

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, June 8, 1988

Flag Salute

7:30 p.m. Continued Public Hearing - Shoreline Substantial
Development/Conditional Use Permit Request #3-86 of American
Aqua Foods.

The Skagit County Board of Commissioners met in regular session on Wednesday, June 8, 1988, with Commissioners Vaux, Walberg and Rohrer present.

Chairman Vaux announced that this was a continuation of a public hearing which began on Wednesday, June 1, 1988, and asked Mr. Huff, American Aqua Foods attorney, to begin.

Mr. Huff called upon Dr. Curt Ebbesmeyer for testimony.

Dr. Ebbesmeyer, Physical Oceanographer, stated he has been studying Puget Sound waters since 1966 and has done over 100 various studies. He explained an experiment he conducted in Skagit Bay with the aide of a series of overhead graphs (Exhibits #26 through #49). Dr. Ebbesmeyer concluded that Skagit Bay is one of the most rapidly flushing bays in Puget Sound.

In response to a series of questions from Mr. Huff, Dr. Ebbesmeyer stated that well-over half of the material matter that would come from the pens would, in his opinion, dissolve and be flushed from the bay. He did not feel there would be a problem with eddies holding material for prolonged periods of time.

In response to a question regarding sedimentation, Dr. Ebbesmeyer submitted a letter to the Board dated June 8, 1988, (Exhibit #50) wherein he explained (referencing an 1890 survey map) that the soundings referenced in the 1890 survey are expressed in feet to 18 feet, then expressed in fathoms once the water depth exceeds 18 feet. In contrast, the most recent NOAA chart from 1983 for this locale shows soundings in fathoms. The confusion lies in comparing feet with fathoms. A fathom equals 6 feet. Dr. Ebbesmeyer concluded, therefore, in comparing the measurements using conversions from fathoms to feet, very little sedimentation build up has occurred.

Mr. Dale Fisher, 1614 Snee Oosh Road and president of the Kiket Bay Organization, refuted Dr. Ebbesmeyer's opinion on the siltation/sedimentation of the bay.

Mr. Steve Carter, 1582 Snee Oosh Road, La Conner, asked Dr. Ebbesmeyer why residents see so many eddies with debris in the bay and about intertidal zone deposits?

Dr. Ebbesmeyer stated eddies change from day-to-day. It is a hard matter to give specific answers to, in that, he would have to personally observe the debris being deposited and then watch its movement; and regarding intertidal zone deposits, he doesn't have any answers or the instrumentation to measure

it.

Edna Kilgore, 1578 Snee Oosh Road, La Conner, asked Dr. Ebbesmeyer if there was need to worry about deposits and would he stake his reputation on his answer.

Dr. Ebbesmeyer stated it would take a \$10,000 study to answer that question. However, he is convinced that depths have changed maybe one to two feet in 100 years and the bay behaves like other bays in the area. He feels the currents are stable.

Gene Johnson, 1618 Snee Oosh Road, La Conner, stated the matter should have a 365 day study.

Allen Jett, P. O. Box 671, Anacortes, asked why drifters go out at night versus day.

Dr. Ebbesmeyer said because the experiment is so costly.

Vince Hanson, 760 McGlinn Drive, La Conner, handed in photographs of warning signs that shell fish are contaminated (Exhibit #51 and #52) and asked why this was so.

Dr. Ebbesmeyer stated no one knows where that bacteria is coming from.

Tim Bridges, 207 N. Norris #5, Burlington, stated Dr. Ebbesmeyer's drifter study may have been done during normal times and done for only three days, so could'nt the study be anecdotal.

Dr. Ebbesmeyer stated there always is that possibility.

Maynard Steinberg, 404 Nooksack Place, La Conner, asked if Dr. Ebbesmeyer knew how fish food was prepared and continued on by stating that fish food is mainly protein and when temperatures are raised, it is no longer soluble.

Dr. Ebbesmeyer referenced a letter Don Weston had submitted dated March 31, 1988, to Robert Schofield, Hearing Examiner, and concluded most fish food is soluble.

Dr. Mark Backlund, 1423 Gibraltar Road, Anacortes, asked if there was horizontal stratification evidence regarding solubility?

Dr. Ebbesmeyer asked if he meant vertical stratification and then stated the bay averages about 12 feet and his study represents the upper one third of water stratification.

Dr. Backlund inquired as to the depth of water under the fish pens.

Mr. Huff stated it was approximately 75 feet.

Discussion ensued regarding bacteria and sediment being beached and flushed from the bay.

Dr. W. Bruce McAllister, 14014 81st, Seattle, Oceanographer, stated he had been studying coastal waters for thirty years. He stated that on the basis of Dr. Ebbesmeyer's study, on some days there is flushing in the bay, however, there was no real study of eddy action. He said there is a real concern for fecal matter, urine and pellets collecting in eddies and being deposited on the beach and on the bottom of the bay.

He further stated he did not feel Dr. Ebbesmeyer's study answered all the questions, and went on to say there is a concern for concentrated amounts of nitrogen being released from the urine. No study has shown what happens to it. He feels most matter will settle on the north side.

Dr. Ebbesmeyer referenced a study he did for the Army Corps of Engineers and concluded that as a rule of thumb fine grain material moving at 1/2 knot will mobilize and be flushed out. He further stated the bay has extremely fast currents and feels what goes in probably goes out.

Dr. McAllister said Dr. Ebbesmeyer had no proof.

Dr. Ebbesmeyer said it was his professional opinion.

Mr. Huff called upon Dr. Brad Hicks of British Columbia as the next witness.

Dr. Hicks is a veterinarian and has worked in the field of fish toxicology and pathology since 1972.

Asked to comment on Dr. Whitely's letter, which included the following six points: 1) pattern of currents; 2) interference of fish pen fish with outward migration of wild salmon and steelhead smolt from the Skagit River; 3) large bacterial problems; 4) antibiotic drugs; 5) genetic traits of penned salmon; and 6) introduction of diseases and parasites with imported fish.

Dr. Hicks said there is very little evidence supporting Dr. Whiteley's arguments and they are mostly conjectural.

Dr. Hicks stated fish farm sediment must be separated from alluvial sediment. Fish farm sediment is biodegradable and disappears on its own. The silt accumulates. Bottom depth suggests good movement of material. He stated that at any given moment, one could measure some fecal material, but not to a level that would be considered problematic. It is true if pens are poorly located and the fish are overfed, sediment would build up and become anaerobic, but from observation, this is not a problem at this particular site.

Dr. Hicks stated that from time to time fish do get ill. There is no difference between farm fish and wild fish - they both get the same diseases. The ocean is not sterile. There is no documentation on the spread of disease

from farm fish to wild fish. Studies indicate the prevalence of disease is higher in wild fish than farm fish. The use of chloramphenico as an antibiotic for farm fish is not allowed by the FDA and therefore never used. rarely used.

On the subject of genetics, Dr. Hicks stated farm fish have been described as lazy, sloppy and weak. These inflammatory remarks are pure conjecture. Dr. Hicks said authorities could not tell the difference between wild fish and farm fish in Ontario and required fish tagging of the farm fish during the off season.

Dale Fisher remarked on the high disease rate of farm fish in Norway and said large amounts of fish had to be killed.

Dr. Hicks stated that cause and effect of parasitic diseases was open to debate. The killing of farm fish in cases where disease exists is a management decision. In addition, these kinds of problems usually appear when there is inadequate flushing, the fish being overfed, and the fish being reared at a higher density. He stated that fish farms set up in fjords are operating under different circumstances and he feels the Norwegians pushed limits.

Bill Thorpe, 1550 Snee Oosh Road, stated he saw on the 6 o'clock news that there was a moratorium being considered in British Columbia.

Dr. Hicks stated he knew about a moratorium about a year ago, but was unaware of anything currently being considered. This concluded Dr. Hicks testimony.

Mr. Huff read two letters to be entered into the records:

1. Letter from Eric F. Hurlburt, Shellfish Program Coordinator/Aquaculture Coordinator, Department of Fisheries, Olympia, WA. (Exhibit #53). Mr. Hurlburt gave the background of the development of the guidelines for fish net-pen culture and point by point addressed Dr. Whitely's remarks. In summary, Mr. Hurlburt stated, "...we do not expect any significant effects of this salmon farm on the marine environment and associated organisms."
2. Letter (Exhibit #54) and a Paper on Salmon Culture and Fish Health (Exhibit #55) from John L. Pitts, D.V.M. Aquaculture Program, Department of Agriculture, Olympia, WA. In Dr. Pitts' letter, his comments address Dr. Whitely's comments point-by-point. Dr. Pitts stated, "There are several errors in the June 1, 1988, Whiteley testimony. In addition, many of the examples used to characterize Salmon farming are worse-case examples, and are not valid representations of the industry here or abroad."

Mr. Huff stated that it is important to note that there is already a permit in existence. He further stated that the operation will bring in \$6,500 annually for personal property tax, provide eight full time positions, provide monies from buying supplies locally, and the fish will be processed locally also.

Mr. Huff called upon Ward Hughson, 1272 Komock Street, Vancouver, B.C./300 College Way, Mount Vernon, WA, who is in charge of the Skagit Bay operation, for testimony.

Mr. Hughson submitted seven photographs (Exhibits #56 through #62) including a shot of the old pen system which is to be removed; and views of the new pen system, looking north from Hope Island Inn, looking east approximately 1/8 mile west of pens, looking south from a point 400 yards south of Kiket Island, and looking west from a point approximately 100 yards east of beach at low tide.

Mr. Hughson reported currently they have two locations of pens; four 40' X 40' cages and two 16' X 16' cages made of plastic that will be removed. The new system consists of four 40' X 40' cages with an eight foot walkway in the center and three foot walkways on perimeter totalling 90' X 90' for the new system. The new system is made of galvanized steel.

Mr. Hughson discussed details of how the pens were located. He stated in July, 1988, when six new pens will be brought in, the old cages will be removed.

Dale Fisher asked what the depth of water was where the pens were located.

Mr. Hughson said at low tide it was 65 feet.

Mr. Huff stated there were no other witnesses.

Dale Fisher stated that since January 20, 1988, Aqua Foods has violated the permit as far as location was concerned. He said they were outside the designated area. Complaints have been filed.

Mr. Fisher submitted a paper written by Dr. James A. Crutchfield, entitled "Economic Aspects of Aquaculture (Exhibit #63). The paper closed with the statement, "These are not arguments against pen-rearing in a blanket sense. They do suggest that suitable sites may be much fewer than proponents claim and that the resulting impact on state income and employment will be quite small."

Mr. Fisher also submitted a seven page report by Mr. Will Soltau, Member, Minister's Aquaculture Industry Advisory Board. (Exhibit #64) This report detailed a fact finding trip to Norway with the purpose of gathering first-hand information about Norwegian aquaculture and its effect on the environment of Norway and the wild Atlantic salmon.

Glen Bartlett, 1568 Snee Oosh Road, La Conner, stated he has been a property owner for 22 years in the area and feels a terrible mistake has been made. He feels that the advertisement process failed to adequately inform people of what was happening. At the time of the first hearing, he feels people were "too ignorant" of the facts to address the problem properly and did not realize the true impact the operation would have on Kiket Bay.

Mr. Bartlett stated the second mistake was when the Hearing Examiner denied net pen operations near Cypress Island, but granted a back up permit for Kiket Bay area. He stated making the first mistake was understandable, but to fortify this rather than admit mistake was not acceptable. He does not feel net pen operations belong in Kiket Bay and that the whole situation needs further study. He encouraged the Board to deny this permit.

Bruce McAllister felt the Board's decision should reflect the Interim Guidelines.

Bud White stated the fish pens would add to bottom sedimentation which will increase the difficulties in navigating back and forth to Hope Island where he clams.

Francis Barcott, 1820 - 8th, Anacortes, felt this situation would make wealthy people wealthier while making other people suffer financially; create hazardous travel in the bay; cause commercial fishermen to lose their jobs; and create problems of disease and pollution in the bay. He encouraged the Board to deny this permit.

Dale Johnson from Oak Harbor felt the fish pen operations would have a negative effect on camping at Thousand Trails.

Dave Millison, 726 Chilberg Avenue, La Conner, doubted that the fish pen operations would benefit Skagit County financially and, in fact, would decrease real estate taxes. He submitted a letter (Exhibit #65) summarizing his opposition to the fish pens in Kiket Bay.

Glenn Burzenski, P. O. Box 176, La Conner, Manager of Thousand Trails, stated he receives many complaints from campers regarding why the fish pens are there. He said there are 40,000 campers who come to Thousand Trails annually. Mr. Burzenski submitted photographs showing a man on a ladder trying to read the notice and warning signs of shellfish contamination (Exhibits #66 through #70). Mr. Burzenski stated the bay could not tolerate any more pollution.

Mr. Huff proceeded with his closing statement.

He stated the opposition has been emotional and their assumptions of what might happen are not based on fact. He stated the granting of the permit was correct and since the fish pens have been in operation, no problems have arisen. The initial studies and monitoring have clearly shown that no problems exist. The possibility of a problem is not enough to deny this

permit.

He stated the reason they were here tonight was due to the issue regarding the method of publication.

Mr. Huff addressed the concerns of the oppositions' testimony and also referred to Hearing Examiner's proceedings.

Mr. Huff submitted site diagrams for the record (Exhibits #71 and #72).

Mr. Huff summarized his statement by urging the Board to uphold the granting of the permit and welcomed the County's close monitoring of the entire operation.

James and Lynn Nelson, 730 Chilberg Avenue, La Conner, submitted a letter of opposition for the record (Exhibit #73).

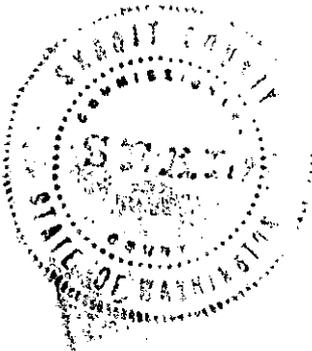
Commissioner Walberg motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

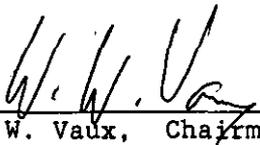
Commissioner Walberg motioned to continue the deliberation to June 21, 1988, at 1:30 p.m. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

ADJOURNMENT

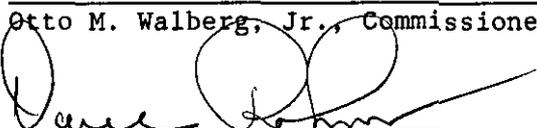
Commissioner Walberg motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



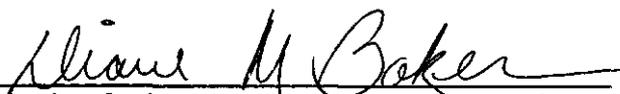


W. W. Vaux, Chairman

Otto M. Walberg, Jr., Commissioner


Dave Rohrer, Commissioner

ATTEST:



Clerk of the Skagit County Board of
Commissioners