

January 6th, 2024.

EXHIBIT A

Bruce D. Justinen
9545 Johnson Point Loop NE
Olympia, WA 98516

JUSTINEN

HEARING EXAMINER Sharon Rice
#2022103702 Taylor Shellfish / Mazanti Geoduck SSDP

Dear Ms. Rice:

I appreciate the opportunity to respond to the application of TAYLOR SHELLFISH / MANZANITI GEODUCK SSDP #2022103702.

I certainly sympathize with them on the seemingly tortuous pathway necessary to meet all of the challenges required to meet the many state and federal legislative and agency requirements that they are obligated to meet.

But there are reasons for those safeguards as I know you are aware. Thank you for fulfilling your mandate to protect.

My name is Bruce Justinen and I am the founder and president of SEASOFT SCUBA a manufacturer and distributor of scuba diving products located in Centralia, WA. (www.seasoftscuba.com). I am very familiar with the underwater world of South Puget Sound; I have seen part of the acreage as outlined in #2022103702. However, it has been 6 or 7 years since I ventured down that way on scuba. I want to make several points for your Honor to consider.

1. I am very familiar with the general underwater layout of most of DANA PASSAGE, it is already rich with a large sustainable Squaxin Island Tribe native geoduck underwater fishery that covers several square miles at the center of Dana Passage and will virtually abut #2022103702. Were they aware of this application?

In the JARPA Application page 16, signed on April 3, 2023, there is an unsigned box on page 16/17 entitled: TIBAL PERMITS, it is seen below. Is this supposed to be signed off? I only see one Tribal Response in the Official Attachments and it is from the NISQUALLY TRIBE, whose fishing grounds are NOT part of this application.

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

2. Also, the only verification there seems to be that there is no eel grass is provided by TAYLOR SHELLFISH. Considering how important this is, wouldn't it be prudent and logical, when building a cynical PUBLIC's trust in our institutions, to have a THIRD PARTY do a brief underwater survey of the proposed LEASE SITE.

I have digitally enhanced the Google Earth™ photograph in **EXHIBIT B JUSTINEN** to allow us to "see" deeper into the water. NOTHING has been added to this photo digitally or otherwise. It is simply a changing of the color spectrum until we get a clearer view of the bottom. There appears to be at least two long swaths of eel grass running through the middle of Application # 2022103702. There also appears to, what might be a larger growth of eel grass at slightly deeper depths. I am afraid that Taylor Shellfish's verification of eel grass existence might be inaccurate and in need of further inquiry.

This could be done for a very modest sum. I have first-hand knowledge of skilled, underwater videographers who are very competent. They could readily accomplish and document this filming work in two or three days.

3. Then there is Puget Sound's Spiny Dog Fish (*Squalus acanthias*) which is not as common in Puget Sound as it once was. Henderson Inlet has several unique Spiny Dog Fish predation periods during the year that correspond to the spawning of several bait fish species up Henderson Inlet. Let me explain.

Henderson Inlet's west facing shoreline and to a lesser extent its eastern facing shoreline do not follow the traditional methods of TIDAL EXCHANGES. The daily tidal exchanges are unique in that the flood and outgoing tides primarily moves water in parallel to the shoreline. The following picture from Google Earth demonstrates that motion. You will be able to dimly see underwater channels that have been eroded out of the sea floor.

It is here in these Tidal Channels also known as Fluvial Channels that a pack of Spiny Dog Fish waits for the arrival of several varieties of bait fish which spawn in the marshes at the end of Henderson Inlet.

When the Spiny Dog Fish "ambush" the baitfish, they use their bodies as one and "push" their victims up onto the shallows and even onto the beach. As the small fish struggle

in the shallows or even on the dryland, the Dog Fish now break ranks and start to consume the bait fish as fast as possible.

I even observed a 20" to 24" male come almost completely out of the water in pursuit of fish and then thrash back and forth to reach the water.

If Taylor Shellfish were to be harvesting geoducks during this spawn or during this predation it is simply unknown what the effects might be. These Tidal Channels would be in danger of disappearing as they are filled in by sediment released by the planting and harvesting of 5 plus acres of geoduck. It would simply be a guess as to where and with who this would have the most impact.

4. I have been living near Johnson Point for more than 2 decades and I have kept my eye on and tried to protect an approximately 1 to 5 acre *Dendraster Excentricus* nursery and breeding area for the last 20 plus years. I have watched as this area has been damaged by:

- A. rising nitrogen levels (is this why the crabs are gone?).
- B. the intolerable heat week of June, 2021.
- C. big silt runoffs.
- D. vandalism and commercial predation make their impacts.
- E. the changes brought about by climate change, (the hotter, drier summers).
- F. the growth of the geoduck shellfish industry and their bottom blasting stingers. Why can't we keep that out in deeper water instead of allowing it in, under and on our sensitive shallow waters and beaches?
- G. pollution runoffs that simply seem to go on year after year unabated.

This GEODUCK AQUACULTURE PROJECT # 2022103702 application before Your Honor is one that presents you with a vast amount of information. The question is this, when do we stop? Do we just do this 9 acres and then another and then another?

This project is on the north side of portions of Johnson Point Loop and Otis Beach Road and overlays this now only 1 to 5 acre SEA DOLLAR COLONY (I have not surveyed it underwater) but have observed much of it from my canoe at slack in calm seas.

Is there a way to protect this nursery and breeding area? I KNOW that with the first GEODUCK harvest, the Pacific Sand Dollar population will be decimated. Actually, won't they be destroyed when they plant their geoducks at the beginning.

Whose job is it to protect these sensitive, possibly unknown areas?

When I first walked the magical shores of Puget Sound in 1965 as a nine year old, I can still distinctly remember my brothers and sisters and I bringing up handfuls of sand dollars from the beach. The beach was COVERED with partial and whole Sand Dollars, even the name was cool. I kept mine for years until I finally broke them all.

In the early 2000's, there was a permanent creek that poured through the spawning area and nursery area sands at low tide even during the summer. My unscientific observation was that this cold water cooled these sensitive areas during the extra-long days of summer. That creek or spring or combination has now been dry for at least a month of the summer for the last 3 years.

This nursery and breeding area is now roughly 20 to 30% smaller than when we first "discovered" it in 2002. We fear for its future. I have been diving and freediving in the waters of the Pacific Northwest since 1969.

You were once able to sit on the beach and count 6 to 20 sea otters at any given time just a stone's throw off the beach. You could collect 6 BIG Dungeness crabs just by wading through the bull kelp at low tide. I could go on and on.

I want a healthy Puget Sound for my kids and grandchildren, I want it for my customers, and I want it for my SEASOFT DEALERS, who together with us have generated millions of dollars in taxes for the State of Washington.

Even a 5th grader knows that when Taylor Shellfish liquifies 653,400 cu. ft. of Puget Sound real estate (5 acres to the depth of 3 feet), when they harvest these FARMED Geoducks, home to billions of animals of all descriptions and sizes making up their part of the balance of what makes Nature wiser than we are; you simply know that something is wrong with that!

It can't be good, no matter how many studies we do.

I know there might be a fear of upsetting people but right is right. As Winston Churchill said, "You have enemies? GOOD! That means that you've stood up for something, sometime in your life!"

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Justinen". The signature is fluid and cursive, with the first name "Bruce" and last name "Justinen" clearly distinguishable.

Bruce Justinen

EXHIBIT B JUSTINEN should always be included with this document!

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Tidal movement over long periods of time with Flood Tides and Ebb Tides running parallel to the shoreline create Tidal Channels and/or Fluvial Channels. They can be dimly seen on the latest Google Earth photograph of the area of interest.

These Tidal Channels are suspected of being used by several species of bait fish heading to the end of HENDERSON INLET TO spawn.

The Xs illustrate the areas where the Spiny Dogfish have been observed swimming in packs of 3 to 5 (males?) where they push the fish out of the Tidal Channels toward the beach and even onto the beach where the pack of Spiny Dog Fish grab their victims and eat them.

Proposed project # 2022103702, the Taylor Shellfish / Mazanti Geoduck SSDP within the RED BORDER.

As you can see there are beds of what appear to be eel grass running parallel to the beach the full length of #2022103702's 9 acres. There does appear to be more eel grass at slightly deeper depths.

Yellow Circle designates approximate size and area of the "Dendraster Excentricus", the SAND DOLLAR's nursery and breeding area.

Sand Dollars, a popular species with children was once plentiful on virtually every beach in Puget Sound.