

Association for the Protection of Hammersley, Eld, and Totten Inlets

-APHETI-

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Hearing Examiner's decision regarding Totten Inlet mussel rafts

APHETI, as a formal party to this matter, provides you this most current update

On Thursday, July 19, 2012, Thurston Co. Hearing Examiner, Thomas R. Bjorgen, issued his decision on this matter. The full 95 page document is electronically available at: <http://www.co.thurston.wa.us/permitting/devactivity/totten/totten-hearing.html> - Click on *Hearing Examiner Decision, July 19, 2012.*

Briefly stated, the Decision concludes the Taylor Shellfish Company (Taylor) application does not comply with the standards for issuance of a Substantial Shoreline Development Permit. This being due to Taylor's failure to adequately analyze three critical cumulative impacts the mussel rafts may have on the marine environment:

- (1) Impacts of low dissolved oxygen on aquatic life and habitat;
- (2) Effect on the benthic community (creatures dwelling on the sea bottom);
- (3) The potential spreading of or genetic pollution by Gallo mussels.

Taylor is given 30 days, from July 19, to choose one of the two following options for proceeding:

- (1) Challenge the determination that the present analysis of cumulative impacts is deficient and the requirement to perform an additional cumulative analysis. If so, the Hearing Examiner will issue a supplemental decision denying Taylor's application on that basis, and Taylor may appeal to the County Commissioners; or
- (2) Carry out the required analysis of cumulative effects. In that case, the Examiner and the parties involved will confer about the timing and nature of that analysis.

Thus, we are, again, in a "wait and see" mode. In the interim, APHETI attorney, David Mann, will critically analyze this decision and provide recommendations for further legal actions as appropriate.

APHETI will continue to inform you of all developments as they emerge and invite you to personally attend a General Membership meeting to help decide our ultimate actions in this matter.

If you have not already done so, please contact APHETI at APHETI@GMAIL.COM with your E-mail address so as to expedite our communications with you in the most timely and cost-efficient manner.

Thank You! for your continued interest and support - Board of Directors / APHETI