

Shellfish Aquaculture in Puget Sound Violates Federal and State Law

The Federal Endangered Species Act of 1973, as stated in section 2, was designed to protect critically imperiled species from extinction as a consequence of economic growth and development untended by adequate concern and conservation, and to protect the ecosystems on which these species depend. Chinook, Coho and Steelhead are all listed under the ESA in Puget Sound. American bald eagles are still listed as a species of concern. The Puget Sound orca is also ESA listed and is dependent on increased salmon runs. Shellfish aquaculture is acknowledged as a stressor to salmon populations, and as causing adverse affects to critical habitat for endangered Puget Sound Chinook salmon.

The Federal Magnuson-Stevens Fishery Conservation and Management Act of 1996 was designed to promote the long term protection of essential fish habitat and to ensure the effective conservation and scientific understanding of recreational and commercial fishery resources. As noted above, it is documented that various methods of shellfish aquaculture negatively impact essential fish habitat for salmon. It is documented that geoduck aquaculture negatively impacts eelgrass. Shellfish farmers often remove aquatic vegetation and sand dollars to establish geoduck sites. Eelgrass is essential fish habitat and is federally protected, and the Washington State Department of Ecology maintains a 'no net loss' policy on eelgrass. Sand dollar beds provide refugia for crabs, and food for fish and birds.



Shellfish farmers removing aquatic vegetation (left). Sand dollars left to die after being removed by shellfish farmers (right)

Geoduck and shellfish aquaculture is not consistent with Washington State's Shoreline Management Act (SMA) of 1971. The overarching policy of the act is such that the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible. One of the primary goals of the SMA is to preserve the natural character of the shoreline. Priority is to be given to developments that provide opportunities for substantial numbers of people to enjoy the shorelines of the state. The SMA also implements the Public Trust Doctrine, limiting the public and private use of tidelands to protect the public's right to use the water. In 2008, the Pierce County Hearings Examiner (Taylor/Foss vs. Pierce County) concluded that geoduck farms are indeed a structure; that they obstruct public use of the water, and that they cause habitat disruption. According to the SMA, aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, significantly conflict with navigation and other water-dependent uses or significantly impact the aesthetic qualities of the shoreline.



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