Shoreline Master Plan update

Pierce County Council updated their Shoreline Master Plan in 2018 after years of controversy over the impact that industrial aquaculture would have on beaches, residents, birds and wildlife that share the shorelines. Most significant environmental issues in the county can be resolved with good information and negotiations in good faith with principled partners. Unfortunately, this shoreline issue has been one of the most difficult to resolve. After 11 years we are far from turning back this rising tide of commercialized use of natural beaches and residential shorelines.

The Shellfish Industry is a worthy opponent who has considerable influence in the state legislature. They have been able to silence the Department of Ecology and bullied them into permitting the use of a neurotoxic pesticide to kill native eelgrass and native burrowing shrimp. The neurotoxin pesticide has been banned by EPA in 49 states and in the European Union. But in this state, even after the DOE banned the pesticide, the Shellfish Industry appealed the decision, then unable to wait for the outcome in courts went to Olympia asked legislators to appropriate over a half million to continue spraying oysters to save the summer harvest.

In 2019 there were three significant lawsuits pending in which environmental groups were challenging the Federal government, the Department of Ecology and the Department of Fish and Wildlife for not protecting endangered species or for improperly administrating the Clean Water Act and the National Environmental Policy Act.

The environmental community has fought against the increase of geoduck aquaculture and the industries disdain for protecting shorebirds, endangered species and wildlife that...
is protected by other state laws. We have used scientific studies showing aquaculture's
damage to birds, wildlife, and the benthic community that is important for their survival.

We have appealed county and state agency's decisions to the Shoreline Management
Hearings board, to state courts and to the state's Attorney General. In several cases we
were able to unseat incumbent county and state elected officials who took campaign
funds from the geoduck industry. We have fought back with the help of many friends
and major regional organizations. This has not always been successful or pretty.

If you are a beach property owner or a kayaker or beach walker and have a personal
interest in this issue, I'm going to cover the major issues that are pending and a little bit of
history that shows how we found our way through this issue's complexity. Included are
copies of the lawsuits and photos of destroyed beaches.

One thing that is not included is names of specific elected officials, specific shellfish
companies, their personnel or their attorneys. These people are formidable foes. I want
to tell this story without increasing any legal repercussions from our adversaries. This is
not investigative journalism. I intent to give you enough information for you to research
who has taken campaign donations and which scientist took commercial funds for their
study that found neurotoxic pesticides safe for birds and native eelgrass.

My purpose is to explain the issues, show you a few successful strategies that we have
learned from. But please don't expect this to be the place for a journalist to name names.

*Predator netting that covers these geoduck pipes prevents shore birds, crabs and other
wildlife from flipping rocks and finding prey to eat under the nets. With miles of beaches
cultivated along South Puget Sound, this is a net loss of shoreline function for wildlife
which should prevent such aquaculture.*

The Shoreline Management Act (SMA) was initially passed in 1970s requiring
counties to set aside natural areas and protect wildlife habitat for shorebirds,
salmon and forage fish. New homes and docks faced strict standards that
minimized development along the beaches. The act required shoreline buffers and limited the construction of new docks.

Existing oyster farms and other industrial aquaculture were allowed to continue aquaculture in their usual and accustomed places as the shellfish growers enjoyed favorable treatment from the Department of Ecology. The state legislature included in the Shoreline Management Act a preference for aquaculture.

This preference meant that when beach soils were disturbed in any way, the Department of Fish and Wildlife did not require a hydraulic permit to review the extent of damage. The 'Preference" meant environmental exemption for many state agencies. As geoduck farming in Puget Sound began to spread to more beaches with impact on residential areas, a state legislator asked the Attorney General to determined why a hydraulic permit was not required for geoducks.

His decision affirmed that industrial geoduck aquaculture was exempt. This decision would eventually be challenged in 2018, but not before the number of industrial aquaculture acreage being cultivated increased to 40,000 acres of the state's shoreline -- about one quarter of the state's beaches.

**Opposition begins in Pierce County:**

By 2007 the number of Industrial geoduck permits in Pierce County increased dramatically, which upset adjacent homeowners as the predator nets and plastic pipes were blown onto their property after storms and high tides.

Night harvesting from 11 p.m. to 6 a.m. using bright lights and engines for their water jets was an intrusion into the quiet of residential life. In upland areas, the county zoning code required industrial zones and agriculture zones be separated by buffers of open space and zoning provided restrictions on lights and noise from night time activities.

In 2007 Pierce County passed Interim Geoduck Regulations to curb some of the excesses. Pipes and nets required the phone number of the farmer on pieces of equipment that might drift away. By the time the 2015 update of the Shoreline Master Plan by the Department of Ecology required rolled around, the tension between residents and industrial aquaculture was badly polarized.

Residents and environmentalists saw this 30 year anniversary of the Shoreline Master Plan as an opportunity to modernize the plan. The review included lakes and rivers as well as 270 miles of saltwater shorelines in Pierce County.

Public Hearings were held throughout the county for three years. A county council member who had the most saltwater shorelines took responsibility to find a compromise solution to the geoduck controversy. The negotiations took 5 months for real estate lobbyists and representatives of two environmental groups to meet with a Taylor Shellfish representative to find a solution and common ground.
The Taylor representative agreed to limit future expansion to 10% of the shoreline. Discussions of eliminating nets, plastic tubes or night harvesting were lengthy, and it was difficult to identify a solution that worked for neighbors and the industry.

After the negotiations ended, the councilman responsible for implementing the agreement took a political donation from the shellfish grower's attorney. This made further discussion about compromises meaningless. The proposed legislation was tabled until after the next election of county council members.

Environmental groups including the Sierra Club endorsed a candidate who defeated the incumbent council member in a very close race. After the election, six environmental and neighborhood groups submitted a joint letter listing significant changes to regulations for planting and harvesting geoducks. The changes required mitigation for damage to shoreline, then asked for a cumulative impact analysis with each new aquaculture project to show the carrying capacity of inlets and estuaries to tolerate additional aquaculture.

In addition, Geoduck agriculture was prohibited in areas of the county designated Natural Shorelines. This designation preserved about 25% of county shoreline outright.

The County Council held another round of countywide hearings encouraging public participation. The shellfish growers threatened to appeal the Shoreline Management Plan but did not ask for any significant changes in the legislation.

After the county passed the new regulations, the Department of Ecology delayed implementation for three years. In 2018 Ecology staff finally presented a list of required changes to the county council that were necessary for the plan to be approved. Their list included:

1) Lifting the county’s prohibition against dumping of hazardous wastes in Nisqually Reach adjacent to the Nisqually Wildlife Refuge.

2) Removing regulations requiring mitigation for the damage to beaches when harvesting and planting geoducks.

3) Removing protection in estuaries and creeks where the high density of homes made it difficult to provide buffers from Industrial Aquaculture.

Rather than risk an appeal and further delay many of the regulations governing improvements for river and lake shorelines, the County Council made DOE's required changes, then passed the Shoreline Master Plan with only a few prohibitions against geoduck aquaculture.

The Shellfish Industry then appealed the decision, challenging the county’s ability to prohibit Geoduck Agriculture in Natural Shoreline Designations. The industry charged that the county was not giving a priority to aquaculture as required by state
In preparing our amendments to the county's SMP, Tahoma Audubon works with five partners so that the county's environmental community speaks with one voice to county government. Our changes are based on scientific studies and mitigation that has been employed in other counties.

These environmental partners rely on the **Coalition to Protect Puget Sound Habitat** as the principal partner in providing studies from Canada, legal strategy, and policy language that has been used successfully in other counties involved in the state's Shoreline Plan update.

After Taylor appealed Pierce County's SMP to the Shoreline hearing board, the Coalition intervened in the appeal and will represent the interests of the environmental groups and neighborhood groups when the hearing is held sometime in 2019.

*This barge delivers geoduck tubes to shoreline before planting begins. Studies show PVC plastics in nets and tubes are harmful to fish, shorebirds and wildlife. After wind storms, these tubes float away from industrial farm sites to adjacent properties. Some tubes are found miles away in Tacoma Narrows by WDFW. Micro-plastics are found in stomachs of birds and wildlife leading to their demise.*

**Coalition to Protect Puget Sound Habitat**
Challenges state and federal agencies
The reform of regulations for industrial aquaculture became a statewide effort in 2007, when the state legislature appropriated money for university studies to improve aquaculture planting and harvesting strategies and practices. Audubon members and other shoreline groups made an attempt through their state representative to appropriate part of the funds for the Sea Grant program at the University of Washington to study the environmental destruction of geoduck. The effort failed.

Most of the studies showing Geoduck’s harm for the environment, come from universities in British Columbia where there are similar muddy bays, shorebirds, whales and other sea life that are impacted by intensive aquaculture. Since 2007 the Coalition has been the clearing house for independent information about the shellfish industry and has advised neighborhoods and residents on how to fight county permits when the industry leases property in the neighborhood.

Many beach cabins are owned by families and used only in summer. A lease of the beach is one way to pay the county taxes on waterfront property. The absent landowners are not around for harvesting when tides are low at night and the price of geoduck is highest in winter.

The Coalition shares information on other counties that are working on their update of their shoreline plan. In the City of Bainbridge Island the Coalition was a party along with a citizen group that appealed their Shoreline Management Plan to the Shoreline Hearing Board. The Island’s Shoreline Plan was extremely aggressive, setting a goal to limit geoducks to less then 10% of the shoreline. Initially the Shoreline Hearing Board found in favor of the citizen group.

When negotiations between Department of Ecology, the City of Bainbridge and the citizen’s group began, representatives of the shellfish industry joined the discussion. Several years of negotiations resulted in further revisions to the SMP, which were only agreements in principle. But when the city submitted the details in the form of new regulations, the staff of Department of Ecology continued to reject their revised Shoreline Plans.

Meanwhile during the four years that followed, the shellfish industry was able to apply and receive permits for new projects under the shoreline regulations written decades ago. This stalling technique appears to be an effective strategy to prevent progressive shoreline plans like the one in Pierce County from going into effect.

During the county hearings and drafting of the Shoreline Plan, the Pierce County staff often negotiated with the Department of Ecology. Within a few weeks, Ecology’s staff often reviewed a proposed change and then provided feedback on proposed regulations. However, once the plan was passed by the County Council, Ecology’s staff stalled over a year before they held a redundant public hearing on the plan. Then another year passed before they sent a formal review with dozens of pages of required changes and suggested changes.
After the delays in implementing new shoreline plans, the Coalition The Coalition began to broaden their approach and shifted their focus from just challenging individual county permits and shoreline plans to filing lawsuits against state agencies and the Corps of Engineers.

Eagle trapped in predator netting of geoduck farm.

Eagles and other birds’ response to fear of getting caught in the net is to hang on tight. Once stuck in the netting this eagle would have drowned had the net not been cut. Geoduck farmers scour beaches of crabs, starfish and other creatures important to sustaining shorebirds, diving ducks and wildlife. Once geoducks are planted, the beaches are covered with this predator control netting.

Modern shellfish aquaculture exists in Willapa Bay, Grays Harbor, Hood Canal, and Puget Sound, covering between 38,700 and 40,000 acres of tidelands in Washington. The bulk of this acreage (26,000-36,000 acres) is in Willapa Bay, a large shallow bay in Pacific County, Washington. It is Washington’s largest outer coast estuary, covering 88,000 acres at high tide, and 45,000 acres of tidelands. Additional acreage (around 3,800 acres) is in nearby Grays Harbor. Forty thousand acres may seem like a lot of acreage because it is about a quarter of all tidelands in Washington state.

Laura Hendricks is the executive director of the Coalition To Protect Puget Sound Habitat and a community organizer. She is the go-to person for neighbors to consult when a geoduck permit is proposed for their beaches. Environmental groups rely on her research to justify the mitigation proposed in the county's legislation. And she is the person behind numerous permit appeals to the Shoreline Management Hearing Board.

Laura’s contempt for the predator control netting used by the industry comes from two experiences. She attended a statewide meeting in which the Shellfish Industry listed the methods recommended for killing shore birds, diving ducks, Dungeness crabs, and burrowing shrimp. In addition, their guidelines for preparing beaches for
planting calls for eradicating all species in the soil which compete with geoducks, oysters, and clams.

These guidelines account for the decline in bird life because they propose removing the benthic community on which birds depend. Using these guidelines, county regulations don't prevent workers from rake away sanddollars and other species on which birds depend.

Shellfish Grower's Guidelines also encourage harassing birds by hunting them to extinction in farmed areas. Of all the things that neighbors object to is the slaughter of shorebirds that feed on the muddy shores in front of their houses. On a foggy morning along a few neighbors complained the the Mason County Sheriff's Department that a man in a boat was out killing every crow, sea gull and bird that flew into the air. One neighbor photographed the license plate of the boat trailer that said "AvianKiller."

The sheriff department said the man in question had a license from the Department of agriculture to eliminate "pests" that were interfering with his farm.

Laura's second experience that led to her intense opposition to industrial agriculture occurred when a fledgling eagle was trapped in predator control netting in front of her new beach home. When she bought the home, she was disappointed to discover a geoduck farm below the tide line on her beach. Discovering an entangled eagle flapping its wings as the tide rose around it made her furious.

Laura rushed down to the beach, but as she began to cut the net loose, a mature eagle began dive bombing Laura with talons extended. This forced Laura to retreat far enough from the fledgling to cut a wider circle out of the net.

By the time Laura had cut a circle half way around the bird, she was deep in water -- and racing against the tide. Finally she sawed through the last piece of plastic net and the bird was able to take flight -- dragging the net behind it in its claws.

Back home, Laura reviewed the title to her home and found this geoduck farm was operating illegally on the property. Looking out at 42,000 tubes per acre of white pipe on her beach was not the natural beach that she had seen at high tide. And cutting the eagle loose was not an experience she wanted to repeat.

After taking the shellfish company and title company to court successfully, she was a changed person. Now she was fully aware of the destruction that the shellfish industry was doing to Puget Sound. She began meeting with neighborhood groups, then learned enough about the legal system to begin to challenge the shellfish industry at every opportunity at public hearings and in court.

Although Sierra Club and Audubon Society members network with each other and share information and strategy for lobbying legislation at the county and the state
legislature, only the Coalition and the Indian Tribes have challenged the Federal and State agencies in courts for the preference given to the Shellfish Industry by the legislature.

Aquaculture workers are waist deep in mud as they use water jets to liquefy the beach and pull out the geoducks. No other farm site or construction site is allowed to release a muddy plumb off of a work site. Only aquaculture has received a priority for shoreline use.

**Legislation to allow neurotoxic pesticide use on native species.**

By 2019 the Coalition was involved in a half dozen court cases and legislative proposals. The most outrageous proposal, which demonstrates the grip that the Shellfish Industry has on state government, is the state legislature's proposal to allow spraying of Imidacloprid in Willapa Bay. The proposed legislation declares an "economic emergency", waves concerns about the Clean water Act, then allows a pesticide to be sprayed on native species. The three bills also appropriate $1.5 million to cover the expenses of implementing the decision.

Imidacloprid is a pesticide that is banned in 49 U.S. states and in the European Union. The manufacturer warns not to use this neurotoxin on water. Studies in The Netherlands show that it is destructive to birds and diving ducks and reduces bird populations. In Washington state the scientist who conducted studies for Ecology found no harm for birds and other species. However after Ecology approved use of the Neurotoxin, an ethics investigation by the University found the scientist had taken funding from the Shellfish Industry.
An outcry from Seattle restaurants that were concerned with serving clams and oysters sprayed with the neurotoxin put pressure on Ecology to stop spraying. Without scientific evidence that the spray did no harm, the permit was canceled.

For the 2019 legislative session three related bills were proposed and assigned to committees in the House and Senate. The proposed legislation is intended to overrule a recent decision by the Department of Ecology that denied a multi-year permit for oyster growers to use the neurotoxin in Willapa Bay.

In making their decision, DOE wrote a Supplemental Environmental Impact Statement and then concluded the permits should be denied citing these reasons:

- Significant, unavoidable impacts to sediment quality and benthic invertebrates.
- Negative impacts to juvenile worms and crustaceans in areas treated with imidacloprid and nearby areas covered by incoming tides, including high mortality for Dungeness crabs.
- Negative indirect impacts to fish and birds caused by killing sources of food and disrupting the food web.
- Concern about non-lethal impacts to invertebrates in the water column and sediment.
- A risk of impacts to invertebrates from Imidacloprid even at low concentrations.
- Increased uncertainty about long-term, non-lethal, and cumulative impacts.

Oyster Growers Association in Willapa Bay appealed Ecology's decision, which will not hold a hearing until September 2019. Not spraying would result in a reduced harvest, so the Shellfish industry found several legislators to sponsor the three bills in the legislature. If passed by the legislature, the bills would go into effect in May of 2019.

The Coalition joined in opposing the appeal of DOE's decision to prohibit spraying. The Center for Food Safety, Center for Biological Diversity, and Western Environmental Law Center are the lead attorneys on the appeal. Detailed information on use of Imidacloprid and about these groups is available at:


**Emergency state Legislation dies in committee.**

On February 20, 2019 the Senate Committee on Agriculture and the Environment held a hearing to review the senate bill that would appropriate $1.5 million to cover the cost of spraying pesticides in Willapa Bay and Gray Harbor. The 1:30 p.m. hearing was packed with every seat taken.

Several Oyster Companies testified first telling Senators how difficult it has been to control native and non-native species that interfere with oyster growing. These companies provide about 25% of the nation's oysters and without continued spraying, the companies feel they will go out of business.
The testimony included photos of the beaches and showed several photos of tractors and other machinery that had been used to try to remove the native eelgrass and other invasive species over the several decades that Department of Ecology had granted exceptions to these commercial growers. They were allowed to modify beaches that would ordinarily not be permitted to have a net loss of biological factions, to the extent that it destroyed the benthic community.

With just ten minutes of time remaining in the hearing, the committee chair called several panels of speakers to testify against the proposal. Members of the Coalition to Protect Puget Sound Habitat and an expert witness from National Audubon Society spoke in opposition to the appeal. They discussed the impact pesticide had on birds, and the fact that this pesticide was banned in European Union and other U.S. states. The information was factual and delivered in a professional way. The most damning testimony was when the warning on the Imidacloprid label specifically stated that it was dangerous to use in water.

After the testimony, the chair called for a vote to send the bill on to the Senate Finance committee to approve of the $1.5 million in funding. The vote was surprising in that most of the committee members voted to pass the bill, but the one strong vote against the bill was the Chair of the Senate Ways and Means committee.

By the end of the following week, that one vote was the only one that mattered. The bill died, because the chair failed to give it a Ways and Means hearing before the bill cutoff date for the legislative session.

This success was typical of state legislation. Much maneuvering happens behind the scenes and participants just have to trust the process. In a case like this, it was important to give the shellfish growers a fair hearing. However, this bill was not destined to make it to the floor of the legislature.

Most bills fail if there is any minority opposition. And this bill, if passed, would also have overruled a legal challenge that would be heard by the state Pollution Control Agency in September. Legislatures have been known to overrule a Supreme Court decision, but it is rare that it is done before the legal case is heard.

In the end the hearing was a fire drill. Important to attend and show opposition, as the shellfish growers have considerable political power to set a priority for the use of our shorelines for aquaculture. This time presenting good information carried the day. The message was delivered to the one person who was able to stop the bill in a quiet way that showed respect for the shellfish growers who would need to find a more organic way to grow oysters.

In March of 2019, a diligent researcher with the Coalition, was looking through the state budget and found an appropriation for over $500,000 to hire a coordinator and find a scientific solution to remove burrowing shrimp from Willapa Bay. Further research
showed the draft proposal called for using Imidacloprid. But the specific spray was removed and the language listed possible solution to consider but didn not limit funding to the suggested list nor did it name Imidacloprid.

Having an item removed from the House budget requires close relationships with the few legislators on the budget negotiations committee. A few friends of the researcher who discovered the appropriation, made a few phone calls. But at this point the governor has not signed the budget and we've not seen the final draft.

Coalition files initial suit against Army Corps Over Cumulative Impacts

In 2007 the Corps opened up Puget Sound beaches and coastal water by issuing Nationwide Permit (NWP) 48 for Washington State. The permit did not fully disclose the environmental impacts of its approval. According to the lawsuit discussed in this section: "The permit green-lights a massive expansion of shellfish aquaculture with entirely inadequate protections."

The initial permit was intended to allow about 50 local permits per year, or about 250 in five years. In fact, it resulted in a thousand permits and a land rush that spread geoduck farms to 80% of the beaches in places like Toten Inlet in Thurston County and 40,000 acres of tidelands in Washington, according to the Center For Food Safety.

In June of 2016 The Coalition to Protect Puget Sound Habitat filed suit against the US Army Corps of Engineers, challenging the Seattle District of the Corps for its excessive issuance of shoreline aquaculture permits. The lawsuit, filed in Federal District Court for the Western District of Washington, outlines how the Seattle District has "issued almost 1,000 permit verifications/registrations for industrial-scale shellfish operations in Puget Sound under the Nationwide Clean Water Act Permit (#48)."

The suit charges that the Corps did not complete a cumulative impact analysis of the effects of all those permits on the Sound. Nor did they study the impacts on Orca and salmon in Puget Sound. Nor has the Corps evaluated the cumulative impacts of these operations on the people who live and recreate in Puget Sound.

READ the complete lawsuit here
Department of fish and wildlife requires hydraulic permits when installing a dock on the shoreline that might cause shading or otherwise have an impact on fish or the natural carrying capacity of soils to support birds and wildlife. No hydraulic permit was required for this geoduck farm and its destruction of this beach.

**Center challenges new 2017 Corps of Engineers’ permits.**

One year after the Coalition's suit, in 2017, the Corps renewed the 2007 permit and used an Environmental Assessment (EA) to determine any impacts on wildlife. An EA can be used instead of an Environmental Impact statement only when there are minimal adverse impacts individually or cumulatively.

Despite shellfish aquaculture’s negative impacts on wildlife and Washington’s shorelines, the Army Corps 2017 permit allows an expansion of aquaculture to over a third of all Washington tidelands, from around 40,000 acres to 72,300 acres.

Once the new permit went into effect March 19, 2017, the Center for Food Safety in Portland, Oregon, filed a lawsuit charging the Northwest Division and Seattle District (responsible for Washington State) for ignoring the adverse impacts “without disclosing to the public the full scope of impacts or adequately analyzing or explaining how those impacts will not be significant.” The suit involves violations of the Clean Water Act § 404 (CWA), the National Environmental Policy Act (NEPA) and the Administrative Procedure Act (APA).

The Coalition, Center for Food Safety, tribes, and local agencies all have grave concerns about the cumulative impact on that many acres. Moreover, under an arbitrary definition of “new” operation, the Army Corps would consider almost all of that new acreage permitted in 2007 permit to be “existing” projects. This reduces the number of projects that would need to be reviewed in a cumulative analysis.
Under the 2017 approval, an operation would be considered “existing” so long as some commercial shellfish activity took place in the area within the last 100 years. This means geoduck operation in 2018 would be “existing” if there was a small oyster operation in the area in 1919, even with no aquaculture in-between.

The suit calls for an Environmental Impact Statement to be written and to consult with federal agencies about the impact of industrial aquaculture on protected species of fish and fauna on coastal beaches.

Read more details in the complete press release on the website here: Center for Food Safety and the full lawsuit here: Read the full complaint

A single-acre geoduck operation usually includes around 44,000 PVC tubes, four- or six-inches in diameter and approximately ten inches long. This amounts to approximately seven miles of PVC tubing per acre, weighing between 11 and 23 tons. Plastic nets are typically installed over the entire geoduck bed to keep out native wildlife that would normally feed and shelter there.

Coalition members challenge state Department of Fish and Wildlife (WDFW)

In April 2018, the Coalition to Protect Puget Sound Habitat was joined by Protect Zangle Cove, and Wild Fish Conservancy in filing a suit against the Washington Department of Fish and Wildlife (“WDFW”). Most construction projects in or near Washington waters must receive an Hydraulic Project Approval (“HPA”), which requires that they have safeguards in place to protect fish and their habitat. WDFW has exempted
commercial aquaculture from this statutory requirement for many years, meaning aquaculture projects go forward without normal environmental safeguards required for putting in docks or bulkheads.

The lawsuit filed in Thurston County Superior Court contends this exemption has no legal basis and asks the court to direct WDFW to apply the HPA law consistently to shellfish aquaculture projects. The suit also asks the court to halt development of a geoduck farm planned for Zangle Cove, a near pristine estuary in South Puget Sound, until it receives an HPA permit.

Laura Hendricks, director of the Coalition to Protect Puget Sound Habitat, emphasizes that the lawsuit only asks the state to apply the HPA requirement consistently.

“There is a double standard that exempts commercial shellfish aquaculture from the state HPA permitting system, even though these operations pose a severe threat to our fragile coastal habitats,” said Hendricks. “A private citizen installing a small dock needs to get an HPA permit, but a commercial shellfish facility would not need an HPA permit before constructing a facility that disrupts miles of shorelines, when inserting plastic tubing, netting, and rebar into the tidelands.”

After the Corps of Engineers issued another permit to expand shellfish aquaculture from 40,000 shoreline acres to 73,000 acres, "We are in the midst of dramatic expansion in Washington," said Hendricks. These factory-farm-like facilities already take up one-quarter of all Washington tidelands. This next expansion planned is focused largely on geoducks raised to sell in Asian markets.

Kurt Beardslee, co-founder and Executive Director of the Wild Fish Conservancy, says: “This a scientific fact: the industrial shellfish aquaculture industry routinely damages vast amounts of habitat critical to federally protected species, including wild salmon and steelhead, with little or no agency oversight.”

Read the entire complaint filled by the law firm of Lane Powell P.C.

Summary of shoreline legal cases and pending state legislation as of 2019

It "has never been so obvious that our entire Washington shorelines and aquatic wildlife are at such risk," said Laura Hendricks after sending me this summary of pending lawsuits and legislative issues.

Shellfish Growers Association has:

1. Intervened against the Coalition and Center For Food Safety vs. Army Corps lawsuit as we try to protect Washington shorelines and wildlife
2. Intervened against the Swinomish Tribe vs. Army Corps lawsuit as the tribe tries to stop Taylor Shellfish from destroying native eelgrass and aquatic life

3. Challenged the Coalition vs. WDFW Hydraulic Permit lawsuit to stop ever being regulated like everyone else who works in the shorelines

4. Appealed Ecology's decision that denied the Imidacloprid spraying by Shellfish Growers Association -- Coalition, Center for Food Safety, Center for Biological Diversity, and Western Environmental Law Center intervened to protect Willapa Bay and Grays Harbor from the poisoning


5. Appealed the Pierce County new Shoreline Master Program update primarily because they do not want industrial aquaculture to be prohibited in the Natural Shoreline Designations

6. Initiated 3 bills in the State Legislature to get around Ecology's denial of the Imidacloprid spraying permission