

# Case Inlet group questions tideland ownership

## Homeowners drop appeal against Seattle Shellfish geoduck project, file letter to DNR

By **ARLA SHEPHARD**

As Seattle Shellfish continues to pursue a project that would add six 14-by-40-foot rafts and a 360-foot log boom to its geoduck nursery at Spencer Cove, homeowners along Case Inlet have asked the state to take a look at who actually owns those aquatic lands anyway.

A lawyer representing the Case Inlet Shoreline Association — which has more than 100 dues-paying members in Mason and Pierce County, from Allyn to Vaughn — sent a letter last month to the state Department of Natural Resources (DNR) claiming the sub-tidal lands under consideration for Seattle Shellfish's project are in fact owned by the state.

According to state law,

the right to possess aquatic lands for cultivating shellfish revert to the state unless the landowner can prove that "the subtidal portions of the land had been planted with that species of shellfish prior to December 31, 2001."

Seattle Shellfish entered into a real estate contract with Toebe's Clam Farm to purchase the parcel in question in February 2002.

While Seattle Shellfish claims that geoduck seed existed on those aquatic lands in 2001, members of the Case Inlet Shoreline Association disagree.

"We believe the evidence is overwhelming that this sub-tidal tract was not planted with geoducks prior to 2002," wrote David Bricklin, a lawyer with the shoreline association, in a letter to DNR dated January 19.

Bricklin outlined several pieces of evidence that indicate that geoduck had not been planted prior to 2002, including registration forms filed by Toebe Clam to the state departments of Health and Fish & Wildlife (WDFW) that make no mention of geoduck harvest.

In applying for a nationwide permit earlier this year to cultivate geoduck, Seattle Shellfish also did not mention any sub-tidal geoduck planting before March 2007, Bricklin wrote.

The lawyer also noted that if geoduck had been planted in 2001, harvest would have occurred between 2005 and 2009, however, harvest records filed with WDFW show no harvest from the area in that time period.

The letter is the shoreline association's latest attempt

A beautiful  
the First Bay

## Why Mason (briefs ci

By **NATALIE**

After listening to a presentation outlining the state, city and county's efforts to improve the city's health and safety, Mayor Mike Byrne said the city could do

"What do the one, two, three high ranking counties attain that kind of status? What are we doing that we're not doing?" he asked.

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## No su

By **KEVAN MO**

Shelton Schoes have thrown into the process of Superintendent placement.

After a national school board put down its list of individuals that may be here. Board members to the applicants to become members and the people with them and keep

But in a letter to the school board at the



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## Case

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to fight the Seattle Shellfish project, which the county approved last May only to have the shoreline association appeal the decision for environmental reasons to the state's Shoreline Hearings Board.

The group dropped the appeal in November, however, in part

because they felt Mason County leans pro-aquaculture and they wanted to focus on the issue of tidal land ownership, said Curt Puddicombe, the association's vice president.

"Given the ... lack of fortitude to regulate these kinds of activities, and the fact that the nursery rafts are probably less environmentally damaging than geoduck aquaculture itself, we felt that dropping the appeal to the

Shoreline Hearings Board would allow us to focus on the fact that the proposal is actually on state land, and not land owned by Seattle Shellfish," Puddicombe said.

Seattle Shellfish owner Jim Gibbons said the environmental concerns were "far off base" and that he was surprised the Case Inlet group dropped its appeal.

"I see [the project] going forward," he said. "I'm not in the

least bit worried."

The project, which also includes eight 12-inch diameter steel pilings to support the 360-foot log boom, has yet to receive permit approval from the U.S. Army Corps of Engineers.

Pamela Sanguinetti, a project manager and biologist with the Seattle district of the Army Corps, said that the review process for the project is nearing its end, but that factors like

tide land ownership do need to be addressed.

"That in itself is not holding up the permit, but we are aware of it and it is something we need to find an answer to," she said.

Brian Flint, a spokesperson with DNR, confirmed that the agency had received the letter and had sent a letter back to the association saying they would research the matter further.

## Health

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leaths, teen pregnancy rates, access to healthcare and health and dental insurance also contributed to Mason County's overall poor health rating.

She also said that levels of education and poverty and neighborhood access to a grocery store or "healthy food outlet" influence the health of a community.

To answer Byrne's question, Kirkpatrick said that Mason County, and the city of Shelton can't do all the work to make the community healthier.

"People make choices when they're easy to make," Kirkpatrick said. Often, people choose to eat unhealthy foods, or skip a workout,

## Super

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concludes, "we encourage the board to reexamine the other applicants in the current pool, or we support the re-opening of the position to find other qualified candidates."

The school board's four current finalists are: Paul Apostle, who is completing his superintendent certification and most recently served as an assistant superintendent in Renton from

## Vote

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School levies only require a simple, 50-percent majority to pass and Pioneer voters supported the \$2.04 per \$1,000 of assessed valuation levy by a margin of 59.29 percent to 40.71 percent.

The Shelton School District levy was also resoundingly successful with 62.46 percent of voters supporting the measure and only 37.54 percent rejecting it.

Things were a whole lot closer at the Southside School District, though, after Tuesday's initial counts showed 50.43 percent of voters sup-

