provision that there be flexibility built into it. He strongly believes a mistake was made in providing for two extremely large aquaculture districts, Penn Cove and Holmes Harbor -- his belief that the industry and the upland owners would have been better served by more and smaller districts. Experimental sites may be necessary in the future. He agrees that the birds should not be killed, and reported to the Board that eagles, herons and animals are not targets of aquaculturists. Scouder ducks are the predator for mussel culture in Island County. He noted as Mr. Roehl has noted in the past that the Ad Hoc Committee had not always been in agreement. An error pointed out by Mr. Jefferds was the inclusion of clam harvesting as aquaculture, and is of the opinion that clam harvesting is a fishing and hunting activity, while aquaculture is agriculture of the sea. Setting a limit on aquaculture in the County would be arbitrary at this time.

Darlow Wolfe, Sea Harvest Corporation, added that 80 to 90% of their clams are located in the "fines" area. He noted that the clam rake is used when the tide is completely out; if clam harvesting is stopped in the intertidal zone, it will completely put them out of business since all of the soft shell clams in this area are in those intertidal zones.

Bob Saunders, DOE, clarified that the Act directs that DOE make suggestions to the County and provide the opportunity to respond. DOE tried to go beyond that in working with the County to develop additional ways to resolve the issues. His comments therefore had been directed towards Island County's staff position, noting that on about five or six areas out of that initial 11 they were in agreement. On most of the remaining issues, it appears to be down to certain language -- appearing to be very close conceptually. Mr. Saunders pointed out that DOE had listened to the County and in fact made a number of compromises, and DOE's position has not been inflexible.

In regard to clam harvesting, Mr. Saunders stated that DOE has not attempted to dismantle the situation, even under their initial staff proposal; much control would remain over clam harvesting and never again would the residents of Juniper Beach be left in a position to go through a four year court battle to stop an operation. If there is any impact to those beaches or the aesthetics of the area or to the water quality, that permit could be rescinded under the provisions of the Shoreline Management Act, and it would not require a long court battle. Even if an operation were to be permitted and some impacts did result, a permit could be rescinded --there is remedies available now which did not exist when the regulations were first considered.

The result of the changes is in an attempt to leave only the smallest window open where possibly an operation could occur in those areas where there is consensus that the impacts of the operation would be the lowest. As Mr. Ferguson pointed out, Mr. Saunders agreed that there is a possibility that sediment or fines could be transported to the beach; DOE believes that there is a question of the total amount of those fines disturbed and the rate at which they are disturbed which colors what the ultimate impact would be.

Ida Mae Wolfe spoke to advise the County that she is prepared to meet the guidelines of water quality. In response to Mr. Ferguson's recommendation that no more than 20% fines be allowed, Mrs. Wolfe commented that that would in fact stop hand digging because the amount is more than 50%.

Ralph Ferguson stated that to his knowledge the only real impacts of the hand rake had been done by Mr. Nunnally, DOE, in Skagit Bay. He noted that in a letter dated 23 March 1984 Mr. Nunnally indicated some of the concerns DOE had with regard to any operation such as this.

STAFF RESPONSE/BOARD COMMENTS AND ACTION

Chairman Dunlop stated that at this time, public testimony would be closed, the hour being 5:00 p.m., and staff comments/response is now requested.

Mr. Madsen expressed his thought that there had been a good "give and take" relationship with DOE in going through the amendments and isolating what issues are involved, with a number of changes having been suggested which represent some of the County's concerns. There are issues which were raised today in disagreement, but seem fairly close on suggested staff changes. With regard to changing the

management strategy and deal directly with the top administration in DOE and Island County, Mr. Madsen felt this would probably place the County in no different position than it is now in terms of having to come back and deal with the issues again.

Under 3b where there were some suggestion by Mr. Bastion that a potential taking issue is involved and undue delegation of authority to upland owners, Mr. Madsen agreed that that is a matter which should be referred by the Board to the Prosecuting Attorney for an opinion. Under 4c concerning discussion of the language between the County and DOE, Mr. Madsen does not believe to be a big difference in terms of the language -- and something to be kept in mind is that this is a policy statement and should be given the weight of a policy statement or guideline. Mr. Madsen expressed no real comment on Policy 8 regarding the anticipated needs of aquaculture; there is not much concern about the change the County suggested and appears to meet the needs of everyone involved. Policy Requirements 5 & 6 being called unfair or unfounded -- these allegations appear to be untrue in Mr. Madsen's opinion in terms of the concerns which the County has had with clam harvesting in areas of fine sediment. The standards developed are specifically oriented towards the potential for adverse impacts on surrounding areas. Standards developed for eelgrass are consistent with those applied by the Department of Game, and have provided greater flexibility for the subtidal operations regulated by the State Department of Fisheries. As to the killing of birds and mammals, Mr. Madsen believes that the County's original recommendation is on firm ground, although it has been indicated by the Deputy Prosecuting Attorney that that may be an issue of debate between the resource management agencies involved.

Chairman Dunlop expressed the Board's opinion that DOE takes its position from a fundamental difference in viewpoint, and the issue before the Board is the Amendments to the Shoreline Master Plan. Doe assumes that aquaculture is paramount and primary and receive expert testimony and advice from a group of state personnel of wide knowledge and experience, but it is recognized that DOE also and almost solely, receives counsel from the other members of the Shellfish Advisory Committee. That Committee is: local government - the Health Departments of Pierce and Thurston Counties; the Planning Departments of Thurston and Pierce Counties, and private industry represented by four members of the shellfish growers. It would appear that the interests of the citizens of a large area of Puget Sound may not be repre-sented in the decision making process of DOE.

While it is true that the growers of the Hood Canal area and all existing and future growers have a right to be re-presented, the Chairman pointed out that the interests of the residents of all other areas of the Sound have that right as well. He feels certain that there is a similarity in the effect that comes from evaluating the placement of aquaculture and from situating an airport -- when you buy or build near an existing airport or aquaculture operation, you are the one who must accept the situation as you find it; that is the situation which exists on many parts of the Sound. When a new airport is proposed or a new industry which impacts an existing residential area, it is done very carefully or not at all. The Chairman submits that Island County is the fifth most densely populated County in the State of Washington and aquaculture is established in some areas and the late-comer has the reverse role to the establishment of industry in waters of Island County and elsewhere. The proposition of the seeming desire to establish industry in an area and to an extent that the local residents do not want can be carried to ridiculous extremes, and the Board hopes that it is not inferred that industry will be mandated in a residential area in Island County. It is hoped that DOE does not tell the County that the State is mandating the establishment and expansion of aquaculture in the waters of Island County despite the wishes of the majority of 48,000 residents. It appears appropriate that if the DOE wishes to tell that to Island County population, then now is the time to say so. The Board respects the position of the shellfish industry and the government agencies, and is not against aquaculture or the growth of aquaculture, but are impelled to respect the expressed will of Island County constituents.

Commissioner Kemp added that Island County is the fifth most dense