements with Bill Taylor to
7 do that, actually kind of teach you or act as a mentor
8 for you to --

9 **A. I am sure they will do.**

10 Q. Do you have a sense or understanding of the
11 effect on the sediments of the geoduck harvest?

12 **A. I have no idea.**

13 Q. Have you ever seen a -- I don't know when you
14 yourself harvested your 50 geoduck, but do you
15 understand that there's a sediment plume, if you will,
16 there's turbidity that occurs?

17 MR. DeNIKE: Objection.

18 **A. No, I didn't say I harvested 50 geoducks. I
19 planted 50 geoducks, but maybe 10 or 15 I harvested.**

20 Q. (BY MR. TIENSON) Okay. All right. You only
21 harvested 10 or 15, the rest are still there; is that
22 it?

23 **A. I'm sure they are.**

24 Q. Yeah. And, I mean, how long do geoduck live?
25 They live a long time, right?

1 the sediments as a result of the geoduck harvesting
2 operation on your property once it begins operation.

3 **A. Dispute the fact?**

4 Q. Yeah, that there will be resuspension of
5 sediment?

6 **A. No.**

7 Q. Okay. And that's going to cause turbidity,
8 isn't it? Do you know what turbidity is?

9 **A. Yes.**

10 Q. All right. Do you have an understanding as to
11 whether there will be turbidity associated with the
12 harvesting operation of your geoducks?

13 **A. I am sure very short term.**

14 Q. Pardon me?

15 **A. Very short term.**

16 Q. Why do you say that? What's the basis for
17 that statement?

18 **A. That's what I read.**

19 Q. From where? Where did you read it?

20 **A. Some literatures.**

21 Q. Okay. What happens when the turbidity occurs
22 to the other aquatic creatures that are on the sea bed?

23 MR. DeNIKE: Objection, vague.

24 Q. (BY MR. TIENSON) Are they covered with that
25 silt, that fine silt that occurs as a result of the

1 **A. I have no idea how long.**

2 Q. Do you have any sense at all as to how the
3 currents operate right in your area of Zangle Cove
4 where this geoduck operation will be, the geoduck
5 harvesting will be performed?

6 **A. No.**

7 Q. Do you know which way the current generally
8 flows?

9 **A. No.**

10 Q. How powerful it is?

11 MR. DeNIKE: Objection, asked and
12 answered.

13 **A. No.**

14 Q. (BY MR. TIENSON) Do you have any concerns at
15 all about the effects of the turbidity from the
16 harvesting operation on the ecology in the Zangle Cove
17 area?

18 MR. DeNIKE: Objection to the extent
19 that it assumes Dr. Sohn has knowledge that there's
20 turbidity. Counsel has suggested that, but Dr. Sohn
21 has not.

22 Q. (BY MR. TIENSON) Well, do you dispute that?

23 **A. Dispute what?**

24 Q. That there will be turbidity, you know,
25 basically an interference with and a resuspension of

1 resuspension of the sediments, do you know?

2 MR. DeNIKE: Objection, vague, lack of
3 foundation, calls for speculation.

4 **A. No, I don't.**

5 Q. (BY MR. TIENSON) What other wildlife, if you
6 will, is -- have you seen present either on or near
7 your tidelands? Besides sea stars, snails, geoduck,
8 what other wildlife have you seen?

9 **A. I don't recall.**

10 Q. You honestly don't recall seeing any other
11 wildlife at all ever?

12 MR. DeNIKE: Objection, duplicative,
13 asked and answered.

14 **A. I have not.**

15 Q. (BY MR. TIENSON) Have you ever seen birds,
16 shore birds?

17 **A. I'm sure there is a bird, but I don't recall
18 seeing bird, you know, when I look out my window.**

19 Q. How about eagles, ever see eagles?

20 **A. No. From my window?**

21 Q. Again, on or near --

22 **A. No.**

23 Q. -- your property.

24 **A. No, I don't recall.**

25 Q. Do you believe there are any eagles on or near

1 your property?
 2 **A. I have no idea.**
 3 Q. Have you ever -- do you have an understanding
 4 as to whether salmon, juvenile salmon, feed on or near
 5 your property on a regular basis?
 6 **A. I have no idea and I have not seen any salmon**
 7 **at all.**
 8 Q. What is it that the geoduck will be feeding
 9 upon when they are in this commercial geoduck farm that
 10 you intend to operate?
 11 **A. I don't know.**
 12 Q. You have no idea what they'll be eating?
 13 MR. DeNIKE: Objection, asked and
 14 answered.
 15 **A. No idea.**
 16 Q. (BY MR. TIENSON) Do you know generally what
 17 geoduck in the wild eat to sustain themselves?
 18 **A. Geoduck in what?**
 19 Q. Yeah, wild geoduck, what do wild geoduck eat?
 20 What do they feed on, wild geoduck, do you know?
 21 **A. No idea, just -- just salt water. That's all**
 22 **I know.**
 23 Q. Salt worm?
 24 **A. Water.**
 25 MR. DeNIKE: Salt water.

1 Q. (BY MR. TIENSON) Salt water. I see, yeah.
 2 Have you ever heard of the term
 3 "phytoplankton"?
 4 **A. No.**
 5 Q. Not heard of it?
 6 **A. No.**
 7 Q. Zooplankton? Ever heard of zooplankton?
 8 **A. No.**
 9 Q. Zooplankton. No.
 10 (Deposition Exhibit 4 was
 11 marked for identification.)
 12 Q. (BY MR. TIENSON) Yeah, I'm just showing you
 13 now what's been marked as Exhibit 4 to your deposition.
 14 As you can see, this is labeled a tideland -- Figure 4
 15 Tideland Survey Plan View. I'm not going to ask you
 16 whether you agree with the accuracy of the survey, but
 17 I do want to find out if this generally, and I'm using
 18 that term deliberately, generally depicts the location
 19 of your property, if the area in dark here depicts the
 20 area of your property and your tideland and the shape
 21 of it.
 22 **A. Yes.**
 23 Q. And if I understand you correctly, you're
 24 going to leave it up to Taylor ultimately, but it may
 25 very well be that all of this acreage contained within

1 the intertidal area will be used for the farming of
 2 commercial geoduck, correct?
 3 MR. DeNIKE: Objection. Just clarify,
 4 are you talking about the part that's shaded?
 5 MR. TIENSON: Yeah.
 6 MR. DeNIKE: Okay.
 7 Q. (BY MR. TIENSON) Is that correct?
 8 **A. What is correct?**
 9 Q. I'll rephrase because we got confused here.
 10 Do you agree that this shaded area here
 11 depicts, again generally, the shape of your intertidal
 12 area in front of your property?
 13 **A. Yes.**
 14 Q. All right. And is it your understanding that
 15 the -- the entire intertidal area will be potentially
 16 used for geoduck farming?
 17 **A. I don't know entire, but yes, in general, yes,**
 18 **this area.**
 19 Q. Okay. Let me --
 20 (Deposition Exhibit 5 was
 21 marked for identification.)
 22 Q. (BY MR. TIENSON) -- show you what's been now
 23 marked as Exhibit 5 to your deposition. This, as
 24 you'll see at the top, it's labeled Townsend/Jensen
 25 109, but what it does is set forth a list of recreation

1 activities. It's labeled Recreation in Zangle Cove,
 2 but I want you to look at that list and read it and see
 3 if there's anything on that list that you dispute is
 4 part of the recreational activities that are performed
 5 in Zangle Cove on an annual basis.
 6 **A. Annual basis?**
 7 Q. Yeah.
 8 **A. Like -- yes, I understand annual basis, but**
 9 **like how many frequencies?**
 10 Q. Forget the frequency, may be only one but, you
 11 know --
 12 **A. Right.**
 13 Q. -- I just want to have -- is the list right?
 14 I mean, is there anything on here you say, Nah, I've
 15 never seen anybody windsurf, I've never seen anybody
 16 water-ski, I've never seen anybody scuba -- that sort
 17 of thing, or I dispute that that ever occurs. I just
 18 want to know if this generally -- well, if this sets
 19 forth an accurate list of the types of recreational
 20 activity that occur in Zangle Cove, however frequent,
 21 on an annual basis.
 22 MR. DeNIKE: And objection on the basis
 23 that it's ambiguous whether you're asking him to affirm
 24 whether he has seen these or positively affirm that
 25 they do not occur.

1 MR. TIENSON: Fair -- fair enough and --
2 okay.

3 Q. (BY MR. TIENSON) What I'm asking you, I
4 guess, is your understanding as to whether this fairly
5 sets forth the list of activities -- recreation
6 activities that occur in Zangle Cove on an annual basis
7 whether or not you've actually seen such recreational
8 activity occur yourself.

9 MR. DeNIKE: And objection to the extent
10 that it calls for him to speculate as to whether things
11 occur beyond his personal experience or observation.

12 Q. (BY MR. TIENSON) Okay. You can go ahead and
13 answer.

14 **A. How would I know if I haven't seen this?**

15 Q. Well --

16 **A. Seen some activities, how would I know? For
17 example, scuba diving, how would I know it is happening
18 because I never saw anyone scuba diving there.**

19 Q. Okay.

20 **A. And, for example, the other example is
21 windsurfing, how would I know? I never saw anyone
22 windsurfing in the area.**

23 Q. But you may have heard from others. Some of
24 the questions that I have asked you this morning you
25 have responded with, Well, I heard that from somebody.

1 annual basis.

2 **A. I told you that water-skiing, yes.
3 Windsurfing I never saw. Scuba diving I never saw.**

4 Q. Okay. Anything else?

5 **A. So based on what?**

6 Q. Anything else that you've never seen on that
7 list?

8 **A. I don't know about the annual basis, but the
9 other listings, yes, it can happen.**

10 Q. Okay. Fair enough. And just so we're clear,
11 and I'm clear more importantly, have you seen any of
12 these recreational activities performed in the water of
13 your intertidal parcel?

14 **A. I have no idea.**

15 Q. Let's talk about economics for a moment.

16 Have -- do you have an understanding even in general
17 terms what kind of economic impact the operation of
18 this geoduck farm will have on the local economy in any
19 given year?

20 **A. Anything that produce will add economic
21 activity, will help economy and well-being of the
22 state.**

23 Q. Well, I mean, we can say that generally about
24 any economic activity, but I'm really focused on your
25 geoduck farm.

1 And so perhaps you've heard, Oh, gee, I saw a scuba
2 diver out there, I saw, you know, somebody out
3 windsurfing. You may not have seen it yourself, but
4 you've heard from others that it is done.

5 **A. Then I will not speculate.**

6 Q. All right. So what else on that list do you
7 believe may not actually ever be performed as part of
8 recreational activity on Zangle Cove?

9 MR. DeNIKE: And I'll object just to the
10 extent that previously you -- the question was framed
11 in terms of on an annual basis.

12 MR. TIENSON: Yeah, I'm still talking
13 about on an annual basis, yeah.

14 Q. (BY MR. TIENSON) Is there any other activity
15 that you can see on that list that you have -- you
16 yourself question whether --

17 **A. Again, not based on what I actually saw, but
18 any activities had happened, but I -- you know, I was
19 not home or I was not looking at the outside, so I have
20 no idea -- I don't know what -- what are you asking
21 for?**

22 Q. If there's anything on that list that -- of
23 recreational activities in Zangle Cove that you
24 dispute, that you think that you're prepared to say, I
25 do not believe this ever really takes place on an

1 **A. This is part of economic activity.**

2 Q. Okay. Well, how many -- will there be any
3 full-time employees involved in the operation of this
4 farm?

5 MR. DeNIKE: Objection, vague, perhaps
6 ambiguous. Is the question whether there will be a
7 full-time employee dedicated to this --

8 MR. TIENSON: Yes, dedicated.

9 MR. DeNIKE: -- or whether there will be
10 any full --

11 MR. TIENSON: Fair enough.

12 **A. Full-time employee that I hire?**

13 Q. (BY MR. TIENSON) You or Taylor that will
14 be -- literally be working on a daily basis.

15 **A. I'm sure Taylor will hire, but I have no plan
16 to hire anyone --**

17 Q. Okay.

18 **A. -- for this.**

19 Q. And -- but how often will those employees be
20 actually working on your property on an annual basis,
21 any idea?

22 **A. I have no idea.**

23 Q. Do you have any understanding -- again, you're
24 an economist so I'm asking, do you have any
25 understanding generally what kind of gross revenues

1 that this parcel will produce once the first cycle is
2 harvested?

3 **A. I don't have any number, but I'm sure as long**
4 **as someone working on it that, yes, there will be a**
5 **wages and there will be employees, but I have no**
6 **specific numbers.**

7 Q. Okay. Do you have a general understanding as
8 to how much in terms of profit that the farm will --
9 net profit will produce in any given year, again, once
10 the first harvest cycle occurs?

11 **A. I have no idea.**

12 Q. You've never really looked at that?

13 **A. No.**

14 MR. DeNIKE: Objection, asked and
15 answered.

16 Q. (BY MR. TIENSON) Do you have an understanding
17 as to whether or not the geoducks will be sold
18 domestically or internationally, like to China?

19 MR. DeNIKE: Objection, relevance.

20 **A. No idea who it is sold.**

21 Q. (BY MR. TIENSON) You really don't -- do you
22 know where geoducks are sold that come out of Puget
23 Sound generally?

24 MR. DeNIKE: Objection, vague,
25 relevance.

1 Q. I believe it's -- depends on whether you're
2 talking a live product. You're going to be selling
3 this product live, are you not?

4 **A. Yeah.**

5 Q. Okay. And how much does an average six-year
6 mature geoduck weigh, any idea?

7 **A. Around three pounds.**

8 Q. Okay.

9 **A. Two or three pounds.**

10 Q. Okay. And my understanding is you want to try
11 to get as -- in terms of the value of the geoduck, you
12 want to get as white a shell as possible; is that
13 consistent with your understanding?

14 **A. Uh-huh.**

15 Q. Is that "yes"?

16 **A. Yes.**

17 Q. How do you do that, do you know? How do you
18 breed for a real white shell?

19 **A. I have no idea.**

20 Q. Do you know the genetic differences, if any,
21 between the geoducks that will be planted on your
22 parcel and the wild geoducks that are normally --

23 **A. No.**

24 Q. -- in the area?

25 **A. No.**

1 Q. (BY MR. TIENSON) Do you have any
2 understanding of what that market is?

3 **A. I'm sure market is all over the world. I have**
4 **no idea, domestically or internationally.**

5 Q. Okay. Well, would it surprise you to learn
6 that the majority of these geoduck are sold in China?

7 MR. DeNIKE: Objection, vague, calls for
8 speculation.

9 Q. (BY MR. TIENSON) Do you disagree with that?

10 **A. I don't care whether China or Korea or Japan**
11 **or U.S., I do not care where it is sold to.**

12 Q. Okay. But it does have an impact on the --
13 that affects how much economic impact the farm will
14 have here in this region, correct?

15 **A. Yes.**

16 Q. Do you have any idea what the retail price of
17 geoduck is?

18 **A. I don't know the current price, but the price**
19 **I heard was \$15.**

20 Q. \$15?

21 **A. Yeah.**

22 Q. A pound?

23 **A. Is it?**

24 Q. I don't know. I'm asking, you tell me.

25 **A. I don't know. I'm asking you if you know.**

1 Q. Do you believe there is a genetic difference?

2 **A. I don't --**

3 MR. DeNIKE: Objection, lack of
4 foundation, calls for speculation.

5 **A. I don't know if there is any difference.**

6 Q. (BY MR. TIENSON) Do you think that the
7 density with which the geoduck will be planted leaves
8 them susceptible to disease?

9 MR. DeNIKE: Objection, lack of
10 foundation, calls for speculation.

11 **A. I don't know.**

12 Q. (BY MR. TIENSON) Have you looked into that at
13 all?

14 **A. No.**

15 Q. What is the density, as you understand it,
16 that you'll have on your parcel? How many geoduck are
17 going to be planted?

18 **A. My understanding is about three in the tube**
19 **and then expect about one out of three will survive.**

20 Q. Okay. And as I understand it, there's
21 somewhere between 43,000 and 44,000 tubes that are able
22 to be planted per acre; is that consistent with your
23 understanding?

24 **A. Yes.**

25 Q. Okay. What kind of density do geoduck have in

1 the wild, any idea?

2 **A. No.**

3 Q. Would you agree that the density with which
4 they will be planted on your farm are going to be far
5 more densely populated than they will be in the wild?

6 MR. DeNIKE: Objection, calls for
7 speculation. Dr. Sohn just testified he does not know.

8 **A. No idea.**

9 Q. (BY MR. TIENSON) Did you look at any --
10 review any documents to prepare for your testimony this
11 morning? Did you look at any papers or review any
12 materials either on line or, you know, otherwise to
13 prepare?

14 **A. No, no.**

15 Q. Prior to beginning the operation of your
16 geoduck farm, do you expect to take any classes or do
17 any additional sort of research that will assist you to
18 perform your expected role in the operation of the
19 farm?

20 **A. I am going to do.**

21 Q. What is it you're going to do more
22 specifically?

23 **A. Whatever it comes to me I will take the class
24 or individual -- the instruction, whatever it takes, I
25 will learn as much as possible.**

1 Q. Where have you -- have you identified any
2 classes that are available --

3 **A. No.**

4 Q. -- for that?

5 **A. I have no idea.**

6 Q. Other than -- you mentioned Sib Wilson. I
7 haven't really spoken about him or asked any questions
8 about him. Have you consulted with him at all about
9 the operation of your geoduck farm?

10 **A. No.**

11 Q. Other than Bill Taylor, have you spoken with
12 anybody else within the Taylor organization about
13 your -- Taylor Shellfish about the operation or
14 expected operation of your geoduck farm?

15 **A. Yes. So with Diane Cooper and then Brian
16 Phipps. Brian Phipps.**

17 Q. Oh, yeah, okay. And what is it more
18 specifically you've spoken to them about? Let's talk
19 about Diane. What have you talked to Diane about more
20 specifically?

21 **A. There's no more specifics, just -- there's no
22 more specific, just -- just in general and that's all.**

23 Q. What role do you understand that she will be
24 playing with respect to your geoduck farm, Diane, what
25 will she be doing?

1 **A. In terms of operation of the --**

2 Q. Yes.

3 **A. I don't think she will play any role.**

4 Q. Okay. Why is it then that you spoke with her?

5 **A. She's in -- she is -- one of her
6 responsibility with the company is going through this
7 process, and that's all I understand, all my
8 understanding is, and other roles I have no idea.**

9 Q. How about Brian? What have you spoken to
10 Brian about?

11 **A. About the -- all I know about it is he is the
12 manager of actual geoduck planting and growing.**

13 Q. All right. So is it your understanding that
14 he will play an active role --

15 **A. Yes.**

16 Q. -- in the operation of your farm?

17 **A. Yes.**

18 Q. All right. So have you looked at -- or do you
19 have a -- you have an LLC, a limited liability
20 corporation that you've --

21 **A. Uh-huh.**

22 Q. -- set up? Whose -- what is your role in
23 that? Are you the president of the organization?

24 **A. Yes.**

25 Q. Are you the sole shareholder or does your wife

1 have shares?

2 **A. My wife and, I don't know, my son maybe --**

3 Q. Okay.

4 **A. -- is in there.**

5 Q. Well, presently, as we sit here today, who are
6 the shareholders in that LLC?

7 **A. Myself, my wife and my son.**

8 Q. What is his name?

9 **A. What?**

10 Q. Your son?

11 **A. Elliott Sohn.**

12 Q. Ellius? Can you spell it for me?

13 **A. E-L-L-I-O-T-T.**

14 Q. Oh, Elliott Sohn, I see. And where does he
15 live?

16 **A. In Iowa.**

17 Q. In Iowa, I see. And what role, if any, will
18 he be playing in the operation of the geoduck farm?

19 **A. Nothing.**

20 Q. All right. What -- and how many shares -- who
21 owns what shares in the LLC? Just one apiece?

22 **A. We will not determine. We just -- that's the
23 names we put under our -- the LLC.**

24 Q. All right. When was the LLC first formed?

25 **A. Probably in 19 -- in 2014.**

1 Q. And is it a Washington LLC?
 2 **A. Yes.**
 3 Q. Is it licensed in any other state?
 4 **A. No.**
 5 Q. And what is the business of the LLC? How
 6 would you characterize it?
 7 **A. Well, preparation of this operation and then**
 8 **to oversee the operation, that's -- I would imagine**
 9 **that would be the main responsibility and main function**
 10 **of the LLC.**
 11 Q. Okay. And what's the name of the LLC?
 12 **A. Pacific Northwest Aquaculture.**
 13 Q. Okay.
 14 THE REPORTER: Pacific Northwest?
 15 THE WITNESS: Uh-huh.
 16 Q. (BY MR. TIENSON) Pacific Northwest
 17 Aquaculture, and has that always been the name of it?
 18 **A. Uh-huh.**
 19 Q. Is that a "yes"?
 20 **A. Yes, from the beginning.**
 21 Q. All right. And is that the entity that will
 22 be entering into the contract with Taylor Shellfish?
 23 **A. Yes.**
 24 Q. Do you have any plans for expansion of the
 25 aquaculture operation being on your own --

1 Q. Do you know with what other -- independent of
 2 what geoduck feed upon, do you have any understanding
 3 as to what other creatures, aquatic creatures, sea
 4 creatures compete with the planted geoduck for food?
 5 **A. No.**
 6 Q. What about the waste generated by those
 7 geoducks, do you have any understanding as to how much
 8 waste is produced --
 9 **A. No.**
 10 Q. -- on an annual basis per acre?
 11 **A. No.**
 12 Q. Do you -- and what happens to that waste, do
 13 you have an understanding?
 14 **A. No.**
 15 Q. Are you concerned about that at all?
 16 **A. No understanding. Huh?**
 17 Q. Are you concerned about that at all?
 18 MR. DeNIKE: Objection, vague. It's not
 19 clear what you mean by "concerned."
 20 Q. (BY MR. TIENSON) Well, the impacts of that
 21 waste, you have a very densely populated geoduck farm,
 22 all of whom are living creatures and they have to
 23 excrete waste just like all other living creatures do,
 24 correct?
 25 **A. I will leave that to Taylor.**

1 **A. No.**
 2 Q. -- intertidal parcel?
 3 What -- do you have an understanding as to how
 4 long -- how many cycles a geoduck farm can continue to
 5 operate?
 6 MR. DeNIKE: Objection to the extent it
 7 calls for a question about permitting or the
 8 physical --
 9 MR. TIENSON: Just generally.
 10 Q. (BY MR. TIENSON) I mean, is there a -- an
 11 expiration? Is there only a certain limited number of
 12 cycles that any particular geoduck farm can operate?
 13 **A. No idea at this point.**
 14 Q. Have you done any research on that?
 15 **A. Research?**
 16 Q. Have you done any research about that subject?
 17 **A. About what?**
 18 Q. How long a geoduck farm can continue to
 19 operate?
 20 **A. No, I haven't done, no.**
 21 Q. Do you have a -- is your -- your contractual
 22 arrangement with Taylor intended to allow you to -- as
 23 you become more experienced to take over complete
 24 operation of the farm at some point yourself?
 25 **A. No.**

1 Q. Pardon me?
 2 **A. I will leave up to Taylor and -- to handle**
 3 **that.**
 4 Q. Do you know what steps are taken, if any, to
 5 protect against disease?
 6 MR. DeNIKE: Objection, lack of
 7 foundation, calls for speculation.
 8 **A. I have no idea.**
 9 Q. (BY MR. TIENSON) Do you know whether or not
 10 any chemicals or antibiotics are used?
 11 MR. DeNIKE: Objection, same objection.
 12 **A. I don't know.**
 13 Q. (BY MR. TIENSON) Do you know whether there's
 14 going to be any effort to inventory, to actually count
 15 and identify by species the -- the aquatic life on your
 16 parcel before it is prepared for the geoduck operation?
 17 **A. I don't know.**
 18 Q. Do you think that's an important thing to do?
 19 **A. I don't know the importance.**
 20 Q. Do you have an understanding generally about
 21 whether there are any other geoduck farms within, let's
 22 say, a two-mile radius of your home on Zangle Cove?
 23 MR. DeNIKE: Objection, relevance.
 24 **A. I heard there are some, but I don't know.**
 25 Q. (BY MR. TIENSON) Who did you hear that from?

1 **A. Maybe Diane.**
 2 Q. Okay. What --
 3 **A. Diane or Brian, I don't know.**
 4 Q. Okay. Can you tell me more specifically what
 5 it is you heard?
 6 **A. No. I heard there are several around the**
 7 **area.**
 8 Q. Do you have an understanding even generally
 9 where they are located relative to yours?
 10 **A. Two I know.**
 11 Q. Okay. Where are those?
 12 **A. What do you mean?**
 13 Q. When you say two you know, what are those?
 14 Where are they? What are they and where are they?
 15 **A. I don't know the owner's name is -- one, but**
 16 **the other one I know the owner's name Lou Roser.**
 17 Q. Gosa?
 18 **A. R-O-S-E-R.**
 19 Q. Roser, Lou Roser. And are these geoduck
 20 farms?
 21 **A. Yes.**
 22 Q. And approximately how far from your property
 23 are they located?
 24 **A. Maybe half an -- or half a mile.**
 25 Q. Okay. And how large are they, do you know?

1 **A. I heard that it's 0.6 acre.**
 2 Q. 26?
 3 **A. 0.6.**
 4 Q. 0.6. Is that the Roser property you're
 5 talking about?
 6 **A. Yeah.**
 7 Q. How about the other one?
 8 **A. The other one I don't know the size, but I**
 9 **know where it is.**
 10 Q. Okay. Are you familiar with the term
 11 "cumulative impacts"?
 12 MR. DeNIKE: Objection, vague, calls --
 13 to the extent it calls for any legal conclusion.
 14 **A. Only in general terms.**
 15 Q. (BY MR. TIENSON) Pardon me?
 16 **A. Only in general terms.**
 17 Q. In general terms. What is it generally you
 18 understand about that term "cumulative impacts"?
 19 **A. Impact all the accumulated from certain**
 20 **action.**
 21 Q. All right. And does it make sense to you that
 22 having -- increasing the amount of acreage devoted to
 23 commercial aquaculture and in particular commercial
 24 geoduck farms in Puget Sound is something that could
 25 have adverse cumulative impacts on the ecology of Puget

1 Sound? Does that make sense to you?
 2 MR. DeNIKE: Ob --
 3 **A. No.**
 4 Q. (BY MR. TIENSON) Why not?
 5 MR. DeNIKE: Objection, vague to the
 6 extent that it calls for any sort of conclusion in
 7 terms of economics, lack of foundation.
 8 Q. (BY MR. TIENSON) Why not? Why does that not
 9 make sense to you?
 10 **A. What is that?**
 11 Q. Why does that not make sense to you?
 12 **A. I didn't say not make sense. I don't know any**
 13 **cumulative impact from this action.**
 14 MR. TIENSON: Okay. Could you just read
 15 back that question I asked him just to make sure we're
 16 on the same line and page, so to speak.
 17 (Reporter read back as requested.)
 18 **A. I heard only the positive impacts of geoduck**
 19 **farming.**
 20 Q. (BY MR. TIENSON) Only positive ones?
 21 **A. Yes.**
 22 Q. Okay. And who told you that?
 23 **A. I read somewhere. No one told me.**
 24 Q. What are those positive impacts?
 25 **A. Well, it cleans the water. It cleans the**

1 **water and it -- you know, invites other -- other like**
 2 **fishes or shellfishes and it also -- mainly that,**
 3 **cleaning the area's water when you grow geoduck.**
 4 Q. And is it your understanding then that the
 5 more acreage that we devote to commercial aquaculture
 6 in Puget Sound for filter feeders, the cleaner the
 7 water will be and the better off ecologically the Sound
 8 will be?
 9 **A. Yes, I believe that.**
 10 Q. So we should be maximizing the number of
 11 acreage then devoted to commercial shellfish in Puget
 12 Sound in order to have better water; is that your
 13 understanding?
 14 MR. DeNIKE: Objection, mischaracterizes
 15 testimony.
 16 Q. (BY MR. TIENSON) Is that your understanding?
 17 **A. What do you mean "maximizing"?**
 18 Q. Just as much as possible, no limits?
 19 MR. DeNIKE: Objection, vague what "no
 20 limits" means.
 21 **A. Yeah. Geoduck will grow only in certain area.**
 22 **There is no limit -- you cannot have geoduck in Pacific**
 23 **Beach in Puget Sound anywhere.**
 24 Q. (BY MR. TIENSON) Are you aware of any adverse
 25 impacts, negative impacts that commercial geoduck farms

1 have on the ecology at all? Is there any at all?
 2 **A. No.**
 3 Q. Have you made any effort to find that out or
 4 to investigate that subject?
 5 **A. I will.**
 6 Q. How will you go about doing that?
 7 **A. Try to find the literature.**
 8 Q. And why would you do that?
 9 **A. Because you suggest it.**
 10 Q. I suggested it?
 11 **A. Yeah.**
 12 Q. Okay. Gee, I wish I had that power of
 13 suggestion. I could suggest some other things too.
 14 All right. Thank you.
 15 Are you concerned at all about ocean
 16 acidification, climate change?
 17 MR. DeNIKE: Objection.
 18 Q. (BY MR. TIENSON) As it applies to your --
 19 fair question -- as it applies to the success of your
 20 commercial geoduck farm.
 21 MR. DeNIKE: And objection, not clear
 22 whether asking about both climate change and ocean
 23 acidification or whether it was the same thing.
 24 MR. TIENSON: Either one. That's fine.
 25 I think they're related, but maybe they're not, okay.

1 Q. (BY MR. TIENSON) Are you concerned at all
 2 about ocean acidification as it applies to your
 3 proposed geoduck farm?
 4 MR. DeNIKE: Objection, lack of
 5 foundation to the extent that Dr. Sohn does not know
 6 about ocean acidification.
 7 **A. Again, I don't understand your question.**
 8 Q. (BY MR. TIENSON) Have you heard the term
 9 "ocean acidification"?
 10 **A. No.**
 11 Q. Okay. Are you familiar with the concern about
 12 climate change generally? Is that something that
 13 you're aware of that there's a concern that's being
 14 increasingly voiced not only here in the Northwest, not
 15 only nationally, but internationally about climate
 16 change? Is that something you've heard about or read
 17 about?
 18 **A. Yes.**
 19 MR. DeNIKE: Objection, relevance.
 20 **A. Yes.**
 21 Q. (BY MR. TIENSON) Okay. What do you
 22 understand that to refer to? What kind of climate
 23 change are we looking at?
 24 MR. DeNIKE: Same objection, relevance.
 25 Q. (BY MR. TIENSON) Do you know?

1 **A. I don't.**
 2 Q. No idea. Okay. What do you understand about
 3 the tide cycle as it applies to your particular parcel?
 4 You know, what's the range, the variation between
 5 your -- your mean low low water and your mean high high
 6 water, any idea?
 7 **A. No.**
 8 Q. Do you have any idea what kind of tidal flux
 9 there is between low tide and high tide even
 10 generally --
 11 **A. No.**
 12 Q. -- in front of your property?
 13 **A. No.**
 14 Q. Does it seem to follow any particular cycle or
 15 pattern with the tides?
 16 **A. I don't follow. I don't know.**
 17 MR. TIENSON: Why don't we take about
 18 two or three minutes or however long you want, but
 19 we're getting toward the end because I don't have a lot
 20 more, so we'll easily finish by 1:00, again, barring
 21 the unforeseen, but I do -- I want to stretch, grab a
 22 glass of water myself.
 23 MR. DeNIKE: Sure.
 24 (Recess taken.)
 25 (Deposition Exhibit 6 was

1 marked for identification.)
 2 Q. (BY MR. TIENSON) I just showed you another
 3 exhibit, we marked it Exhibit 6 to your deposition,
 4 labeled as you'll see: Application to Purchase Tide
 5 Shore or Oyster Lands.
 6 My understanding is that this actually applies
 7 to your property going -- dating back to 1927, but I
 8 want you to first tell me, have you ever seen a copy of
 9 this document before?
 10 **A. No.**
 11 Q. Did you make any effort to research the
 12 history of your property?
 13 **A. No.**
 14 Q. There were comments that were submitted by
 15 folks like the Townsends and other I know neighbors
 16 in -- in the Zangle Cove area in particular when they
 17 first saw --
 18 (Discussion off the record.)
 19 (Deposition Exhibit 7 was
 20 marked for identification.)
 21 Q. (BY MR. TIENSON) April 1, 2015, as you'll
 22 see, these are comments directed to Tony Kantas, the
 23 senior planner for Thurston County Planning Department,
 24 dated April 1 of 2015 pertaining to the subject of
 25 Comments, Notice of Application dated March 12, 2015,

1 the Changmook Sohn industrial geoduck farm application
2 for your property.

3 Have you ever -- did you read any of the
4 comments that were submitted by the neighbors or other
5 interested parties?

6 **A. Yes.**

7 MR. DeNIKE: I'm going to object just to
8 the extent whether we're talking about these comments.

9 MR. TIENSON: These comments. Oh, I
10 asked him generally about comments.

11 MR. DeNIKE: Generally about any
12 comments?

13 MR. TIENSON: Yeah, that's fair enough,
14 that's a great...

15 Q. (BY MR. TIENSON) But my first question is a
16 general one. Did you read -- did you read all of the
17 comments that were submitted?

18 **A. Yes.**

19 Q. Yes, you did. So you read these comments; is
20 that correct?

21 **A. This comment?**

22 Q. Yeah, these are -- do you recognize this
23 document as being among the comments that were
24 submitted in conjunction with your application to
25 operate the geoduck farm?

1 you specifically recall reading?

2 **A. No, I don't specifically recall, but I read
3 all -- read them all.**

4 Q. All right.

5 (Deposition Exhibit 8 was
6 marked for identification.)

7 Q. (BY MR. TIENSON) Exhibit 8 are what I am
8 going to represent to you were attachments to these
9 comments of April 1, 2015 that are set forth in
10 Exhibit 7. And I'm not, again, going to ask you to
11 look and review specifically any of this, but I do want
12 you to just kind of look at it generally to tell me
13 whether these documents that are contained in Exhibit 8
14 are something you recall seeing or looking at before.
15 Can you do at that for me? Again, I'm not going to go
16 through it page by page, we would be here way too long,
17 but I --

18 MR. DeNIKE: And I am going to object on
19 the basis that I believe Dr. Sohn can't answer that
20 without reviewing it page by page. I think it's a
21 vague question. I don't understand.

22 Q. (BY MR. TIENSON) And I'm okay with a vague
23 answer, just say, you know, does this -- any of it look
24 familiar to you?

25 **A. No.**

1 **A. Yes. But this is the first time that I saw
2 this.**

3 Q. Oh, okay. So you haven't -- you knew there
4 were comments submitted but didn't read them; is that
5 it?

6 **A. No. I didn't know comment was summarized this
7 way, but I read the comments, actual comments.**

8 Q. Okay. How did -- I guess I'm not following.
9 So you don't think these were part of the comments
10 then?

11 MR. DeNIKE: I'm going to object just on
12 the grounds of vague and ambiguous, clarify which --
13 when you're talking about comments generally I think
14 it's unclear what you're talking about if your question
15 is specifically about this.

16 Q. (BY MR. TIENSON) Yeah, I mean, which comments
17 did you read then?

18 **A. I never saw this.**

19 Q. This particular document?

20 **A. This particular document, that's all I'm --
21 what I mean.**

22 Q. All right. Do you recall the identity of any
23 of the commenters whose comments you did read?

24 **A. Yes.**

25 Q. Who? Which comments did you specific -- do

1 Q. The comments that you read, I mean, what kind
2 of volume of comments did you read that were submitted
3 in conjunction with your application to obtain a
4 substantial shoreline development permit?

5 **A. I don't understand your question.**

6 Q. Well, you said you read comments?

7 **A. Yeah, I read.**

8 Q. How many comments did you read, do you recall?

9 **A. Oh, I -- I don't recall how many, but all the
10 comments.**

11 Q. All right. And did you respond yourself to
12 any of the commenters?

13 **A. No.**

14 Q. Did you feel like any of the people that were
15 critical or opposed to the farm had anything valid in
16 the way of objections? Did you recognize any of their
17 objections as valid or things that, gee, maybe that's a
18 legitimate concern?

19 MR. DeNIKE: Objection, the question is
20 inherently vague.

21 Q. (BY MR. TIENSON) Okay. You can answer it
22 nonetheless.

23 **A. I think Confluence was the one who summarized
24 all the responses to the comments.**

25 Q. All right. So you just read his summary of

1 the comments; is that it?
 2 **A. Right. Oh, no, no, no, no. First I read all**
 3 **the comments, actual comments, and then later response**
 4 **by Confluence.**
 5 Q. Okay. Would you agree that most of the
 6 comments, in fact, let's call it at least
 7 three-quarters of the comments were people who were
 8 concerned about and/or opposed to the geoduck farm; is
 9 that fair?
 10 **A. Concerned about, yes.**
 11 Q. Okay. Were there any concerns that you read
 12 that you thought were valid or legitimate?
 13 MR. DeNIKE: Same objection, inherently
 14 vague.
 15 Q. (BY MR. TIENSON) You can go ahead.
 16 **A. It's more than two years ago.**
 17 Q. I understand.
 18 **A. And I don't remember any specific ones.**
 19 Q. All right. But -- well, can you remember any
 20 of the comments that were made by anybody who was
 21 opposed to your farm, what the basis for it was?
 22 **A. No.**
 23 Q. Do you have a -- sitting here today, I mean,
 24 when you -- you see the Townsends. You know that they
 25 expressed objection to the location of the farm. Why

1 **A. No.**
 2 Q. -- that are in -- okay. Would you agree that
 3 this is a residential area or predominantly residential
 4 area in which the farm will be located?
 5 MR. DeNIKE: Objection, vague.
 6 **A. Farm will be located just right in front of**
 7 **my -- my house and my property.**
 8 Q. (BY MR. TIENSON) Yeah, I understand that, but
 9 my question was a different one, which is, would you
 10 agree that it is fair to characterize that the Zangle
 11 Cove area in which your property, your tidelands are
 12 located as a predominantly residential area?
 13 **A. My property is not in Zangle Cove.**
 14 Q. Okay. Where is it? Where would you --
 15 **A. Just outside of Zangle Cove.**
 16 Q. Okay, all right. And so is the property next
 17 to you, Mrs. Jensen's property, is that in a
 18 residential Zangle Cove -- is that in Zangle Cove, as
 19 you understand it?
 20 **A. I think her -- hers is in Zangle Cove.**
 21 Q. But yours is not?
 22 **A. No.**
 23 Q. And would you agree that all of the property
 24 owners to the west of Mrs. Jensen are -- those are
 25 residential properties, are they not?

1 do you think they are opposed to the farm?
 2 MR. DeNIKE: Objection, calls for
 3 speculation.
 4 **A. I have no idea.**
 5 Q. (BY MR. TIENSON) Do you think that it's --
 6 it's likely to have an adverse effect on their property
 7 value?
 8 MR. DeNIKE: Objection, asked and
 9 answered.
 10 Q. (BY MR. TIENSON) Can you see that it might
 11 have that effect?
 12 MR. DeNIKE: Objection, lack of
 13 foundation with respect to Dr. Sohn's ability to opine
 14 on that.
 15 **A. I have no idea.**
 16 Q. (BY MR. TIENSON) And, again, I'm not asking
 17 you to be an expert on it or tell me matter of factly
 18 whether it will or won't, but can you see where that's
 19 at least a legitimate concern?
 20 **A. If you look at the County-assessed value**
 21 **changes over time, then you can tell, but I have no**
 22 **idea whether it will affect the property value of**
 23 **certain people.**
 24 Q. Okay. Have you looked at that issue with
 25 respect to any other geoduck farms --

1 MR. DeNIKE: Objection just in terms of
 2 how far west we're talking about.
 3 MR. TIENSON: Well, quarter mile.
 4 KATHRYN TOWNSEND: Dofflemyer Point.
 5 Q. (BY MR. TIENSON) Dofflemyer Point?
 6 **A. What is that?**
 7 KATHRYN TOWNSEND: The point that you
 8 can see when you look out. Where you can't see around.
 9 I have to show you a map.
 10 MR. TIENSON: It's all right.
 11 Q. (BY MR. TIENSON) If you look at these other
 12 properties here and to the west of yours, these are
 13 residential properties, are they not?
 14 **A. Uh-huh.**
 15 Q. Is that a "yes"?
 16 **A. Yes.**
 17 Q. Okay. Do you understand that it will be --
 18 that the terms of the -- both the mitigated
 19 determination of nonsignificance, the MDNS, if you
 20 will, and the substantial -- the shoreline substantial
 21 development permit, do you understand that it will be
 22 necessary to monitor and clean up and police the area
 23 outside of your farm for debris from the farm that
 24 perhaps is loosened or somehow strays onto the
 25 neighboring property from storm events or that sort of

1 thing? Do you understand that?
 2 **A. Well, I'm going to the -- make sure that**
 3 **the -- the farm in my land completely comply with**
 4 **conditions given by County.**
 5 Q. All right. But with respect to the monitoring
 6 for debris and the cleanup of that debris, what is it
 7 more specifically that you intend to do?
 8 **A. I'm going to monitor regularly probably weekly**
 9 **basis.**
 10 Q. Weekly basis?
 11 **A. Yeah.**
 12 Q. And is that something you intend to do
 13 yourself?
 14 **A. Yes.**
 15 Q. All right. And how will you do that, actually
 16 walk out onto the tidelands?
 17 **A. Yes.**
 18 Q. All right. And if you see debris on a
 19 neighbor's property from your shellfish farm, what is
 20 it that you will then do? Let's say there's a big
 21 storm, as happens, as you know, during the wintertime
 22 and for whatever reason you've got some netting or caps
 23 or, you know, some of that -- the webbing from the caps
 24 on those tubes blows off onto a neighbor's property,
 25 what is it that you'll do if you see that?

1 **A. If I have to clean up, I will do the cleanup.**
 2 Q. Okay. Will you contact the owner of that
 3 property and then ask if it's okay to do that or --
 4 **A. Yes.**
 5 Q. -- how will you go about doing that?
 6 **A. Yes.**
 7 Q. Okay. Is this -- is the monitoring and
 8 cleanup, is that something that you expect to do only
 9 yourself?
 10 **A. No, no, myself and Taylor.**
 11 Q. Okay. And what will -- how often will Taylor
 12 be monitoring? Do you have an understanding of that?
 13 **A. I have no idea.**
 14 Q. Do you know how many people will be involved
 15 in the monitoring?
 16 **A. No idea.**
 17 Q. Do you know what the cleanup protocols will
 18 be?
 19 **A. No idea.**
 20 Q. Are you aware that in other -- four other
 21 commercial geoduck farms that at least on occasion
 22 bonds have been required to be posted in order to
 23 ensure that monies are available for the cleanup? Are
 24 you aware of that?
 25 **A. No.**

1 Q. Is that something you've ever considered?
 2 **A. No.**
 3 Q. Would you be willing to consider it?
 4 **A. If I have to.**
 5 Q. Okay. All right. Did you ever plant oysters
 6 or have oyster bags on your property?
 7 **A. Yes.**
 8 Q. Tell me about that.
 9 **A. Tell you what?**
 10 Q. When did you do that?
 11 **A. Maybe close to 20 years ago.**
 12 Q. Okay. So shortly after you moved onto the
 13 property?
 14 **A. Yeah, yeah.**
 15 Q. And what is it more specifically that you did?
 16 What is it that you did with respect to the oyster
 17 bags?
 18 **A. I planted oyster in the oyster bed.**
 19 Q. Oh, okay. So how many oysters did you plant,
 20 do you recall?
 21 **A. I have no idea.**
 22 Q. Do you recall where you planted it?
 23 **A. What do you mean "where"?**
 24 Q. Where on your property you planted it?
 25 **A. Yes, on my property.**

1 Q. Where? Whereabouts on it? Can you show me on
 2 Exhibit 4 where it would be, approximately?
 3 **A. Somewhere here.**
 4 Q. Okay. Maybe -- I tell you what, let's use the
 5 existing Exhibit 4, better idea.
 6 **A. Yeah.**
 7 Q. Can you just kind of draw a circle or
 8 something like that and indicate generally where that
 9 area you had the oysters were.
 10 **A. (Indicating).**
 11 Q. Can you label that oyster, O-Y-S-T-E-R? Just
 12 the area, yeah, that would be great.
 13 **A. (Indicating).**
 14 Q. And can you also, while you're at it, can you
 15 show me generally where you planted the geoduck as you
 16 say you did about ten years ago?
 17 **A. Right by that.**
 18 Q. Right by that. And can you label that with
 19 that -- it's kind of like a rectangle that you've drawn
 20 there, just G-E-O-D -- there we go, that's fine.
 21 Great.
 22 Are you -- how did you ascertain that the area
 23 in which you placed the oyster bags was, in fact, on
 24 your property and not on Mrs. Jensen's?
 25 **A. Well, 20 years ago, how I identified my line,**

1 **the property line, I asked my neighbor.**
 2 Q. Mrs. Jensen?
 3 **A. Yeah, right. She has a general idea where the**
 4 **property line is. We have no idea at the time like**
 5 **exact line, but she said, you know, there is a -- a**
 6 **dead tree and it is about straight line from there,**
 7 **dead tree, and that's how I planted my geoduck based on**
 8 **the information she gave me.**
 9 Q. Okay. Did anybody ever complain that you were
 10 trespassing on their property or anything of that
 11 nature?
 12 **A. No.**
 13 MR. TIENSON: Okay. I know I made a
 14 list of some other things here. Yeah, I did. Okay.
 15 Do you know who you intend to call? Did you send me a
 16 witness list?
 17 MR. DeNIKE: Yes.
 18 MR. TIENSON: Okay. You probably did.
 19 Did you put anybody on it yet or did you say you hadn't
 20 decided yet?
 21 MR. DeNIKE: I submitted a preliminary
 22 witness and exhibit list, yes.
 23 MR. TIENSON: There was a preliminary,
 24 all right.
 25 Q. (BY MR. TIENSON) Do you have an understanding

1 **A. Yes.**
 2 Q. And have they done that in the past?
 3 **A. I have no idea.**
 4 Q. Have you spoken with any tribal
 5 representatives?
 6 **A. No.**
 7 Q. Do you know whether the tribal representatives
 8 have been made aware of this, your plans for the
 9 geoduck farm?
 10 **A. I'm sure they know.**
 11 Q. Okay. How about are you aware of any salmon
 12 fishing or harvest that has been done in Zangle Cove by
 13 the Squaxin Tribe since the time you've owned your
 14 property?
 15 **A. Owned my property?**
 16 Q. Yeah, in Zangle Cove generally, do the
 17 Tribe --
 18 **A. Zangle Cove I saw couple times but not on my**
 19 **property.**
 20 Q. Okay. How far away from it would you say that
 21 is?
 22 **A. I don't know, at the other end, so maybe**
 23 **thousand.**
 24 Q. To the west, thousand feet to the west?
 25 **A. Yeah, west.**

1 of what the -- the distance -- the eelgrass buffer is
 2 required to be for your geoduck farm?
 3 MR. DeNIKE: Objection to the extent it
 4 calls or assumes that there is a specific buffer
 5 listed.
 6 Q. (BY MR. TIENSON) Okay. Well, are you aware
 7 that there's any buffer? Are you aware of any buffer
 8 for eelgrass protection?
 9 **A. I will ask my biologist.**
 10 Q. Okay. You're not aware of any?
 11 **A. No.**
 12 Q. Okay. Have you spoken with any members of the
 13 Squaxin Tribe at all about your geoduck farm?
 14 **A. No.**
 15 Q. Do you understand -- do you have an
 16 understanding as to whether or not they have a right to
 17 harvest wild geoduck on your property?
 18 MR. DeNIKE: Objection to the extent it
 19 calls for Dr. Sohn to opine on a legal conclusion.
 20 MR. TIENSON: Well, that's why I asked
 21 him for his understanding.
 22 Q. (BY MR. TIENSON) Do you have an understanding
 23 as to whether or not there's a -- an ability for the
 24 Squaxin to harvest wild geoduck on your intertidal
 25 parcel?

1 Q. Okay. Do you agree that scientists need to
 2 know more about the long-term consequences of the
 3 impacts of commercial geoduck farms on the ecology of
 4 Puget Sound? Do you think there's a need for more
 5 science?
 6 **A. I have no idea.**
 7 MR. DeNIKE: Objection. Objection,
 8 vague and ambiguous. It's not clear whether you're --
 9 Q. (BY MR. TIENSON) You can go ahead and answer.
 10 **A. I have no idea.**
 11 Q. Do you have a general understanding of the
 12 number of or the amount of acreage devoted to
 13 commercial geoduck farms in South Puget Sound?
 14 **A. No.**
 15 **(Deposition Exhibit 9 was**
 16 **marked for identification.)**
 17 Q. (BY MR. TIENSON) Showing you now what's been
 18 marked as Exhibit 9, and if you look at it, it is a
 19 graph displaying what is contended to be geoduck farm
 20 visibility for years 2010 to 2015, and I'm quoting:
 21 This chart shows number of days each month for six
 22 years that tubes are visible. The chart shows that the
 23 lowest tidal elevation of the year occurs in warm
 24 weather months and is midday when most people use
 25 Zangle Cove for recreation.

1 One, I think you've already agreed with that,
2 that it is the warm weather months and midday when most
3 people use Zangle Cove for recreation, correct?

4 **A. Yes.**

5 Q. All right. And would you agree that that
6 coincides, this peak use of Zangle Cove for recreation,
7 with your low-tide elevations during the summer months?
8 Those two coincide, in other words, I think you've
9 already said that's true?

10 **A. Yes.**

11 Q. All right. And then it goes on to say, and
12 again, I'm quoting: Tubes are planted to plus three
13 tidal elevation and stick up from the sediment three or
14 more inches.

15 Do you agree with that statement, that the
16 tubes -- let's take them in -- because there's two
17 statements there. One is that the tubes will be
18 planted to a plus three tidal elevation. Is that
19 consistent with your understanding?

20 **A. Yes.**

21 Q. All right. And they would stick up three or
22 potentially more inches from the sediment itself, is
23 that consistent with -- I think you said one to two,
24 but I was a little bit fuzzy there. Is it -- would you
25 agree that it's probably three anyway?

1 about approximately 48,000 PVC tubes on your property,
2 does that sound about right to you?

3 **A. Yes.**

4 Q. All right.

5 **A. If it is all planted on 1.1 acre.**

6 Q. All right. And do you have any reason to
7 believe it will not be so planted?

8 **A. Yes, I have many -- many -- not many, but I
9 have reasons to believe it will be -- it will not be
10 1.1 acre.**

11 Q. Okay. What do you believe it is more likely
12 to be?

13 **A. I don't know. Less than that, that's all I
14 know.**

15 Q. And what do you base that statement on? Is
16 that from talking with Mr. Taylor or what?

17 **A. No, that's my feeling.**

18 Q. Okay. So probably between 1 and 1.1 acres,
19 something like that; is that --

20 **A. I have no idea. I have no idea.**

21 Q. Okay. What is it then that leads you to
22 believe that it won't be quite 1.1 acres that's
23 planted?

24 **A. Well, like any activities, when you actually
25 start to plant, the area in my -- my experience less**

1 **A. Three inches?**

2 Q. Yes, three inches, probably more --

3 **A. I -- no.**

4 Q. -- like about that, yeah.

5 **A. No. Above the --**

6 Q. Above sediment, yeah.

7 **A. No.**

8 Q. You think it's less than that?

9 **A. Far less, yes.**

10 Q. Pardon me?

11 **A. Less.**

12 Q. Okay. You think it's more like between two
13 and three, something like that?

14 **A. Between one and two.**

15 Q. One and two, all right.

16 **A. No, I may be wrong, but that's what I did.**

17 Q. Okay. All right. And do you understand that
18 the -- the netting will be anchored with rebar, do you
19 understand that, the netting that goes over the initial
20 piling or tubes?

21 **A. Right.**

22 Q. All right. And it will be with -- if we're
23 looking as you have previously said or acknowledged was
24 correct at somewhere between 43,000 and 44,000 tubes
25 per acre, so for 1.1 acres we're probably looking at

1 **than what you plant.**

2 Q. Okay. Is -- just continuing on with this
3 chart, I don't want to belabor it, but I do want to
4 talk about the -- the information that's depicted here.

5 First of all, the date of the lowest tide and
6 the time of the lowest tide and the days of visibility,
7 do you see that those are set forth by year for those
8 years 2010 to 2015 in this chart? Do you see that?

9 **A. Yes.**

10 Q. Do you have any reason -- and I recognize you
11 probably can't say one way or the other whether this is
12 accurate or not, but do you have any reason just
13 looking at it to dispute it without getting into the
14 details? Is it, Oh, that can't possibly be right,
15 that's not true at all -- does that provoke that kind
16 of reaction, or is it, you know, that may very well be
17 right?

18 MR. DeNIKE: Objection, vague, lack of
19 foundation, calls for speculation. We have no idea who
20 created this chart, where it comes from, any of that
21 information.

22 Q. (BY MR. TIENSON) Well, that's -- it's really
23 not important. What's important is whether the
24 information on it is accurate or not, and again, not
25 the writing, I don't care about that. I'm asking

<p style="text-align: right;">Page 102</p> <p>1 whether you have any reason just looking at -- take a 2 moment or two, we've got -- still get you out of here 3 by 1:00, but just looking at the date of the lowest 4 tide, the reading for the lowest tide, the daylight 5 hours and the time of that lowest tide and the days of 6 visibility, can you look at that and just tell me 7 whether that appears generally to be consistent with 8 your own understanding or not? 9 MR. DeNIKE: Same objections; vague, 10 lack of foundation, calls for speculation. 11 A. Generally, yes. 12 Q. (BY MR. TIENSON) Okay. Generally speaking 13 this is consistent, the information depicted here, the 14 graph part is consistent with your own? 15 A. Yeah, without looking at the real detail, 16 generally, yes. 17 Q. I appreciate that, yeah, that's all I'm asking 18 you for. That's the only fair question. Okay. 19 MR. TIENSON: Let me get this marked 20 real quick too, I brought it along. 21 (Deposition Exhibit 10 was 22 marked for identification.) 23 Q. (BY MR. TIENSON) And this, as you will see, 24 is a chart or -- that identifies a specific residence 25 on the west side of Zangle Cove and the type and number</p>	<p style="text-align: right;">Page 104</p> <p>1 look at the map. Does the map itself appear to 2 accurately depict the location of Zangle Cove in this 3 general South Puget Sound area relative to Olympia and 4 Dana Passage and Boston Harbor? I mean, does this look 5 accurate to you generally? Any reason to dispute it? 6 A. No. 7 Q. Looks accurate? 8 A. Yeah. 9 Q. Okay. And as you can see too, the third page 10 of this exhibit, again, it's black and white, my 11 apologies, but it shows in the upper top photo there's 12 two -- two figures. Figure 3 says: Large patch of 13 Zostera marina outlined in white in Zangle Cove taken 14 on June 3, 2007. 15 And then the one below it is, again, taken 16 from the same day, it looks like. It's a little 17 closer-in photo. One, have you ever -- did you ever 18 see a patch that looked like that in your property in 19 Zangle Cove? 20 MR. DeNIKE: Objection. 21 A. No. 22 MR. DeNIKE: Objection. 23 Q. (BY MR. TIENSON) And you're not disputing, 24 are you, that these photos do, in fact, represent what 25 was identified as a patch of native eelgrass, Zostera</p>
<p style="text-align: right;">Page 103</p> <p>1 of recreational watercraft they own, and, again, I am 2 sure you don't know specifically whether this is true 3 or not, but do you have any reason to dispute, sitting 4 here today, that any of the information contained on 5 this exhibit is inaccurate? 6 A. I have no idea. 7 Q. Okay. That's fair. That's -- that's fine. 8 (Deposition Exhibit 11 was 9 marked for identification.) 10 Q. (BY MR. TIENSON) Showing you what we just 11 marked as Exhibit 11, as you will see, this is a letter 12 on Department of Natural Resources letterhead dated the 13 25th of July, 2007 addressed to Patrick and Kathryn 14 Townsend from one Jeffrey Gaeckle, sea grass ecologist, 15 regarding the 2007 Zangle Cove Zostera marina L. 16 survey, and I will represent to you as it's set forth 17 here that Zostera marina is the scientific name for 18 native eelgrass. Have you ever seen this document 19 before? 20 A. No. 21 Q. Do you know who Mr. Gaeckle is? 22 A. No. 23 Q. Does that name ring a bell to you at all? 24 And I recognize this is a black and white map 25 and photo, but does it appear -- first of all, let's</p>	<p style="text-align: right;">Page 105</p> <p>1 marina, that was present back on that date in Zangle 2 Cove? Do you have any reason to dispute that? 3 MR. DeNIKE: Objection, calls for 4 speculation. 5 A. I have no idea. 6 Q. (BY MR. TIENSON) My understanding is that as 7 recently as 2013 that there was eelgrass present on 8 your 1.1-acre parcel, native eelgrass. Would you 9 dispute that? 10 A. This? 11 Q. I don't know if it's that one or not. I 12 think -- I'm trying to remember if there's -- 13 KATHRYN TOWNSEND: You know, this is the 14 one that Jeff did that shows here. 15 MR. TIENSON: Oh, okay. 16 KATHRYN TOWNSEND: But that's 2007. 17 MR. TIENSON: But I asked him a 18 different question which was whether or not there was 19 eelgrass present on his property at least as recently 20 as 2013. 21 Q. (BY MR. TIENSON) Do you dispute that? 22 MR. DeNIKE: Objection, calls for 23 speculation. Dr. Sohn already testified he could 24 not -- not able to identify native eelgrass. 25 Q. (BY MR. TIENSON) Well, showing -- I know what</p>

1 it looks like. Do you have any reason to dispute it?

2 **A. All I know is that there is no eelgrass --**
3 **eelgrass in my property.**

4 Q. Now? What's the most recent -- was there
5 ever?

6 **A. I don't know if in the past, but now.**

7 Q. Okay. Well, what's the most recent date you
8 believe that there was eelgrass present, native
9 eelgrass present on your 1.1-acre parcel there in
10 Zangle Cove or near Zangle Cove?

11 MR. DeNIKE: Objection, calls for
12 speculation.

13 **A. I have no idea.**

14 Q. (BY MR. TIENSON) Well, you said it was in the
15 past. I can try to pin it down.

16 **A. Right, right.**

17 Q. So how -- how much is the past? Are we
18 talking a year ago? Two years ago? Five years ago?
19 Ten years ago? When?

20 MR. DeNIKE: Objection, mischaracterizes
21 earlier testimony.

22 Q. (BY MR. TIENSON) You can go ahead.

23 **A. All I said was there's no evidence of eelgrass**
24 **now in my property.**

25 Q. Okay. Are you -- do you acknowledge that

1 **A. No.**

2 Q. -- blades were?

3 **A. No, no.**

4 Q. Do you know what its scientific name is?

5 **A. No idea.**

6 MR. DeNIKE: Objection, vague.

7 Q. (BY MR. TIENSON) Could the -- could the
8 seaweed that you saw have been native eelgrass?

9 MR. DeNIKE: Objection, calls for
10 speculation.

11 Q. (BY MR. TIENSON) Could that have been?

12 **A. No idea.**

13 Q. Okay.

14 MR. TIENSON: Anything else? Want to go
15 out in the hallway? We're close to being done.

16 (Recess taken.)

17 (Deposition Exhibit 12 was
18 marked for identification.)

19 Q. (BY MR. TIENSON) This is what I've now
20 labeled or had marked as Exhibit 12 to your deposition,
21 and as you can see, actually is the same July 25 e-mail
22 from Jeffrey Gaeckle to Mr. and Mrs. Townsend, and it's
23 got two of the same pages, but apparently this is a
24 more complete version, and I wanted to show you the two
25 other attachments to this e-mail and see if I could

1 there used to be eelgrass on your property?

2 **A. Absolutely not, no, I have no idea. There was**
3 **or there was not, I have no idea in the past.**

4 Q. Okay. And if I understood you correctly --
5 this is Exhibit 1, incidentally, to your deposition --
6 you don't know whether the vegetation that we're
7 depicting, including the vegetation depicting between
8 you and your wife, was eelgrass; is that it?

9 **A. No idea. No idea.**

10 Q. What do you think it is if it's not eelgrass?
11 Any idea?

12 MR. DeNIKE: Objection, calls for
13 speculation.

14 Q. (BY MR. TIENSON) What do you think that is?

15 **A. I said seaweed.**

16 Q. Okay. Seaweed?

17 **A. That's all.**

18 Q. All right. And what does the seaweed look
19 like? What color is it that you saw? Is it green?

20 **A. Yeah.**

21 Q. Okay. Is it -- kind of look like long blades
22 of grass?

23 **A. No.**

24 Q. Did you examine it in any detail to see how
25 long the --

1 have you identify that. If you look at page 3, it's
2 there at the center bottom, this is what is identified
3 as or labeled as Zangle Cove 2007 Zostera marina
4 survey. Do you see that, page 3? And if you look
5 here, Dr. Sohn, you can see that there's these two
6 circles that are identified or are depicted here in the
7 photo or the upper top there that I believe represent
8 as the -- as the label indicates it does an area of
9 small and large patch of eelgrass with measurements,
10 8.4 square meters and 25.2 square meters respectively.
11 Do you see that? Do you see these two circles there?

12 **A. Yeah.**

13 Q. All right. Just looking at this aerial photo,
14 and I recognize it's black and white, but is it
15 possible that this -- this smaller circle that that's
16 actually on part of your parcel?

17 MR. DeNIKE: Again, was the question is
18 it possible?

19 MR. TIENSON: It is.

20 MR. DeNIKE: Vague, calls for
21 speculation.

22 **A. This?**

23 Q. (BY MR. TIENSON) Yes, that one.

24 **A. What is that the small --**

25 Q. The small -- it's eelgrass. It's the smaller

1 8.4 square meter patch of *Zostera marina*, eelgrass,
2 native eelgrass.
3 **A. In 2007?**
4 Q. Correct, correct.
5 **A. Yeah, yes.**
6 Q. Okay. That is. All right. And how about
7 finally the -- you'll like that word, "finally," the
8 last page, page 5, all right. And as you can see, this
9 is just a more detailed photo. It's -- again, it's
10 black and white of the vegetative -- what's labeled as
11 the vegetative and reproductive shoots of *Zostera*
12 *marina* with what are called ulvoids in Zangle Cove
13 dated June 3, 2007. Looking at this, is this something
14 you've ever seen before at all?
15 **A. No.**
16 MR. TIENSON: All right. Anything else?
17 Q. (BY MR. TIENSON) Okay. I'm assuming you've
18 never been convicted of a crime, correct; is that
19 correct?
20 **A. What?**
21 Q. You've never been convicted of a crime or
22 anything, have you?
23 **A. No.**
24 Q. I didn't think so. All right. And maybe I
25 asked you this. Have you been involved in any other

1 lawsuits or litigation other than related to this
2 particular --
3 **A. No.**
4 Q. No?
5 **A. No.**
6 MR. TIENSON: We're done.
7 MR. DeNIKE: Okay. Just a couple
8 follow-up questions.
9
10 EXAMINATION
11 BY MR. DeNIKE:
12 Q. I'd like to refer you to Exhibits 1, 2 and 3.
13 Did you take these pictures?
14 **A. No.**
15 Q. Do you know who took these pictures?
16 **A. No.**
17 Q. On Exhibit 1, it has some writing at the
18 bottom. Did you write that?
19 **A. No.**
20 Q. Do you know who wrote that?
21 **A. No.**
22 Q. Have you been presented with any information
23 as to who took these pictures or who made this writing?
24 **A. No idea.**
25 Q. And Exhibits Number 2 and 3, do you have -- do

1 you know where these photographs are, physical
2 location where these are?
3 **A. No.**
4 Q. And then Exhibit 4, there's an indication down
5 here in the bottom right-hand corner, Acera. Who's
6 Acera?
7 **A. That's the name initially I hired for the
8 preparation of the application.**
9 Q. Okay. And then later on you brought
10 Confluence on board; is that correct?
11 **A. That's correct.**
12 MR. TIENSON: It's leading, I'll object,
13 but --
14 **A. Yeah.**
15 Q. (BY MR. DeNIKE) And then is it also correct
16 that you brought environmental consultants on to
17 evaluate the potential --
18 MR. TIENSON: Objection.
19 MR. DeNIKE: Allow me to finish my
20 question.
21 Q. (BY MR. DeNIKE) -- to evaluate the potential
22 environmental impacts of the project?
23 **A. Yes.**
24 MR. TIENSON: Objection, leading, move
25 to strike.

1 **A. Yes.**
2 Q. (BY MR. DeNIKE) And you provided -- that
3 information was provided to the County; is that
4 correct?
5 **A. Yes.**
6 MR. TIENSON: Objection, leading.
7 MR. DeNIKE: Okay. That's all the
8 questions I have.
9 **A. Thank you.**
10
11 FURTHER EXAMINATION
12 BY MR. TIENSON:
13 Q. Who -- how did you get in touch with Acera,
14 A-C-E-R-A, this --
15 **A. Right, right.**
16 Q. How did you identify them?
17 **A. What do you mean, "identify"?**
18 Q. Yeah, how did you get in touch with Acera? Is
19 that something that Bill Taylor recommended to you?
20 **A. No, no.**
21 Q. How did you find them then?
22 **A. I don't know, friend or someone recommended
23 this, so...**
24 Q. Are you certain that Bill Taylor had no role
25 in identifying --

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1 **A. Absolutely not.**
 2 Q. All right. And what is it that Acera did more
 3 specifically for you? What did Acera do?
 4 **A. Again, helped me to prepare the documents.**
 5 Q. All right. But you testified earlier, as your
 6 attorney just alluded to, that at some point you hired
 7 Confluence as well. Why did you do that?
 8 **A. Because of incompetency.**
 9 Q. Because what?
 10 **A. Incompetency.**
 11 Q. Incompetence?
 12 **A. Yeah.**
 13 Q. You felt Acera was incompetent?
 14 **A. Right.**
 15 Q. Who made that determination? You did?
 16 **A. Yeah.**
 17 Q. Why did you think they were incompetent?
 18 **A. Based on the work he did.**
 19 Q. Okay. Is there something specific or some
 20 things specifically that you're referring to?
 21 **A. No specific, no.**
 22 Q. Can you tell us -- or was this after an
 23 application had already been submitted that had been
 24 prepared by Acera that you fired them or terminated
 25 them?

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1 **A. What is the first part?**
 2 Q. When you fired --
 3 **A. Yeah.**
 4 Q. -- Acera --
 5 **A. Yeah.**
 6 Q. You fired them, right?
 7 **A. Yeah.**
 8 Q. Okay. Had they submitted something on your
 9 behalf?
 10 **A. Fired is not -- not the right word. Mutually**
 11 **agreed to terminate.**
 12 Q. All right. What is it that they had done at
 13 that point, Acera, what had it done for you?
 14 **A. Helped me to prepare the application to the**
 15 **County.**
 16 Q. Okay. Were you concerned about their -- that
 17 some of their responses were not helpful to the success
 18 of your application?
 19 **A. I had no idea at this -- I had no idea at the**
 20 **time.**
 21 Q. Okay. But what is it then that led you to
 22 believe they were incompetent? I'm not understanding.
 23 **A. Based on the work they did for me.**
 24 Q. Yeah, but what is it about their work that you
 25 felt was incompetent?

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1 **A. When you see the work, you can tell.**
 2 Q. Can you be more specific?
 3 **A. No.**
 4 Q. Why not?
 5 **A. There's no more specific than that.**
 6 Q. How did you identify Confluence to succeed
 7 them?
 8 MR. DeNIKE: Objection, asked and
 9 answered.
 10 Q. (BY MR. TIENSON) So how did you -- did
 11 anybody advise you to terminate or not continue with
 12 Acera?
 13 **A. No.**
 14 Q. Did anybody advise you or recommend
 15 Confluence?
 16 MR. DeNIKE: Objection, asked and
 17 answered.
 18 **A. I heard the name Confluence and one other**
 19 **name, I don't recall, those are the good firms.**
 20 Q. (BY MR. TIENSON) Did you hear that from Bill
 21 Taylor potentially?
 22 **A. No.**
 23 Q. Or any of the Taylor employees?
 24 MR. DeNIKE: Objection, asked and
 25 answered.

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1 Q. (BY MR. TIENSON) Diane --
 2 **A. I don't remember from where.**
 3 Q. Pardon me?
 4 **A. I don't remember from where.**
 5 MR. TIENSON: All right. Anything else?
 6 Okay. All right. Let's go home.
 7 (Deposition concluded at 12:49 p.m.)
 8 (Signature was neither waived nor
 9 requested and the deponent will receive
 10 notice to read and sign the deposition
 11 pursuant to Washington Court Rule
 12 30(e).)
 13
 14
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 25

1 CORRECTION & SIGNATURE PAGE
 2 RE: PATRICK TOWNSEND vs. CHANGMOOK SOHN
 STATE OF WASHINGTON SHORELINE HEARINGS BOARD
 3 17-009
 CHANGMOOK SOHN; TAKEN JULY 25, 2017

4 REPORTED BY: PATSY D. JACOY
 5 I, CHANGMOOK SOHN, have read the within
 transcript taken July 25, 2017, and the same is true
 6 and accurate except for any changes and/or corrections,
 if any, as follows:

7	8	9
PAGE/LINE	CORRECTION	REASON
10		
11		
12		
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19		
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21		

22 Signed at _____, Washington,
 23 on this date: _____.

24 _____
 25 CHANGMOOK SOHN

1 REPORTER'S CERTIFICATE

2
 3 I, PATRICIA D. JACOY, the undersigned Certified Court
 4 Reporter, pursuant to RCW 5.28.010 authorized to administer
 5 oaths and affirmations in and for the State of Washington, do
 6 hereby certify that the sworn testimony and/or proceedings, a
 7 transcript of which is attached, was given before me at the
 8 time and place stated therein; that any and/or all witness(es)
 9 were duly sworn to testify to the truth; that the sworn
 10 testimony and/or proceedings were by me stenographically
 11 recorded and transcribed under my supervision, to the best of
 12 my ability; that the foregoing transcript contains a full,
 13 true, and accurate record of all the sworn testimony and/or
 14 proceedings given and occurring at the time and place stated
 15 in the transcript; that a review of which was not requested;
 16 that I am in no way related to any party to the matter, nor to
 17 any counsel, nor do I have any financial interest in the event
 18 of the cause.

19 WITNESS MY HAND AND DIGITAL SIGNATURE this 3rd day of
 20 August, 2017.

21 _____
 22 PATRICIA D. JACOY
 Washington State Certified Court Reporter, #2348
 23 pjacoy@yomreporting.com
 24
 25

A				
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