

# Turning tide

As the state considers leasing public tidelands to commercial geoduck farmers, citizen and environmentalist concerns swell

By **ARLA SHEPHARD**

When it comes to talking about the farming of a particularly unattractive large saltwater clam, Panopea generosa, shoreline homeowners, environmentalists and small- and big-time shellfish farmers often find little in common except their desire to vehemently share their views:

"Incredibly short-sighted."

"A clean industry."

"Visual degradations."

"A benefit to the economy and the environment."

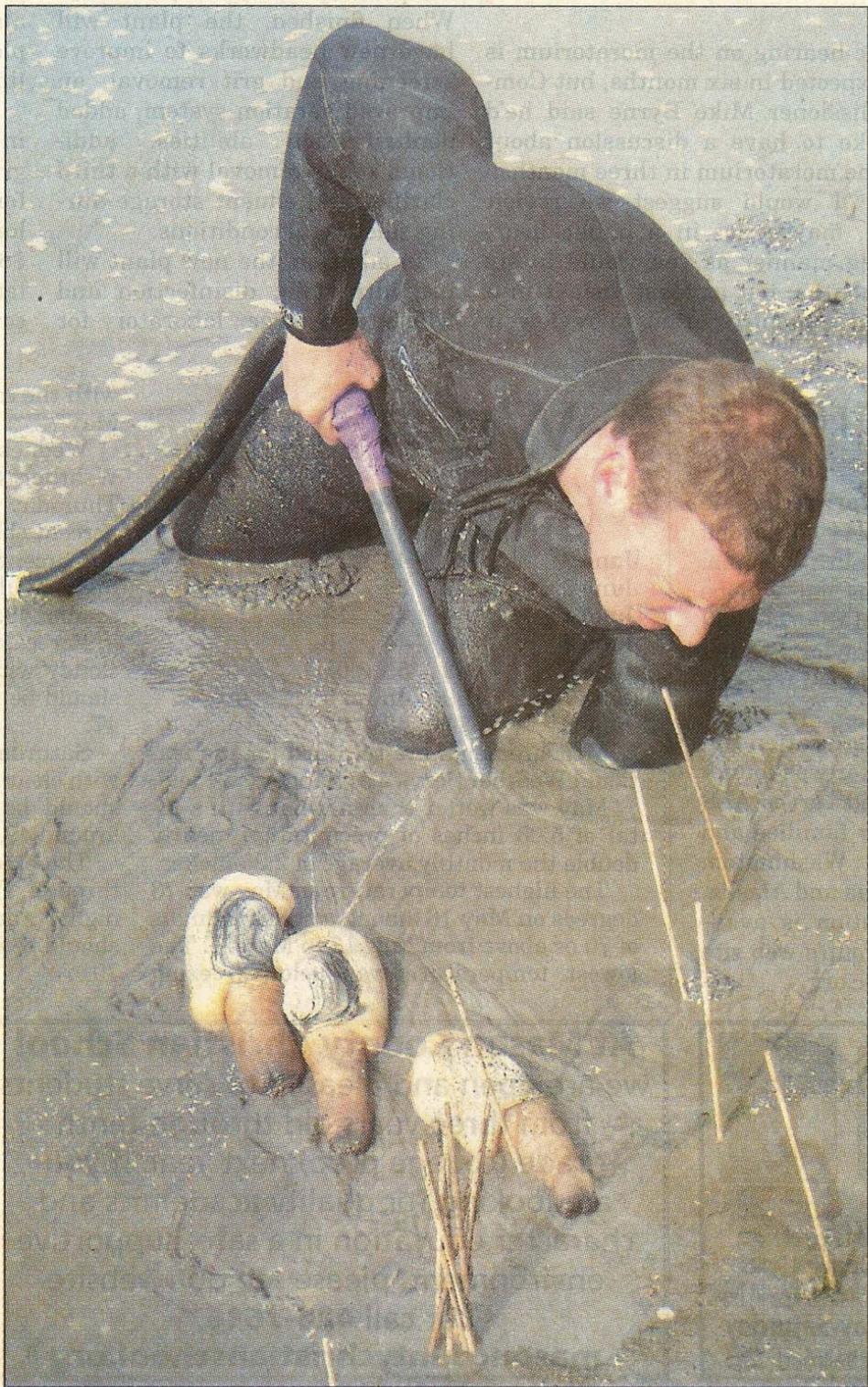
"The destruction of our beautiful

Puget Sound."

For five days in early May, hundreds of responses like these flooded a Washington State Department of Natural Resources (DNR) online forum dedicated to the discussion of geoduck (pronounced gooey-duck) farming on state tidelands.

The wildly differing views and intense opinions represent an unsettling conflict bubbling underneath a natural resource issue that especially affects Mason County. Geoduck aquaculture — i.e. the seeding, cultivation

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Journal photo by Arla Shephard

**A Taylor Shellfish geoduck harvester digs up the valuable clam at low-tide Tuesday morning, at the company's farm at Cape Horn. The shellfish company, which has been involved in a number of trespass cases with the state, employs 30 year-round geoduck workers.**

# Taylor

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and harvest of the geoduck clam — is on an up tick, with shellfish companies using more and more tideland leases from private homeowners to grow their stock.

However, as more companies have also been found trespassing on state tidelands in recent months (settlement figures from the state were still unreleased as of press time), the question of legally leasing public land for geoduck harvest has come contentiously to the forefront — with some mourning the aesthetic and environmental downfall of the Puget Sound and others cheering on the potential economic boon the clams could give a cash-strapped county.

On a clear spring morning on the shores of Hammersley Inlet near Arcadia, small arched squirts of water shoot from the soft muddy ground at Taylor Shellfish's geoduck farm at Cape Horn.

The tell-tale squirts, along with bamboo markers planted earlier that day, let harvesters know where the valuable clams have burrowed since they were seeded five years prior. Bubbles gurgling from the water's shallow edges are signs that the harvesters have missed a spot.

"There are geoducks as far as you can see," said Bill Dewey, Taylor Shellfish's communications manager, pointing into the distance.

Cape Horn is one of the Shelton-based shellfish giant's four biggest farms that together lodge its 70 acres of planted geoduck.

The elephant-trunk-like clams can sell for up to \$30 a pound in Asia; in 2005, 850,000 pounds of geoduck was worth \$5.31 million in Washington State. On a good day a harvester can dredge up to 1,000 pounds, said Brian Phipps, Taylor's geoduck harvest manager.

As the three harvesters work on collecting nearly 30,000 pounds of geoduck still buried beneath us (about another 25,000 were dive harvested at high-tide earlier this year), Dewey explains to me the history of the Cape Horn farm and the on-going "user conflicts" that the company has had to deal with in recent years.

Back when Cape Horn was purchased by the Taylor family in the 1970s, only one mobile home stood in the vi-



Photo courtesy of Kathryn Townsend

## Taylor Shellfish workers plant geoduck seed in PVC pipes at Totten Inlet in 2007.

city, and the tidelands were used to farm mostly native and Pacific oysters and mussels.

In 1991, the shellfish company began experimenting with a few feet of geoduck seed, and now, across all of its farms, Taylor has entered into 65 leases with private homeowners to farm geoduck on their land.

Five years ago, that number was closer to 40.

Figuring out who owns what part of the tidelands, however, whether it be the homeowner or, in fact, the state, has been a point of controversy for Taylor since 2008, when the company made headlines for trespassing on nearly 16 acres of state tidelands in Totten Inlet near Olympia.

The company sued the DNR, then under Commissioner Doug Sutherland, for ownership of the tidelands and sought \$4.5 million in damages, before reaching a settlement to pay the state \$1.5 million over three years.

Earlier this year, Taylor came under scrutiny again for trespassing on about two acres of state tidelands in North Bay, at Case Inlet, where the company has eight leases with private homeowners. Taylor filed a right of entry application at the end of 2009 to remove 20,000 of its geoduck maintenance tubes from the state land.

At the time, though, both DNR, now under Commissioner Peter Goldmark, and the shellfish company said that there were no actual geoducks planted there, despite a September 2009 survey by Holman & Associates that says otherwise. Two acres of geoduck would net an approximate \$2 million.

On March 16, Taylor Shellfish filed a right of entry application with DNR "for the

sole purpose of harvesting geoduck" on the trespassed lands, according to the application.

The state has not yet reached a decision on whether it will allow the harvest or not.

"We've found that our relationship with the industry has been collaborative and productive," said Aaron Toso, communications manager for DNR. "At the same time, Commissioner Goldmark has committed that we'll hold folks accountable to their actions, and that the public is rightfully compensated."

On the banks of Pickering Passage, not far from Taylor Shellfish's Cape Horn farm, Jules Michel could tell you quite a bit about tideland surveys and management.

The third-generation Mason County resident, whose grandfather bought three parcels of waterfront property here in the 1950s, has followed the moves of the area's shellfish companies since Trident Marine Services asked him, on a summer day three years ago, if he'd like to lease his tidelands.

Back then, he thought nothing of it, but since, he has amassed a wealth of information stored in his head and in cardboard boxes around his house.

"What's happening now with these trespasses is that there are assumptions about whether the property owners or the shellfish owners... should have the responsibility of knowing what the various deeds say," Michel said.

The problem goes back to the different types of tideland ownership in Washington: The Bush and Callow acts of 1895 allowed commercial shellfish growers to buy barren tracts for the express pur-

pose of cultivating shellfish, and there are now 47,000 of these tracts in the state, Dewey said.

As for residential uses, before 1911, the state sold shoreline parcels with the tide's average low (mean-low) as the outermost boundary, while parcels sold after 1911 had the extreme-low tide as the outer border.

Geoducks tend to grow at or below the mean-low tide, and trespass occurs when companies build beyond the landowner's property.

Most property owners have no idea how far out their land goes, "because it's so confusing," Michel said.

"For a landowner, I just don't think they should really be held responsible if ... the shellfish owner builds all the way out to extreme low and in fact the property owner doesn't own that," he said.

Since the original deeds are out there, surveying should not be difficult, said Michel, whose grandfather was a surveyor of forestland.

"What it comes down to is fundamental laziness or bad business assumptions that because the tide goes down a certain distance, that's where you can go down too, but that's just not the case," he said.

Michel was also quick to say he's not anti-shellfish.

"I just don't believe this method of aquaculture (geoducks) was ever anticipated when the Shoreline Management Act was passed," he said. "This is not your grandfather's oyster farm."

The 1972 Shoreline Management Act emphasized environmental protection of and public access to Wash-

ington shoreline areas and, perhaps more importantly, it established the concept of "preferred uses" of shorelines.

Those preferred uses included single-family residences, ports, recreational purposes and water-dependent industrial and commercial developments, "which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines."

Even though Michel is right that the act does not specifically mention geoduck aquaculture, that may soon change — the Department of Ecology is circulating a draft document of proposed amendments that would add language on geoduck aquaculture to the act.

For example, WAC 173-26-201(2)(d)(ii) would add "marinas, ports and commercial geoduck aquaculture" to the list of water-dependent and associated water-related uses that shorelines could be reserved for and WAC 173-26-201(3)(c)(xi) would list shoreline characteristics that local governments should look for when identifying "areas suitable for geoduck aquaculture."

Since geoduck is a relatively new crop, not much research has been done on how large-scale farming of the clam could affect other

species.

A 2008 Washington Sea Grant report on the effects of geoduck aquaculture on the environment, written by three University of Washington fisheries researchers, primarily looks at how vast quantities of other bivalve mollusks, like oysters, clams and mussels, affect their surroundings.

"There are several cases of dramatic ecosystem changes attributed to the robust filtering ability of bivalves," both positive and negative, the report states. Studies have shown that filtering-feeding bivalves can sometimes decrease phytoplankton blooms, altering food web dynamics.

Much of the environmental concern from the public has to do with the nets and tubes commercial shellfish growers use to hold and protect the geoduck during the first two years of its crop cycle.

"It's definitely an impact on the ecology of the area, and it's not consistent with the recovery efforts [of the Puget Sound]," said Laura Hendricks, chair of the shorelines and aquaculture sub-committee of the Cascade chapter of the Sierra Club. "Each day, more citizens call or write us with more reports of the destruction of our

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native species as industrial aquaculture expands down our shorelines."

Hendricks is currently occupied with a dispute between Seattle Shellfish and residents living on Harstine Island — the shellfish company plans to build a geoduck feed rafting system "the size of a football field" at Spencer Cove, Hendricks said.

Because Seattle Shellfish owns the tideland under the Bush and Callow acts, the company argued at a hearing two-and-a-half weeks ago that it does not need DNR approval for the operation.

Some neighboring residents testified saying that they "bought this property because it was pristine, and you're saying you're putting in a factory farm?" Hendricks said.

She expects the hearing examiner (who has yet to make a ruling) will be under pressure because "Mason County has been the center of shellfish aquaculture for eons," she said.

"It really comes down to, are the people of Washington going to have to see this all out there just because it benefits the shellfish industry?" she asked.

Michel remembers a day, two or three years ago, when he was riding around Hammersley Inlet with his sister and son.

Through the sheer luck of being at the same place at the same time, he met and struck up a conversation with Jim Gibbons, owner and founder of Seattle Shellfish.

"His line that I'll never forget is: 'I used to be able to do anything, and now people are telling me that I have to do things in a certain way,'" Michel said. "I thought to my-

self: 'This is probably what my grandfather would have thought back when regulations first started being implemented to control who cut what on timberland.'"

Seattle Shellfish is another company recently found trespassing on state tidelands, by about a half-acre, according to a December 2009 survey by Agate Land Surveying.

In the same survey, Arcadia Point Seafood was also found growing geoduck on a half-acre of state property; and in another Taylor was found trespassing on nearly two acres at Pickering Passage. The state has yet to resolve these issues either, as of press time.

"I think for a lot of years survey boundaries didn't matter," said Gibbons, who likes to put shellfish harvesting in the context of how much more shellfish other countries produce. "In the entire state, our production of oysters is a 100 million pounds, yet the Chinese produce 5.2 billion pounds... people throw around the term industrial, but [that's] what industrial really looks like."

Gibbons contends that much of the debate against geoduck aquaculture on state lands, including the more than 350 comments on the DNR online forums, comes from the "same small group of opponents, seemingly concerned with the effects of shellfish aquaculture on their views," he wrote in a letter to DNR.

He fails to note that of the 19 individual participants who posted in favor of geoduck aquaculture, writing more than 100 comments, more than 90 percent of them were shellfish farm owners, their family members or their employees.

Around 50 other individuals wrote about 250 responses unfavorable toward geoduck farming.

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## By the Numbers:

2.4 million – acres of state-owned public aquatic lands that the Washington state Department of Natural Resources (DNR) manages.

70 – percentage of acres of tidelands in the Puget Sound that are privately owned.

2,100 – acres of state-owned public aquatic lands DNR currently leases for aquaculture, 80 percent of which is for oyster harvest. There is no state program to lease public tidelands for geoduck harvest.

410 – acres of geoduck planted on 36,000 total acres of commercial shellfish areas in Washington state, as of May 20, 2010. The U.S. Army Corps of Engineers estimates that 80 percent of the nationwide permit applications were submitted as of May 20.

70 – acres of geoduck planted on Taylor Shellfish farms, on their own land and on 65 private leases. Five years ago, Taylor had approximately 40 leases.

3 – acres of commercial geoduck planted in 1997.

\$1.8 million – approximate amount of money that the state would earn every five years if it leased just 30 acres of tideland for geoduck harvest.

\$4 million – estimated total annual payroll of employees working with private geoduck farming at Taylor Shellfish in 2008.

330 – Number of employees of Taylor Shellfish in the United States, including 30 year-round geoduck farm workers.

\$5.31 million – value of the 850,000 million pounds of geoduck harvested in Washington state in 2005.

\$66.1 million – estimated value of the more than 23.6 million pounds of shellfish produced in Washington State in 2006.

2 – the shellfish industry's ranking for highest employer in Mason County.

80 – percentage of rent the state collects from shellfish leases that goes toward an Aquatic Lands Enhancement Account (ALEA). These funds finance habitat restoration, education and research projects all over the state, including more than half-a-million dollars toward Mason County since 2007.

Sources: Washington State Department of Natural Resources, Washington State Department of Fish & Wildlife, Taylor Shellfish, Seattle Shellfish, Pacific Coast Shellfish Growers Association, U.S. Army Corps of Engineers.

“One of the goals was to engage more people than you could [with] a public meeting,” DNR’s Toso said. “For the first online forum, we thought it was successful... it’s not connected to any specific action [and] it did not have to do with the North Bay trespass.”

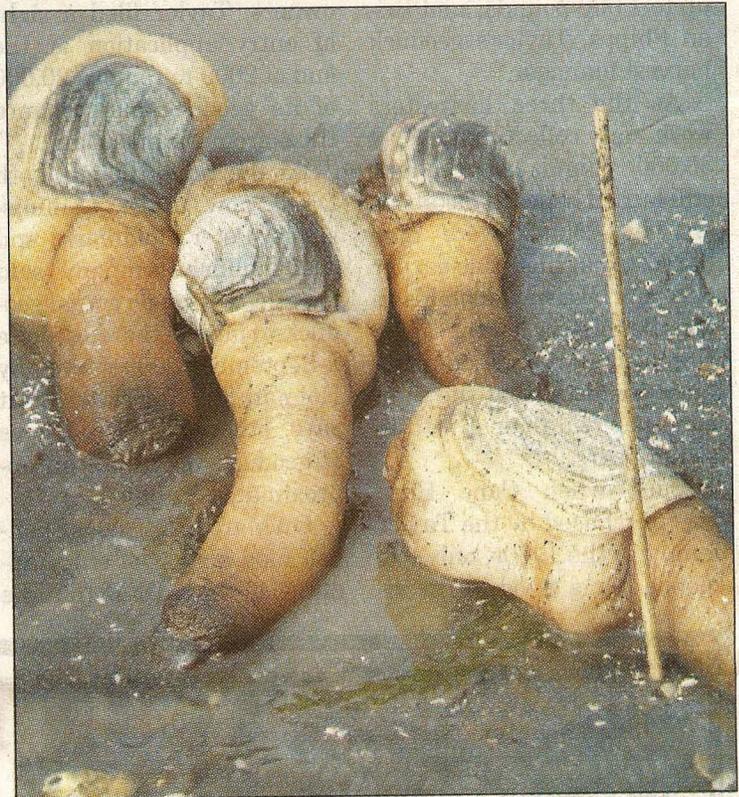
When asked whether the state could eventually implement a program to lease state tidelands for geoduck harvest, Toso pauses.

“Right now, we don’t have a program.” Another pause. “Right now we don’t have a program,” he repeats. “But that’s not to say that there couldn’t be [one] in the future.”

Toso said that Commissioner Goldmark is committed to the restoration and cleanup of the Sound.

“We’ll go where the science tells us,” he added.

And the restoration and cleanup of the Sound could be more closely linked to geoduck harvest than some



Journal photos by Arla Shephard

**Panopea generosa, better known as the geoduck clam, has been a profitable crop for Taylor Shellfish, and other area shellfish companies, since the mid-1990s. But, the question of whether the state should lease public tidelands to shellfish companies for geoduck farming has proved contentious.**

might think.

At least 80 percent of the rent the state collects from its other shellfish leases goes toward an Aquatic Lands Enhancement Account (ALEA), which finances habitat restoration, education and research projects all over the state.

In Mason County, more than \$15,000 in ALEA funds went toward teaching 7th-grade students about the Hood Canal watershed, as part of the Hood Canal Salmon Enhancement Group’s environmental seminars in 2007 and 2008. Another \$50,000 went toward Hood Canal steelhead recovery efforts in Lilliwaup in 2009.

The biggest thing the shellfish industry has going for it right now, in terms of the future of geoduck aquaculture, is the stalled state economy.

“The number of jobs we’ve created is not insignificant,” Taylor Shellfish’s Dewey said. “There’s definitely an opportunity for the state to make quite a bit of money.”

As for an end to disputes with homeowners, Dewey believes the solution comes down to planning – changing the state’s Growth Management Act to include shellfish under agriculture would zone tracts of tideland for agricultural use, a move the Obama administration has encouraged states to look into.

Homeowners could then make informed decisions about whether or not to move next to a geoduck farm, much like they could decide not to move next to a dairy farm, Dewey said.

“Then at the end of the day, the argument would be over,” he said.