



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Beach Haven Resort <relax@beach-haven.com>

Mon, Dec 1, 2014 at 3:43 PM

To: WFWOComments@fws.gov

We oppose this proposal for the following reasons:

As a resort with moorings and the healthiest eel grass beds in the San Juans, we don't see a need to replace our concrete discs/moorings.

We would not be able to afford to replace all of our moorings at a cost of nearly each \$4800

Deep mud is not great for embedded anchors. The link below has the local choice for embedded anchors, MR-SR. Page 2 into their website there is a soil chart discussing holding power and the limitations of loose silt and mud.

<http://www.earthanchor.com/wp-content/uploads/2012/07/MARINE-INSTALLATION-PROCEDURES-2-9-08.pdf>

An embedded anchor has an exposed, galvanized, metal rod and swivel on the seafloor which eventually will fail. To replace those parts a diver (expensive) is needed and doing the job is impossible to do properly underwater because the step of applying locktite is eliminated; the mooring is therefore compromised. Concrete discs do not have metal on the seafloor. A concrete disc mooring is serviced at a minus tide; all the hardware that needs maintenance is on the top part of the mooring and is replaced, above the water's surface, on a work boat where the parts can be seen without underwater visibility issues.

Thanks for your attention,

Andrea Speedie

Your Beach Haven Hosts,

Shayne, Justin, Andrea, Greg & Laura

phone: (360) 376-2288

684 Beach Haven Rd

Eastsound, WA 98245

Visit us online at www.beach-haven.com & ['Like' our Facebook page: Beach Haven Resort](#)



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Brian Achenbach <brian_achenbach@msn.com>

Mon, Dec 1, 2014 at 10:07 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Eliminate boathouse sidewalls? You've got to be kidding me... Did you guys draft these requirements up over some beers while playing pool?

All marinas are different and you give no evidence of any marinas and /or the negative impact they have on the fisheries in a particular area, if you want to "change" something" it would be a good idea to show some kind of evidence as to why the "change" is needed.

Best,

Brian Achenbach
Sunset Construction Inc. (SCI)
509 539 3548 Office/cell
425 985 5506 Cell
509 396 2424 Fax
Brian_Achenbach@msn.com
www.scibuilders.com



WFWOCComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

2 messages

Dorothy Hansen <littlebear1945@hotmail.com>
To: WFWOCComments@fws.gov

Mon, Dec 1, 2014 at 8:39 PM

Kennewick, Washington
December 1, 2014

Gentlemen:

My name is Cleo Dale Hansen. I am contacting you as a concerned citizen of the State of Washington and the United States of America. I am also an avid boater, fisherman and family man, born in this State 78 years ago, raised in this State, and with the exception of the twenty years and 27 days I spent serving in the United States Army, I have made my home in this Wonderful State. In these many years I have been very fortunate to live next to the Columbia River where my children, Grand Children and now Great Grand Children have enjoyed the clean, wholesome family recreation of boating, camping, use of City, County, and State Parks (many located on the shores of these waters). In the process of all this family enjoyment I and so very many others have made some pretty major expenditures, not only for boats, but for facilities to keep boats in. There: now you know where I'm coming from. In reviewing your proposed "The Department of Natural Resources Habitat Conservation Plan". I found several issues that seem to be nothing more than Bureaucracy Run Amuck!!!

1. Your organization is not the authority that determines what will or not be considered an endangered or threatened Species. So don't speak as tho you are!
2. Your organization is not the authority that determines design, or type of construction for boathouses, moorages, docks or mooring bouys. So don't speak as tho you are!
3. Your organization is not the controlling authority for lands, shorelines, anchorages that is controlled by the U.S. Army Corps of Engineers, or other Federal agencies. So don't speak as tho you are!
4. Your organization is not the authority that determines water quality. So don't speak as tho you are.
5. Your organization has not taken into consideration the many, many issues that have been granted Grandfather approval by other agencies over the past 65 years. Many tradeoff concessions were made when the Dams were constructed to encourage development of both business and recreational facilities. Great lip service was given to the benefits of the Dams like: a. Flood Control, b. Hydroelectric Generation., c. Commercial Navigation, d. Resources for Irrigation, and e. Recreational facilities such as marinas, parks, fishing, swimming, restaurants and camp grounds.

The presumption of authority over areas controlled by several other agencies, and the presumption of expertise where what is written is obviously without any knowledge of what is real, relegates the entire document to little more than BULLROAR!

Hoping this message finds you all in good health and filled with holiday spirit, I remain:

Cleo Dale Hansen
3202 West 47th Avenue
Kennewick, Washington 99337
(509) 396-8472

Dorothy Hansen <littlebear1945@hotmail.com>
To: WFWOCComments@fws.gov

Tue, Dec 2, 2014 at 5:51 AM

[Quoted text hidden]



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

David Stafford <dstafford.fish@gmail.com>

Mon, Dec 1, 2014 at 8:21 AM

To: WFWOComments@fws.gov

Please by all means reconsider your support of (WDNR Aquatic Lands HCP DEIS). This is bad all the way around. If your goal is to convince people they should give up boating altogether you will succeed if this legislation passes. The recreational boating industry already pumps millions of dollars into the State coffers. Do you really want to see it go away? Some common sense please!

—

David Stafford

Gig Harbor Seafoods

Office: 253-858-3901 Cell: 253-303-2571



WFWOCComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

2 messages

Dorothy Hansen <littlebear1945@hotmail.com>
To: WFWOCComments@fws.gov

Mon, Dec 1, 2014 at 8:39 PM

Kennewick, Washington
December 1, 2014

Gentlemen:

My name is Cleo Dale Hansen. I am contacting you as a concerned citizen of the State of Washington and the United States of America. I am also an avid boater, fisherman and family man, born in this State 78 years ago, raised in this State, and with the exception of the twenty years and 27 days I spent serving in the United States Army, I have made my home in this Wonderful State. In these many years I have been very fortunate to live next to the Columbia River where my children, Grand Children and now Great Grand Children have enjoyed the clean, wholesome family recreation of boating, camping, use of City, County, and State Parks (many located on the shores of these waters). In the process of all this family enjoyment I and so very many others have made some pretty major expenditures, not only for boats, but for facilities to keep boats in. There: now you know where I'm coming from. In reviewing your proposed "The Department of Natural Resources Habitat Conservation Plan". I found several issues that seem to be nothing more than Bureaucracy Run Amuck!!!

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5. Your organization has not taken into consideration the many, many issues that have been granted Grandfather approval by other agencies over the past 65 years. Many tradeoff concessions were made when the Dams were constructed to encourage development of both business and recreational facilities. Great lip service was given to the benefits of the Dams like: a. Flood Control, b. Hydroelectric Generation., c. Commercial Navigation, d. Resources for Irrigation, and e. Recreational facilities such as marinas, parks, fishing, swimming, restaurants and camp grounds.

The presumption of authority over areas controlled by several other agencies, and the presumption of expertise where what is written is obviously without any knowledge of what is real, relegates the entire document to little more than BULLROAR!

Hoping this message finds you all in good health and filled with holiday spirit, I remain:

Cleo Dale Hansen
3202 West 47th Avenue
Kennewick, Washington 99337
(509) 396-8472

Dorothy Hansen <littlebear1945@hotmail.com>
To: WFWOCComments@fws.gov

Tue, Dec 2, 2014 at 5:51 AM

[Quoted text hidden]



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Karin Fletcher <karin@milltech.com>

Sun, Nov 30, 2014 at 10:03 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Regarding the proposed Aquatic Lands Habitat Conservation Plan:

There is no doubt that human activity has an impact on aquatic lands in Washington. Past human activity has caused species to be placed on the endangered species list so drafting a habitat conservation plan is important to the quality of both the aquatic lands themselves and the people who live and work in this region. However, some of the recommendations in the current draft aquatic lands habitat conservation plan would negatively impact both human and aquatic life. Specifically, I believe that the provisions requiring the removal of permanent breakwaters and abandoned pilings (section 5) fail to take into account the diverse underwater habitats that have evolved in these locations over the decades since most of the structures were originally installed. Removing these structures and/or replacing them with floating protective measures would destroy decades of marine life habitat formation which would be a loss to aquatic life. The best solution would be to allow breakwaters and pilings that have already been constructed, replaced or installed remain "as is" and to be replaced with similar materials when needed but to require future structures to be constructed from less potentially environmentally impactful materials.

Breakwaters primarily serve as barriers to protect marinas, but scuba diving is a secondary human activity supported by these structures. In fact, as a scuba diver with over 1000 dives in Puget Sound I can say that some of the premier dive sites in this area are breakwaters and abandoned pilings. I am not alone among divers in this area who have found abundant life on these structures. Below are a few ratings from "The Perfect Dive," a website devoted to reviewing Pacific Northwest dive sites.

[Hudson Point, Port Townsend](#) – Aquatic Life – 5 out of 5 stars

[Keystone Jetty, Coupeville WA](#) – Aquatic Life – 4 out of 5 stars

[Elliott Bay Marina Breakwater, Seattle](#) – Aquatic Life – 3 out of 5 stars

[Shilshole Breakwater, Seattle](#) – Aquatic Life – 5 out of 5 stars

While ratings are always subjective, another organization, Reef Environmental Education Foundation (<http://www.REEF.org>) maintains a database of fish and invertebrate sightings over the past 20 years provided by scuba diving and snorkeling volunteers. Below is the fish data for one of the dive sites listed above, Hudson Point in Port Townsend, which consists of both a marina breakwater as well as abandoned dolphin pilings. With around 70 fish species sighted, it is one of the most abundant sites in Puget Sound. Not only is there a variety of fish species, but two of the species included in the aquatic lands HCP are found at this site: the Pacific Sand Lance and both juvenile and adult Canary Rockfish. It seems that these structures should be placed in the aquatic reserve program where habitat is left untouched rather than be included in a plan that calls for the complete removal of this fecund habitat.

[Hudson Point \(Point Hudson Jetty\)](#)

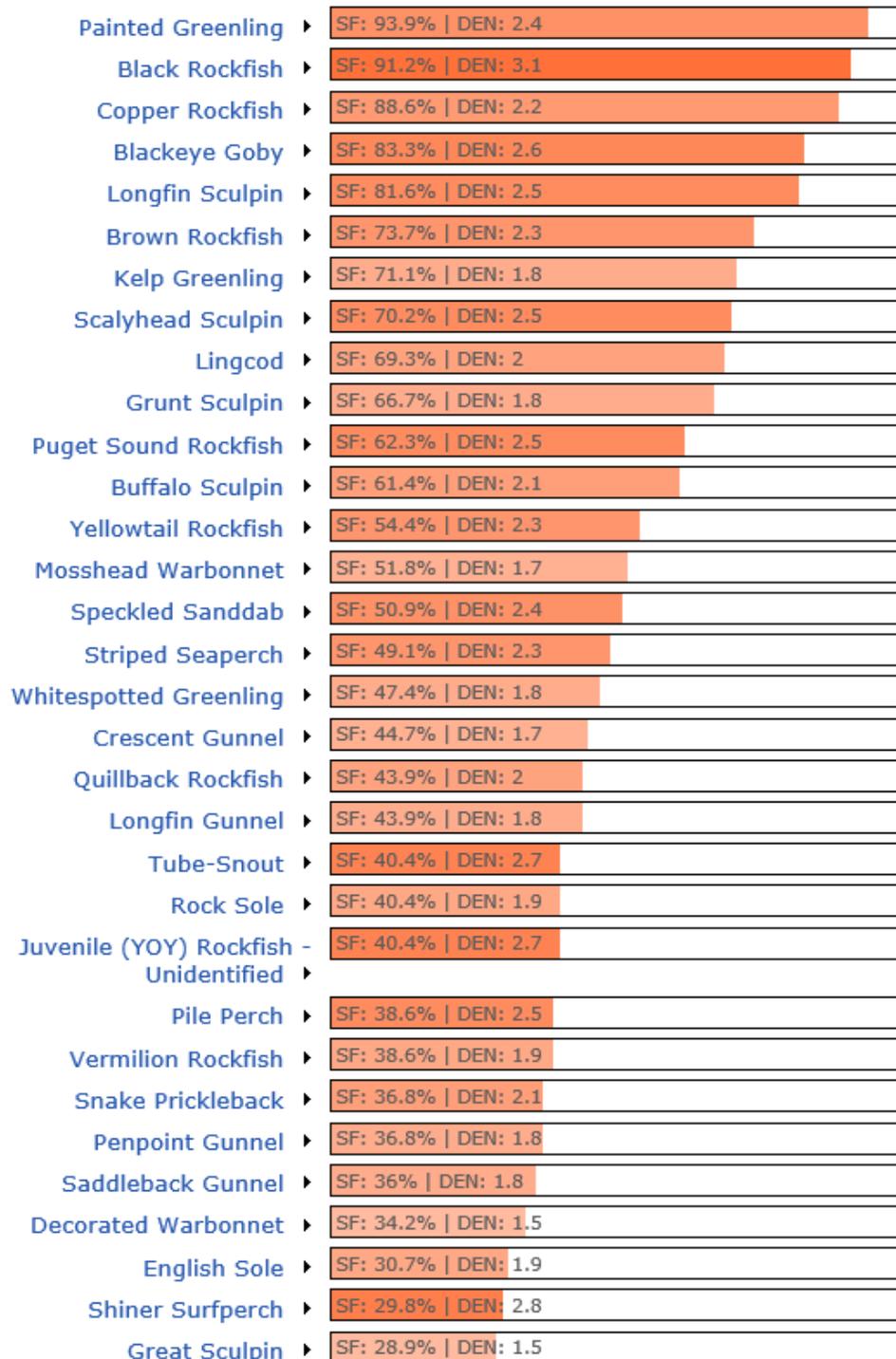
Survey Type: SA = Species & Abundance; SO = Species Only[?]

Click on a geographic place name to expand its sub-zones, or on a numeric zone ID to include only sites under that ID

Code	Site	Surveys				Bottom Time (H:M)
		Expert		Novice		
		SA	SO	SA	SO	
PAC						
2	WASHINGTON	58	-	56	-	124:12
27	OLYMPIC PENINSULA	58	-	56	-	124:12
2701	Hood Head - Dungeness Bay	58	-	56	-	124:12
27010105	Point Hudson Jetty	58	-	56	-	124:12
TOTALS		58	-	56	-	124:12

Species

%SF = Sighting Frequency; DEN = Density Score[?]
 Bar length corresponds to sighting frequency
 Color saturation corresponds to density score



Wolf-Eel	SF: 27.2% DEN: 1.5
C-O Sole	SF: 23.7% DEN: 1.3
Spinynose Sculpin	SF: 21.9% DEN: 1.8
Northern Ronquil	SF: 20.2% DEN: 1.9
Sailfin Sculpin	SF: 20.2% DEN: 1.4
Red Irish Lord	SF: 16.7% DEN: 1.5
Cod Sp. (Unidentified Juvenile)	SF: 16.7% DEN: 1.9
Kelp Surfperch	SF: 13.2% DEN: 1.9
Unidentified Sculpin	SF: 12.3% DEN: 1.9
Ribbed sculpin	SF: 9.6% DEN: 1.5
Unidentified Flatfish	SF: 8.8% DEN: 1.7
Padded Sculpin	SF: 7.9% DEN: 1.6
Pacific Sandlance	SF: 7% DEN: 3.4
Roughback Sculpin	SF: 5.3% DEN: 1.3
Pacific Staghorn Sculpin	SF: 5.3% DEN: 1.7
Sturgeon Poacher	SF: 5.3% DEN: 1.8
Slender Cockscomb	SF: 4.4% DEN: 1.4
Cabezon	SF: 4.4% DEN: 1.4
Smooth Alligatorfish	SF: 4.4% DEN: 1
Canary Rockfish	SF: 3.5% DEN: 2
Northern Spearnose Poacher	SF: 3.5% DEN: 1.5
Silverspotted Sculpin	SF: 2.6% DEN: 1
Northern Sculpin	SF: 2.6% DEN: 1.7
Walleye Pollock	SF: 1.8% DEN: 2
Bay Pipefish	SF: 1.8% DEN: 1
Northern Anchovy	SF: 1.8% DEN: 1
Smoothhead Sculpin	SF: 1.8% DEN: 1
Pacific Spiny Lumpsucker	SF: 1.8% DEN: 1
Pygmy Poacher	SF: 1.8% DEN: 1.5
Northern Clingfish	SF: 1.8% DEN: 1.5
Rosylip Sculpin	SF: 0.9% DEN: 2
Yellowtail Rockfish YOY	SF: 0.9% DEN: 3
Canary Rockfish YOY	SF: 0.9% DEN: 2
Pacific Cod	SF: 0.9% DEN: 3
Showy Snailfish	SF: 0.9% DEN: 1
Manacled Sculpin	SF: 0.9% DEN: 1
Slender Sole	SF: 0.9% DEN: 1
Starry Flounder	SF: 0.9% DEN: 2
Spotted Ratfish	SF: 0.9% DEN: 2

Similar data are available on REEF's website for other Puget Sound breakwaters, but one site that I would like to mention in particular

is the site where the Unocal/Edmonds Oil Dock pilings stood for 80 years until they were removed in 2008. Prior to the removal of the Oil Dock, volunteer divers had entered data from 64 dives. After removal of the Oil Dock, only data from one dive five years after piling removal (October 2013) has been entered. As you can see from the data, without the artificial human structure there is dramatically less life at this site even after giving the site five years to recover. For example, when the Oil Dock was in place, divers recorded sightings of juvenile salmonids and Pacific Sand Lance whereas five years after the piling removal, there were many fewer total fish species and no sightings of juvenile salmonids or Pacific Sand Lance.

[Edmonds Oil Dock](#)

Before dock removal Jan 1, 1993 – Oct 31, 2008

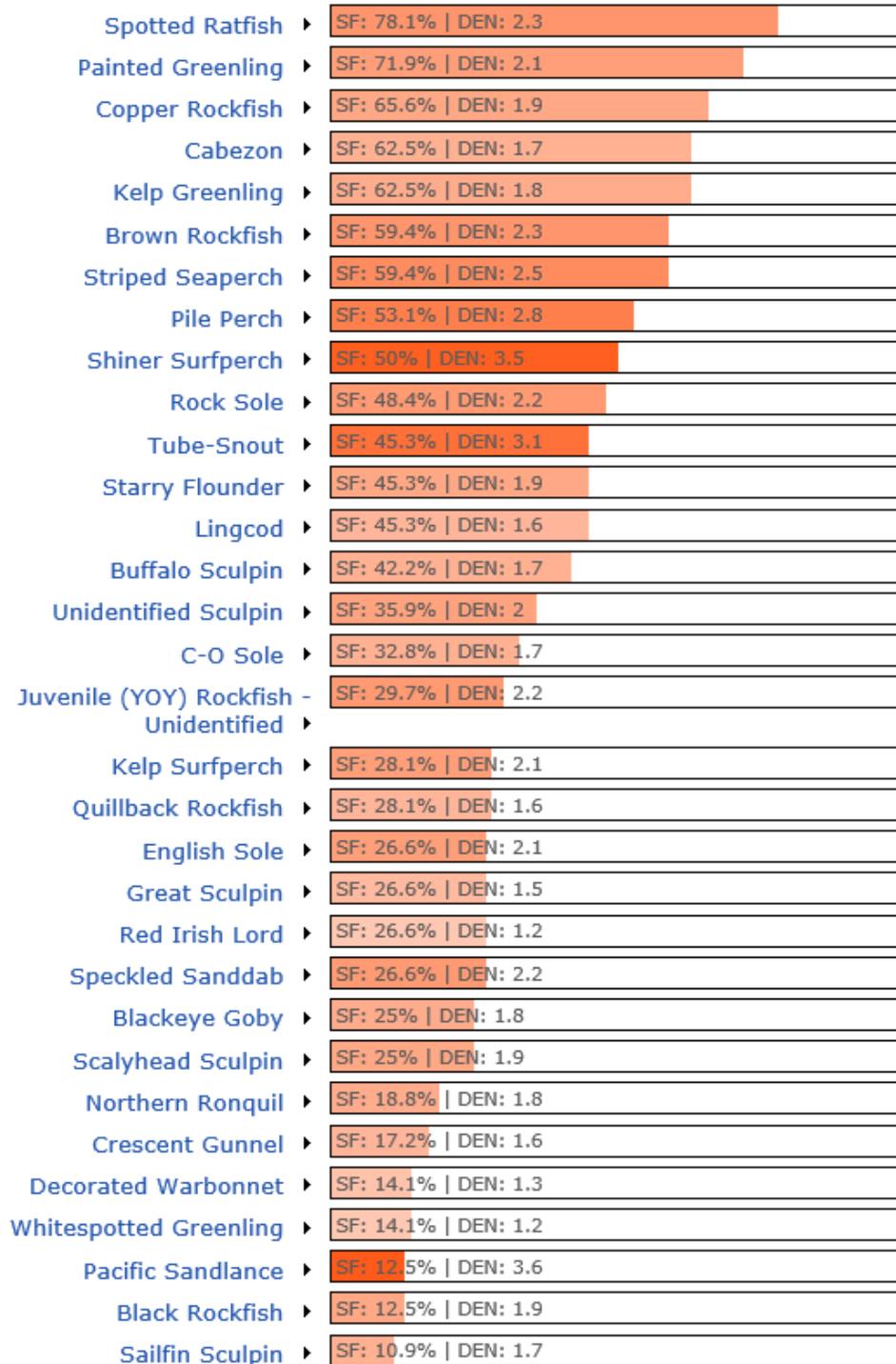
Survey Type: SA = Species & Abundance; SO = Species Only[?]

Click on a geographic place name to expand its sub-zones, or on a numeric zone ID to include only sites under that ID

Code	Site	Surveys				Bottom Time (H:M)
		Expert		Novice		
		SA	SO	SA	SO	
PAC						
2	WASHINGTON	21	-	43	-	64:57
25	EVERETT - SEATTLE	21	-	43	-	64:57
2510	Edmonds	21	-	43	-	64:57
25100201	Oil Dock	21	-	43	-	64:57
TOTALS		21	-	43	-	64:57

Species

%SF = Sighting Frequency; DEN = Density Score²
 Bar length corresponds to sighting frequency
 Color saturation corresponds to density score



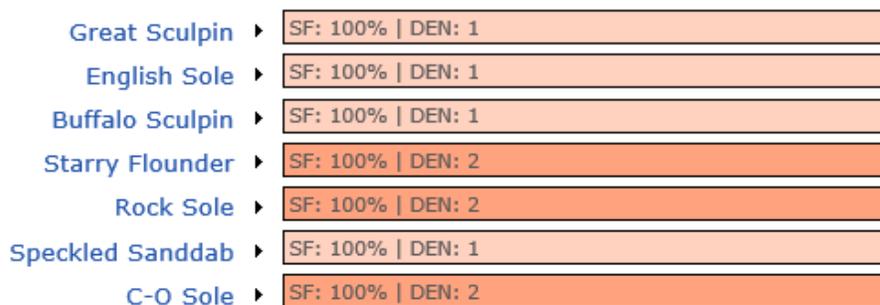
Puget Sound Rockfish ▶	SF: 9.4% DEN: 2
Pacific Herring ▶	SF: 9.4% DEN: 3
Pacific Sanddab ▶	SF: 6.3% DEN: 1.8
Sturgeon Poacher ▶	SF: 6.3% DEN: 1.3
Unidentified Rockfish ▶	SF: 6.3% DEN: 2.3
Yellowtail Rockfish ▶	SF: 6.3% DEN: 1.3
Roughback Sculpin ▶	SF: 3.1% DEN: 1.5
Sand Sole ▶	SF: 3.1% DEN: 2
Slender Cockscomb ▶	SF: 3.1% DEN: 2
Longfin Sculpin ▶	SF: 3.1% DEN: 1
Unidentified Flatfish ▶	SF: 3.1% DEN: 2.5
Grunt Sculpin ▶	SF: 3.1% DEN: 1
Pacific Staghorn Sculpin ▶	SF: 3.1% DEN: 1.5
Juvenile Salmonid ▶	SF: 3.1% DEN: 2
Yelloweye Rockfish YOY ▶	SF: 1.6% DEN: 1
Spinyhead Sculpin ▶	SF: 1.6% DEN: 1
Spiny Dogfish ▶	SF: 1.6% DEN: 3
Wolf-Eel ▶	SF: 1.6% DEN: 1
Penpoint Gunnel ▶	SF: 1.6% DEN: 1
Big Skate ▶	SF: 1.6% DEN: 1
High Cockscomb ▶	SF: 1.6% DEN: 1
Longfin Gunnel ▶	SF: 1.6% DEN: 1
Pygmy Poacher ▶	SF: 1.6% DEN: 1

After dock removal – Nov 1, 2008 – Nov 30, 2014 (Date of Survey: Oct 24, 2013)

Code	Site	Surveys				Bottom Time (H:M)
		Expert		Novice		
		SA	SO	SA	SO	
PAC						
2	WASHINGTON	1	-	0	-	1:10
25	EVERETT - SEATTLE	1	-	0	-	1:10
2510	Edmonds	1	-	0	-	1:10
25100201	Oil Dock	1	-	0	-	1:10
TOTALS		1	-	0	-	1:10

Species

%SF = Sighting Frequency; DEN = Density Score²
 Bar length corresponds to sighting frequency
 Color saturation corresponds to density score



To me, this is evidence that existing human underwater structures do provide habitat for both threatened and non-threatened species in a way that restoration of these sites to natural habitat does not actually provide. While I understand the concerns about the effects of creosote and other preservative chemicals leaching from pilings and other wooden underwater structures, the fact that [“approximately 75% of all pollution in Puget Sound comes from stormwater runoff”](#) means that more money and effort need to be directed at abating that source of toxic pollution rather than incurring the costs related to removing and properly disposing of decades-old pilings to abate the relatively small quantities of chemicals that may be leaching from them.

I also understand the effects that breakwaters have on natural water flow and sediment deposition. But most of these structures have been in place now for decades and fish and invertebrates – including threatened species – have adapted and thrive in these artificial habitats. When breakwaters encumber such a small percentage of the total aquatic lands does it really make sense to rip them all out? If the underwater structures that are part of the 129 current Puget Trough marina agreements are allowed to remain in place - and some of them even set aside as aquatic reserves – and such structures would be prohibited from being built in the 71 future Puget Trough agreements, then that would be the best compromise for both the aquatic lands and the humans that live, work and recreate in and on the waters of Puget Sound.

Thank you for your time,

Karin Fletcher



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS - More Time

1 message

Kevin Baerg <kevin@perfectlypreemie.com>

Mon, Dec 1, 2014 at 4:43 PM

To: WFWOComments@fws.gov

To the DNR,

I am asking that you give the public more time to review the proposed changes that will affect the boating community. As I understand the proposed bill, there are numerous changes that seem to be an excessive financial burden on those individuals (and the marinas) keeping their boats in marinas and boathouses.

Giving the voting (and boating) public only 90 days to respond seems unreasonable ... I am asking for more time.

Thanks,
Kevin

Kevin Baerg
Perfectly Preemie
253-312-1776
www.perfectlypreemie.com



WFWOComments, FW1 <wfwocomments@fws.gov>

Habitat Conservation Plan

1 message

Kim Weaver <kweaver@cascade-machinery.com>

Mon, Dec 1, 2014 at 10:21 AM

To: WFWOComments@fws.gov

As an owner of a boat and a future boathouse owner in Puget Sound, as well as a taxpaying citizen, I have the following comments for the HCP.

I urge you to provide more public comment time.

This document took the DNR the better part of 12 years to write, and the public is being given a mere 90 days to respond – that is not acceptable.

This document goes way beyond protecting endangered and threatened species – I understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.

The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to build, expand, or repair boathouses, breakwaters, or overwater structures.

I believe the storage, privacy, and investment of existing boathouses could be destroyed by these requirements.

Sidewalls and barriers would be prohibited under any circumstances, major deep water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement.

There is no cost-benefit analysis being provided for any of these expensive requirements.

There is a 7-foot depth requirement that is arbitrary.

I believe the DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted!

It is my understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed HCP regulations.

I urge that this HCP be significantly revised, so that reasonable alternatives can be provided.

Regards,

James G. Weaver
Kim Weaver
36120 25th Place South
Federal Way, WA 98003



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Michael Grimes <mikegrimes8433@gmail.com>

Mon, Dec 1, 2014 at 10:22 PM

To: WFWOComments@fws.gov

Dear Sirs,

I urge you to extend the comment period for the HCP to a minimum of 60 days. This draft has many points of concern and I endorse the points brought out in the RBAW's letter dated November 26, 2014.

—

Mike Grimes

mikegrimes8433@gmail.com

509-531-8433 cell



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Roger Anderson <roger@gly.com>

Mon, Dec 1, 2014 at 10:25 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Appropriate Governance Officials,

I am writing this comment letter as a private citizen although I am currently serving as Commodore of the Seattle Yacht Club. Our organization has never been informed of the subject DEIS by DNR and only recently learned of the proposed HCP. With only days to go in the Comment Period it is not possible to obtain governance approval to speak for our 2500 member organization.

Having had over thirty years of club responsibility in renewing DNR Leases I am very surprised at this action. I have to ask why citizens long involved in aquatic leases have not been invited to comment prior to this stage of process. My concerns are outlined below:

- This is a major economic issue and should be given well more than a 90 day response period.
- I urge that the HCP be studied more intensely including the tenants input and ideas. How can rules be established without real experience. I believe reasonable alternatives can be provided to help responsible, safe, tenants to meet ESA compliance based on real science and actual practice.
- I believe the HCP goes way beyond protecting endangered and threatened species. Let's clearly understand this issue at the DEIS stage.
- The physical requirements of the HCP will have a devastating financial impact on all leaseholders. Expansion, improvement, repair, even maintenance will trigger significant unrecoverable costs.
- Where is the cost to benefit analysis provided in the HCP.
- Where is the real science with supporting documentation to support it.

I have major concerns and would urge that ore time be allocated to public input on the stated goal of protecting endangered species. The costly standards being proposed simply are not warranted by the desired results.

Roger L. Anderson

16562 SE 19th Street

Bellevue, WA 98008-5343

roger@gly.com



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Messick, Steve - WLFG <smessick@cardinalcorp.com>

Mon, Dec 1, 2014 at 8:19 AM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

To whom it may concern:

I urge you to provide more public comment time. This document took the DNR the better part of 12 years to do, and the public is being given a mere 90 days to respond – that is not acceptable;

•

This document goes way beyond protecting endangered and threatened species – I understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.

•

The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or overwater structures.

•

I believe the storage, privacy, and investment of existing boathouses could be destroyed by these requirements.

•

Sidewalls and barriers would be prohibited under any circumstances, major deeper water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement.

•

There is no cost - benefit analysis being provided for any of these expensive requirements.

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There is a 7 - foot depth requirement that is arbitrary.

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I believe the DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted!

•

It is our understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the “do no harm” standard of underlying regulations with more stringent and costly proposed HCP regulations.

•

I urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help

responsible, safe, and law - abiding clubs and marina operators to meet ESA .

Steve Messick

Steve Messick

Network Administrator

545 Avery Road W

Winlock, WA 98596

Tel: 360-242-4282 | Fax: 360-266-0047

CARDINAL FG



WFWOCComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS-- COMMENTS

1 message

Alan Friedlob <afcitizenscience@gmail.com>

Tue, Dec 2, 2014 at 10:41 AM

To: WFWOCComments@fws.gov

Cc: cpl@dnr.wa.gov, lalena.amiotte@dnr.wa.gov, scott.anderson@noaa.gov, tim.romanski@fws.gov

Dear Sirs:

Please find my comments attached. As a citizen living within the boundary of the Cherry Point Aquatic Reserve, I wish to thank the DNR team for their dedicated environmental stewardship and professionalism. The presentation the team provided to the greater Bellingham community in November was lucid and highly informative. The DNR team was especially responsive in answering technically difficult questions from citizens about the HCP and ITP ramifications for our State's threatened and endangered species, They provoked me to learn and engage with my environment at a deeper level. Kudos! That said, as you will see by my comments, I see a different means to the desired end, and respectfully ask that you consider my comments in your deliberations.

Sincerely,

Alan Friedlob PhD
6934 Holeman Avenue
Blaine, WA 98230
afcitizenscience@gmail.com
(360) 371-3441

**WADNR HCP Comments_Friedlob.docx**

21K

December 2, 2014

RE: WDNR Aquatic Lands HCP DEIS.

TO:

Tim Romanski, U.S. Fish and Wildlife Service, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503;

Scott Anderson, NOAA Fisheries, 510 Desmond Drive SE, Suite 103, Lacey, Washington 98503.

Dear Sirs:

I am writing to comment on Washington State's Habitat Conservation Plan (HCP) submitted to your Agency to manage endangered species on the 2.6 million acres of aquatic lands owned, managed, or leased by its Department of Natural Resources (DNR). I respectfully request that the State not be granted an Incidental Take Permit associated with this HCP.

As a citizen living within the boundaries of the Cherry Point Aquatic Reserve, I am at a loss as to why HCPs do not currently exist with each of the three principal companies (all DNR lessees) for the impact of both their land and aquatic based operational activities on endangered species in the Cherry Point Aquatic Reserve. These companies are (1) BP West Coast Products (aka BP Refinery); (2) Alcoa Intalco Works, and (3) Conoco Phillips Ferndale Refinery.

I am perplexed as to why your Agency should not enter into HCPs with these companies directly, individually, or preferably jointly, to protect known endangered species at Cherry Point, WA. I want to know how the excellent science reflected in the Cherry Point Aquatic Reserve Management Plan and/or this proposed HCP can be incorporated into, and serve as the technical foundation for a "Cherry Point HCP" with your Agency? Why haven't BP, Alcoa, and ConocoPhillips developed HCPs consistent with the Cherry Point Aquatic Reserve Management Plan adopted by the State's Department of Natural Resources in 2010?.

Consistent with my understanding of your regulations, clearly each of these companies is capable of overseeing implementation of an HCP once approved by your Agency, and second, these three parties, are also capable of funding the implementation of an HCP. So, why don't these entities have operational HCPs now evidencing a public-private partnership with DNR?

Specifically, I suggest that the State in collaboration with your Agency consider replicating the framework of your recent agreement, NiSources HCP (<http://www.fws.gov/Midwest/endangered/permits/hcp/nisource/2013NOA/NiSourceHCPfinalJune2013.html>), with companies that hold public aquatic lands leases at Cherry Point, WA now and in the future. This Cherry Point HCP would address both private and public land-based and aquatic impacts of companies operating at Cherry Point on ecosystem relevant endangered

species described in Chapter 4 of the State's proposed HCP. Companies bound by this HCP would hold the ITP.

To the extent possible much of this "Cherry Point HCP" could be drawn from the excellent work done by DNR in preparing their proposed Statewide plan, specifically, the State's ecosystem perspective regarding the impact of adverse impacts on forage fish such as Pacific Herring that in turn, affect the viability of threatened salmon and orca populations. Moreover, in addition to the effort evidenced in preparing the proposed HCP, companies operating at Cherry Point could draw on the multi-year efforts of Washington State DNR and local partners that include representatives from BP, Alcoa, and ConocoPhillips sitting on the Cherry Point Aquatic Reserve Stewardship Committee to develop a management plan for aquatic lands. As noted above, this plan was adopted by the State's Department of Natural Resources in 2010.

Specifically, action elements associated with a "Cherry Point HCP" could include:

1. Require Washington State DNR under the authority of its Aquatic Reserve Program to request BP, Alcoa, and ConocoPhillips to jointly prepare an HCP consistent with the scientific evidence found in the 2010 Cherry Point Aquatic Reserve Management Plan, updated by peer reviewed evidence through 2014 so as to determine the extent of the potential take of the ecologically relevant endangered species identified in Chapter 4 of DNR's proposed plan.
2. Have each company participate cooperatively in designing a Cherry Point mitigation program with mitigation measures tailored specifically to the Cherry Point Aquatic Reserve ecosystem. Consistent with your regulations, these mitigation programs would offset the immediate incidental take by either positively contributing to the species as a whole or to the objectives of the recovery plan designed for that species by your Agency.
3. Have each entity describe how they will mitigate habitat loss. My understanding is that requiring an incidental take permit involves impacts to, or losses of, habitat (e.g. destruction or degradation of eelgrass beds).
4. In consultation with the Cherry Point Aquatic Reserve Stewardship Committee, the entities would develop monitoring programs consistent with your Agency's standards, rules, and regulations to ensure the effectiveness of their HCPs.
5. Each entity's HCP must identify the funding that will be provided for its implementation. Sufficient funding must be provided for all proposed activities, including those relating to any necessary surveys, monitoring programs, mitigation programs, and construction of the proposed project.

Mitigation funding would be placed in a "Cherry Point Aquatic Reserve Preservation Foundation Fund" formed for the express purpose of receiving companies' operation and maintenance, and project-specific mitigation funds. The Foundation would be managed by DNR, or its designee, The Cherry Point Aquatic Reserve Stewardship Committee.

In summary, I am requesting that this proposed HCP not be approved. I oppose Washington DNR being granted an incidental take permit from your Agency for a term of 50 years to run concurrently with an Aquatic Lands HCP. Moreover, I am not convinced that Washington DNR can implement its current conservation strategies and monitoring efforts as evidenced by the lack of HCPs with your Agency for three of its largest aquatic lands lessees, and the associated decline to near extinction of Cherry Point Pacific Herring stocks proximate to these companies' operations.

Rather, as a concerned citizen I want present and future companies operating at Cherry Point to hold the ITP and have a ecosystem-specific HCP. I want these companies, not the State of Washington held accountable for avoiding, minimizing and mitigating all take that may occur through measures identified in their habitat conservation plan through a legally binding document (i.e., the HCP) with the federal government.

Respectfully,

Alan Friedlob PhD

6934 Holeman Avenue

Blaine, WA 98230

afcitizenscience@gmail.com

(360) 371-3441



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Bill Herman <bill@summerhours.com>

Tue, Dec 2, 2014 at 5:21 PM

Reply-To: bill@summerhours.com

To: WFWOComments@fws.gov

The DNR has a very important job to help us take care of the environment. It is clear we need to do more in the future than we have in the past. We also need to balance competing needs and uses. I have looked at the proposed requirements for marinas as a result of the HCP and would like to make the following comments.

Phase In - The changes are very sudden. This kind of jolt upsets a system. Any new requirements should be phased in to allow people to plan. I'd be very upset if I had made recent investments in facilities to find out that I need to do it all over.

Efficient Allocation of Resources – Some of the requirements could be managed to get ensure a benefit threshold is met before requiring investment. A marina in sensitive area could spend millions complying to the new regulations with great benefit to the environment. Another marina may make the same kind of expenditures in an area that is not so sensitive and get little improvement for the money spent. If the benefit does not justify the cost, should the investment be required?

Too Far? – I'm no expert on the environment, but I have a pretty good idea what these new regulations will do to boating. Moorage will become scarcer and more expensive which will drive middle class boaters out of boating. Can the requirements be scaled back and still achieve your goals?

Big Commitments Should Go Both Ways – While facing all the uncertainty and costs of the new regulations, it would make sense to extend leases over a longer time frame to ensure time to recover investment costs and improvements. If you are asking for big commitments, you should be giving big commitments.

I have reviewed the comments submitted by RBAW regarding the proposed HCP and agree with the reservations they have outlined.

Thank you for your time,

Bill Herman



Bill Herman
10700 NE 4th St Unit 3616
Bellevue, WA 98004

bill@summerhours.com
Home: 425 467-1264
Mobile: 425 444-6194





WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

wcsibbers Sibbers <wcsibbers@msn.com>

Tue, Dec 2, 2014 at 11:38 AM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

Comments RE: Chapter 5: Overwater structures

To Whom this May Concern,

The requirements proposed in this section place an inequitable financial burden on individuals with boathouses built to comply with current state and DNR standards while the proposed construction design requirements will result in a potential increase in damage to the environment.

1. The primary purpose of a boathouse is to prevent damage from Ultra Violet (UV) light. Exposing gelcoat and wood finishes to UV light decreases the life cycle of paints and finishes; increases use of protectorates; increases frequency of painting; and accelerates oxidization that sloughs into the environment. The proposed requirements for open boathouses and UV transparent roofing would increase UV exposure to assets negatively impacting on the environment due to:
 - a. Oxidation and sloughing of finishes and coatings into the air and water
 - b. Increased use of protectorates, waxes, finishes and their related introduction into the environment
 - c. Increase frequency of hull and superstructure painting and refinishing
 - d. Increase frequency of washing

2. Financial burden for the state's ever changing, often arbitrary, and contradictory environmental policies place an inequitable financial burden on individuals and boathouse owners who have complied with state and DNR standards and policy. This proposed policy requires extreme changes that would cause an unsustainable financial burden for reconfiguration and ongoing use of boathouses and boats (see #1 above). Further, devaluation of assets (boathouse and boats) would reduce state tax assessment and collections.

Please reconsider the proposed requirements for boat and boathouse owners to reduce the environmental impact and the resulting financial inequity of implementation.

Thank you for your consideration.

Bill



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Dave Ferguson <dave@clanfergus.net>
To: WFWOComments@fws.gov

Tue, Dec 2, 2014 at 6:08 PM

To Whom It May Concern,

I write to express my concern regarding the proposed changes to DNR leased property use and management in the DNR's Draft Environmental Impact Statement. As a long time boat owner, yacht club member and user of Washington State waterways I am compelled to respond in the hope that some reasonable compromise can be met on the matter. RBAW's comment letter addresses a number of issues eloquently and I concur with their position on all points.

In addition I am incredulous at the suggestion that breakwaters be replaced with floating structures specifically designed to allow transmittal of water flow and wave action. This defeats the purpose of a breakwater and will result in less safe marinas and greater wear and tear on marine equipment housed therein. Let's be reasonable and accept that some on the water storage of boats and other equipment is reasonable and allow spaces thus allocated to do the job adequately. As a percentage of total shoreline surely these areas are minimal.

Similarly, if I understand the proposal correctly, anchoring systems will be required to place a line float along the anchor rode to prevent scouring of the bottom. While I understand the goal of this requirement it must be understood that the effectiveness of an anchoring system lies in the angle of attack of the rode to the anchor, the greater the angle the less effective the anchor. Should floats be required they will necessarily raise the angle of attack to the anchor and thereby compromise the security of the overall system. Again, let us be reasonable and recognize the proportion of sea bottom potentially affected by this issue relative to the overall surface area and accept that the safety and security of vessels moored outweighs the limited benefit of preserving so small amount of bottom for vegetation.

Requirements for transparent surfaces are similarly draconian. One might observe that the shaded areas under docks serve as protection for ample flora and fauna already and that by removing that cover adverse effects may result that are not addressed in the proposal.

The virtual denial of the use of pesticides to control invasive species has the potential to have major detrimental impact on moorages. While provision is made for exceptions it is clear to me from the wording that the intent is to deny use of pesticides in all but extreme cases. Should mitigation of invasive species not be allowed in the case of the moorage I currently hold within a year the existing invasive vegetative species will have completely consumed my slip. This is to no one's advantage. Responsible control of mooring facilities including the judicious use of pesticides and other mitigating techniques is a reasonable compromise and lease holders must a reasonable expectation to manage vegetation under any new guidelines.

Given the expense of complying with many of the new regulations the proposed timeline is in some cases unreasonable. Recovering a residential dock with grating is one thing but replacing all dock surfaces throughout a private marina is quite another and will require many years of raised fees, planning and labor to complete.

Requiring compliance in a 15 or twenty year timeframe may be unduly burdensome on organizations which often deliberately operate at a breakeven level. Some consideration must be made to allow citizens to continue to enjoy the benefits of the shoreline which they have been allowed for centuries to date.

Finally, I am concerned that the measurement of protected areas as outlined in the proposal may become a moving target as vegetation spreads outside existing areas as a result of mandated changes. Might we find someday that we are forced to protect areas on which vegetation and protected species have encroached as a result of the mandated changes?

None of us wishes to see reduction in our state's abundant wildlife, but at the same time we cannot live in a museum either. Let's not throw the baby out with the bathwater. Please let us allow reason to rule in this discussion and acknowledge that use of the states waterways is not an unreasonable expectation of the population and that boaters can operate in harmony with the environment despite necessarily having some impact upon it.

Thank you for your consideration.

Dave Ferguson

S/V Intermezzo



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

David Foster <d.m.foster@earthlink.net>

Tue, Dec 2, 2014 at 3:51 PM

To: WFWOComments@fws.gov

While I agree with many who say you have not given enough time for interested individuals to respond, I am wondering if this is another well-intentioned document written by folks who have little to no experience boating, or understanding of the practicalities of the land-water borders. In addition, and in the Puget Sound area, there are many jurisdictions who exercise "control" over our waters. We have found that there are many conflicting sets of rules among these jurisdictions which makes abiding by the rules difficult. Are you sure your rules/recommendations are not in conflict with others?

I have been boating for 70 years and obviously have seen a lot of changes over time including to regulations. But let's not set up another set of rules that is only going to confuse and obfuscate, and, heaven forbid, lead to another government bureau.

David Foster



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www.avast.com



WFWOComments, FW1 <wfwocomments@fws.gov>

Aquatic Lands Habitat Conservation Plan

1 message

Denny Prichard <dp@pacinfo.com>

Tue, Dec 2, 2014 at 1:48 PM

To: WFWOComments@fws.gov

Gentlemen:

December 4th 2014 is grossly insufficient time to respond to this epic tome of work. I Chair the Longbranch Marina for the Longbranch Improvement Club and only yesterday became aware this program was released for review. At a minimum I'd like time to read the report. From what I hear from others this plan is very extreme, providing economic loads upon NW boaters impossible to meet, does more damage than good and even forces protection of species not endangered and not needing protection. I'd like the time to read this proposal, think about it, and make thoughtful comments.

You need all the help you can muster to build a better habitat for us all. Lately we have experienced a fractured society, deadlocked politics, rich verses poor, the police verses the disenfranchised and a broken legal system. Please get this right, a lot rides on it and I like time to read the report.

Thank you.

Dennis Prichard
Marina Chairman
Longbranch Improvement Club
Phone 253 884-2030



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Doug Cole <doug.cole@outlook.com>
To: WFWOComments@fws.gov

Tue, Dec 2, 2014 at 7:49 PM

Comment: Your proposed regulations are completely and utterly unbelievable. I am not even sure where to begin. No science. No economic justification or explanations. Just more regulatory BS that does not even attempt to hide your end-game – that of disallowing any practical use of our waterfronts in the years to come. When is it over? When humans don't exist because of idiot-regulators such as you mandating more governmental overreach and rules that have zero science behind them? At least try to be balanced and measured or present the information with some credibility. If your proposed regulations are just a joke, I retract my comments. But I don't think you are joking.

Doug Cole

La Conner, WA



Jones, LouEllyn <louellyn_jones@fws.gov>

Fwd: Comment on WDNR Aquatic Lands HCP DEIS

1 message

Romanski, Tim <tim_romanski@fws.gov>
To: LouEllyn Jones <louellyn_jones@fws.gov>

Thu, Dec 4, 2014 at 7:21 AM

FYI, you might have these.

Tim Romanski
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Washington Fish and Wildlife Office
Branch Manager of Conservation and Hydropower Planning
510 Desmond Drive SE, Lacey, WA 98503
360.753.5823 (phone) 360.753.9518 (fax)

----- Forwarded message -----

From: **Jan Alderton** <janetmalderton@gmail.com>
Date: Wed, Dec 3, 2014 at 9:31 PM
Subject: Fwd: Comment on WDNR Aquatic Lands HCP DEIS
To: tim_romanski@fws.gov

----- Forwarded message -----

From: **Jan Alderton** <janetmalderton@gmail.com>
Date: Wed, Dec 3, 2014 at 9:22 PM
Subject: Comment on WDNR Aquatic Lands HCP DEIS
To: WFWOComments@fws.gov
Cc: lalena.amiotte@dnr.wa.gov, scott.anderson@noaa.gov, tim.romanski@fws.gov

December 3, 2014

Lalena Amiotte
Aquatic Lands HCP Team Lead
WA Department of Natural Resources
1111 Washington Street, SE
Olympia, WA 98504

Tim Romanski

U.S. Fish and Wildlife Service

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Scott Anderson

NOAA Fisheries

510 Desmond Drive SE, Suite 103

Lacey, Washington 98503

Submitted via e-mail, to WFWOComments@fws.gov

With email copies to Lalena Amiotte, Scott Anderson and Tim Romanski

RE: Washington Department of Natural Resources' Aquatic Lands Habitat Conservation Plan Draft Environmental Impact Statement

Dear Ms. Amiotte, Mr. Romanski and Mr. Anderson,

Thank you for this opportunity to comment on the Washington Department of Natural Resources' (DNR) Aquatic Lands Habitat Conservation Plan (HCP) and the related Draft Environmental Impact Statement (DEIS) that analyzes impacts of issuance by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service of two incidental take permits under Section 10 of the Endangered Species Act for implementation of the Washington Department of Natural Resources' (WDNR) Aquatic Lands Habitat Conservation Plan (HCP).

I support Alternative 2, the Proposed Action. However, both the Alternative 2 for the Aquatic Lands Habitat Conservation Plan (HCP) and the DEIS as submitted include deficiencies that I respectfully request be remedied in the final HCP and the final Environmental Impact Statement (EIS).

I support expanded and strengthened protections for the Cherry Point Aquatic Reserve. The Cherry Point Herring is listed as a Washington State Species of Concern. Because the Cherry Point Herring spawning season is distinct from that of all other herring stocks in the Salish Sea, maintenance of existing Cherry Point Herring stocks is essential for the survival of multiple species listed as Threatened or Endangered. Declines in Cherry Point Herring numbers will negatively impact the survival of Chinook salmon, Southern Resident Killer Whales, and other important species in the Salish Sea.

The Washington State DNR comments on the scope of the Millenium Bulk Terminal draft Environmental Impact Statement are copied at the end of my letter. These WDNR comments present an excellent model for assessing the impacts and possible mitigations or alternatives for any proposed shoreline terminal development. These comments are

prefaced by the Commissioner of Public Lands, Peter Goldmark.

Commissioner Goldmark states,

“For each issue of concern identified in this letter, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize, and mitigate effects of the proposal.”

It must be emphasized that the highest priority in any mitigation process is avoidance of the impact.

Thank-you for taking the time to consider my suggestions as outlined below.

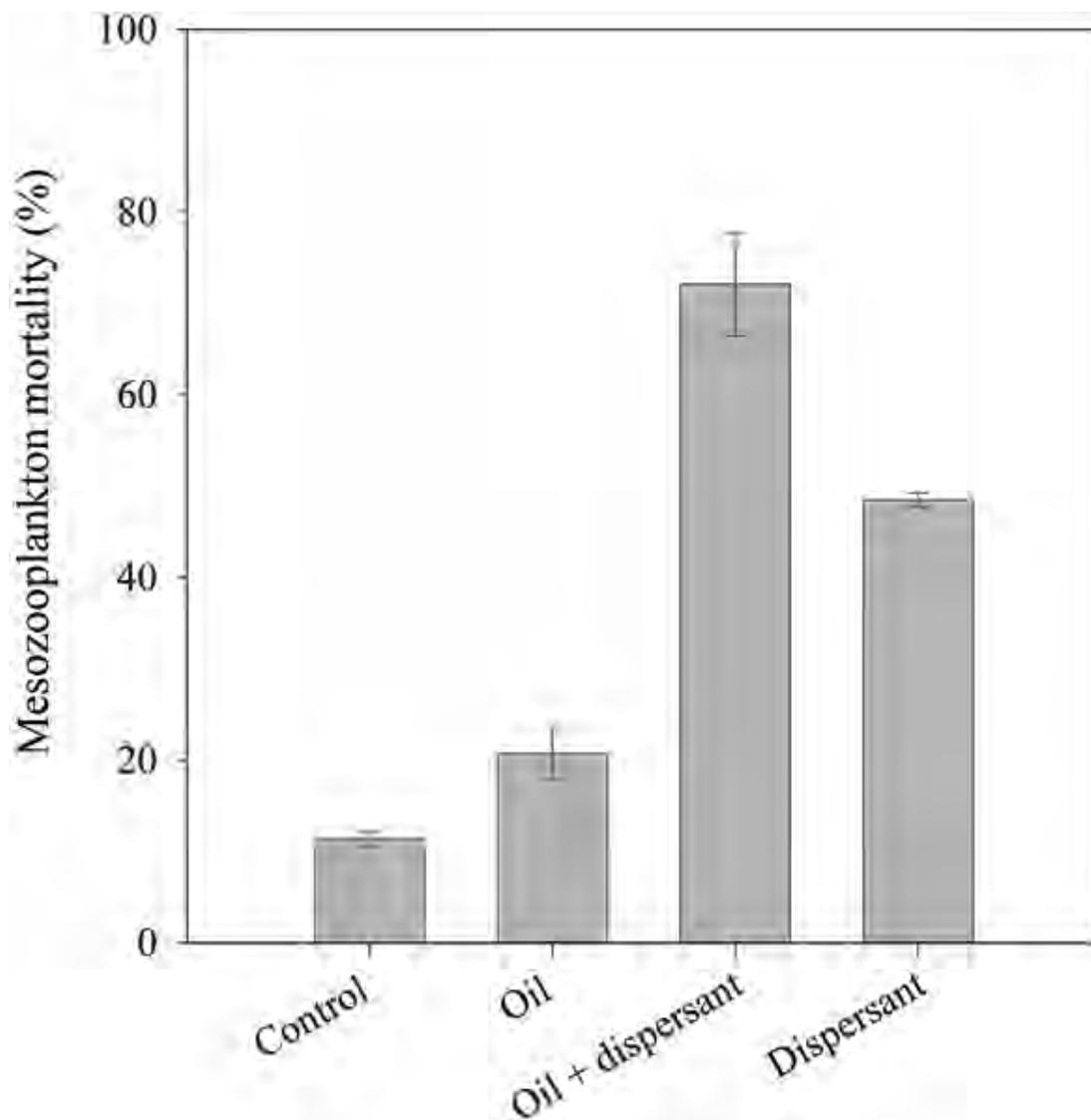
Please expand the scope of the final Environmental Impact Statement to address all proposed new or expanded terminal projects that could be affected by Habitat Conservation Plan implementation under the action alternatives.

Please require that the following issues of concern be addressed for any proposed terminal or the expansion of an existing facility that impacts lands and/or waters over which the Washington State DNR has regulatory powers.

1. Increases in vessel traffic, including the correlation between increased vessel traffic and increased oil spill risk, vessel strike risk for marine mammals, and vessel traffic noise (including underwater vessel noise). These issues are especially critical for the survival of the Endangered Southern Resident Killer Whale. See: http://www.orcanetwork.org/Main/index.php?categories_file=Births%20and%20Deaths
2. The impacts of artificial lighting to reproductive, foraging, social, and other behaviors that are necessary for the survival of species that are Endangered, Threatened, or are Species of Concern.
3. The impacts of shading to eelgrass and to the behavior of juvenile salmon caused the proposed over water structures.
4. Any changes that would alter bluff and bank erosion so that eulachon spawning substrates would be negatively impacted.
5. Identify all geologic hazards that could impact the proposed development including, but not limited to, seismic, landslide, and tsunami.
6. Quantify noise impacts, not only from construction of the facility, but also from on-going operations, maintenance, and eventual facility replacement or removal. Quantify noise impacts from existing and projected vessel traffic.
7. Assess the cumulative impacts from stormwater flows and contaminants.

8. Assess the cumulative impacts from disturbance of contaminated sediments by dredging during construction and from periodic maintenance.
9. Study the effects of sea level rise and possible associated shoreline armoring.
10. Quantify localized marine or fresh water acidification and air quality impacts caused by fossil fuel burning by the landward facility and by vessels docking at the facility/ or anchoring while waiting to visit the facility or bunkering off shore from the facility.
11. Study the effects of coal dust-suppressing surfactants on the food web - especially on mortality of mesozooplankton under natural sunlight conditions (as opposed to studies under laboratory lights that lack UVB). Study the effects of dispersants (before they are used on spilled oil) on the mortality of zooplankton under natural sunlight conditions. If a dispersant is highly toxic to zooplankton, it should not be used for making the impacts of an oil spill less visible to the general public. Use the methods from: Almeda R., Z. Wambaugh, Z. Wang, C. Hyatt, Z. Liu, et al. 2013. Interactions between Zooplankton and Crude Oil: Toxic Effects and Bioaccumulation of Polycyclic Aromatic Hydrocarbons. PLoS ONE 8(6): e67212. doi:10.1371/journal.pone.0067212.

Figure 5 from Almeda et al. 2013:



12. Study the effects of pumping vessel sewage, grey water, and ballast water. Address invasive species detection and management.

13. Perform detailed baseline studies of biological resources prior to any development.

14. Impose seasonal restrictions on vessel traffic to ensure that cargo vessels and tugs operations (along with associated bunkering and anchoring operations) do not adversely affect the spawning and migration behavior of salmon, herring, eulachon, sturgeon, and other species that utilize the proposed project area and associated anchorages.

15. Perform vessel traffic analyses to assess the risks of fossil fuel spills and to propose risk mitigations. Analysis of spill risks associated with anchoring and bunkering should be included in the draft EIS and mitigations could include prohibitions on anchoring and/or bunkering. Vessel traffic analyses should pay particular attention to the trend of barges replacing vessels that have higher crewing standards and require tug escorts and double hulls.

16. Risks associated with predictable extreme weather events, such as coal dust contamination of near-shore areas caused by high winds, should be mitigated by

requiring enclosure of all coal stockpiles and transfer operations.

17. The impacts of coal transfer equipment malfunction and/or human error should be analyzed and mitigations proposed.

18. The impacts of propulsion fuel transfer equipment malfunction and/or human error should be analyzed and mitigations proposed. Flow sensors linked to automatic shut-off valves should be required for all propulsion fuel and cargo oils including diluted bitumen. All vessels should be boomed during transfer of both cargo oils and propulsion fuels.

19. The cumulative impacts of apparently small but recurring adverse events should be evaluated and mitigated. Over time coal dust can bury/smother aquatic habitats such as eelgrass meadows. See *Cherry Point Environmental Aquatic Reserve Management Plan*, WA State Department of Natural Resources, November 2010; Michael J. Ahrens & Donald J. Morrissey, Biological Effects of Unburnt Coal in the Marine Environment,” *Oceanography and Marine Biology: An Annual Review*, Vol. 43 (2005), pp. 69–122, esp. pp. 75–79 on the physical effects of coal dust in marine waters.

20. The cumulative impacts of large and predictable adverse events, such as deposition of coal dust in eelgrass meadows by the strong winds that periodically sweep down from the Fraser River, should be evaluated and mitigated.

21. The cumulative regional impacts from multiple proposed developments to threatened or endangered species and to species of economic or cultural value should be analyzed. For example, ocean acidification will profoundly affect the shellfish industry. Declines in salmon caused by declining forage fish populations will impact the treaty rights of First Nations. Cumulative shoreline armoring is especially insidious in this regard.

22. The increase in vessel traffic that will result from lifting the ban on export of crude oil should be analyzed for any proposed terminal project or expansion of existing facilities. Permits could prohibit the transfer of crude oils to vessels.

Please address the following specific deficiencies in the DEIS:

1. Cumulative Effects:

The following statement in Section 5, Cumulative Effects, 5.2.2.1 Coal Export Terminals is vague: “Increased marine traffic and coal terminal operations associated with any of the proposed terminals identified above have the potential for adverse effects on aquatic ecosystems and fisheries.” In particular, the DEIS is deficient in not showing the correlation between increased marine traffic and increased oil spill risks, vessel-marine mammal strike risks, and vessel traffic noise (including underwater vessel noise); all of which would impact the proposed covered species and aquatic ecosystems and fisheries.

2. Oil Spills:

While Section 3.9.2.3 “Proposed Covered Species” includes mention of the impacts from oil spills on a number of the proposed covered species, there is no discussion of the terminal project permitting and the increased vessel traffic that would have a corresponding increased risk of oil spills. The DEIS is also deficient in providing information about and analysis of the various types of products transported by vessel (which should also include propulsion fuel and tar sands diluted bitumen which may be transported between Washington State refineries) and the varying impacts these products would have, when spilled, on the proposed covered species and aquatic ecosystems and fisheries. Further, the DEIS is deficient in providing information about and analysis of oil spill cleanup operations and the impacts they would have on the proposed covered species and aquatic ecosystems and fisheries; including dispersant use and *in situ* burning.

3. Vessel Strikes:

Of particular concern is that there is no mention of vessel strikes in the DEIS. This is a significant deficiency that must be remedied in the final EIS. There is evidence of vessel strikes (collisions between vessels and cetaceans that result in cetacean injury or death), and the incidence may be more frequent than documented. Current levels of vessel strikes are likely above legal limits set by the United States and may pose a significant conservation threat.

4. Vessel Noise:

Page 3-75 states:

“The final recovery plan for Southern Resident killer whales identified several factors that may be limiting recovery. These are quantity and quality of prey, toxic chemicals that accumulate in top predators, oil spills, and disturbance from sound and vessels (NMFS 2008). Although it is not clear which threat or threats are most significant to the survival and recovery of Southern Resident killer whales, all of the threats identified are potential limiting factors in their population dynamics (NMFS 2008). The killer whale’s position as a top-level predator makes the species vulnerable to changes in prey abundance.”

However, this section fails to address the impacts of increased marine traffic and underwater vessel noise to the Endangered Southern Resident Killer Whales as well as to other proposed covered species and aquatic ecosystems and fisheries.

5. Section 3, Affected Environment, 3.5 Noise and/or Section 5, Cumulative Effects, 5.3.3 Noise:

This section needs to be revised in the final EIS to include impacts from vessel noise associated with existing and proposed new or expanded terminal projects that could be affected by HCP implementation under the action alternatives, and, further, the vessel noise impacts to the proposed covered species and aquatic ecosystems and fisheries.

In light of the above revisions in the final EIS related to increases in vessel traffic, and specifically the corresponding increases in oil spill risk, vessel strike risk, and vessel traffic noise (including underwater vessel noise), review and reconsider the species that were judged to have little or no overlap with state-owned aquatic lands or with the land uses that could be affected by HCP implementation under the action alternatives.

Ensure that the final EIS includes the critical habitat for the Puget Sound/Georgia Basin distinct population segments of Bocaccio (*Sebastes paucispinis*), Canary rockfish (*S. pinniger*), and Yelloweye rockfish (*S. ruberrimus*).

The National Marine Fisheries Service issued a final rule (79 Fed. Reg. 68041, November 13, 2014) to designate critical habitat for these three species of rockfish listed under the Endangered Species Act (ESA), pursuant to section 4 of the ESA. The specific areas in the final designation include 590.4 square miles (1529 square km) of nearshore habitat that is critical for their recovery. The rule identifies activities that might affect critical habitat, including near-shore development and in-water construction, dredging and material disposal, pollution and runoff, cable laying and hydrokinetic projects, kelp harvest, fisheries, and activities that lead to global climate change and acidification.

Please include in the final EIS the following literature that supports the suggested changes, above:

Regarding oil spill impacts:

- Almeda R., Z. Wambaugh, Z. Wang, C. Hyatt, Z. Liu, et al. 2013. Interactions between Zooplankton and Crude Oil: Toxic Effects and Bioaccumulation of Polycyclic Aromatic Hydrocarbons. PLoS ONE 8(6): e67212. doi:10.1371/journal.pone.0067212.
- Antrim, L. C., R. M. Thom, W. W. Gardiner, V. I. Cullinan, D. K. Shreffler, R. W. Bienert. 1995. Effects of Petroleum Products on Bull Kelp (*Nereocystis luetkeana*). *Marine Biology* 122:23-31.
- Arkoosh, M. R., L. Johnson, P. A. Rossignol, and T. K. Collier. 2004. Predicting the Impact of Perturbations on Salmon (*Oncorhynchus* spp.) Communities: Implications for Monitoring. *Canadian Journal of Fisheries & Aquatic Sciences* 61(7):1166-1175.
- Azerrad, J. M. 2012. Management recommendations for Washington's priority species: Great Blue Heron. Washington Department of Fish and Wildlife, Olympia, Washington.
- Boehm, Paul D., David S. Page, John S. Brown, Jerry M. Neff, Erich Gundlach. 2014. Long-Term Fate and Persistence of Oil from the Exxon Valdez Oil Spill: Lessons Learned or History Repeated?. *International Oil Spill Conference Proceedings*: May 2014, Vol. 2014, No. 1, pp. 63-79.

- Bowman, T. D., P. H. Schempf, J. I. Hodges. 1997. Population in Prince William Sound after the Exxon Valdez Oil Spill. *The Journal of Wildlife Management* 61(3): 962-967.
- Carro, N., J. Cobas, and J. Maneiro. 2005. Distribution of Aliphatic Compounds in Bivalve Mollusks from Galicia after the Prestige Oil Spill: Spatial and Temporal Trends. *Environmental Research* 100:339-348.
- Dean, T. A., M. S. Stekoll, S. C. Jewett, R. O. Smith and J. E. Hose. 1998. Eelgrass (*Zostera marina* L.) in Prince William Sound, Alaska: Effects of the Exxon Valdez Oil Spill. *Marine Pollution Bulletin* 36:201-210.
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Attached (and copied below) please find the November 18, 2013 comment letter from Peter Goldmark, Commissioner of Public Lands, and Washington State DNR regarding the scope of the Millennium Bulk Terminals EIS.

The WDNR Aquatic Lands HCP final EIS Alternative 2 (the Proposed Action) should be revised to include the scope and level of detail, study of alternatives (including "avoid", the first priority in the mitigation sequence), that are included in this scoping comment letter.

Thank you for your attention to these comments.

Sincerely,

Janet Alderton

491 Harborview Lane

Deer Harbor, WA 98243

360-376-3905



November 18, 2013

Millennium Bulk Terminals EIS Co-Lead Agencies
c/o ICF INTERNATIONAL
710 Second Ave, Suite 550
Seattle, WA 98104

Subject: Scope of the EIS for proposed coal export terminal in Longview, WA

Dear Co-Lead Agencies:

Please accept these comments from the Washington Department of Natural Resources (DNR) regarding the scope of the Environmental Impact Statement (EIS) for the proposed Millennium Bulk Terminals coal export terminal at Longview, Washington. DNR is the manager of over 3 million acres of state trust lands comprised of forest, range, commercial, and agricultural lands, and 2.6 million acres of state-owned aquatic lands. In addition, DNR administers the state Forest Practices Rules on more than 12.7 million acres of non-federal, public, and private lands.

DNR is committed to sustainably managing the state's resources, relying on sound science, and making transparent decisions in the public's interest and with the public's knowledge throughout the environmental review process. I have directed my staff to provide technical support to the co-lead agencies towards ensuring a robust, science-based, and comprehensive environmental review process.

DNR is regarded as possessing special expertise under Washington state's environmental policy act rules, Chapter 197-11-920, Washington Administrative Code (WAC) related to the following areas: water resources and water quality of state-owned aquatic tidelands, shorelands, harbor areas, and beds of navigable waters; natural resources development; energy production, transmission, and consumption (geothermal, coal, and uranium); land use and management of state-owned or managed lands; recreation; and burning in forests. DNR is also an agency with jurisdiction for this project under Chapter 197-11-714(3), WAC.

The proposed project includes two new docks supporting two new ship loaders, an access trestle, and dredging of a new berthing area. Each of these project components would occur on state-owned owned aquatic lands that are currently leased for an existing dock and related facilities. The proposed project has not been approved by DNR and would require amendment of the existing lease or a new lease from DNR. DNR authorization is also required to conduct geotechnical studies or other pre-construction activities requiring entry onto state-owned aquatic lands. This authorization is what makes DNR an agency with jurisdiction under the State Environmental Policy Act, Ch. 43.21C RCW (SEPA) rules. DNR will consider a lease



Millennium Bulk Terminals EIS Co-Lead Agencies
November 18, 2013
Page 2 of 2

amendment or a new lease for the proposed terminal once potential project impacts have been documented through the environmental review, permitting, and public comment processes.

DNR appreciates the opportunity to submit comments on the scope of the EIS, which are provided in the attachment to this letter. The attachment identifies project alternatives to the proposal that should be considered in the EIS. The comments that follow identify analyses for each element of the environment identified under Chapter 197-11-444, WAC where DNR has identified probable, significant adverse impacts needing analysis in the EIS. For each issue of concern identified in this letter, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize, and mitigate effects of the proposal. As an agency with expertise and jurisdiction, DNR would appreciate being treated as a consulted agency as defined in WAC 197-11-724 throughout the SEPA process. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

Should you have any questions regarding this letter, please do not hesitate to contact Megan Duffy, Deputy Supervisor for Aquatics & Geology, at (360) 902-1034.

Sincerely,



Peter Goldmark
Commissioner of Public Lands

Enclosure (1)

c: Megan Duffy, Deputy Supervisor for Aquatics & Geology

IMPACTS IN THE IMMEDIATE PROJECT VICINITY

Natural Environment:

Earth

Sediment and Geomorphic Processes

The EIS should include a detailed analysis of the potential alteration of physical and geomorphological processes in the nearshore zone, focused on sediment transport and riverine processes, fluvial erosion, and deposition, particularly with respect to initial and ongoing dredging requirements. The analysis should include spatially explicit mapping of sediment characteristics, riverine and beach geomorphology, bathymetry, and stability.

Waves and Prop Scour

The EIS should analyze adverse impacts of waves and prop scour generated by large vessels docking at the facility and tugs assisting with docking on sediment transport, bank erosion, and attached aquatic vegetation. How will the change in hydrodynamics from the in-water structures affect scour in the intertidal and shallow subtidal environments not only at the aquatic lease area but also up and down drift of the site? How will waves, currents, and propeller wash change the sediment characteristics and hydrodynamic environment? How will riverine vegetation and habitat for freshwater invertebrates be affected by changes in wave energy, sediment transport, or substrate? What is the likelihood that the project will require shoreline armoring in the future, due to operations, climate change, sea level rise, or other reasons, and how will impacts be mitigated?

The EIS should analyze the potential of dock construction or operations (including future maintenance, repair, and replacement) to disturb any contaminated sediments and how this will be mitigated.

Geologic Hazards

DNR has responsibility for obtaining, maintaining and distributing information and technical assistance regarding geologic hazards under the Geological Survey Act, Chapter 43.92, Revised Code of Washington (RCW). In addition to the objectives stated in Chapter 43.92.020 RCW, the geological survey must conduct and maintain an assessment of seismic, landslide, and tsunami hazards in Washington. This assessment must include the identification and mapping of volcanic, seismic, landslide, and tsunami hazards, an estimation of potential consequences, and the likelihood of occurrence. DNR recommends you analyze the potential for geologic hazards at the site using the following methodology:

- a) Identify both shallow and deep-seated landslide hazards using DNR's GIS Statewide Landslide database and then create a site-specific geologic map. In areas with no existing landslide inventory, create a shallow landslide database using historic aerial imagery and other spatial data in a GIS.
- b) Evaluate riverbank sloughing and subaqueous landslide hazards using bathymetry or similar DEM data.

- c) Identify potentially unstable slopes using DNR's Shalstab model or other comparable slope stability modeling program in a GIS.
- d) Identify slope hazards associated with slope modification or vegetation removal at construction areas.
- e) Evaluate earthquake hazards including earthquake-induced ground failures. The proposed project is in a moderate to high liquefaction area and should be thoroughly investigated
- f) If dredging for port access, identify potential hazards to adjacent beaches and bluffs from loss of subaqueous buttressing, and
- g) Identify tsunami inundation hazards from landslides, local faults, a Cascadia subduction zone event, or through subaqueous or terrestrial landslides. Explicitly address increased risk of inundation resulting from climate change and sea level rise.
- h) Because of the proximity to Mount Saint Helens there are volcanic hazards such as ash fall and lahars that should be investigated as part of this proposal. As recent as 1980 significant lahars impacted the Cowlitz and Columbia River and transportation routes

Plants and Animals

Baseline Study

The EIS should include a detailed baseline study of the area's biological resources and analyze potential impacts, including, but not limited to: benthic habitats; shellfish resources (such as native freshwater mussels); littoral vegetation; migration and spawning corridors and behavior for multiple species (such as eulachon, green and white sturgeon, Pacific lamprey, and eight salmonid species); marine mammals (such as Stellar and California sea lions); waterfowl and migratory shorebird communities including nesting, rearing, resting, and feeding habitats along the river banks and islands, as well as and upland species including endangered or threatened species.

The project proponent should coordinate with DNR and WDFW regarding appropriate mapping methods for uplands vegetation, littoral vegetation, shellfish resources, eulachon spawning areas, and benthic and epibenthic invertebrate abundance and distribution. For example, WDFW eulachon spawning surveys have confirmed that eulachon eggs and larvae have been found in this location on more than one occasion. WDFW studies have also documented eulachon spawning in close proximity upstream from the proposed terminal in the Cowlitz and Kalama Rivers.

The Mount Saint Helens Wildlife Area Fisher Island Unit is located in close proximity downstream from the proposed terminal, which is home to various species of waterfowl, shorebirds, the Columbian white-tailed deer, and other wildlife species. This reach is also an area utilized by various aquatic species, including migratory salmon, Pacific lamprey, and eulachon, as documented and monitored by WDFW and the Cowlitz Indian Tribe. Pacific lamprey play a key ecological role in the food web and are considered an indicator species for anthropogenic impacts to aquatic systems. They also have significant cultural and subsistence value for many Native American tribes in the Pacific Northwest. Because their lifestages include a filter-feeding larval stage that drifts downstream, burrows, then remains from 3 to 7 years in the substrate of the mainstem and tributaries of the Columbia river system, they are particularly vulnerable to exposure to contaminants, dredging, channel maintenance, and construction impacts. The EIS should identify and synthesize all available information about these species.

Organization of comments

The following comments are organized into several sections. First, project alternatives to the proposal that should be considered in the EIS are identified. Next, probable significant adverse project impacts in the immediate vicinity of the project area, within the lower Columbia region, and to state-managed lands statewide are identified. Impacts at each of these scales are further organized into the Natural and Built environment categories according to the elements of the environment identified in Chapter 197-11-444, WAC. For each identified issue of concern, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize, and mitigate effects of the proposal. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

PROJECT ALTERNATIVES

Project Location and Design

The project will result in the addition of 233,841 square feet, or 5.37 acres of new overwater structure coverage area. Construction will also include the installation of 628 48-inch steel pilings and 500,000 cubic yards of dredging to create a new 48-acre berthing area. At full capacity, 44 million metric tons of coal will be loaded onto ships from the two new docks per year.

The EIS should include a comprehensive analysis of alternatives to the proposed project design. The analysis should assess the potential adverse impacts and mitigation measures for each alternative. Alternative overwater structure designs should be evaluated to identify designs that avoid and minimize impacts, such as minimizing the number of pilings required, minimizing the coverage area of new overwater structures, using alternative decking materials, and minimizing artificial lighting. Alternative dock configurations should be evaluated to identify alternatives that minimize initial and ongoing dredging requirements, including the use of smaller, shallower-draft vessels than the panamax-sized vessels expected to visit the proposed terminal. Alternative coal transport and ship loading equipment designs should also specifically be evaluated to identify alternatives to the proposed ship loading system that avoid and minimize the risk of coal and coal dust entering the Columbia River.

Each of the alternatives analyses described above should examine both the impacts resulting from the location and design of the structures and equipment, as well as operational considerations and impacts associated with each of the alternatives, including the predicted number of vessels that may be expected to visit the facility under the identified alternatives. The analyses should also consider cumulative impacts resulting from proposed terminal and the current and potential future uses of the existing dock.

Vessel Traffic

The project would generate an additional 1,460 one-way vessel trips annually on the lower Columbia River. A detailed vessel traffic analysis should be conducted using a robust model that relies on the most recent vessel tracking data for the Columbia River system. The analysis should include both existing levels and any projected increases in vessel traffic from this proposal and other sources throughout the Columbia River system, including the proposed Morrow Pacific coal export facility and the current and potential future uses of the existing dock. Based on these

analyses, the EIS should evaluate multiple alternatives for reducing potential conflicts, including routes, operations, and traffic control.

Vessel Operations

The EIS should analyze alternative berthing times and seasonal restrictions to ensure that cargo vessel and tug operations do not adversely affect the spawning and migration behavior of salmon, eulachon, sturgeon, and other species that utilize the proposed project area.

Rail Traffic and Rail Corridor Expansion

The EIS should identify any necessary expansion of rail corridors or infrastructure that may be utilized by the proposed project, as well as projected increases in rail traffic. All of the possible rail routes identified by the applicant should be included in this analysis. If any necessary expansions of rail corridors or infrastructure are identified, alternatives should be identified that avoid and minimize impacts to aquatic habitat and water quality. Alternatives should also be identified that avoid and minimize local and regional impacts from increased rail traffic.

In evaluating alternatives, it is also important to address the impact of bifurcation of state-managed lands due to corridor expansion on DNR's ability to manage these lands and avoid bifurcation to the greatest degree possible. The EIS should identify alternative alignments that could prevent this bifurcation.

Shading

The EIS should analyze the amount of shading at each depth that will be generated by the overwater structure and moorage of vessels, including tugs and vessels that may perform maintenance on the conveyor belt or related to other dock or trestle operations. What are the potential, adverse impacts of shading on riverine resources, including, but not limited to: littoral vegetation (including productivity), benthic habitats, eulachon migration and spawning behavior, and migratory movement of juvenile and adult salmon, green and white sturgeon, and Pacific lamprey, and how will they be avoided? How will shading be monitored over time to detect adverse impacts on riverine vegetation (including rushes, sedges, and other littoral species) or fish species?

Construction

The EIS should analyze adverse impacts during construction of the docks and trestle, and any future maintenance, repair, and replacement, from the presence of barges or other vessels used for construction. How will construction, design, and materials ensure avoidance of impacts to biological, chemical, and physical habitats, including, but not limited to: fish and wildlife, sediment transport, benthic habitats, and riverine vegetation (including rushes, sedges, and other littoral species)? How will barge presence be limited in duration to mitigate adverse impacts, including shading, and noise?

The EIS should analyze the amount of noise likely to be generated during construction, future repair, maintenance, and replacement, and how the project will avoid impacts to eulachon, salmon, green and white sturgeon, Pacific lamprey, marine mammals, marbled murrelet, and migratory shorebirds and waterfowl.

Operational Noise

The proposed facility will operate 24 hours per day, 365 days per year. The EIS should analyze the amount of noise that will likely be generated during operations by the loading and offloading of materials, transport through the conveyor system, docking and moorage of ships, and trucks and other machinery at the terminal. What are the individual and cumulative impacts of noise generated from this project on eulachon migratory and spawning behavior, salmon, and other aquatic species during operation of the proposed terminal? How will these impacts be avoided? How will any changes in noise be monitored over time to assure there are no adverse impacts to eulachon and other aquatic species? What options can be instituted to mitigate impacts?

Artificial Lighting

The EIS should analyze impacts of lighting proposed on the overwater structure and within 200 feet of the shoreline on eulachon, salmon, Pacific lamprey, and other aquatic species. A study should be conducted to investigate the potential changes in species abundance and dominance resulting from increased prey access under artificial lighting and address ways to reduce or eliminate any identified impacts. How will any changes in lighting be monitored over time to assure there are no adverse impacts to eulachon or other species? Cumulative impacts should be modeled to determine what potential impacts, if any, two additional docks will have. Multiple options should be evaluated for avoiding or minimizing artificial light impacts, and

recommendations should be included for adaptive management program to reduce long term effects of artificial light impacts.

Aquatic Vegetation

The EIS should analyze any potential for dock construction, operations, and future maintenance, repair, and replacement to scour sediments or disrupt or harm riverine vegetation or other benthic habitats. How will impacts to riverine vegetation damaged during construction or operations through displacement, shading, burial, or scour be avoided?

Biological Resources

The EIS should analyze how vessels, including barges, propose to navigate or dock at the proposed facility, and how adverse impacts of the proposed alignment and vessel operations on eulachon, salmon, marine mammals, riverine vegetation, and other biological resources and species will be mitigated.

Air

The applicant estimates the proposal will generate up to 1,460 one-way vessel trips on the lower Columbia River annually (not including the tugs to support them). These vessels will likely burn fuel that may contribute to localized air pollution or emission of greenhouse gases, both while underway and while docked. This may result in pollutants entering surface waters through atmospheric deposition. The EIS should evaluate measures such as providing shore power to ships while docked to avoid and minimize air quality impacts.

Water

Hydrological Dynamics

The EIS should evaluate existing nearshore hydrological dynamics in the area. What is the potential of the overwater structure to disrupt water flow or other natural riverine hydrological functions?

Point and Non-point Discharges

The EIS should analyze whether any stormwater, treated or untreated, point or nonpoint, or any other pollution sources, may enter the Columbia River as a result of the project. This includes stormwater that may be infiltrated in wetlands and seep to groundwater. How will adverse impacts be mitigated? The EIS should include an estimate of much rain is estimated to run off the docks, trestle, and roadway, and the quality of the runoff. What are the potential, adverse impacts of untreated stormwater, including the roadway, from the wharf and pier on aquatic habitat and how will these impacts be avoided?

The EIS should include a characterization of the source, quality and quantity, and potential impacts of all stormwater runoff generated by the entire project that may enter state waters, whether treated or untreated. The EIS should analyze whether the conveyer belt and other overwater facilities will need to be cleaned or maintained and how any runoff from the conveyer belt will be prevented from entering the Columbia River. The EIS should demonstrate how new point-source discharge

outfalls for stormwater will be designed to avoid or minimize individual and cumulative adverse impacts.

The EIS should analyze the increased risk of oil spills that may occur due to the increase in vessel traffic through the lower Columbia River.

Coal train cars are typically sprayed with surfactants to reduce coal loss. While the surfactant manufacturers claim that they are non-toxic to fish, there could be potential for non-lethal effects on fish-behavioral changes, or for deformities or other effects on fish. No shellfish data are available related to surfactants. Some surfactants, most notably Corexit, the surfactant used in the Gulf Oil spill, have been implicated in subsequent fish and shellfish deformities. The EIS should identify potential impacts of surfactants on fish and wildlife, including shellfish such as freshwater mussels.

Cumulative Impacts

Stormwater and wastewater discharges can carry heavy metals and other pollutants that may be harmful to fish and wildlife. What is the individual impact, and what are the cumulative impacts of stormwater, other pollutants, and any other wastewater discharges generated by the project, when considering all other stormwater and wastewater discharges in the lower Columbia River system? The EIS should include an ambient water toxicity study, using protocols accepted by Ecology and EPA to evaluate the cumulative effects of existing industrial wastewater and stormwater outfalls and groundwater seeps on riverine species survival and water quality.

Caged freshwater mussel studies and/or harbor seal bioassays may be used as biological indicators of toxicity. Growth rates of caged fresh water mussels have been shown to respond both positively and negatively to different environmental conditions. Bioaccumulation of polycyclic hydrocarbons (PAH), pentachlorophenol (PCP), and heavy metals in caged mussels should also be conducted, and future PAH, PCB, and heavy metal concentrations should be modeled based on the various alternatives being considered.

Vessel Fueling and Pumpouts

The EIS should analyze where fueling of vessels will occur. What are the adverse impacts of any fueling activities? If the need for such a facility is identified in the future, how will potential, adverse impacts of spillage be avoided and mitigated? The EIS should analyze where vessels will pump out sewage and handle gray water. Is a sewage pumpout system proposed for the overwater structure? If so, how will potential spills be mitigated?

Coal Dust and other Commodity Material Drift

The EIS should analyze the amount of coal dust, large coal particles, or other commodity materials that may escape from the conveyor belt, the ship loader, or upland storage facilities, and the impacts of any escaped dust or materials on the aquatic environment. What is the potential for coal dust and other commodity particulates stored on the upland to enter riverine waters indirectly by wind, surface water, or groundwater? What measures are in place to ensure the conveyor belt or

loader does not malfunction, resulting in a spill outside the ship's internal containment facilities and into riverine waters?

The EIS should analyze the potential for commodity materials to change the chemical environment of aquatic lands in the lower Columbia River system, including pH. Some materials, such as inorganic sulfur like that found in coal, can react with chemicals in water to produce sulfuric acid, resulting in acidification. Is that a possibility if coal enters the Columbia River? In addition, coal particles may leach heavy metals into riverine waters and sediments. The highest impacts here would be nearest the terminal. What might be the resultant impacts on fish and wildlife, and sediment quality? Studies have implicated coal in oxygen depletion. What is the potential for commodity materials to contribute to oxygen depletion or have a smothering effect on aquatic or upland habitats? What best management practices will be employed to collect dust and other commodity materials that may land on the facilities or vessels to prevent it from being washed or blown into the water or tracked onto the trestle? The EIS should describe measures to be instituted to prevent escape of coal dust, particles, and other materials into the Columbia River should a vessel collide with the overwater structures or other ships.

Ballast Water

The EIS should characterize all ballast water to be discharged into the riverine environment, the adverse impacts of discharge, and how adverse impacts will be avoided. How will ballast water quality be monitored to assure no adverse impacts to water quality over time? Management of ballast water should be consistent with Washington State Ballast Water Management Act and interstate agreements on Columbia River ballast water management.]

Invasive Species

The EIS should analyze the potential for the project to introduce invasive species to the project site and to the lower Columbia River system and how the potential adverse impacts will be mitigated to prevent introduction. If an invasive species is found to occur on a vessel associated with the project, what actions will be implemented to prevent spread of the species into riverine waters?

Built Environment

Environmental Health

Toxic Chemicals

The EIS should analyze the need for safeguards to prevent potential release of toxic chemicals associated with construction and future maintenance of concrete at the dock and trestle. Will treated wood be used? What materials will be used for fenders? Some fender materials have the potential to leach PAHs or other toxic pollutants; please analyze how potential impacts will be avoided and minimized.

Land and Shoreline Use

Sea Level Rise

The EIS should analyze how many pilings will be installed and the construction methods, design, and materials to be used. How will the structure be designed to function at current and forecast sea levels based on most recent predictions from the 'Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future' (June 2012).

Transportation

Marine Vessels

The EIS should include a detailed vessel traffic analysis and assessment of traffic management needs. The analysis should provide information on vessel drift, ballast water management, frequency of entry, egress, and moorage time anticipated for the different types of vessels and sizes of vessels, and their potential impact on the Columbia River environment (including aquatic natural resources). It should be based on a robust model that relies on the most recent United States Coast Guard vessel tracking system data for the Columbia River system, including existing or projected traffic from adjacent industrial facilities, upstream shipping terminals, and nonindustrial vessels. The scope of the study should include all of the Columbia River system, and not just the site of the proposed terminal. The study should evaluate multiple alternatives for reducing potential incidents.

The EIS should analyze the impacts of the increased vessel traffic, size of the vessels, and proposed vessel routes on fish and wildlife species and their habitats. The impacts of projected vessel traffic generated by the project on the spawning and migration behavior of eulachon, salmonid, sturgeon, and other species should be analyzed. How will vessel operations be conducted during eulachon pre-spawning and spawning season to prevent impacts to eulachon? What are the cumulative impacts of projected vessel traffic generated by the project, and projected traffic for the region, eulachon, salmonid, sturgeon, and other species? What are the impacts to these species due to the increase in noise expected to occur from increased vessel traffic approaching and leaving the facility?

The EIS should analyze the potential for the project's proposed vessel operations to adversely impact or interfere with adjacent industrial operations, including facility access. If a vessel can't access one of the facilities and has to moor temporarily, how might this affect other industrial operations and vessels transiting through the lower Columbia, or the risk of collision?

The greatly increased ship activity has the potential to impact sediment quality. Diesel burning by the ships can create greenhouse gases, PAHs and dioxins, which can contribute to localized ocean acidification as well as contaminate the sediments in the area through atmospheric deposition, especially if diesel fuel is burned while the container ships are idling while at the terminal. The EIS should analyze the cumulative impacts of engine exhaust from the cargo vessels and tugs and upland machinery operations, and the potential for pollutants to the Columbia River from atmospheric deposition, or from vessel machinery, or loading operations.

Historical and Cultural Preservation

The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands as well as any upland areas affected by the project.

IMPACTS TO STATE-MANAGED LANDS IN THE LOWER COLUMBIA REGION

Natural Environment

Air

The EIS should analyze the adverse impacts of engine exhaust from the cargo vessels and tugs and its potential to enter the Columbia River, including sediment quality, water quality, and localized acidification. It should also include analysis of the additional fossil fuels generated by the additional trains traveling over state-managed lands and identify measures to reduce the project's carbon footprint.

Water

The EIS should evaluate the ways in which coal dust and other particulates may escape the train cars and enter the Columbia River, including wind, stormwater, and spills.

Plants and Animals

The EIS should analyze how the increase in traffic of large vessels may affect fish and wildlife, including their migration, rearing, foraging, and spawning habitat.

The existing rail system is located adjacent to the shoreline along long stretches of the Columbia River. The EIS should analyze whether rail corridors may need to expand onto state-owned aquatic lands in other areas to accommodate the project. If so, how much right-of-way onto state-owned aquatic lands is estimated to be required? What are the potential impacts of increasing the number of tracks on aquatic and uplands habitats managed by the state?

Built Environment

Environmental Health

The EIS should analyze the increased risk of oil and fuel spills that may occur due to the increase in vessel traffic through the lower Columbia River.

The EIS should analyze the potential impacts of increasing the number of tracks on aquatic and uplands habitats managed by the state along the existing rail corridor, or any alternative corridors that may be needed, including, but not limited to: habitat, cultural resources, water quality, and wetlands. The EIS should analyze the impacts to ground and surface water, soil and adjacent wetlands from any necessary expansion, and evaluate mitigation measures that reduce and prevent the potential for short and long term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup. We encourage the proponent to work with DNR to establish these measures to ensure they meet DNR requirements.

Natural Resources

DNR-Managed Uplands and Conservation Lands

DNR manages a statewide system of conservation lands, protecting some of the best remaining natural areas in Washington. These sites contribute to region-wide biodiversity conservation, while serving as baseline reference sites to guide the management of less-pristine lands. The EIS should analyze the potential impact on DNR Natural Resource Conservation Areas (NRCAs) and Natural Area Preserves (NAPS) along the Potential Rail Corridors.

The EIS should analyze impacts of forests, sensitive ecosystems, and plant communities listed as threatened or endangered that may be impacted due to expansion of the rail lines on state-managed lands along the entire length of potential rail corridors.

IMPACTS TO STATE-MANAGED LANDS STATEWIDE

Natural Environment

Earth

Please refer to the comments on geological hazards. Any expansion of rail lines over state-managed lands should provide the recommended geological hazard analysis.

Plants and Animals

Rail Corridor Expansion

The existing rail system is located directly adjacent to the shoreline along long stretches of the Columbia River and other state-managed rivers. The EIS should analyze how much right-of-way onto state-owned aquatic lands and DNR managed uplands is estimated to be required to accommodate the increase in train traffic. What are the potential impacts of that potential expansion? What expansion of rail corridors is estimated to be needed on state-managed uplands throughout the state? How much right-of-way is estimated to be needed for each area? How will impacts to habitats be minimized and mitigated?

Stream Passage Structures

The EIS should analyze the location and design of bridges and culverts needed or replacement of existing structures for any stream crossing. All structures should meet fish passage and hydraulic code requirements of the WDFW. Structures should be appropriately sized based on hydraulic calculations similar to those in the WDFW manual for 100-year flood plus debris events, regardless of fish presence. The project proponent should consult with WDFW and use appropriately sized round culverts on non-fish bearing streams and open-bottom culverts or bridges for crossings on fish streams.

Habitat Conservation Plan

Washington's Trust Lands Habitat Conservation Plan (HCP) is an ecosystem-based forest management plan developed by DNR to provide habitat for species such as the Northern spotted

owl, marbled murrelet, and riparian-dependent species such as salmon and bull trout. The HCP is a contract with the United States Fish and Wildlife Service (USFWS) and the National Ocean and Atmospheric Administration (NOAA) providing protections for species listed as 'threatened' or 'endangered' under the federal Endangered Species Act (ESA). The HCP applies to 1.8 million acres of forested state trust lands within the range of the Northern Spotted Owl. Under the HCP DNR was issued an Incidental Take Permit (ITP).

The EIS should analyze impacts on lands covered by DNR's HCP to demonstrate and document that the construction of a new facility near DNR-managed lands and site expansion of existing facilities (railroad rights-of-way) on DNR-managed lands will not adversely affect the species protected under this agreement limit DNR's ability to comply with its commitments in the HCP that protect covered species. Additionally, it would be helpful for USFWS Section 10 representatives familiar with the upland HCP to be involved in any discussion with USFWS regarding DNR-managed lands.

Water Quality

The EIS should analyze how much right-of-way onto state-owned aquatic lands is estimated to be required to accommodate the increase in trains. What are the potential impacts to water quality? Where relevant, the EIS should review existing studies from other parts of the country.

Natural Resources

Conservation Lands

The EIS should analyze the potential impact on DNR Natural Resource Conservation Areas and Natural Area Preserves along the rail corridor, including potential indirect effects, of new or expanded rail corridors or infrastructure. For example, within the Columbia River corridor, a direct impact may be on the Washougal Oaks Natural Area that is directly to adjacent to the existing rail line. DNR can provide additional information on locations of these areas if necessary.

Biomass and Renewable Energy

Washington's forests have an abundant, renewable supply of woody biomass. Using some of this material for liquid transportation fuel, heating, and electrical power generation will play an important role in Washington's emerging green economy and help to address climate change. DNR's forest biomass initiative is occurring against a backdrop of existing state and federal policy direction, which act as guides to the emerging industry and signal opportunities for future expansion.

The EIS should analyze the socio-economic impact to the Washington state biomass industry development of renewable fuel alternatives. The analysis should consider whether increasing coal exports will delay the Washington state and regional biomass-to-fuel research and infrastructure investments in green technology and jobs, and if a new dry bulk terminal increases opportunities in infrastructure investments in green technology and jobs by providing a terminal to ship bulk dried biomass fuel pellets.

Built Environment

Environmental Health

Please refer to the earlier comment regarding hazardous substances associated with any rail corridor expansions. Any expansion of rail corridors on state-managed lands to support the project should analyze the potential for soil contamination and include mitigation measures that reduce and prevent the potential for short- and long-term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup.

Land and Shoreline Use

How might the additional train and vessel traffic, affect DNR's agricultural and commercial lessees' lands and the ability to get their commodities, such as wheat, grains, potatoes, and timber, to the market? The EIS should include a cumulative impacts analysis of these potential effects. What affect could increase in coal dust have on the health or productivity of forest and crops located on or directly adjacent to DNR-managed lands?

Natural Resources

The project proponent should analyze or consider potential impacts to urban forests and ongoing restoration activities along the rail corridors. Analysis of impacts should include, but should not be limited to: analyzing effects of permanent removal of urban and fragmented forests for new facilities and additional rail sidings; analyzing rail traffic increases along existing rail feeder tracks that may create fine particulates (dust) from the shipping of bulk dry goods that may coat plant leaf area leading to a reduction of plant photosynthesis and respiration ability resulting in a decrease in urban forest health; analysis of forest health along potential rail routes and opportunities for improvement through restoration and enhancement activities.

Public Services and utilities

The EIS should analyze whether any uses of state-managed lands would need to be increased to accommodate the construction, operation, and any future maintenance activities of rail corridors and infrastructure. This includes but is not limited to: all excavation of material, placement of construction materials and tracks, equipment movement and placement of equipment. The EIS should analyze how state resources, including wetlands and forests within and outside directly affected areas, will be protected. Will the project require re-configuring of existing wetlands?

Fire Risk

The EIS should analyze additional wildlife risk for lands covered by DNR fire suppression responsibilities along existing and any potential new railways that will anticipate increased traffic. It is critical that all fire prevention laws and rules of the state be adhered to by construction contractors during facility clearing or construction, maintenance, or use to prevent unnecessary risk to life and natural resources. Chapter 76.04, RCW and Chapter 332-24, WAC provide contractor requirements regarding landowner and operator responsibilities related to fire prevention and fire hazard abatement. The EIS should identify all reasonable measures to prevent and minimize the

start and spread of fire on to adjacent forested areas. Measures should include ensuring all vehicles carry a fire extinguisher of at least a 5 B/C rating and a serviceable shovel, following construction site safety operating procedures which should include compliance with the substantive requirements of Chapter 332-24-301, WAC (Industrial restrictions) and Chapter 332-24-405, WAC (Spark emitting requirements).

Analysis and proposed mitigation measures should be undertaken that will anticipate increased traffic. Train cars carrying coal are not covered because of spontaneous combustion risks. The EIS should analyze the potential increased risk of explosion and resulting wildfire from the addition train traffic through or adjacent to forest lands.

The trains may be up to 1.5 miles long, which could block street crossings. What is the potential impact of the increase and length of trains on DNR's ability to respond to wildfires?

Management of DNR Lands

What would be the impact of bifurcation of state-managed lands due to rail corridor expansion on DNR's ability to manage these lands? What alternative alignments could prevent this bifurcation?

Historical and Cultural Preservation

The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands, the uplands areas subject to Forest Practices Permits, and additional uplands easement areas.

Agricultural Crops

DNR manages approximately 1.1 million acres of agriculture land in the state. Commodities from these lands are typical with Washington grown products: tree fruit, grains, row crops, and cattle. In fiscal year 2011, \$13 million in revenue was generated from the leasing of DNR-managed agriculture lands. The lessees of these lands rely on transportation infrastructure such as highways and railways to move commodities to regional destinations or ports bound for international trade. The 2006 Statewide Rail Capacity and System Needs Study commissioned by the Washington State Transportation Commission identified several limiting factors regarding rail use and growth in the state. Specifically, the study highlights capacity issues on existing rail partly due to increases on Class I railroads in long-haul bulk and intermodal trains arriving from or departing to the mid-west and other states. According to the study, long-haul trains tend to be more profitable for rail companies and hence create an economic barrier for Class II short-haul trains that typically transport state-grown agriculture goods and link to Class I railways. The report states: "The railroads are focusing on high-volume and long-haul services, but the state's industrial and agricultural shippers also need low volume and short-haul services".

The EIS should analyze impacts from increases in long-haul or intermodal trains and increases in vessel traffic on the Columbia River to the proposed terminal and to the Washington state agriculture industries. A nalysis should include, but not be limited to: socio-economic impacts to DNR agriculture revenues; potential for reduced crop productivity associated with coal dust

particles; limits on access for purposes of managing DNR lands; reductions in the ability for producers to move goods to international ports due to increased congestion; and, opportunities to improve rail infrastructure. Mitigation measures should be identified.

The EIS should also analyze the impacts of coal dust on forests, agricultural crops, and other commercial uses of state-managed lands throughout all rail corridors that would be used to move commodities going to the marine terminal. Studies have demonstrated significant amounts of coal dust may blow off coal train cars during transit.



WFWOComments, FW1 <wfwocomments@fws.gov>

Comment on WDNR Aquatic Lands HCP DEIS

1 message

Michael Riordan <mriordan137@gmail.com>

Tue, Dec 2, 2014 at 10:11 AM

To: WFWOComments@fws.gov

Cc: lalena.amiotte@dnr.wa.gov, scott.anderson@noaa.gov, tim.romanski@fws.gov

Michael Riordan

106 Hilltop Lane

Eastsound, WA 98245

2 December 2014

Lalena Amiotte

Aquatic Lands HCP Team Lead

WA Department of Natural Resources

1111 Washington Street, SE

Olympia, WA 98504

Scott Anderson

NOAA Fisheries

510 Desmond Drive SE, Suite 103

Lacey, Washington 98503

Tim Romanski

U.S. Fish and Wildlife Service

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Submitted via e-mail, to WFWOComments@fws.gov

With email copies to Lalena Amiotte, Scott Anderson and Tim Romanski

RE: Washington Department of Natural Resources' Aquatic Lands Habitat Conservation Plan Draft Environmental Impact Statement

Dear Ms. Amiotte, Mr. Anderson, and Mr. Romanski:

Thank you for this opportunity to comment on the Washington Department of Natural Resources' (DNR) Aquatic Lands Habitat Conservation Plan (HCP) and the related Draft Environmental Impact Statement (DEIS).

I write in support of Alternative 2, the Proposed Action. However, the Aquatic Lands HCP and DEIS appear to include deficiencies that I must respectfully request be remedied. **In order to comply with the Endangered Species Act of 1973 (ESA, 16 USC 1531 et seq.) the DNR Aquatic Lands HCP and final Environmental Impact Statement (EIS) should include and address the interrelated effects upon endangered species of increased oil-spill risk, vessel-strike risk, and underwater vessel noise impacts that will likely occur due to development of state aquatic lands for industrial or commercial purposes. In addition, the HCP and final EIS should include and address the adverse impacts that will likely occur in state waters at the proposed and any future coal terminals.**

I am particularly concerned about the adverse impacts of any such development and ensuing operations upon the WA state Aquatic Reserves managed by the DNR, especially the Cherry Point Aquatic Reserve, where the Gateway Pacific Terminal (GPT) has been proposed to export over 50 million tons of coal per year. These activities will have such impacts not only upon immediately adjacent aquatic lands and their marine flora and fauna but also upon endangered species miles away from the sites of the activities.

For example, the hundreds of bulk coal carriers that would visit GPT annually, were it to be approved, will substantially increase the risk of oil spills from these ships in the waters around the San Juan Islands and in the Strait of Juan de Fuca, which would adversely impact the Chinook salmon and southern resident killer whales (Orcas) that frequent these waters. They would also increase the risk of vessel collisions with these Orcas (and other cetaceans) and the risk of underwater vessel noise interrupting their feeding behavior, which depends upon echolocation.

As the population of Orcas is now down to only 70 members, the lowest it has been in years, any such potential impacts must be disallowed by the DNR. An "incidental take permit" that would allow the loss of even a single member of this extremely endangered species, which is the icon of a healthy Northwest marine environment, must never be granted.

Furthermore, the activities proposed to occur at the GPT would adversely impact the marine resources and marine life within the adjacent Cherry Point Aquatic Reserve. These include increased turbidity and sediments in the water, blocking of sunlight penetration to the sea floor, wave action of carriers docking at and leaving the piers, and increased underwater vessel noise. Probably the most worrisome and damaging would be the inevitable release of many tons of fugitive coal dust annually into Reserve waters from terminal operations. This coal dust would block sunlight penetration and fall to the sea floor, settling on eelgrass and negatively impacting endangered Pacific herring — particularly the Cherry Point herring that spawn there in the spring — and young Chinook salmon that are known to feed in the eelgrass there on their way from fresh waters to the ocean. (See *Cherry Point Environmental Aquatic Reserve Management Plan*, WA State Department of Natural Resources, November 2010; Michael J. Ahrens & Donald J. Morrissey, *Biological Effects of*

Unburnt Coal in the Marine Environment,” *Oceanography and Marine Biology: An Annual Review*, Vol. 43 (2005), pp. 69–122, esp. pp. 75–79 on the physical effects of coal dust in marine waters.) As the Orcas feed primarily upon Chinook salmon, they would also be indirectly impacted by such coal-dust releases.

Therefore I specifically request the following be addressed in the final HCP and EIS:

Request #1: Include revisions to the DNR Aquatic Lands HCP DEIS to address the existing and future proposed new and expanding terminal projects that could be affected by HCP implementation and the corresponding increases in vessel traffic, including the increased oil-spill risk, vessel-strike risk, and underwater-noise impacts that will occur due to increased vessel traffic.

Request #2: Include revisions to the DNR Aquatic Lands HCP and DEIS to address the proposed and any future coal terminal projects that could be affected by HCP implementation, including the increased risks they will pose to endangered species due to the release of coal dust into WA state waters.

Thank you for your consideration of my requests.

Sincerely yours,

Michael Riordan, Ph.D.

Eastsound, WA 98245

–

Michael Riordan

Physicist/Author

Now living on beautiful Orcas Island

106 Hilltop Lane

Eastsound, WA 98245



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Steve Johnston <SJohnston@woodsidestravel.net>

Tue, Dec 2, 2014 at 4:31 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Nice job you 'all on protecting our aquatic friends but at what cost?

I would recommend a serious "grandfather" approach and aim to curtail NEW CONSTRUCTION from damaging our environment. With the stoke of the pen you would effectively decimate most all maritime activity east of the locks. I don't think your solution(s) are appropriate to the task at hand.

Steve Johnston

425-260-5450



WFWOComments, FW1 <wfwocomments@fws.gov>

Fwd: WDNR Aquatic Lands HCP DEIS

1 message

Tom Avera <thomasavera@gmail.com>

Tue, Dec 2, 2014 at 4:23 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

I am opposed to the proposed embedded anchoring over the current concrete moorings for the following reasons;

1. An embedded anchor costs \$4800 plus..... (concrete discs are \$2000) why bother even buying a regulated embedded anchor if you can just set out a very large anchor and chain temporarily for free. This is the worst case scenario possible for the seafloor. Most folks are glad to invest in a concrete mooring for their own vessel or for visiting friend's and family's boats.

2. Deep mud is not great for embedded anchors. The link below has the local choice for embedded anchors,

MR-SR. Page 2 into their website there is a soil chart discussing holding power and the limitations of loose silt and mud.

<http://www.earthanchor.com/wp-content/uploads/2012/07/MARINE-INSTALLATION-PROCEDURES-2-9-08.pdf>

3. An embedded anchor has an exposed, galvanized, metal rod and swivel on the seafloor which eventually will fail. To replace those parts a diver (expensive) is needed and doing the job is impossible to do properly underwater because the step of applying locktite is eliminated; the mooring is therefore compromised. Concrete discs do not have metal on the seafloor. A concrete disc mooring is serviced at a minus tide; all the hardware that needs maintenance is on the top part of the mooring and is replaced, above the water's surface, on a work boat where the parts can be seen without underwater visibility issues.

4. I currently have a concrete mooring and the last time I dove on it the concrete was buried in the mud bottom, but the portion of the concrete that was exposed was overflowing with marine growth forming an eco system within itself.

Thank you for giving me the opportunity to voice my opinion.

Tom Avera
Deer Harbor, Washington



WFWOComments, FW1 <wfwocomments@fws.gov>

FW: WDNR Aquatic Lands HCP DEIS

1 message

Aileen Jeffries <aileen@pacificbio.org>
To: WFWOCOMMENTS@fws.gov
Cc: Aileen Jeffries <aileen@pacificbio.org>

Wed, Dec 3, 2014 at 10:55 AM

The Department of Natural Resources (DNR) website states "An aquatic Habitat Conservation Plan (HCP) will help DNR protect sensitive, threatened, and endangered species that are native to Washington State and depend on aquatic habitat." However, one of the most important species resident to the Washington Inland Waters has been left out of the list of 29 species for which DNR is writing the plan. The plan cannot be a valid or complete document unless the harbor porpoise (*Phocoena phocoena*) is included in that list.

The harbor porpoise is listed as a Species of Special Concern by Canada and is listed as a Candidate Species of Concern by the Washington Department of Fish and Wildlife (WDFW). This species has been a candidate species for Washington for over (10) years. While it was abundant in the 1950s, its population plummeted until in 1992 major newspapers around the Puget Sound announced that it was gone from the South Puget Sound and barely present in the remainder of these waters. It was a little known species by 1990 and has been ignored, forgotten or neglected in virtually all Washington State Environmental Impact Statements and planning documents of the last 30 years. The few attempts by NW Marine Fisheries Service (NWMFS) and WDFW to study this species have not been reported in any way that allows professional or public review.

It is time for DNR to fill this major gap in resource management planning by including the harbor porpoise in their species list for the current HCP being developed. If it is not included, then comments from research scientists like myself are precluded from DNR consideration. If I were able to comment, I would mention that the near-shore/harbor habitat necessary for the harbor porpoise to live as a full time resident of Washington waters has virtually disappeared in the last 50 years. Protected areas for calving are needed and not under consideration. The actual range, movement and distribution is just becoming known, but is not considered by DNR, WDFW, Parks or other state agencies. The Puget Sound Partnership through its Puget Sound Ecosystem Monitoring Program (PSEMP) is just beginning to recognize the harbor porpoise as not only a significant species but one that is an indicator of the health of come the Puget Sound.

I am a Research Scientist for the Pacific Biodiversity Institute and am studying the harbor porpoise. I am also an active member of the Puget Sound Partnership, Puget Sound Ecosystem Monitoring Program, Marine Mammal Sub-Committee.

Please add the harbor porpoise to your list of 29 species for which the HCP is being developed.

Thank you

Aileen Jeffries

12/3/2014

DEPARTMENT OF THE INTERIOR Mail - FW: WDNR Aquatic Lands HCP DEIS

Research Scientist

Pacific Biodiversity Institute

www.pacificbio.org

509-996-2490

206-795-8181



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS.

1 message

Andronetta Douglass <andronetta@douglass.com>

Thu, Dec 4, 2014 at 8:57 AM

To: WFWOComments@fws.gov

The proposed Aquatic HCP plan should explicitly state that large, high-impact projects like fossil fuel export terminals facilities and shipping lanes and containers will need additional scrutiny and in some cases should be avoided. In addition, these sites could be vulnerable to terrorist attack and should have sufficient security in place due to their explosive potential. I live near the Cherry Point site which is situated near BP. I saw a large fire at BP a few years ago. What would be the impact of a large explosion on the Aquatic Lands site?

The timeframe of both the HCP and subsequent leases should be shorter and more should be done to ensure that management is capable of adapting during the planning period.

There needs to be adequate funding in place to ensure the management practices identified in the plan can actually be implemented. The companies must have sufficient funds to cover any toxic waste problems so that we do not end up with another abandoned toxic waste site when the project closes down.

The best available science should be used to adapt management and monitoring practices to address changing conditions, habitat quality and population of species that are covered.

The standard for cumulative impacts should be no net loss of habitats or native plant and animal population.

Andronetta Douglass
andronetta@douglass.com
255 W Bakerview Rd, #105
Bellingham, WA 98226
360-392-8782



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

CCalamary@aol.com <CCalamary@aol.com>

Wed, Dec 3, 2014 at 4:03 PM

To: WFWOComments@fws.gov

To all concerned

This cognizance is to urge more public comment time be given to the above subject. I would like to know what media was used to notify the public of the meeting in Pasco on Oct. 15. I know for a fact that one privately owned marina and one of the local Ports were not notified. I would be interested who and how many attended the meeting in Pasco.

I see 2 different study times for this HCP one being 8 years other being 12 years. Yet you have only given the public a very short time. This is very unreasonable. I would be humiliated to purpose some of the ideas in the HCP.

I would surely hope DNR is not trying to enforce some of these outrageous ideas without them been formally adopted.

I am 78 years old and have boated both sides of Washington for 50 years.

Sincerely

Calvin Coie

705 South Oklahoma Street

Kennewick, WA 99336

ccalamary@aol.com



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Captain Kruse <jamesorcas@gmail.com>

Thu, Dec 4, 2014 at 8:04 AM

To: wfwocomments@fws.gov

I would to comment with regard to the proposal for removing cement anchors and not allowing them in the future. I am a scuba diver and a mooring owner. I have been hired to service and locate lost moorings. The cement anchor becomes part of the profile on the seafloor. It provides habitat. I have seen octopus and many other varieties of sealife using them for homes. You cannot find a cement anchor by looking for it. The only anchors I have been able to locate when diving are the ones that still have a bit of line floating upward from it. Please do not require cement anchors to be removed. Please allow cement anchors to be used in the future. This will not interfere with your goal.

Thank you
James kruse
3603764676



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

White Chris <cweyes@me.com>

Thu, Dec 4, 2014 at 8:05 AM

To: WFWOComments@fws.gov

To whom it may concern,

The 2015 HCP for aquatic tidelands, chapter 5's Operating Conservation Program pertaining to the DNR's management practices is of significant concern to me as along time yachting resident of the San Juan Islands.

As I read chapter 5 it appears that it is DNR's intent to eliminate concrete disc anchors as a mooring option. Most suitable spots for moorings in the Salish Sea has deep silt or mud for the benthos which is excellent holding for a disc. Embedded anchors have galvanized parts that sit on the substrate and are vulnerable to soil failure in loose soils for its holding capacity. The galvanized parts have no guarantee and maintenance ends up with a compromised mooring and more frequent disturbance of the environment.

I have not seen evidence where disks are toxic to the environment, clearly the disk should remain as an option for silty locations.

The mooring choice in the San Juan Islands is the concrete disc that supplies benthic habitat, is economical to maintain and will last indefinitely.

If any of my interpretations are incorrect please educate me with further information.

Chris White
cweyes@me.com
360 920 7718 cell



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands concerns

1 message

boatshop@ghboats.com <boatshop@ghboats.com>

Wed, Dec 3, 2014 at 4:11 PM

To: WFWOComments@fws.gov

To whom it may concern;

We are very concerned about The 'law of unintended Consequences' regarding planned revisions by WDNR to shoreline access. Our family business builds small pleasure boats so access to shoreline is paramount. Sure, keeping people off the water and shore may in some lights be beneficial to sea life but at what expense?

The NMTA has forwarded portions of the Draft Revisions which would severely limit shoreline access.

Reviewing DNRs' policy statement, a section relates - 'fresh waters of the state— managed as a public trust for all Washingtonians. DNR strives for a balance of public benefits for all the people of the state, which include encouraging public use and access, fostering water dependent uses.

Again, please be aware of unintended consequences

Regards,

David Robertson

President, Gig harbor Boat Works



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Everett A. Sorensen <everett@streamlineenv.com>

Wed, Dec 3, 2014 at 8:35 PM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

I would like to comment on the DNR's proposal to require embedded anchors for private moorings. The limited lifetime of an embedded screw-rod and swivel will necessitate complete replacement at some regular time interval. Underwater servicing of such metal hardware generally precludes applying thread-locking adhesive, potentially compromising the installation.

Conversely, a concrete disc anchor with integral hawsepipe provides superior longevity, can have a replacement rode installed without disturbing the disc, and may enhance benthic habitat. A typical concrete disc anchor provides dynamic holding strength far in excess of the weight of the disc, due to the suction resistance afforded by sand, silt or mud.

As an avid boater and environmental engineer, I am concerned that the proposed DNR policy, though well-intentioned, may in fact increase impact to submarine habitat. I recommend allowing concrete disc anchors for permanent mooring buoys.

Thank you,
Everett

Everett A. Sorensen, P.E.
Streamline Environmental, Inc.
1821 Sahlman Drive, Suite B; Tampa, FL 33605
715 Grant Street; Port Townsend, WA 98368-2405
360-821-9960



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Gary Rogowski <garyrogowski@mac.com>

Thu, Dec 4, 2014 at 8:08 AM

To: WFWOComments@fws.gov

Comments:

1. The Habitat Conservation Plan, in its current presentation to the public (90 day review period), has no clear timeline in it. And, it is also not clear whether or not existing structures, such as over water structures, in more established urban areas of the State, will be grandfathered in. This is of great concern to those citizens that have made considerable investments in those type of structures.
2. The "Plan" needs to be more Long Range in nature to accommodate those existing structures mentioned above. The timeline of implementation should more immediately concentrate on physical areas of the environment away from present urban growth, and then phase in, at a slower rate (a Long Range Plan) those areas of concern within established urban areas. There needs to be a clear separation of those two areas of implementation. The present Plan does not do that. Most citizens would agree with the need for this type of conservation in the long run, but would be most concerned about the immediate effect on existing structures in present established urban areas.



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Gavin brackett <sailgavin@gmail.com>

Wed, Dec 3, 2014 at 8:52 PM

To: WFWOComments@fws.gov

To whom it may concern,

I am a scientific diver and marine technician from the San Juan Islands. I have been working in the islands on moorings for 10 years and have conducted many surveys on the benthos surrounding mooring anchors. My concern is that DNR is looking to make concrete mooring supplies illegal for use in all areas shallower than 60 ft. With the San Juans reported as bad holding for embedded anchors this does not make sense.

As a scientific diver I am certified to make legal surveys of the bottom. I currently conduct surveys in the San Juans for Baja boat works and have conducted research for University of Washington and University of Victoria. My surveys have shown that concrete moorings with midline floats do not affect the surrounding benthos. The moorings are covered with kelp and many associated species and the surrounding area are not affected.

The embedded anchors are very dangerous for divers who install them. This year 2 divers died in an accident in Puget Sound. You have to replace embed anchors every few years and must disrupt the bottom again. Also embedded anchors are very expensive at a cost of \$4800 plus installation to most people this means why bother when they can use their own bottom tackle on their boat, the worst scenario possible for an anchorage.

2. Deep mud is not great for embedded anchors. The link below has the local choice for embedded anchors,

MR-SR. Page 2 into their website there is a soil chart discussing holding power and the limitations of loose silt and mud.

<http://www.earthanchor.com/wp-content/uploads/2012/07/MARINE-INSTALLATION-PROCEDURES-2-9-08.pdf>

3. An embedded anchor has an exposed, galvanized, metal rod and swivel on the seafloor which eventually will fail. To replace those parts a diver (expensive) is needed and doing the job is impossible to do properly underwater because the step of applying locktite is eliminated; the mooring is therefore compromised. Concrete discs do not have metal on the seafloor. A concrete disc mooring is serviced at a minus tide; all the hardware that needs maintenance is on the top part of the mooring and is replaced, above the water's surface, on a work boat where the parts can be seen without underwater visibility issues.

DNR does not properly understand the restrictions that they are looking to make on mooring systems. It is a field with limited research and many different types of benthos. With embedded there is greater expense and higher maintenance costs. Diving activity makes for less maintained moorings and more short cutting. Concrete moorings are stronger and need less maintenance and make for a great benthos as attachment point for many species of animals. Do not make concrete moorings illegal, they are just a big rock with a line attached to it.

Regards,

Capt. Gavin A. Brackett
360-317-8249
Sailgavin@gmail.com

**WFWOComments, FW1** <wfwocomments@fws.gov>

HCP photo use

1 message

Grant Osberg <gosberg771@aol.com>

Wed, Dec 3, 2014 at 2:04 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Cc: Corey Saxon <corey.saxon@dnr.wa.gov>

Dear sirs,

The photo on page 5-21 showing bank armoring, is not on DNR Aquatic land.

Some outer parts of this marina are on Aquatic land, not the shore side area.

This photo may confuse current stakeholders and owners of this marina that the shore armoring is in violation of the DNR Proposed HCP, when it is not on DNR controlled aquatic lands.

We are currently in holdover, pursuing permits for improvements and are at a very sensitive time period for public comments and approvals.

This photo suggests that this marina is not in compliance, subject to further costs, and that the owners are not addressing this with current JARPA permit applications.

Corey Saxon at the Sedro Woolley office is our land manager and can confirm this.

We have enough issues to deal with and don't need to add confusion to the process.

Please replace the photo with a true DNR aquatic land area bank armoring issue.

Thank you

Grant Osberg

Anacortes Marina Owners Association

Po box 33368

Seattle, wa 98020

Sent from my iPad



WFWOComments, FW1 <wfwocomments@fws.gov>

HCP vegetation

1 message

Grant Osberg <gosberg771@aol.com>

Wed, Dec 3, 2014 at 2:30 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Dear sirs,

On page 5-31 for example,

You call for a horizontal clearance of 25 feet to the nearest "vegetation".

I can find no definition of vegetation in the glossary or body of chapter 5.

I think you should use 'aquatic vegetation' to be consistent with your glossary.

So you want both a horizontal clearance of 25 feet and a vertical clearance of 7 feet, Maybe a drawing would help.

Also you use the term 'low lower water', I think this should be 'mean lower low water' as in your glossary. These are different term and subject to miss understanding.

Thanks

Grant Osberg

Sent from my iPad



WFWOComments, FW1 <wfwocomments@fws.gov>

Aquatic Lands Habit Conservation Plan

1 message

John Collins <collinsj37@gmail.com>

Wed, Dec 3, 2014 at 12:51 PM

To: wfwocomments@fws.gov

After reading through the HCP, I am impressed with the thoroughness and attention to scientific detail of this 50 year plan for protecting and conserving our aquatic resources. The focus appears to be exclusively on activities on or at near-shore locations. However, there are at least two identifiable threats to our aquatic resources that are not based on near-shore activities, and I feel should be considered in this long-term plan. One is the threat poised by global warming. Although DNR does not have within its means the ability to directly influence the course of global warming, DNR can plan for mitigation of the negative effects from global warming on our aquatic resources. The second threat is more proximate, and that is the increasing threat from oil spills from oil bearing ships and underwater pipelines. DNR, in collaboration with other agencies, should push forcefully for prevention and response activities to deal with this threat. This far-reaching HCP should address these two threats.

Thank you

John Collins
4790 Willamette St.
Port Townsend, WA 98368



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Judith Akins <sunsetjam@gmail.com>

Wed, Dec 3, 2014 at 10:40 PM

To: WFWOComments@fws.gov

Dear Mr. Romanski,

Thank you for the opportunity to comment on the draft EIS for the Aquatic Lands in the Salish Sea. This has been of considerable interest to me since moving to the northwest a few years ago. I love this area and find the environment nurturing and unbelievably beautiful. I have learned much about the native peoples here and the fishing, recreational and tourist industries that the Salish Sea supports. I also know that we are in trouble because of the decline and loss of species here. I have been visiting this area for over 12 years and can see that the Orca are diminishing, no young have survived for over two years now. The traffic on the Haro Strait is deafening even for humans, you can feel the pulsating of the engines of the massive ships when you sit at the County Park point on San Juan Island. What must these animals be experiencing underwater? How can the whales communicate with so much noise around them? The large fishing vessels pass by without a break. The turbulence of these large vessels disturbs the sediment. I have spoken with fisherman that have thousands of dollars of damage to their pots every year because of vessels dragging their gear. Commercial fishing boats are non stop around islands, and very threatening to kayakers using these waterways. It is a very sad sight indeed.

While I did not get to fully read the draft (and I will) I would like to comment on the decline of the herring and the proposed increase of industry in the Cherry Point area that would further devastate this keystone species. Cherry point supports the herring which in turn support the salmon and in turn the Orca. We cannot inflict anymore damage to this habitat and expect anything to survive. The salmon are already exhibiting strange behavior patterns, going north around Vancouver Island instead of staying in Puget Sound.

We need to protect what we have so that the seas, specifically the Salish Sea, will continue to thrive and be a viable habitat for the species that live there. Please help restore our environment for the people, and the earth.

Again, I thank you and hopefully I will have more time to digest this report and comment on your findings.

Judith Akins

360-982-8599
2174 E Birch St.
Bellingham, WA
98229



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

jjnm <jjnm@aol.com>
To: WFWOComments@fws.gov

Wed, Dec 3, 2014 at 12:15 PM

To whom it may concern:

By allowing geoduck harvesting of subtidal areas and not requiring replanting DNR is shortsighted. Part of any HCP needs to be a requirement by DNR that subtidal lands harvested be replanted, just as they do their forest lands.

If Chelsea farms can apply for a permit to operate a subtidal farm near Burley Lagoon, and divers can harvest geoduck, then they can replant. To say it is too difficult is only self serving and drives more demand for intertidal farms. DNR's not requiring it is not in the statewide interest.

Thank you,
Jules Michel
3008 NE 45th Avenue
Portland, OR 97213



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Marc Broman <mbroman@deerharbormarina.com>
To: WFWOComments@fws.gov

Wed, Dec 3, 2014 at 1:57 PM

To whom it may concern:

I am commenting on the 2015 HCP draft proposal for aquatic lands because of its lack of sustainability. I am referring specifically to chapter 5 and the regulation that would only allow embedded anchors as a mooring choice for boat owners. I live in the San Juan Islands and the choice of anchor here is the concrete disc anchor. I look at a disc anchor as a possible habitat on the sea bed, economical to install and maintain and a mooring I can count on in the deep mud which is the usual sea bed in the SJI.

I consider an embedded anchor as an anchor that will fail eventually and have to be replaced. I also resent that the DNR would impose on vessel owners no option on a mooring choice when there are other viable options. The embedded anchor mooring option the HCP imposes on the tidelands is liable to corrosion on the substrate due to its exposed galvanized parts. It is also expensive and DANGEROUS to install, as well as being very expensive to service and definitely subject to soil failure in its holding ability in deep mud.

There are concrete disc anchors that have been here in the San Juans for decades and decades. They now are actually embedded anchors where there is deep silt and mud. Please consider Leaving them as an option, as they have worked very well in our environment.

Sincerely, Marc Broman

Marc Broman

Harbormaster

Deer Harbor Marina

P.O. Box 344

5164 Deer Harbor Rd.

Deer Harbor, Wa. 98243

tel. 360-376-3037

www.deerharbormarina.com



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP EIS

1 message

Melanie Coerver <melanie.coerver@gmail.com>

Thu, Dec 4, 2014 at 7:58 AM

Reply-To: melanie.coerver@gmail.com

To: WFWOComments@fws.gov

Dear Mr. Romanski,

I am pleased to hear that you are developing an Aquatic Habitat Conservation Plan.

Puget Sound needs your oversight and the public stewardship for protecting and enjoying its lush ecosystems and natural beauty.

Please include the following in your plan:

Climate change is one of our most critical and pressing issues. The plan should have proposals for both mitigation and adaptation strategies for dealing with climate.

The plan also needs strong risk management. Including management of oil spills, stormwater, violations of lease usage, storm events and other problems that could have catastrophic consequences.

Cherry Point and Longview Coal Terminals (as well as similar projects) need strict rules to prevent long-term harm of aquatic lands. The risks if they have any accidents should be analyzed thoroughly.

Existing leases that will be up for review within the time period of the Aquatic HCP that have significant consequences on the health and quality of the area should not be renewed without re-evaluating their risks and updating their need to comply with modern protections.

- The Aquatic HCP should have a solid understanding of the entire lifecycle and foodweb for listed species.

This plan should address the implications of existing and proposed aquatic leases in the best management practices.

- Harm to aquatic lands have economic and cultural consequences and those impacts need to be considered and addressed, particularly for commercial and subsistence fishing.

- The cumulative impacts of projects associated with an aquatic lease need to be better assessed and addressed.

Sincerely,

Melanie Coerver
1317 13th Ave S
Seattle, WA 98144



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Michael Durland <michaeld@rockisland.com>

Wed, Dec 3, 2014 at 10:31 AM

To: WFWOComments@fws.gov

I would like to comment on the proposed conversion to see embedded anchors and phase out concrete mooring anchors.

I agree that embedded anchors even though more expensive to install and maintain are preferred in areas of kelp or eel grass but on the majority of bottoms here in the San Juans with a bottom of mud or sand a concrete anchor will not disturb the bottom and will actually improve the conditions for growth of marine species and provide habitat for small marine invertebrates and fishes.

For this reason I think that an across the board policy of requiring embedded screw type anchors of moorings misses the point.

Michael Durland



WFWOComments, FW1 <wfwocomments@fws.gov>

Habitat Conservation Plan

1 message

Neimax@aol.com <Neimax@aol.com>

Wed, Dec 3, 2014 at 9:21 AM

To: WFWOComments@fws.gov

Cc: roger@gly.com

Dear DNR,

I have just spent considerable time reading your rather voluminous proposed Habitat Conservation Plan and particularly Chapter 5. I am surprised there is such a rush and limited time for public input considering the magnitude of the impact this program, if adopted, will have on the citizens of this State. Such statements as "measures and standards based on best available science and are assumed to be capable of improving habitat," and "there is often significant uncertainty," would lead me to question the validity of much you are proposing. It would seem you need to do some additional home work, that is attaining scientific evidence to show cost effectiveness for the edicts you propose. I am also concerned about statements as: "agency management staff will provide final reviews, etc." There is no mention re the qualifications of these people. It all seems very arbitrary.

As a physician, I can assure you, you would not want me to take you to surgery if my medical background was as inadequate as the basis for much of this Plan.

Thank you for considering this input,

Neil Duncanson, MD.



WFWOComments, FW1 <wfwocomments@fws.gov>

Draft HPC comments

1 message

Pat Collier <pcollier000@centurytel.net>

Wed, Dec 3, 2014 at 11:31 AM

To: WFWOComments@fws.gov

Please include the attached comments for consideration in decisions re the Washington Department of Natural Resources' Aquatic Lands Habitat Conservation Plan.

Thank you.

Pat Collier
POB 574
Vashon Island, WA 98070
206 463 3552
pcollier000@centurytel.net

 **Aquatic Lands HCP draft comments.pdf**
69K

December 3, 2014

Tim Romanski
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA, 98503

Dear Mr. Romanski,

Thank you for this opportunity to comment on Washington State Department of Natural Resources' draft Aquatic Lands Habitat Conservation Plan (DHCP).

DNR staff have made commendable efforts in compiling this DHCP and in bringing together so much associated informative background material.

It is encouraging that there is a stated effort “to protect sensitive, threatened and endangered aquatic species ... to identify, improve and protect important habitat ... to conserve and enhance these lands, and provides a stable management framework grounded in science.” [Emphasis added.]

As a Puget Sound waterfront property owner of 48 years, it is disheartening to see the continued degradation and destruction of the marine riparian area. Despite many restoration projects, at the cost of millions of dollars, the number of species at risk continues to increase.

For too long fostering water-dependent uses and using renewable resources has had precedence over ensuring environmental protection. Increasing numbers of sensitive, threatened and endangered aquatic species shows that regulatory policies have been inadequate to ensure environmental protection. For example, as of 2013 there were 119 species at risk in the Salish Sea, almost twice the number of species at risk when the

indicator was first established in 2002.¹ More must be done to improve the ecosystem health of the Salish Sea basin.

Stewardship and management must focus more on protecting sensitive, threatened and endangered aquatic species. For too long the “balance” of public benefit has been weighted too much for fostering water-dependent uses that are detrimental to species and habitats. In order to serve the long term public benefit to current and future generations management decisions must swing the balance toward using the best available science to improve and protect habitat.

Make the primary goal of the HCP protection and restoration of ecological processes and functions of our waterways above and beyond what is required by current laws and regulations. Weasel words such as ‘minimize,’ ‘mitigate,’ ‘compensation,’ ‘practicable’ seem to be loopholes, a means to allow activities that should not be permitted at all.

It is heartening that the DHCP recognizes the importance of marine riparian vegetation. Even though WDNR may not have management authority over marine riparian areas use authorization should promote restoring and maintaining native plants in the marine riparian area. Please recognize that in addition to providing shade to intertidal beaches important for forage fish spawning, marine riparian areas, like their freshwater counterparts, provide other vital functions for maintaining nearshore habitat. Native plant communities in the riparian areas also:

- stabilize banks and moderate sediment inputs from surface erosion;
- filter pollutants and help to regulate freshwater delivery to marine environments;
- contribute large and small organic matter important for habitat structure and marine food chains (including terrestrial insects important to juvenile salmon).

Stronger provision are needed for protection, restoration and maintenance of native plant communities. For example: require grandfathered leases, renegotiated leases, and new leases to plant and maintain species diverse, multistory communities of native plants. Leases should require development of vegetation conservation plans, including replanting and maintenance standards focused on native species, for any project that impacts marine riparian vegetation.

Gaydos, J. K., & Zier, J. (2014, April). Species of Concern within the Salish Sea nearly double between 2002 and 2013. Paper presented at the Proceedings of the 2014 Salish Sea Ecosystem Conference, Seattle, Washington.¹

A condition of all leases and permits should require improvements to the habitat. Many of the strategies related to aquatic vegetation should also be applied to marine riparian vegetation. Consider the entire food web at risk species are dependent on. Resident orcas need Chinook salmon. Juvenile Chinook salmon need terrestrial invertebrates. Invertebrates need native plants.

Science documentation should include research comparing terrestrial invertebrates associated with native vs nonnative plants.

A science review group should be initiated to review this draft HCP as was recommended in WA DNR Aquatics Resources Program Science Review Panel Final Report, 2007. A report of such science review should be made accessible to the public well before a final HCP is adopted. There should be ongoing scientific oversight and review of the HCP throughout its 50 year life span, and adaptations made as needed to benefit species of concern.

Activities such as marinas, overwater structures, log booming, etc. that need to control erosion should be required to have bioengineer consultant to consider the possibility of biotechnical measures to control erosion. Such consultant should have knowledge and experience in the use of environmentally sensitive measures such as wattles, brush mattresses, “soil burritos”, etc. rather than fixed structures of riprap, gabions, concrete, rock. All leases and permits should require planting and maintaining native plants as a condition.

Please give my comments thoughtful consideration in adopting a final HCP. Ensure the HCP is based on an exhaustive review of the available science. Use the precautionary principle and best scientific judgment in managing Washington’s aquatic lands. Give the highest priority to protecting species of concern and restoring their habitat.

Thank you to the staff at WDNR for preparing the DHCP and related material.

Respectfully,

Pat Collier



Jones, LouEllyn <louellyn_jones@fws.gov>

Comments on draft HCP

1 message

Peter <pwilling@telcomplus.net>

Wed, Dec 3, 2014 at 4:36 PM

To: lalena.amiotte@dnr.wa.gov, scott.anderson@noaa.gov, louellyn_jones@fws.gov

Dear Agency people,

Please find attached a pdf file with my comments on the draft Habitat Conservation Program.

Thank you for taking the time to read it, and for spending so many hours on the road explaining the program.

Peter Willing, PhD
4402 Y Rd
Bellingham, Washington 98226

 **HCPcomment3.pdf**
566K

COMMENTS ON
WASHINGTON DEPARTMENT OF NATURAL RESOURCES
HABITAT CONSERVATION PROGRAM

4 DECEMBER 2014

by

Peter Willing, Ph.D.

pwilling@telcomplus.net

Comments on Habitat Conservation Program

These comments are made against the background realization that new major bulk materials handling and processing facilities, with their ancillary land-based and water-borne transportation, are contemplated for the shorelines of the State of Washington. These proposals have the potential to industrialize our waters beyond recognition over a very few years and to bring vast and pervasive and irreversible damage to our legacy of marine resources. I believe the Washington State Department of Natural Resources should expand its knowledge and management reach to cover these activities. The proposed Habitat Conservation Plan is one possible means to do that. The effectiveness of the Plan will have to be judged by how our marine resources fare over the next decades.

DNR's habitat evaluation metric, as described in Chapter 4 of the HCP, is overly elaborated, its output quantities are not intuitively accessible, the methods are too complicated to yield reproducible results, the choice of species included or not included leaves gaping holes. For example, where is the herring habitat discussion of Samish and Padilla Bays? The 18 distinct herring stocks in the Puget Trough are not individually evaluated. Great Blue Heron, Western Grebe, Rhinoceros Auklet, and Surf Scoter populations are not mentioned. These are (or were, before recent declines) important species in Puget Sound waters, and any serious habitat evaluation cannot get by without acknowledging them. The DNR method does not, in spite of the fine statement of purpose, encourage a holistic ecosystem approach to biological resources, for example eelgrass - herring - salmon - orca.

The HCP chooses included and excluded "impactors" (human actions that affect resources) and "receptors" (biological or natural resources that receive those effects). While recognizing that it may not be possible to include all possible impactors and receptors, it is reasonable to expect that major ones would be included. Major impactors should not be omitted just because they are beyond the scope of traditional DNR vision, or are just too big to contemplate. DNR claims to have an "adaptive management" policy, but their analysis needs to be designed to deal with changing or evolving activities that it doesn't cover. The closest analog to massive bulk carrier shipping in the HCP is log boom storage, which reflects a 1950's concept of the DNR mission. The result of this vision is a product that is obsolete before it can be adopted. The adaptive management program might be precisely right in tracking historical trends of selected monitored populations, but totally blind to the development of gargantuan expansion of industrial resource uses that will obliterate any benefit of an HCP. Adaptive management is inescapably retrospective – no corrective action is taken until there are blood and feathers on the floor. One

has to appraise future impactors in their proper order of magnitude, to make the effort worth doing.

Table 5.2 announces the goal of:

Increase Washington DNR's knowledge regarding the spatial and temporal components of covered activities.
--

The HCP betrays no awareness that the water-borne shipping volume into Padilla, Samish, Fidalgo, and Bellingham Bays has increased by millions of annual tons over the past decade, and has been predicted to expand vastly further over the next few decades. The implications of this expansion on the receiving natural resource receptors have not been contemplated.

The HCP does not acknowledge the drastically expanded use of anchorages for deep draft ships serving industrial facilities in northern Puget Sound. A huge increase has taken place over the last five years, with even more to be anticipated with bigger (Cape Class) bulk carrier ships, and more of them. This new shipping volume has huge impacts that have not been systematically dealt with by state or federal government. Impactors include:

- anchors, average 18 tons
- mooring chains, average 30 tons. Semi-diurnal tidal currents drag an anchored ship around its own anchor. The effect is the equivalent of large earth moving equipment plowing up the bottom any time a ship is anchored.
- discharge of ballast water, with attendant risk of introduction of invasive exotic species of flora and fauna
- oil spill risk from routine bunkering operations
- lighting, effect on human neighborhoods, and aquatic life – disruption of circadian rhythms (see EIS table 2-1 p 2-30)
- shipboard generators operating continuously; diesel emissions, airborne and underwater noise
- overboard waste, deck washdown, anchor wash, etc.
- contaminant spill risk
- summary of receptor resources –
- bay bottom biota,
- flora
- fauna – fish, invertebrates, birds
- ditto for water column and water surface
- human habitation and recreational use of surrounding lands and waters

DNR may have limited ability to deal directly with these impactors, because of federal pre-emption of authority over navigable waters. But virtually all of the above impacts take place on waters of the State of Washington. These activities are inescapably tied to transshipment and processing facilities on shore, that are subject to DNR leases. Without the shore-based activity, the water-based activity would not exist. HCP, p. 3- 43 notes that “Refinery facilities used for processing raw materials. Washington DNR currently leases land to both oil and aluminum

refineries.” Thus DNR should impose restrictions on these ancillary activities, through its leasing function. DNR should require, as lease provisions for fossil fuel transshipment ports, monitoring, control, and mitigation for the impacts listed above.

Use of navigable waters raises the question of United States Coast Guard authority, which includes designation of anchorages in local marine waters. This function is exercised by the “Captain of the Port,” under USCG District 13, pursuant to 33 CFR 110.230. There is no officially designated anchorage in Samish Bay, although the Coast Guard has a proposal under consideration. The DNR needs to get in on this process, and work to obtain measures that will protect the natural resources of the state from the effects outlined above. At times there are five tankers anchored in the informal “Vendovi anchorage.” Figure 3 shows the typical pattern. The Vendovi anchorage is used by ships bound for Cherry Point as well as March Point, providing a clear indication that the Cherry Point designated anchorage is inadequate. Nobody but the State of Washington, wearing a DNR uniform, will or can take responsibility for those resources. DNR has to do it. DNR can act through the medium of its leases, performance bonding, through the HCP, and through the medium of Commissioner’s orders.

DNR needs to examine the resources at stake, and the impactors on those resources. The DNR absolutely must undertake a bottom survey of Samish Bay and the other high-use anchorages, find out what marine flora and fauna are there, deploy bottom cameras, document what the big ships and their ground tackle are doing to the bottom, and what effect it has on those resources. Best available science should be the standard of practice, and no net loss of habitat or protected populations should be the goal. DNR cannot pretend to be a good steward of 2.4 million acres of state aquatic lands, and throw up its hands and say “it’s out of our authority,” while the impacts on state marine resources get ever more severe each year. Further, DNR is exposed to possible violation of its Incidental Take Permit if it does not exercise due diligence in the management of its leases. If DNR is not able to assume this scale of responsibility, it should make it clear that the proposed HCP does not cover these mega-projects and require that they develop individual project-specific HCP’s.

DNR’s function is highly vulnerable to the vagaries of budget cycles, vagaries of the political process, changes of heart with a new commissioner of Public Lands. The HCP process is attempting to assure the viability of biological resources into a long term future. This process can be no better than the stability of its long-term money source. Lease rates should be set at a level that assures this stability. If lessees, especially large fossil fuel projects, wish to camp on state aquatic lands, they should be willing to pay for the stewardship of those lands. The fiscal responsibility should not be pawned off on the taxpayers of the state.

Comments on Draft Environmental Impact Statement on Habitat Conservation Program

Alternatives not considered – EIS §2.3.4. p. 2-25 - “public access” is the closest the EIS comes to covering additional ship traffic. It was thrown out because it is “difficult to regulate.” If so, DNR is inconsistent – this consideration did not seem to be an impediment to recently enforcing lease provisions against small recreational boats in Bellingham Bay. If it’s good enough for a 29’ sailboat, it’s good enough for a 900’ tanker.

The EIS acknowledges that surveys can be made where existing data is inadequate (EIS table 2-1 p 2-42). DNR should get busy and carry out the requisite surveys on impactors and receptors to be able to deal with today's threats, including moorage of mega-ships.

Noise is discussed in EIS §3.5.2 p. 3-25. In-water pile driving is a known impactor. By comparison, constant operation of shipboard main propulsion and auxiliary internal combustion engines is probably more significant. Anchored ships run their generators 24-7, and they can be heard all over the islands both above and under water. This needs discussion in the EIS.

Lease terms of 12-30 years are suggested in the EIS, but terms of 55 or even 100 years are authorized. This is too long a term to be locked in, it gives no flexibility to fix a problem, it offers no way to apply feedback. Lease terms need to be shorter – where certain fragile resources are at stake, 5 years; or no more than 10. You can't have a 50 year lease term and claim you are doing meaningful adaptive management. A range of lease terms exists for shellfish; these should not be renewed for longer than ten years at the end of the existing lease term. There is no end to be achieved in waiting to the end of a 39-year lease term to fix a long-standing problem.

Mitigation measures that were not identified in the EIS:

- study mooring buoys as an alternative – industrial screw-auger moors with mid-water float instead of everybody using ship's service anchors. The alternative is recognized in the context of log boom mooring, the logic being bottom disturbance, - in EIS table 2-1 pp. 2-40, 2-43
- restrict anchored ship lighting to USCG minimum requirements. USCG Navigation Rule 30 requires that (a) A vessel at anchor shall exhibit where it can best be seen: Vessels at Anchor (i) in the fore part, an all-round white light or one ball; (ii) at or near the stern and at a lower level than the light prescribed in Rule 30(a)(i), an all-round white light . . . (c) A vessel at anchor may, and a vessel of 100 meters and more in length shall, also use the available working or equivalent lights to illuminate her decks. Deck illumination should be indirect, i.e. lamps or luminaires should not be directly visible outside the bulwarks of the ship. Bottom shading is covered in the EIS – light trespass is not. Trespass light is not included in Affected Environment, p 2-50. EIS §3.11 p 3-77, visual resources, doesn't mention nighttime trespass light.
- Aquatic Reserve Program: EIS p 2-9 contains a short summary of the program, but nowhere does it explore the applicability of the program to the imminent problems at hand. This should be remedied.
- Commissioner's Orders: another tool at the disposal of the DNR is the provision for a Commissioner's Order covering various aspects of the DNR mission to protect resources of the state. This tool has not been explored or applied to the problems at hand.

We face the most serious threat to our aquatic lands in a century. The State of Washington is institutionally completely unprepared to deal with an onslaught of deep draft ships calling for

petroleum and coal cargoes in the waters of the Salish Sea. DNR needs to re-orient its HCP effort to deal with this problem.

Writer's credentials

Dr. Peter Willing is a retired hydrogeologist who has lived and practiced in Whatcom County since 1983. He has been an active recreational boater and commercial fisherman on the Salish Sea since the 1950's. He holds a doctorate in Natural Resources from Cornell University.

Figures

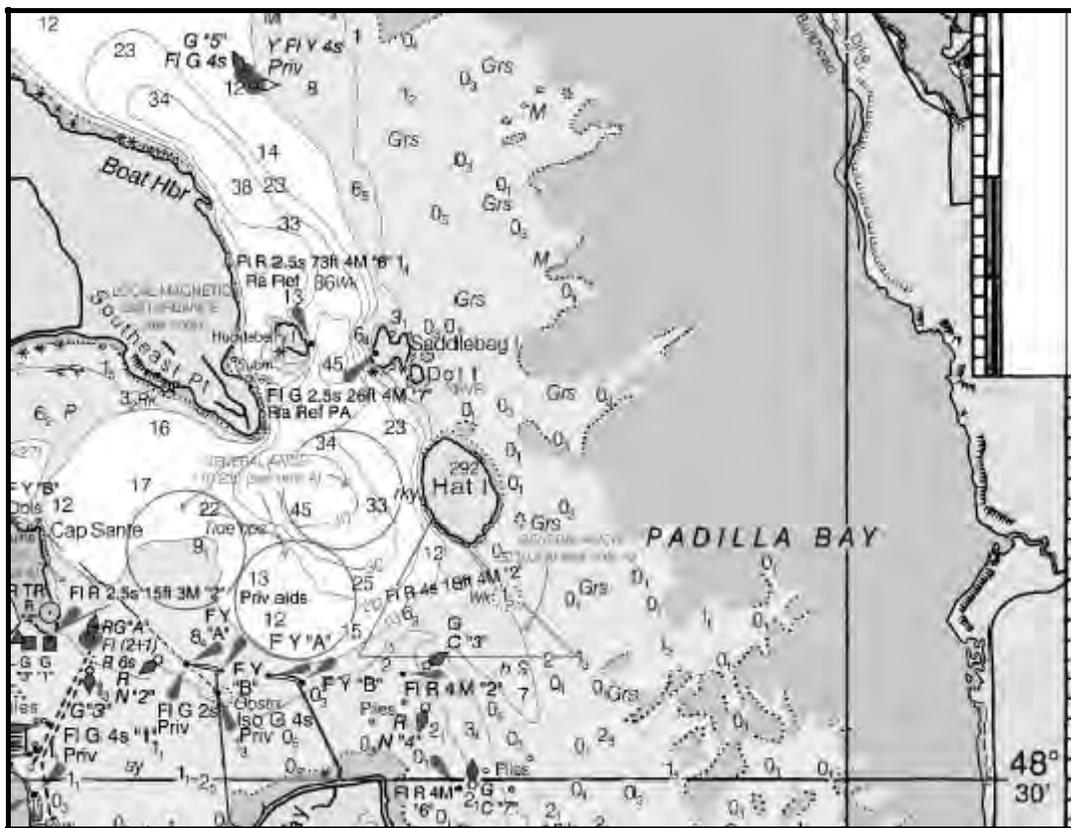


Figure 1. NOAA chart 18421 excerpt showing designated Padilla Bay anchorages.

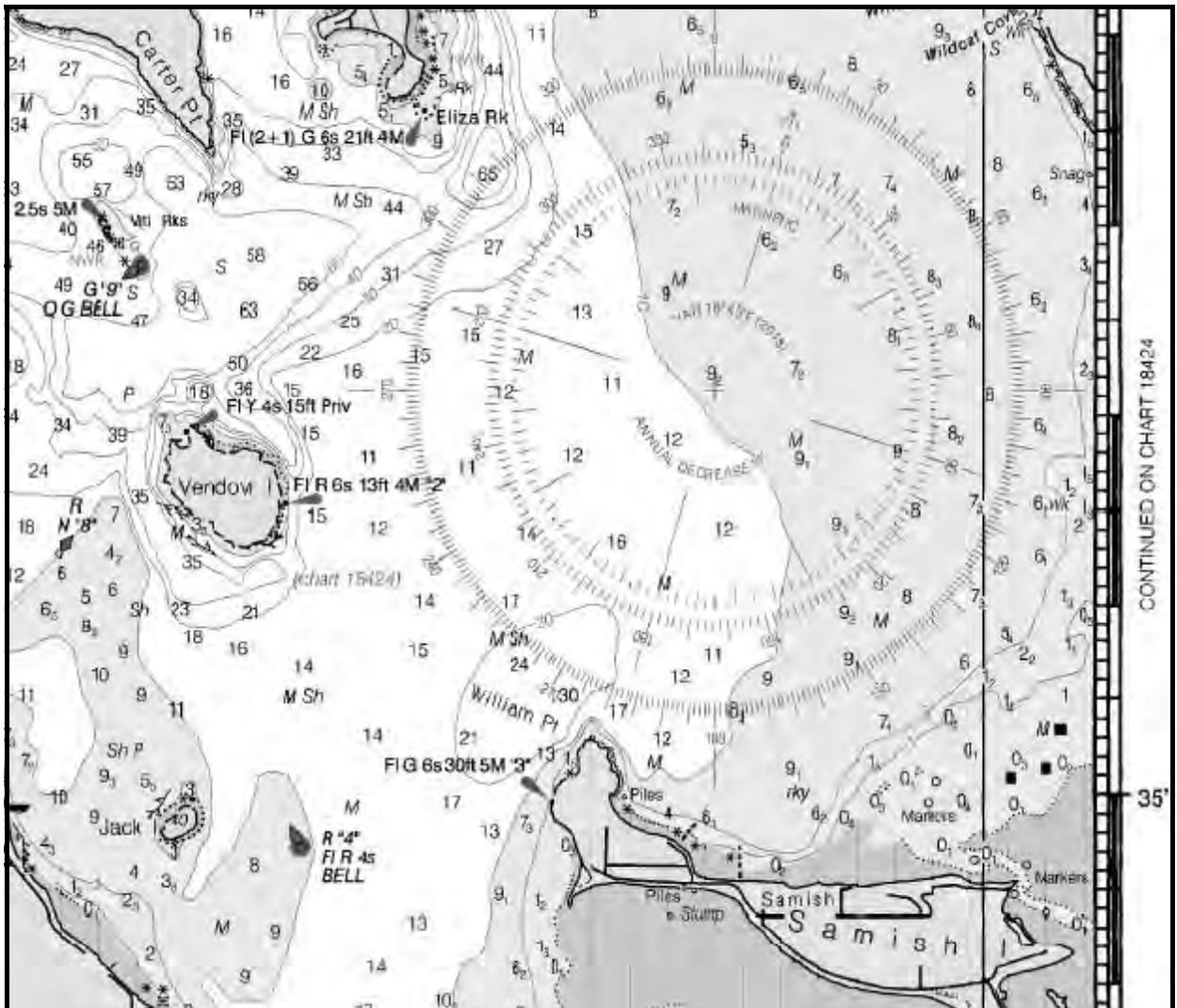


Figure 2. Chart 18421 (1999 ed.) showing Samish Bay, and area of informal “Vendovi anchorage.” Anchored location of Overseas Samar was just above magenta word “decrease” in the compass rose.

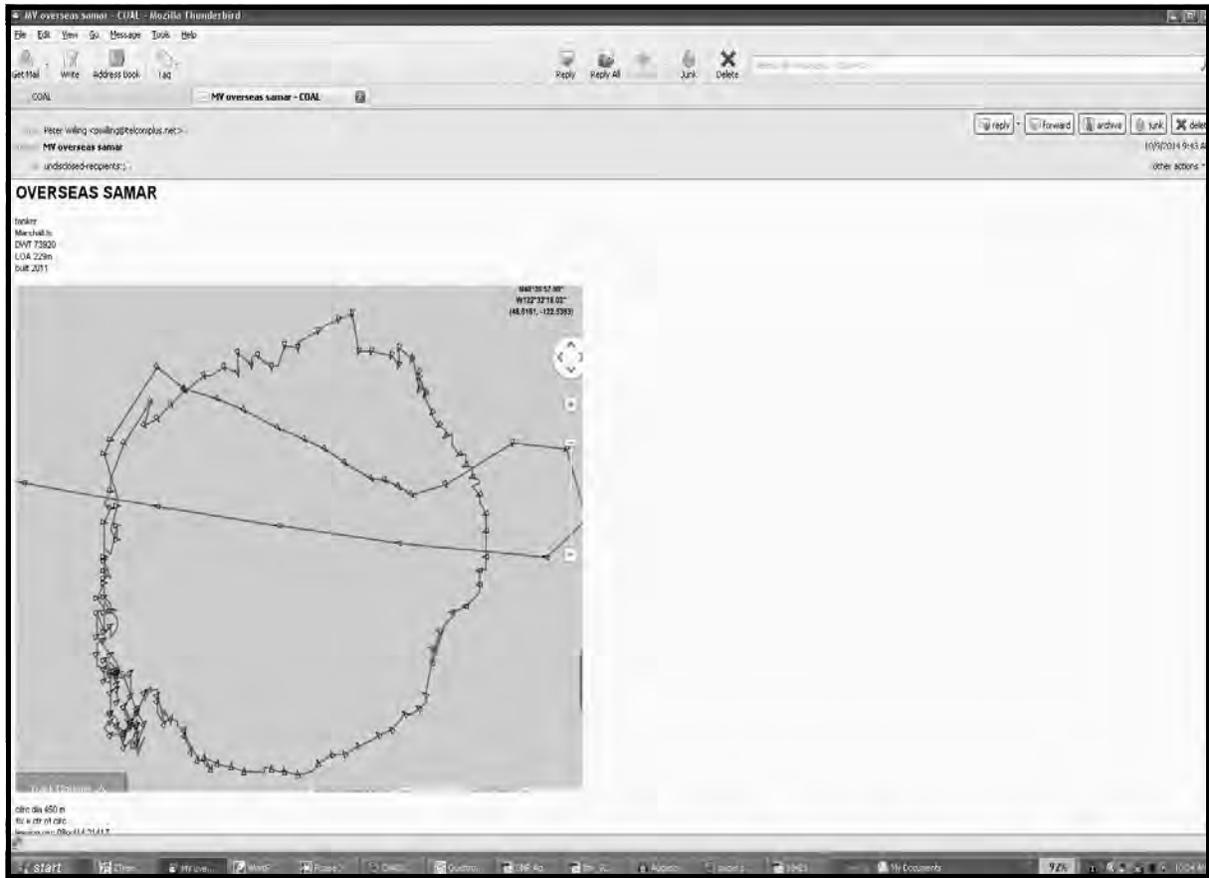


Figure 3. Anchored track of Overseas Samar, 6 - 8 October 2014. See Fig. 2 for location.



WFWOComments, FW1 <wfwocomments@fws.gov>

Habitat Conservation Plan for Aquatic Lands

1 message

Sarah Knudsen <sarahnils@hotmail.com>

Wed, Dec 3, 2014 at 10:12 AM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

To Whom It May Concern:

As the Washington Department of Natural Resources is in the process of updating its Habitat Conservation Plan for Aquatic lands, I wanted to write to note that the harbor porpoise has been left off its list of 29 species for planning despite the fact that the harbor porpoise is listed as a Candidate Species of Concern by Washington State Department of Fish and Wildlife and is a Species of Special Concern in Canada. Please add the harbor porpoise to the species list for planning under the Habitat Conservation Plan for Aquatic Lands.

Thank you,

Sarah Knudsen
Risk Management Consultant
(O) 509.996.4450
(C) 509.634.1031



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCPDEIS

1 message

Sharyl Rogowski <garyrogowski@mac.com>

Wed, Dec 3, 2014 at 7:47 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Comments:

1. Not enough time to properly respond
2. The 7 ft. Dock rule is unreasonable in that the environmental impact is minuscule compared to the hundreds of thousands of square miles of shoreline that is within 7 feet of the low low waterline. You might as well restrict boating in all that land. Why pick on just docks and place unreasonable restrictions on them.
3. All existing docks must be grandfathered in, and allowed to be routinely maintained without restrictions or permits.
4. Leave marinas, moorages, and harbors alone that are in existing urban areas. Allow for the reasonable expansion of these areas as population growth dictates. Develop long range plans for restrictions such as upon 100 or 500 years. Place immediate restrictions only in non urban and presently undeveloped areas of the state.

Sent from my iPad



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Viggo Bertelsen <vcbertelsenjr@gmail.com>

Wed, Dec 3, 2014 at 4:35 PM

To: WFWOComments@fws.gov

I have read the proposed Draft of subject plan and offer the following comments:

The proposed plan is a gross over reach of regulatory intrusion.

The plan contains no consideration for the activities and interests of the human citizens of the state of Washington.

There is no analysis or documentation of the economic impact and cost of implementation of the proposed HCP leading me to think that such an analysis has not been undertaken. Implementation of the HCP is likely to make a major negative impact on the economy of the state as well as a significant degradation to the quality of life of Washington citizens.

The comment period provided for public comment is inadequate for a plan that has been in preparation for 8+ years apparently without any coordination with outside the DNR. A period of at least one year for public comment should be allowed.

The proposed plan seems based on turning back the clock to conditions existent at the time of "creation" and provides no allowance for "evolution" or any scientific basis for the proposed plans and action, selection of species to protect, activities to permit, protections for existing conditions, structures, investments, land uses, etc.

The HCP would seem to provide total authority for DNR to be the sole judge of what is acceptable in use of and activities over state aquatic lands without provisions for review by competent authority and duly elected representatives of the public and consideration of existing law and constitutionally provided protections for the people of the state.

There is no mention of plans or action to identify, control and remove and/or mitigate the negative impact of non-native invasive species which have taken up residence in or may invade the DNR managed aquatic lands (European milfoil, zebra mussels, etc.)

The citizens and the aquatic environment would be more reasonably served by selection of "Alternative 1" (no action but relying on a case by case approach to allow/do what is reasonable) than to implement the proposed HCP imposing "one size fits all" approach to aquatic lands and resource management for the real benefit of the citizens of Washington State.

Viggo C. Bertelsen, Jr.
Registered Voter,
Citizen and long time resident of the State of Washington



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

B&K Thompson <kathryn078@centurytel.net>

Thu, Dec 4, 2014 at 3:44 PM

To: WFWOComments@fws.gov

Cc: kathryn078@centurytel.net

We understand and agree with conservation and support for healthy waterways and marine populations. However, we are strongly opposed to the lack of provision for existing marinas. These marinas and Yacht Clubs promote family enjoyment of and support for boating and water uses in Washington. Compliance with the proposed WDNR changes will be economically unfeasible for most small marinas. The Poulsbo Yacht Club (our Club) is like a second family to many of us, will cease to exist if this moves forward as proposed. We urge you to provide exclusions for existing structures that do little or no harm – as is the case with our club facilities.

Please revise this proposal!

Thank you – Bernard and Kathryn Thompson

P.O. Box 1246

Kingston WA 98346

(206) 909-3266



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Bill Whiteley <bwhiteley@kpud.org>

Thu, Dec 4, 2014 at 12:04 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Gentlemen,

I have been a lifelong boater. I grew up on Agate Pass, and spent countless hours and days on the beach, and in the water diving, still do when I can. That doesn't make me an expert on all things marine...but it does give me a lot of practical knowledge.

I am also a past Commodore of Poulsbo Yacht Club, and have spent some time discussing the Aquatic Lands HCP DEIS with other Grand 14 Yacht Clubs around Puget Sound. We are all very concerned and frankly disheartened by the unscientific and many times just silly requirements that have been proposed. In particular the 7' minimum depth requirement is completely without warrant, and the sunlight obstruction requirements cannot be applied across the board as is proposed. I can tell you from years of Scuba diving that there are plenty of areas where there is no eel grass, that have no lack of sunlight.

We need more time to respond to this and you need to do a much better job of notifying and engaging the public. There are portions of this that will make boating unaffordable to the general public. Boaters are the primary users of the marine environment and can be the first line of defense of that environment. **But**, to impose draconian rules which serve no purpose you will alienate the boating community _

Respectfully,

William H. Whiteley III, PE

360-440-8082



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Jim Christanson <thesportguy3@gmail.com>

Thu, Dec 4, 2014 at 11:19 AM

To: WFWOComments@fws.gov

Please manage the state's for the long term, not just for the quick buck. As a SCUBA diver in Puget sound for 30 years I have seen the massive damage done by the geoduck clear cutting. Many of my favorite dive sites have been denuded of life. I also think the geoduck stock estimates are grossly exaggerated to justify over harvest.

In addition having the DNR get a cut of the money and overseeing the amount of harvest is a terrible conflict of interest. We need an independent department managing the aquatic land that is not in on the take.

Finally, we need to get industrial aquaculture out of intertidal areas, and stop them from destroying the highest value near shore habitat.

Bob Paradise
Gig Harbor, WA



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Bobbi Campbell <bobbi.campbell@me.com>

Thu, Dec 4, 2014 at 2:11 PM

To: "wfwocomments@fws.gov" <wfwocomments@fws.gov>

Cc: "timothy.sheldon@leg.wa.gov" <timothy.sheldon@leg.wa.gov>, David Dicks <dicksd@uw.edu>, Bruce Campbell <bandbcampbell@msn.com>

It took the DNR the better part of 12 years to draft Aquatic Lands HCP, but the public is only being given 90 days to respond. This is not acceptable. The DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted. We urge the HCP be revised.

Sincerely,
Bobbi Campbell

Sent from my iPod



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

David Clark <dclark@lawddc.com>

Thu, Dec 4, 2014 at 11:00 AM

To: WFWOComments@fws.gov

Greetings, my wife and I own a house near Tolmie State Park and own tidal lands. Anchored offshore is someone's geoduck diving barge. We have seen large sand dollar "die offs" in the area, more likely move and dump from the geoduck farmers. We are concerned about the monoculture that is being imposed on the beaches and the removal of wild geoducks from the surrounding area without any attempt to replace the stock. The new regulations need to address both concerns, strip mining the geoducks and the imposition of the monoculture on the Puget Sound beaches. Balance needs to be addressed.

David Clark

Law Office of David Clark

805 W. Fireweed Lane

Anchorage, AK 99503

907 272-7989

907 274-9829 (fax)

dclark@lawddc.com

Licensed in Alaska and Washington

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PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, PLEASE BE ADVISED THAT WE ARE

12/4/2014

DEPARTMENT OF THE INTERIOR Mail - WDNR Aquatic Lands HCP DEIS

A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS.

1 message

Elliott C. Smith <elliott.charles.smith@gmail.com>

Thu, Dec 4, 2014 at 4:42 PM

To: WFWOComments@fws.gov

High Priority should be given to conservation efforts to important recreational fishery species: Steelhead, Sockeye, Pink Salmon, Coho Salmon, Chinook Salmon, as well as Rockfish.

Recreational anglers are fierce conservation advocates, if given the opportunity to harvest responsibly at sustainable levels. The aforementioned species hold particular importance to WA recreational anglers, and anglers from around the world who visit WA to fish.

Promoting conservation on these species so that recreational harvest can continue or resume should be an integral part of WA's Aquatic Lands Plan.

Thank you for your consideration,

Sincerely,

Elliott Smith
El Cerrito, CA
Twitter @soundslikepuget
elliott.charles.smith@gmail.com



WFWOComments, FW1 <wfwocomments@fws.gov>

HCP's affect on marinas

1 message

Greg Suldan <gregsuldan@wavecable.com>

Thu, Dec 4, 2014 at 3:53 PM

Reply-To: greguldan@wavecable.com

To: WFWOComments@fws.gov

To whom it may concern,

It appears to me that a lot of the proposed regulations are going to have an adverse effect on existing marinas. My main concern is the rumor of the 7' minimum depth from the surface of the water to the bed lands at extreme low water. Our marina, which has been in since 1959, would be all but wiped out since we only have a little over 8-1/2' under our furthest float out. I was told, by DNR, that I have no need to worry, at the current time, since it will be years until my lease with DNR expires. The problem is that we currently have our marina for sale. Who in their right mind is going to buy a marina after they find out they will have to go through a complete permit process and spend millions to move the whole marina further out to gain the 7' depth? That's if they would even be allowed to rebuild.

A lot of the proposed regulations also seem to be tied to the anticipated effects of climate change (IPCC 2007). From what I have heard and read lately, the views on the whole climate change scenario appear to be changing.

Sincerely,

Greg Suldan

Suldan's Boat Works

Port Orchard, Wa.



WFWOCComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

jerryhackett1@netzero.com <jerryhackett1@netzero.com>

Thu, Dec 4, 2014 at 10:38 AM

To: WFWOCOMMENTS@fws.gov, jerryhackett1@netzero.com

Comments below address the Washington State DNR proposed habitat conservation plan.

1. The plan should be comprehensive by Washington State not just DNR owned areas. Privately owned tide lands and government owned aquatic lands also have a major impact on aquatic species. Aquatic lands owned by either private or government owned parties need to be quantified in area tables.
2. Identify what species are endangered and specifically where and how habitat within Puget Sound is affected.
3. The effect of shellfish aqua culture on habitat is downplayed compared to the negative affects of marinas in shallow areas. Fabric is currently being used in Burley Lagoon, Purdy, to cover tidal areas to aid in the production of clams. This appears to be much worse than shading by moorage floats. This has not been included in shellfish production activity. Digging of clams and geoducks produces high degrees of turbulence. On the other hand, moorage floats are being required to be changed to add gratings to supposedly reduce shading. Moorage floats are required to be relocated to deeper water to reduce the effect of prop wash on bottom sediments. What is good for the shellfish industry should be good for the boating community. Treat us fairly.
4. Require the State of Washington to show how much additional sunlight reaches the bottom by the addition of gratings in floats as compared to solid floats. The addition of grating on floats and gangways was originally requested by regulators in areas where eel grass exists. This was not particularly expensive when included in new construction projects, and was never challenged. This is extremely expensive and runs into the millions of dollars where concrete floats exist. These concrete floats must be removed and new floats constructed. There is no inexpensive rehab possible. Address what water depths are affected moorage floats. Why change out all floats with grating if the main affect is in very shallow waters.
5. This comprehensive plan should be site specific. Areas that affect endangered species should be mapped and compared with areas of waterfront development.
6. Marinas should be allowed up to 20 years to plan, design, and raise funding to accomplish mooring float changes.
7. Consider mitigation possibilities in areas where eel grass does not grow such as artificial eel grass, studied by Dr. Salo, Uof W, or addition of used Christmas trees placed in water just after Christmas to allow additional habitat for herring spawning.

Thanks in advance for consideration of above comments.

Gerald L. Hackett

253-857-7129



WFWOComments, FW1 <wfwocomments@fws.gov>

Washington deserves stronger habitat protection!

1 message

Joseph Hiss <joe.hiss.biologist@gmail.com>

Thu, Dec 4, 2014 at 1:10 PM

Reply-To: joe.hiss.biologist@gmail.com

To: WFWOComments@fws.gov

Dear Tim Romanski, Scott Anderson, and Lalena Amoitte,

Thank you for the opportunity to comment on the draft Washington Department of Natural Resources Aquatic Habitat Conservation Plan. As a former local fish and wildlife biologist, I know how much work this entails, but I believe there are more issues that must be addressed.

The Plan must address climate change. I understand this plan makes no mention of the topic. Since the Plan would last 50 years, I think the environmental baseline should attempt to predict the changes likely to occur during that period.

I personally believe that any decision that facilitates further transportation of fossil fuels will increase carbon loading worldwide. We already know the carbon concentration our atmosphere can support. We also know we are already above that limit. And more coal ports are highly likely to allow carbon use to increase. All the weather models I have seen predict measurable changes on nearly every scale of analysis. I am sure the project area is not immune to changes in temperature, rainfall, and acidity. On this basis I conclude that any further carbon loading to our atmosphere is likely to adversely affect at least some of the listed species in the Project Area.

Regarding the expected amount of incidental take, I imagine this could be estimated based on a number of assumptions, each of which would have to be justified, but in any case it should be estimated on the basis of 50 years of coal export.

The likelihood of jeopardy cannot be quickly dismissed. It would depend on the range and status of distinct population segments in the project area, as described in the environmental baseline.

Glad to see your name on this, Tim! I hope my status as an FWS retiree who's worked 32 years in western Washington will give some weight to my comments! Please look for any memory lapses in my analysis, since it as been several years since I worked in this area. Thanks again for the opportunity to comment!

Most sincerely,

Joe Hiss

Joseph Hiss
225 17th. Ave. SE
Olympia, WA 98501



WFWOComments, FW1 <wfwocomments@fws.gov>

WFWOComments@fws.gov

1 message

Kathryn Townsend <kath.townsend@gmail.com>

Thu, Dec 4, 2014 at 9:41 AM

To: WFWOComments@fws.gov

Cc: wilsonc@co.thurston.wa.us, Jay Inslee <info@jayinslee.com>, Patrick.townsend@townsendsecurity.com

Dear Washington State Department of Natural Resources,

It is time to manage the state's aquatic lands like the forest lands. You "clearcut" subtidal tracks of 4 million pounds of geoduck annually and leave them to recruit naturally, as much as 40+ years. Like the forest lands, you **MUST** replant rather than "hope for best" with natural recruitment. If divers are able to harvest geoduck they can replant them in the areas they grow naturally, instead of forcing them into the intertidal area with toxic PVC pipes and nets--all of which endangers our natural wildlife and pollutes Puget Sound. As practiced now it's not management, it's extraction and you are complicit in the industrialization of pristine tidelands. It's time to act in the state's interest and the interests of the people of this state, not for the benefit of a few shellfish companies who sell geoducks for high-priced dinners in Asia. This is unconscionable behavior on the part of DNR officials and our state governor and government officials.

Please respond immediately and tell us that you will implement a plan to replant subtidal geoduck beds.**Thank you for your attention to this matter,****Sincerely,****Kathryn and Patrick Townsend****7700 Earling Street NE****Olympia, WA 98506**



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Keith Greenwood <KGreenwood@spi-ind.com>

Thu, Dec 4, 2014 at 10:44 AM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Please accept the attached the letter as public comment on the Draft document.

Keith Greenwood



HCPshorelinecomments.doc

28K

Keith Greenwood
1119 N Waugh Road
Mount Vernon, WA 98273

December 4, 2014

Tim Romanski
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA 98503

Scott Anderson
NOAA Fisheries West Coast Region
510 Desmond Drive SE, Suite 103
Lacey, WA 98503

Re: Washington State Department of Natural Resources Aquatic Lands Habitat Conservation
Plan Draft Environmental Impact Statement
Washington State Department of Natural Resources Draft Aquatics Habitat Conservation
Plan

Dear Mr. Romanski and Mr. Anderson:

Having watched my local county undertake a rigorous review of its Shoreline Master Program (SMP) for update, leads me to wonder about the necessity of adding even more layers of restriction and mitigation to an already approved set of guidelines for the use and restoration of the environments described in this document. The following additional comments are intended to highlight these points of concern, leading me to recommend that the “No-action” alternative should be adopted and is in no way a move towards less than a high level of protection and restoration.

- Pg. ES-9 “The continuation of Washington DNR’s restoration programs, including derelict vessel removal, creosote removal, and restoration, would be assured with a 50-year commitment.”
 - This is an unnecessary commitment proposed under Alternatives 2 & 3. Improvement is good, but the goal of restoration of all historic activities which may have impacts is an unnecessary financial burden, considering higher priority expenditures on a state and local level.
- Pg. ES-9 “Under all alternatives, including Alternative 1, No-action, uses authorized by Washington DNR on state-owned aquatic lands would be subject to permitting and regulatory oversight from numerous Federal, state, and local agencies. To varying degrees, potential adverse effects would be avoided or reduced through the implementation of measures required by other agencies with permitting authority.”
 - This is an unnecessary duplication of regulation. Local jurisdictions undergo rigorous review in developing local requirements for activities in the Shorelines of the State and Shorelines of Statewide Significance, including DOE oversight of their regulatory compliance. The value of both local and state participation in setting direction is critical.
- Pg. ES-13 “In both freshwater and marine areas, Washington DNR use authorizations would not be required to include measures to protect aquatic vegetation, beyond the measures required through other permitting processes. As a result, many uses of state-owned aquatic lands would likely continue to affect aquatic vegetation.”
 - State requirement of “No net loss of ecological function” is already a high standard in shoreline areas of influence. Impacts are not ignored, nor do proposed uses go unmitigated under a quote “No-action” alternative.

The added requirements for aquaculture and log storage and transportation are not required or necessary.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Keith Greenwood
Forester



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Ken Draper <draperk@seanet.com>

Thu, Dec 4, 2014 at 3:11 PM

To: WFWOComments@fws.gov

I am a pleasure boat owner who just became aware of the seriousness of the proposed Habitat Conservation Plan. I find that the DNR criteria for marinas is impractical and in my opinion, not based on science. I offer the following comments to support my opinion.

A. Chapter 5.2.1 – Over water structures

Complex and multiple structures

1. The buffer distance of 25 feet from the vessel to vegetation is not practical. If a boat is bow in to a slip, and the vegetation is directly across a 5 foot wide float, there is no way any propeller action would have an impact on such vegetation.

The modeling option is impracticable. The variables between boats such as HP, size, tonnage, size of propeller, windage area, would require modeling on more or less every boat. A very expensive undertaking and a sure way to dissuade people from buying boats. I seriously doubt that prop wash could extend down 7 feet to scour the sea bed. Most docking and undocking of boats is done at idle rpm's. My idle rpm's is 700 and with a 2:1 reduction gear the propeller only turns at 350 rpm's. Not very high. Is there science supporting this proposal?

4. The grating requirements are undoubtedly not based on science. Piers must be high enough to accommodate rising and falling tides, so that during most of the daylight hours, the pier is several feet above the water, allowing sun to reach the water below. Grating only allows sun to penetrate the grating for 30 to 45 minutes at midday. (a rough estimate).

The float requirement of 50% grating is not only impracticable, it is a hazard. I have been informed there would be insufficient structural integrity to keep the float intact in heavy weather. I looked at the complete list of references, which is voluminous to say the least, and I did not see one that referred to the validity of grating. In fact, I have seen a letter written by Chad Unland, Land manager DNR in 2001, saying that based on information he had gathered, he agreed that grating can be marginally effective. Also, almost always the space between flotation pods is littered with seaweed, blocking the sun totally.

Covered moorage – on page 5-15

What is the rationale for eliminating covered moorage and boat houses? At my marina, on the sidewalls of some floats, under cover, there are many sea anemone enjoying a very healthy life. Last year I saw a momma seal give birth to a seal pup on one of the covered floats. The point is that there are various species that want shade. They may not be on the endangered list, but if their habitat is changed significantly, they may end up on the list eventually. Has the DNR studied the impact of hindering species that inhabit marinas without harm, and which endangered species are harmed by marinas? Humans walk through a forest and go around large boulders and trees and I'm sure fish and other species in the water go under or around obstacles, shade or no shade and are undamaged in the process. If they want or need sun, it is always available within a few feet.

The proposal for having translucent or transparent roofing materials over at least 50% of the roof surface is extreme and impractical. Within 6 months or so the roof would be covered with bird poop, rendering it significantly less effective than when new. Also, a moored boat underneath the roof material will hide the light from entering the water for probably 75% of the square footage available. Most boats spend about 60 to 80% of the time in their marina slip, so the cost and environmental benefit of this proposal is very small. Is there science behind this proposal?

Near shore buildings – Page 5-14

Zinc and copper are to be banned on buildings. Almost all steel pilings in marinas are galvanized and what makes them such is zinc oxide. Will DNR later on try to eliminate galvanized steel piling?

Copper is a “necessary” for human and aquatic species. Without copper, we and aquatic species would not survive. I learned this from a professor at the University of British Columbia a few years ago. He is Dr. A. G. Lewis, an oceanographer and Professor in the Department of Oceanography and Zoology. Another source of this information is Dr. Karl D. Shearer, Research Fisheries Biologist with National Marine Fisheries Service at the Northwest Fisheries Science Center in Seattle. One or both of them reported that levels of copper in fresh and salt water have been found to be generally low.

So it begs the question to the DNR, is there science behind this proposal?

The Draft Aquatics HCP 6.1 offers three options. Based on my understanding of the large volume of information provided by the DNR, I would have to clearly vote for Option 1 which is “do nothing”. I was surprised to not see any information on field studies or tests conducted by DNR in support of what they propose.

Respectfully submitted,

Ken Draper



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands, HCP DEIS

1 message

Lorrie Peterson <lorriepeterson2@gmail.com>

Thu, Dec 4, 2014 at 9:30 PM

To: WFWOComments@fws.gov

December 4, 2014

Re: DNR Aquatic Habitat Conservation Plan

Dear Reader(s):

With respect to the Shellfish aquaculture section of the proposed plan, we are concerned about what seems to be a piecemeal overtake of intertidal zones, county by county, by the commercial shellfish industry. Their goal appears to be high intensity aquaculture, including geoduck farming practices, that can radically change the natural state of our shoreline environments. Such practices can limit biodiversity and create a monoculture in areas that are naturally diverse. Science and research support the importance of biodiversity and natural processes and selection. We believe it is the responsibility of our government agencies to protect our Washington aquatic habitats from such high intensity, industrial aquaculture practices and to promote natural diversification.

We oppose the use of "predator exclusion devices" such as PVC pipes, nets, bands and rebar, bags, etc. to facilitate these industrial practices. The consequences of their use has not been studied adequately and long term cumulative effects are unknown. We are against the amending of the substrate by the placement of gravel, grading, tilling, cleaning, harrowing or other disruptions to the natural area. Such manipulation can alter natural ecosystem functions, including the food cycle, and result in negative consequences for native fish, wildlife, and flora. The mechanical and hydraulic processes used in geoduck harvesting not only disrupt the sediment but also slaughter many creatures and destroy plants to extract one product. This practice certainly does not fit with your goals aimed at minimizing ". . . adverse effects on the species and habitat..." and "...improving and restoring habitat...."

We encourage you to insure the public interest is served by using extreme caution when deciding what will be allowed in our aquatic habitats. Historically, we know other habitats have been degraded or destroyed through industrial ambition and lack of foresight. For Washington's aquatic lands to be protected for the future, they must not be exploited in the present.

We would appreciate a "received" response to let us know this email was received. Thank you for your consideration.

Sincerely,

Don and Lorrie Peterson
15114 Sherman Dr NW
Gig Harbor, WA 98332
donaldraypeterson@gmail.com
lorriepeterson2@gmail.com



WFWOComments, FW1 <wfwocomments@fws.gov>

WFWOComments@fws.gov

1 message

Margaret Engle <mabengle@icloud.com>

Thu, Dec 4, 2014 at 11:40 AM

To: WFWOComments@fws.gov

Cc: wilsonc@co.thurston.wa.us, Jay Inslee <info@jayinslee.com>, Patrick.townsend@townsendsecurity.com

Thursday, December 4, 2014

Dear Washington State Department of Natural Resources,

It is unconscionable to "clearcut" the sub tidal tracks of 4 million pounds of geoduck and then "hope" that in 40+ years they will repopulate. Using pristine tidelands in this manner endangers the wildlife on our shoreline. It does not benefit the world hunger problem but only benefits a few shellfish companies and those in Asia who can afford high-priced geoduck dinners. It is time to manage our sub tidal tracks as we do our state forest lands and have divers replant geoduck in areas of Puget Sound where they grow naturally.

We call upon the DNR, our governor and government officials to develop a plan that will replant the natural geoduck beds and protect the tidelands and wildlife.

Thank you for attending to this issue and look forward to your response.

Sincerely,
Margaret and David Engle
185 Blue Hill Ct
Port Townsend, WA 98368
360 344-2049



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Maureen Cleveland <maureenvrh@gmail.com>

Thu, Dec 4, 2014 at 10:56 PM

To: WFWOComments@fws.gov

To whom it may concern,

Though I do not live on the waterfront, I am very concerned about degradation of the Puget Sound/ Salish Sea waters. The Cherry Point area has lost significant eel grass beds and herring populations. This area cannot tolerate any more challenges to its health. No increase in vessel traffic, no increased risk of oil spills or coal dust or shading of piers. **THERE ARE NO MITIGATING ACTIONS THAT ARE ACCEPTABLE.** This area is at such a loss that it needs the equivalent of being declared an endangered species of water. It needs to be protected, actually it needed to be protected before it got to this sorry state. So if your HCP is truly effective it needs to roll back what has been allowed in the past. Can you incorporate that into your plan. Higher and stricter standards that should have been in place 65 years ago. **THAT IS WHAT I WANT INCLUDED!** AND we need to honor Native Treaty rights.

I am a Registered Nurse who has worked and still works in Whatcom county and as I care about the health of humans, it is **DIRECTLY** related to the health of the environment, clean air and water. **THIS IS VERY SERIOUS! TAKE YOUR JOB SERIOUSLY!**

Thank you. Maureen Cleveland RN



WFWOComments, FW1 <wfwocomments@fws.gov>

HCP Opinion

1 message

Mike Lauman <gofirstclass@hotmail.com>

Thu, Dec 4, 2014 at 6:50 PM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

Gentlemen,

I have just recently been informed of the proposed HCP and I am both surprised and disappointed.

I'm surprised that the DNR believes they have the authority to impose those draconian measures on the boating public.

I'm disappointed that, after taking 12 years to write this monstrosity, you only give the public 90 days to respond with our comments.

I believe that an additional 90-120 days for the public to read through the proposed HCP and make our thoughts known. You had 12 years to put it together. We need more than 90 days for comments.

Michael E Lauman
Pasco, WA Boater



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS.

1 message

Ned Quistorff <nedquistorff@hotmail.com>

Thu, Dec 4, 2014 at 3:35 PM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

To: Washington State Department of Natural Resources

Subject: Public comment to the DNR Habitat Conservation Plan

We note that your Eelgrass Boundary determination paper only discusses measurement of boundary areas for *Zostera marina*, and makes no mention of another species of eelgrass found in many parts of Puget Sound, *Zostera japonica*. We understand that *Z. japonica* generally offers many of the same ecological benefits as does *Z. marina*, and would therefore deserve protection as an important habitat vegetation.

I would appreciate it if you could advise us as to why *Z. japonica* was excluded from your discussions, and how you arrived at your decision to focus only on *Z. marina*. We would hope that your response would include any studies and information sources that your Department used to arrive at your conclusion. We further hope that you would consider including *Z. japonica* in your discussions of protection for watergrass species.

Regards,

Ned Quistorff

nedquistorff@hotmail.com

253-466-1143



WFWOComments, FW1 <wfwocomments@fws.gov>

WA State Habitat Conservation Plan

1 message

Paige Heggie <paigeheggie@hotmail.com>

Thu, Dec 4, 2014 at 8:43 PM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

Re: Aquatic lands for all of the state's citizens and tribal members.

Dear Commissioner Goldmark, Mr. Scott Anderson (NOAA), Mr. Tim Romanski (U.S. Fish and Wildlife Service), Ms. Lalena Amiotte (Aquatic Lands HCP Team Lead),

I agree with the Comment Paper submitted to you by Coalitiontoprotectpugetsoundhabitat.com

I have come to this decision based upon the personal testimony I have heard and the photographic evidence I have seen.

From their Comment Paper: *The destruction of habitat is not temporary as even described in the bullets following this statement and peer reviewed science. Aquaculture sites ranging from clam, oyster and geoduck are no longer natural habitat but modified habitat created for the particular aquaculture species.*

I agree with that statement above and decided to write this letter to emphasize my endorsement of that viewpoint.

Thank you for your time.

Regards,
Paige Heggie
4207 Phinney Ave N #205
Seattle WA 98103



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Pat Loera <loerajp@gmail.com>

Thu, Dec 4, 2014 at 11:42 AM

To: WFWOComments@fws.gov

I am a member of the Clover Island Yacht Club in Kennewick Wa. At our last meeting we were informed of the Habitat Conservation Plan being proposed by the DNR. Our whole club was quite upset, there are several members who have had boathouses on the river for over 30 years. Over the years all required changes have been adapted to comply with what was needed so that members could continue to enjoy our great outdoors. Several of the proposals being suggested including the new requirements for overwater structures will make it impossible for many of us to comply and to maintain our boathouses functional. We propose more time to respond with a plan that would be in line with the intent of the DNR and our desire to continue to enjoy the river.

Sincerely,

Joe Loera

Clover Island Yacht Club



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Pat <pecrockett@aol.com>
To: WFWOComments@fws.gov

Thu, Dec 4, 2014 at 12:30 PM

Dear Sir:

In short, please don't. Some of my thoughts follow:

Just last week I received information on your plans for natural resource management along the water and waterfronts of the state. I have had too little time to assess all of the aspects with respect to my own pier on Lake Washington and my use of the marina facilities in the State of Washington. One week, or even three months, is too short a time for me to assess all the costs versus the benefits of the proposed plan.

The plan proposed seems all-encompassing. It seems to limit human activity to near zero except for the dismantling of our current shoreside structures (by permit) that we use for boat moorage, boat maintenance, and boat usage. The cost to the DNR will be great to monitor the activity. The cost to any of us in the community will be preventive to even submit a request to maintain our current structures. Commercial establishments may find the cost of the permitted maintenance and the required modification work to be prohibitive. It occurs to me that with the reduced allowed usage of all this property, the very dollar value of the property will be reduced almost completely. I call it drastically. Taxation revenue will then be reduced, also drastically. The state, counties, and municipalities will receive much less income. The federal government will also receive much less income because of the reduced commercial activity.

Please consider the costs for all of the community as well as the limitation to human activity nearshore. It's time to do the numbers and really check the benefits. Please consider letting current usage permits be maintained and extended.

Thank you.

Patricia Crockett
10326 Rainier Avenue S
Seattle, WA 98178
206-354-9127

12/10/2014

DEPARTMENT OF THE INTERIOR Mail - WDNR Aquatic Lands HCP DEIS

pecrockett@aol.com



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Ross Barkhurst <rp.barkhurst@hotmail.com>

Thu, Dec 4, 2014 at 4:39 PM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

Cc: heather ???? <heatherrmc76@gmail.com>

For shorelines of statewide significance, we do not vote on whether to allow Net Loss of Ecological Function. This DEIS falls short of the legal requirement and must be modified to comply. Managing shellfish does not mean managing ecological function. Please fix this.

Ross P. Barkhurst

151 N. Nemah Rd West

South Bend, WA 98586



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Stephen Harvey <steveharvey157@gmail.com>

Thu, Dec 4, 2014 at 9:35 PM

To: WFWOComments@fws.gov

Hello,

Attached is a comment on the Aquatic Lands HCP DEIS.

Thank you,
Stephen Harvey



Habitat Conservation Plan Public Comment.docx

16K

12-4-2014

Aquatic Lands Habitat Conservation Plan Public Comment

To Whom It Concerns,

As a citizen of the Salish Sea and someone who would like to see higher aquatic populations that once were, I thank you for creating a HCP, however I do have several concerns stated below.

In 1.2.1 Issuance criteria, it states "The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild." As seen with shoreline armoring and associated habitat loss, small projects add up to have large negative effects. For a lessee to receive a permit, cumulative impacts to the habitat and species impacted need to be looked at and a 'no net loss' approach should be taken. Baseline data and monitoring should be done for listed species and habitat to insure an upward trend in populations. Language could make it clear, avoidance will be taken if a species population or habitat is in decline.

In 5.2 New Proposed Uses, the biologist is instructed to report "Any concerns about the use". Stronger language should be used, making it clear to the biologist to include **all** concerns over direct and indirect impacts. This could be 'All concerns about the use, including direct and indirect impacts to listed species, habitat and supporting species.'

I did not see any mention of ocean acidification and monitoring of its parameters. Ocean acidification (OA) may be a stressor on species. To add OA on top of incidental take may tip the balance in a negative direction. OA should be included in monitoring and adaptive management. For a Best Management Practice in aquaculture, there should be a requirement of returning all shells from shucking plants back to the water to resupply calcium carbonate. This action of returning shells was recommended by the Washington State Blue Ribbon Panel on Ocean Acidification.

Use of best available science and continually increasing scientific knowledge needs to be clearly stated in the HCP.

The DNR mission statement in figure 5.1 is "Sustainable stewardship of natural resources and environment." However there is no definition of sustainable in the glossary. Could a definition of sustainable be provided? A definition could be 'a systems ability to interact with other systems without degradation or depletion to itself or the systems it interacts with'. Natural resources and environment interacts with economy, docks interact with habitat, ect. Over the past 100 years, the economic system has degraded the aquatic system. It should be made clear that to be sustainable stewards, aquatic systems need to have the right away. In order to prove and reach sustainable stewardship of aquatic systems, quantitative baselines and monitoring are necessary.

More species should to be added to the covered species list. Specifically, the Cherry Point Herring stock should be a separate covered species because of its unique timing of spawning and low population numbers. For 1/6 of the year they are the only spawning herring. That is a crucial food supply that needs to be protected and allowed to rebuild. If there is incidental take of Cherry Point Herring, it can't be mitigated by increasing other populations.

Thank you for your time and consideration,
Sincerely,

Stephen Harvey
1812 24th Street
Bellingham, WA 98225



WFWOCComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP EIS

1 message

Susan Zeman <susanzeman8@gmail.com>
Reply-To: susanzeman8@gmail.com
To: WFWOCComments@fws.gov

Thu, Dec 4, 2014 at 3:11 PM

Dear Mr. Romanski,

The Aquatic Habitat Conservation Plan to facilitate a healthy Puget Sound is crucial for any of us that hope to pass some of this amazing Earth on to future generations. Please adopt this plan with amendments to provide stronger protection into the long term:

- Coal Terminals need much more scrutiny and stricter rules than currently provided in the HCP to prevent long-term harm to Puget Sound and our human habitat needs. These projects must be removed from the HCP until we have a more rigorous frame of analysis.
- Review of existing leases should also be pulled out from the HCP and reviewed in a more rigorous and tailored approach.
- The Aquatic HCP needs to incorporate and address all the life stages and the food web that is nurtured by this body of water.
- Harm to aquatic lands have economic and cultural consequences in the very long term. Those impacts need to be addressed to support life for generations, not just the economy of today

Sincerely,
Susan Zeman, RN

Susan Zeman
3015 S. Edmunds St.
Seattle, WA 98108



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Chiara Dangelo <chiara.r.dp@gmail.com>

Fri, Dec 5, 2014 at 12:44 PM

To: WFWOComments@fws.gov

Dear Mr. Romanski and Mr. Anderson:

Please pay careful attention when reviewing this statement.

The Aquatic Habitat Conservation Plan could ultimately save an entire species. We should not take any decision about the path for Cherry Point's aquatic reserve lightly. The Pacific Herring is currently facing the risk of extinction. The Pacific Herring is a keystone species for the food web of the North Sound region. Since 1970, it has seen a 93% decrease in spawning stock. Similar trends can be seen in other herring and foraging fish species that are now extinct and equally sensitive to habitat changes.

We urge you to move forward on establishing this Aquatic Habitat Conservation Plan while adopting the following changes:

Impacts of The Cherry Point Coal Terminal need to be evaluated beyond what is stated in the HCP. A more thorough evaluation needs to be conducted separately from the conservation plan. Tidal leasing for herring habitat should be prioritized.

Refineries need to be evaluated beyond what is stated in the HCP to prevent the continued damage to herring habitat. Expansion of capacity for all refineries should open a reevaluation process for tidal leasing.

The Aquatic HCP should incorporate and address all the life stages and the food web role of the herring and identify appropriate BMPs to ensure that use of our aquatic lands are not negatively impacting the species' survival.

The habitat conservation plan needs to be strengthened. We need better prevention and response to oil spills, storm water management and even tidal land usage. No one project should inhibit the use of tidal lands, especially when they would decrease the yields from commercial and subsistence fishing and shellfish harvesting.

Globally, between pressures from climate change, hunting, environmental toxicity and habitat loss species are disappearing. The projection for the next 40 years is that 30 to 50 percent of all species will be facing extinction by 2050. Extinction of the Herring would be tragic for the overall well-being of our aquatic reserve's ecology and is not a far-fetched prediction.

The Herring are a top choice of food for the Endangered Spring Chinook Salmon. The Herring's spawning region, just North of where we, students and faculty at Western Washington University currently reside in Bellingham, is critical habitat for Herring that provide 2/3 of the food supply for the Chinook species that inevitably provide the primary food source for the Salish Seas remaining Orca pods. Considering the threats to herring, salmon and orca population, please provide resources and opportunities to use the best available science to evaluate impacts.

We write you, fully supporting The Lummi Nation's decision to reject the coal terminal in hopes to protect their way of life and in honor of the 10,000+ years of subsistence culture on the land we live on.

This is the future we are going to inherit. As officials with power to shape the future of region, please fulfil your responsibility to protect the land of the people of this region. This is the future we are going to inherit. It is imperative that this watershed holds another 10,000 years of fishing for our local food system. We appreciate the actions you take in order to protect this land.

Thank you for considering our comments,
Chiara D'Angelo-Patricio

Bellingham Washington

Students signed on:

Desiree Salmond, Kieth Dixon, Zachary Dove, Kelly Wise, Marissa Wollebek, Jennifer MacDonald, Aleyda Cervantes, Melissa Ruth, Anna Maeng, Cloie Chapman, Sarah Covert-Bowlds, Elana Cohen, Emma Frieberg, Alexander Olson, Arlen Coiley, Seth Bowers, Kolton Kirkendoll, Joaquin Torre, Jennifer Fenswick, Yao-hua Chiu, Aja Muromoto, Sam Olson, Martin Quarto, Calvin Hutchens, Michelle Dannehy, Erin Harris, Jennifer Humphreys, Morgaine Baumann, Amanda Corey, Dale Shahan, Kevin Burns, Noll Steinweg, Leland Nisky, Jasper Gibson, Eric Kosart, Harrison Kadwit, Arcadia Trueheart, Erica Huang, Meghan Schilling,

Faculty signed on:

Julie Helling: Law, Diversity and Justice,
John Bower: Pacific Northwest Ecology and Natural Histories,
Jennifer Wang: Cultural/Social Psychology,
Stan Tag: Writing and Literature,
Dan "First Scout" Rowe: American Cultural Studies and American Indian Experience,

Kate Darby: Environmental Justice and Sustainability,



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Eric Askilsrud <ericask@microsoft.com>

Fri, Dec 5, 2014 at 12:02 AM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Hi

My feedback on WDNR Aquatic Lands HCP DEIS

I worry that removal of all rock jetties will lead to a very hard hit to the dive community and the economic and environmental benefits that community provides. Some of the best dive sites in the state are on rock jetties. Divers have already lost so many dive sites recently due to piling removal. Keystone and Point Hudson have rock jetties and are the best dives in the state. If those sites are destroyed, then it will be a huge hit to the dive community. Divers are important for citizen science projects (reef surveys, etc), and general marine awareness. With fewer divers there'll be less to report on derelict fishing gear, dumped batteries and garbage, and other marine eco system problems that are probably much worse than these rock jetties pose.

Please have some one who knows how these sites look like underwater evaluate them before destroying them... they are truly beautiful and it would be a tragedy to destroy them

Thank you

-Eric Askilsrud

Puget sound diver of over 12 years.

Puget sound underwater photos <http://www.flickr.com/photos/askeric/sets>

**WFWOComments, FW1** <wfwocomments@fws.gov>

Fwd: Habitat Conservation Plan Public Comments

4 messages

Gaythia Weis <gaythia@gmail.com>

Thu, Dec 4, 2014 at 5:58 PM

To: WFWOComments@fws.gov

My message previously sent to Tim Romanski's email address seems to have bounced, and I am re-submitting it again here.

----- Forwarded message -----

From: **Gaythia Weis** <gaythia@gmail.com>

Date: Thu, Dec 4, 2014 at 5:30 PM

Subject: Habitat Conservation Plan Public Comments

To: lalena.amiotte@dnr.wa.gov, tim.romanski@fws.gov, scott.anderson@noaa.gov

Dear Lanena Amiotte, Tim Romanski and Scott Anderson,

My comments on the Department of Natural Resources draft Habitat Conservation Plan are attached.

Thank you very much for your time and effort, other DNR staff members, as well as staff from other agencies, in the public meetings held to educate us about this plan.

I greatly appreciate your careful consideration of my comments below.

Sincerely,

Gaythia Weis

WFWOComments, FW1 <wfwocomments@fws.gov>

Fri, Dec 5, 2014 at 1:40 PM

To: Gaythia Weis <gaythia@gmail.com>

Hi Gaythia. Lou Ellyn Jones here at US Fish and Wildlife Service. (360-753-5822 if you need to call) There was no attachment on the email that you sent. If it didn't go through before, I am wondering how big it is. Can you look, and try again? Our servers can usually accept attached documents of 11 mb. Thanks.

[Quoted text hidden]

Gaythia Weis <gaythia@gmail.com>

Fri, Dec 5, 2014 at 2:09 PM

To: wfwocomments@fws.gov

I am resending my comments as per a phone conversation with Lou Ellyn Jones regarding their absence in my previous email to the wfwocomments address. Hopefully will now be attached here.

I don't think that this is an actual issue with my comment letter as composed, but in the process of the repeated mailings I became aware that the comments are actually directed towards the US Fish and Wildlife Service who are to approve this Habitat Conservation Plan and not the Washington State Department of Natural Resources the authors.

I want you to know I appreciate FWS efforts too. With a very heartfelt thanks to Lou Ellyn Jones for her extra efforts to track me down and to allow me to resend this file.

Thanks again,

Gaythia Weis

----- Forwarded message -----

From: "Gaythia Weis" <gaythia@gmail.com>

Date: Dec 4, 2014 5:30 PM

Subject: Habitat Conservation Plan Public Comments

To: <lalena.amiotte@dnr.wa.gov>, <tim.romanski@fws.gov>, <scott.anderson@noaa.gov>

Cc:

Dear Lanena Amiotte, Tim Romanski and Scott Anderson,

My comments on the Department of Natural Resources draft Habitat Conservation Plan are attached.

Thank you very much for your time and effort, as well as that of other DNR staff members, in the public meetings held to educate us about this plan.

I greatly appreciate your careful consideration of my comments below.

Sincerely,

Gaythia Weis



HCP Comments Gaythia Weis.pdf

599K

WFWOComments, FW1 <wfwocomments@fws.gov>

Fri, Dec 5, 2014 at 2:32 PM

To: Gaythia Weis <gaythia@gmail.com>

Gaythia. I got it this time. Thanks!

[Quoted text hidden]

To:

Lalena Amiotte

Aquatic Lands HCP Team Lead

WA State Department of Natural Resources

PO Box 47000

1111 Washington Street SE

Olympia, WA 98504-7000

lalena.amiotte@dnr.wa.gov

Tim Romanski

U.S. Fish and Wildlife Service

510 Desmond Drive SE, Suite 102

Lacey, WA 98503

tim.romanski@fws.gov

WFWComments@fws.gov

Scott Anderson

NOAA Fisheries

510 Desmond Drive SE, Suite 103

Lacey, WA 98503

scott.anderson@noaa.gov

From:

Gaythia Weis

InfoPteryx LLC

1713 Edwards Ct

Bellingham WA 98229

December 4, 2014,

Re: Draft Aquatic Lands Habitat Conservation Plan

Introduction

I greatly appreciate the obvious expertise, care and effort that has gone into the preparation of the draft Habitat Conservation Plan (HCP) by Department of Natural Resources staff. I also want to express my deep gratitude for the time and patience extended by DNR officials in traveling to, making presentations at, and answering my questions during the two local public hearings on the HCP which I attended. Considering that these sort efforts were made by DNR staff at other meetings with other groups around the state, I think that this demonstrates the large commitment to the public process which DNR has made.

I am writing these comments from my perspective as someone who has a background in Analytical Chemistry, Geology, and Industrial Quality Assurance.

Issues and Concerns

Time Frame

Fifty years is too long a time span for this document. Looking backwards, it can be seen how things have changed since 1964.

The City of Bellingham was still dumping its rubbish directly into Bellingham Bay.

<http://nordsoundbaykeeper.blogspot.com/2011/12/bellinghams-cornwall-landfill-in-1960.html>

The Environmental Protection Agency was not founded until 1970.

<http://www2.epa.gov/aboutepa/epa-history>

The Endangered Species Act was not passed until 1973.

<http://www.fws.gov/endangered/laws-policies/>

In my career, analytical chemistry has changed from a job involving test tubes and beakers to one with automated and computerized analysis systems. Those higher technology systems have led to much lower detection limits and much greater ability to interpret data and trends. In turn, much that was once unrecognized has now become items of concern and thus subjects of regulation.

Chapter 5, of this document, on the operational aspects of the conservation program, gives quite a bit of detail as to specifications that are quite dependent on modern methods and technologies, and current understanding of the underlying science regarding habitats and species. All of this is likely to be subject to great change over a span of 50 years.

In my opinion, this document should have a sunset clause of no greater than 25 years. At that point thorough review and revision of the HCP document should take place.

Additionally, I believe that tight time limits should be set on the length of individual HCPs and leases awarded. At the meetings I attended, I was assured that current lease length has been greatly shortened, and 12 year leases are common. In my opinion, this document should set boundaries that sharply limit lease length, with some allowance for type and class of lease.

This seems especially needed due to the existence of the “No Surprises” Clause, which will, I believe, work to limit adaptive management going forward.

Quantifiable Metrics

In industry, too often leaders resort to buzzwords that leave a good impression, but cannot be defined or strictly measured, such as achieving “excellence” using “world class” technology, achieving “synergy”, utilizing “robust” strategies or “monetizing” assets.

Here, obviously some of the wording is dictated by outside legal and policy statements. And these involve systems that will necessarily need to be analyzed on a case by case basis. Still, for this document to serve its purpose going forward, some defined means of setting boundaries on such things as what can in the future be interpreted as an “incidental” taking, or “minimizing” detrimental effects need to be in place. Without tight boundaries, it is easy to imagine that an environmentally uncaring State administration could shrug off fairly large scale takings as “only incidental” or decide that only rudimentary efforts succeeded in “minimizing” problem areas. In my opinion, this aspect of this document needs further work.

Many habitat degradation effects are cumulative. And many of the “incidental takings” may not be directly observable at the site. Species deaths, as from a short term specific pollution incident, may be more obvious, for example, than decreased lifespan or reproductive losses due to long term chemical exposures. In as much as possible, monitoring mechanisms need to address these potential cumulative processes.

Adaptive Management

In High Tech industry, quite a bit of effort and concern is devoted to attempts to foresee technological advancement and changes in the future. Quite a bit of effort is expended on efforts to avoid being blindsided by disruptive technology. One does not want to be left behind, as the manufacturers of slide rules were, once calculators were invented.

Habitat and Species

In this regard, I think that over-reliance on a list of covered species as opposed to key habitats, and the need for habitat interconnectivity is very concerning.

As an example, at the present time, various species of sea stars, present in great abundance merely months ago, have now nearly disappeared from the ecosystem. These have been known as keystone species, regulating the nature of the habitats in which they reside. Thus, their absence sets off a cascade of auxiliary effects, some of which, themselves, may turn out to have major ecological implications. It appears that for all we now know, some of these sea stars may have suddenly become endangered species. Marine biologists who have been out in the field tell me of sightings of juvenile starfish of some species in specific locations. These locations may unexpectedly turn out to be vital recovery habitats. This indicates that it is very difficult to dismiss any natural habitat as insignificant.

The requirements of the “No Surprises” clause may create a potential to limit action. But considerable thought ought to be given, and specified as much as possible in this document, as to how HCPs can be adaptively managed to take these sorts of occurrences into account.

Climate Change

Sea level rise, ocean acidification increased wave action from storms and other processes related to climate change are likely to have large impacts on shorelines. Large scale changes, such as from landslides are also likely to be more frequent.

Human responses to these challenges are likely to exert considerable pressure for increases in seemingly protective measures such as shoreline armoring. Limitations on replacement and bans on augmentation of existing structures needs to be strictly defined in this HCA document with regards to how sea level rise will be handled.

Additionally, such things as sea level rise and ocean changes brought on by climate change will fundamentally challenge species and habitats. In particular, along

shorelines, allowances for relocation of critical habitat, such as macro-algae or stationary shellfish need to be possible. Food sources such as zooplankton, may be reduced. Adaptive management challenges are likely to be quite significant over time.

More Specific points in Appendix F

Goal 1:

Objectives

- *Increase the area of aquatic vegetation coverage on state-owned aquatic lands*
- *Increased biodiversity of biological communities attached to and in state-owned aquatic lands (e.g., benthic invertebrates, aquatic vegetation).*
 - *Increased area of restored or protected habitat on state-owned aquatic lands.*

In my opinion, this section needs to be edited to emphasize that it is NATIVE aquatic vegetation, biodiversity and habitat that need to be enhanced.

2.2.3 Scientific Review Committee

I am concerned by the statement in section 2.2.3:

"The Science Review Committee comprises individuals who have experience in scientific research and who have no affiliation with the DNR habitat conservation plan."

I think that "no affiliation" needs to be defined in ways that eliminate direct conflict of interest without simultaneously eliminated interested and knowledgeable parties. My concerns here parallel those given in this piece regarding Congressional efforts to limit EPA science advisory boards in a manner that effectively reduces the ability of the EPA to access reputable science:

<http://scienceblogs.com/thepumphandle/2014/11/19/congress-and-science-white-house-threatens-veto-on-bills-that-would-change-epa-science-advisory-boards-and-limit-epa-use-of-science/>

Funding, Best Available Science, and Linkage to HCA Approvals

Appropriate monitoring and management of leases will take funding. Mechanisms for funding a given leases HCP needs to be established at the time it is granted.

HCPs should address monitoring such that data collected becomes part of a steadily increasing knowledge base regarding aquatic species, habitat, and physical and chemical processes.

Thus, not only should the best available science be utilized in formulating new HCPs, but the baseline of science available should be continuously improving.

In that regard, statements such as that on Page 4-42 “not possible to obtain data that adequately portray the species distribution” should be addressed with adaptive management protocols in which acquiring the needed scientific information is emphasized.

Ignorance of the science should not be an excuse for environmental degradation.

Scale

Habitats, of course, do not exist in isolated boxes, and the species that use them frequently migrate in and out of given habitats. In section 5-7 this plan describes the need to think on a landscape scale. This helps avoid problems due to piecemeal HCP decisionmaking and to help in monitoring cumulative effects.

Aquatic landscape plans will provide the broad ecologically based planning needed to guide Washington DNR's management decisions by water body, embayment, reach or drift cell, and so on.

The physical properties described above need to be expanded to include biological and chemical landscapes. For example, the upwelling that occurs offshore at Cherry Point provides nutrients that are crucial for plankton, forage fish and thus larger species such as salmon and whales. The dynamics of marine ecosystems incorporate biological, chemical and physical interactions. Interruptions of these processes by human actions may be highly disruptive of habitats and the species that utilize those habitats.

Conclusion

I am fully supportive of the need for a Habitat Conservation Plan. I am concerned that granting a legal opening for “incidental” takings is a very serious step that has the potential to reduce further ability of the public to address problems with individual lease holders. This seems especially concerning given the provisions of the “No Surprises Clause”. Thus, I believe that it is urgent that the Department of Natural Resources tighten the provisions of the HCP document such that:

1. Funding for monitoring and science related activities are tied to the granting of the lease.
2. Lease terms are kept short.
3. Adaptive Management to address unforeseen circumstances is possible and tied to retention of the lease.
4. Standards of the HCP must be legally enforceable and based on the best available science.
5. HCPs must foster improvements in what is “best available” science as a continuous and ongoing process. Mechanisms of ongoing data collection during a lease need to be collected and assembled in a manner that allows the data to be applicable both to that lease and to enhancing landscape based knowledge.
6. Habitats and species regulated under these HCPs should be held to a minimum standard of No Net Loss, with an emphasis on habitat improvements that should lead towards the recovery of now degraded or somewhat impacted aquatic ecosystems.
7. Tribal treaty rights are fully acknowledged and taken into account.
8. The Department of Natural Resources, in cooperation with other agencies, should work towards improving overall aquatic ecosystem scientific base, and base adaptive management on that collective knowledge.

Thank you for the opportunity to submit my comments and have them considered by the Department of Natural Resources as part of the Habitat Conservation Plan adaptation process.

Sincerely,

Gaythia Weis



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Bert Magnuson <wccw@harbornet.com>

Sat, Dec 6, 2014 at 3:38 PM

To: WFWOComments@fws.gov

Gentlemen;

I have reservations to some of the proposed regulations. From my prospective the regulations regarding improvements of existing structures, existing boat houses, marinas, and private structures at the high tide line or shoreline are invasive and an infringement of our personal rights. Some of the classifications of naming certain sea life, fish and other creatures that are not currently endangered is irresponsible. Let's encourage cities, counties and other municipal agencies to clean up, filter polluted storm water runoff that dump into our sound. The industries such as the pulp and paper companies now return nearly clean water to our sound. Sewer treatment facilities go uncensored when they have spills of raw sewage.

Thank you for your interest.

Bert Magnuson, 5408 Mahncke Rd KPS, Longbranch WA 98335



WFWOComments, FW1 <wfwocomments@fws.gov>

WDNR Aquatic Lands HCP DEIS

1 message

Bill Buller <bill.buller7777@gmail.com>

Sat, Dec 6, 2014 at 2:41 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Please don't pass rules that HURT my being out on the water

Bill Buller

I pay taxes

~~~~~\_/)~~~~~ Fins Up



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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Larry Hotmail <ljh6214@hotmail.com>

Sat, Dec 6, 2014 at 4:32 PM

To: WFWOComments@fws.gov

Cc: paul.thorpe@comcast.net

**RE: Comments and concerns from Recreational Boating Association of Washington (RBAW) on Department of Natural Resources Habitat Conservation Plan -- "WDNR Aquatic Lands HCP DEIS"**

Gentlemen:

I am writing in response to the subject "WDNR Aquatic Lands HCP DEIS". Please note that as a Washington boater of 60 years I feel that the proposal would have a very negative impact on Washington Yacht Clubs and their members. Clubs have taken a very responsible positions related to stewardship of Washington waters an feel that these proposals will have small positive but extremely large negative effects on the boating community.

The new requirements for overwater structures will have a devastating impact on the cost and viability of upgrades or replacements: The practical effects of Chapter 5 will prohibit sidewalls or barriers in boathouses under any circumstances, will enforce new standards based on arbitrary reauthorization dates, and will mandate implementation of new standards even for simple maintenance, repair, or replacement. This will have dramatic and extremely costly impacts. The elimination of boathouse sidewalls, for example, will likely be structurally incompatible with existing boathouse construction, will eliminate lateral fire protection, and will destroy the storage, privacy, and investments made to existing boathouses.

In summary, I have major concerns regarding this HCP and what it will mean for overwater structures and breakwaters. I would respectfully urge that more time be afforded the public to comment on such a far-reaching and precedent-setting document. I also urge that the DNR work with the boating community on reasonable alternatives rather than imposing a series of extremely costly standards upon responsible and law-abiding boat clubs and marina operators.

Sincerely,

Larry Hansen



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

2 messages

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**Summit RV** <summitrv@comcast.net>

Sun, Dec 7, 2014 at 8:54 AM

To: WFWOComments@fws.gov

The proposal is seriously flawed and requires more public input before being inputed. This proposal has just been brought to my attention, I need some more time to go over this. I will have more comments in the near future.

Sincerely Don Vanderleur.

Sent from my ASUS Pad

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**Summit RV** <summitrv@comcast.net>

Sun, Dec 7, 2014 at 9:21 AM

To: WFWOComments@fws.gov

We have a boathouse at TYC it has been in the family for over 35 years, some of these articles would make it prohibitive to staying. Please give more time for public input to come to an agreement that would be beneficial to marine life as well as recreational boaters, that support best moorage practices. Thanks for listening.

[Quoted text hidden]



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**DeVere Lindh** <devere.v.l@gmail.com>

Sun, Dec 7, 2014 at 1:03 PM

To: WFWOComments@fws.gov

I am a recreational boater on Puget Sound. I am concerned with several aspects of the HCP.

My first concern is with the 7 foot requirement. Construction or relocation of marinas to deeper water would be prohibitively expensive. Without a grandfather clause, this requirement would destroy recreational boating as well as much of the recreational fishing on the Sound. Would launch ramps be exempt as the associated facility are in shallow water of necessity?

My second concern is with the elimination of sidewall on boathouses. Most existing structures would have to be rebuilt to have adequate strength as they rely on sheeting for shear resistance. Another problem with this requirement is fire resistance. Sidewall act as a fire barrier, giving time to extinguish a fire before it spreads. This provision would result in a fire safety issue.

A third issue is with the prohibition on grey water. Most boats under 40 feet simply don't have the space for grey water separation tanks. This requirement alone would destroy recreational boating for all except day trippers and larger cruising boats. Unless a grandfather exemption is provided you could forget recreational boating and some fishing and crabbing.

Unless the objective of the HCP is to return the Sound to the condition of the 1800 period, then more thought is needed to the consequences of this regulation.



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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jack callinsky <jcallinsky@hotmail.com>

Tue, Dec 9, 2014 at 11:31 AM

To: "WFWOComments@fws.gov" <wfwocomments@fws.gov>

Dear Sirs,

I am writing to express some concerns that I have with the Draft aquatic Lands Habitat Conservation Plan (HCP) and its Environmental Impact Statement.

(1) I understand that the Plan goes substantially beyond protecting endangered and threatened species in that it calls for the protection of twenty species, more than half of which aren't threatened or endangered.

(2) The construction standards and requirements contained in the plan will have strong adverse financial impact on all leaseholders seeking to improve, expand, or repair boathouses, breakwaters or overwater structures.

(3) The investment value of existing boathouses would be adversely affected by these requirements and would in fact constitute an illegal taking of property without compensation.

(4) The prohibition of sidewalls and barriers and the standards mandated for even the simplest maintenance, repair, or replacement is an undue burden on all marine property owners and users.

(5) There was no cost-benefit analysis done regarding the proposed measures.

(6) I believe that the DNR is exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted.

It is my understanding that there are ESA protection mechanisms within the current regulatory structures and that the DNR is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed HCP regulations. I urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help, safe and law-abiding clubs and marina operators to meet ESA compliance.

Thank you for your consideration,  
Jack L. Callinsky





WFWOComments, FW1 <wfwocomments@fws.gov>

## WDNR Aquatic Lands HCP DEIS

1 message

**Tim Wing** <timhoodcanal@gmail.com>

Tue, Dec 9, 2014 at 8:19 AM

To: WFWOComments@fws.gov

I want to register my objections to your proposed policies regarding marinas and boat houses. I find your science to be nonsense. The original nature of Puget Sound (before the Europeans arrived) included large rafts of floating drift logs which, if they were present today, would violate your proposed policies as they shaded sea bottom and essentially had the same type of impact that marina have in today's Puget Sound. Your concocted view of how things should be is, in my opinion, ridiculous.

Aside from the above view point I support the comments laid out below:

- This document goes way beyond protecting endangered and threatened species – we understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.
- The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or overwater structures.
- We believe the storage, privacy, and investment of existing boathouses could be destroyed by these requirements.
- Sidewalls and barriers would be prohibited under any circumstances, major deeper water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement.
- There is no cost-benefit analysis being provided for any of these expensive requirements.
- There is a 7-foot depth requirement that is arbitrary
- We believe the DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted!
- It is our understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed HCP regulations.
- We urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help responsible, safe, and law-abiding clubs and marina operators to meet ESA compliance.

Clearly, your proposed policies are another attempt at enlarging your authority by picking on areas that are actually not problems. Do you intend to make Shilshole Bay Marina move? Will many of the State Parks have to close their raft systems? Do you recognize that your plan will destroy a large segment of the boating industry?

If your cause was critical to the survival of Puget Sound it would be different, but it is not. It is, rather, an attempt to enlarge your authority where there is little to support your contentions other than trumped up science. If you are to hope to gain ground with your view point you should consider a much more moderate approach with a more realistic strategy.

Given the draconian nature of your proposal I hereby register my firm and complete opposition to the entire plan.

Tim Wing  
timhoodcanal@gmail.com

–  
Tim Wing  
timhoodcanal@gmail.com  
360-801-0555  
www.timwing.com

I wear two hats on the aquaculture issue; one as a property owner on Henderson Bay and Burley Lagoon and the second hat as a Realtor who lists and sells waterfront properties.

As a property owner I am asking that the upland and the lowlands have the same regulations. Recently we went to expand out cabin on Burley Lagoon. I am building not what I want, but what will comply based on being located about 50' from the shoreline and 75' from a salmon spawning creek in Burley Lagoon. The guidelines have cost me an extra \$20,000 and restriction on what I really wanted to build. But in front of my house there can be 42,000 PVC pipes without any concern for the salmon or shoreline. Another small but good example of inequities is the contractors for my home cannot be working before 7AM, yet I understand from the home owners in Totten Inlet, the harvesting of the shellfish is best done in the middle of the night with generators running and flood lights. Why are the restrictions different for upland?

As a Realtor will I now be required to tell future buyers or sellers the water in front of the property may be farmed? When I go to list a waterfront property should I explain to the sellers they will need to disclose the waterfront could or will be farmed in front of their home? Do I tell a potential buyer the waterfront property they are considering can or will be farmed? This will affect their property value and the ability to sell the property in the future. And if I don't share the possibility, who will be sued when this does happen?

This is a little bit like Scotch Bloom. A little was good and now it is out of control so it is a weed. Aquaculture is good but everywhere?

Sincerely,

jo jensen  
11022 – 56<sup>th</sup> St NW  
Gig Harbor, WA 98335  
253-853-8153



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Mark & Mauri Shuler** <maurinmark@gmail.com>

Thu, Dec 11, 2014 at 10:53 PM

To: WFWOComments@fws.gov

I write with regard to the Habitat Conservation Plan.

We are very committed to clean water because we live over it in our houseboat. We see it, smell it, swim in it, monitor it daily.

However, with regard to the draft HCP, we ask that this draft be halted until a stakeholder and public process be mounted.

There are serious flaws in this draft and it will take a great deal more time and stakeholder input to create an HCP that will serve as a national example. As it was 12 years in the making, we believe the public should have more than 90 days to study and respond.

We look forward to having the opportunity to stay engaged as this important document goes forward.

Mauri Shuler  
1301 N. Northlake Way  
Seattle, WA 98103  
206-819-3819



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Alan Powell** <adpowell@capitalcityyachts.com>

Tue, Dec 16, 2014 at 2:00 PM

To: WFWOComments@fws.gov

To The director and staff Of DNR.

I have reviewed your proposal for the aquatic lands that you manage. I looks like a lot of time went into your study, but no input from the folks that you will be most effecting. I am sure that you are aware that the proposals you have will put many of the dependent small marinas out of business and displace those moorage customers as well. Maybe that is the real purpose of you study and actions. I believe that your department is charged with looking out for your leasehold customers as well as the staff and others who believe that all such structures should be removed and the property you manage put back to an original pristine state. How will that help you in your duty to maximize the revenue from these property's?

Your comment period and the time of yr. is not realistic and likely did not want an option other than your goal to implement your plan. Shame on you.

Best Regards,

Alan D Powell

Capital City Yacht Sales

360 352 2007



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Doug Lewis** <dougclewis@mail.com>

Tue, Dec 16, 2014 at 3:26 PM

To: WFWOComments@fws.gov

In any consideration of extensive changes to Marinas and moorage facilities by the DNR, it is my hope that you will take into consideration the impact it will have on boating and the revenues it produces for the state.

Many marinas will not be able to financially bear the new upgrades and will cease to exist. Please think beyond the marina. These facilities bring dollars to many waterfront communities. Dollars are produced via licensing, fuel, restaurants, groceries etc. Many tourist dollars result from these shoreline towns and facilities. In our small community of Longbranch, the Marina supports community projects including scholarships, school lunch programs and children's programs. Our marina survives through the volunteer efforts of those in the community. Hundreds of thousands in changes will destroy a piece of Washington's history.

The loss of these facilities cascades financially well beyond the shoreline.

Many I have spoken to see these changes not as environmental necessities, but as a way to force marinas out of existence and boats out of Washington waters.

The boaters believe in caring for our waters and shorelines. We also see these facilities as a vital part of our Washington history, of our Washington culture and our Washington identity.

Please do not adopt a set of regulations that are not possible to reach and that appear to be based more on environmental activist wishes and less on environmental science.



WFWOComments, FW1 <wfwocomments@fws.gov>

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## Aquatic Lands Habitat Conservation Plan

2 messages

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**Thomas W Davison** <syblueskies@me.com>

Wed, Dec 17, 2014 at 8:11 PM

To: WFWOComments@fws.gov

Hello,

After reading the plan, I wanted to ask a few questions about the amount of area that is being regulated. Of the 2.6 million acres mentioned in the plan, how many acres do the effected marinas cover?

The plan, so far, seems to be too general and lacks specific information about the protected lands are and what needs to be done.

Given the twelve years of planning so far, the basic and general nature of the planning document doesn't seem to contain enough information to allow specific measures to be undertaken.

My questions are:

1. How much area do the marinas cover in total?
2. What is the percentage of the total protect land?
3. There were diverted funds mentioned recently from boaters. Are those funds going to be made available to help implement the changes that are going to be required due to this plan?
4. Is the diversion of the boating fund going to continue? If so, why?

Thank You

Tom

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**WFWOComments, FW1** <wfwocomments@fws.gov>

Fri, Dec 19, 2014 at 1:40 PM

To: lalena.amiotte@dnr.wa.gov

[Quoted text hidden]



WFWOCComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Blaine G Hammond** <bghammond@comcast.net>

Fri, Dec 19, 2014 at 10:32 PM

To: WFWOCComments@fws.gov

Cc: Sheri Greaves <sgreaves@fhcrc.org>

To the WA Department of Natural Resources:

The draft Aquatic Habitat Conservation Plan is a remarkably comprehensive attempt to bring attention and corrections to a great variety of concerns for protection of the environment and its inhabitants. I commend its intent. I appreciate the massive amount of work required to explore all the implications!

My comments come from the standpoint of a long-time Floating Homes resident in an older, traditional moorage. Both Chapters 3 and 5 deal with issues that affect me. A letter dated 12/19/14 from the Floating Homes Association lists four items that may apply to my own concerns: here are comments on three of them.

- Replacing traditional decking materials with grating material: I understand the need to allow as much natural light as possible into the water. I am sure you understand the high cost of doing so. I urge that the final regulation would allow such replacement to take place when docks are being rebuilt, and not right away.
- Removing foam flotation material: I understand that it is desirable to remove petroleum-based products from our waters. I hope you understand that removal of the "logs" or chunks of styrofoam from under the log floats where they are now wedged, results in a greatly increased exposure to the foam! They must be broken up by divers to be removed, in a process I have observed more than once, that involves days or even weeks of work for each individual Floating Home, and breaks much of the foam into hundreds of thousands of small pieces which are simply unrecoverable. Those fragments cling to shorelines and waterfronts for years. I believe that disturbing the underwater foam leads to more pollution, not less. Banning additional styrofoam is reasonable.
- Removing or sealing creosote in pilings: I understand the need to avoid creosote leaching into water. I hope you understand that this cannot be done without demolishing the docks they support. It would be appropriate when docks are being rebuilt - which refers back to my comment above, requiring the procedure during replacement of dock surfaces and not immediately.

Requiring all three of these items immediately would place an enormous, often unbearable, financial burden on existing docks. The final regulations should allow moorages to plan for upgrades such as these when a dock or float is being re-built.

Blaine Hammond

**WFWOComments, FW1** <wfwocomments@fws.gov>

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**grated docks/decks, foam flotation**

3 messages

**Don Brownlee** <brownlee@astro.washington.edu>

Fri, Dec 19, 2014 at 11:48 AM

To: WFWOComments@fws.gov

Cc: Sheri Greaves &lt;sgreaves@whi.org&gt;, Blaine G Hammond &lt;bghammond@comcast.net&gt;, Bob Freitag &lt;bfreitag@mindspring.com&gt;

I hope that any new regulations for grated docks and flotation, will grandfather in existing seattle docks and houseboats. Any new regulations should only apply to new construction, analogous to new code laws. In Portage Bay we have seen first hand the environmental destruction that is done by removal of existing foam flotation under a houseboat. The removal under one of our houseboats was quite prolonged, expensive and released vast numbers of small foam fragments that can be still seen above the waterline on bulkheads, houseboats and shorelines. I am not aware that submerged polystyrene flotation logs produce more environmental problems than their removal, a process that involves sawing and exposing vast surface areas of polystyrene particles that end up floating away no matter what is done to contain them.

Don Brownlee  
Dept. of Astronomy 351580  
University of Washington  
Seattle, WA 98195  
206 543-8575  
fax 206 685-0403  
brownlee@astro.washington.edu

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**WFWOComments, FW1** <wfwocomments@fws.gov>

Fri, Dec 19, 2014 at 1:39 PM

To: lalena.amiotte@dnr.wa.gov

[Quoted text hidden]

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**Sheri Greaves** <sgreaves@whi.org>

Fri, Dec 19, 2014 at 2:53 PM

To: Don Brownlee &lt;brownlee@astro.washington.edu&gt;, "WFWOComments@fws.gov" &lt;WFWOComments@fws.gov&gt;

Cc: Blaine G Hammond &lt;bghammond@comcast.net&gt;, Bob Freitag &lt;bfreitag@mindspring.com&gt;

Thanks, Don!

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**From:** Don Brownlee [mailto:brownlee@astro.washington.edu]**Sent:** Friday, December 19, 2014 11:49 AM**To:** WFWOComments@fws.gov**Cc:** Sheri Greaves; Blaine G Hammond; Bob Freitag**Subject:** grated docks/decks, foam flotation

I hope that any new regulations for grated docks and flotation, will grandfather in existing seattle docks and houseboats. Any new regulations should only apply to new construction, analogous to new code laws. In Portage Bay we have seen first hand the environmental destruction that is done by removal of existing foam flotation under a houseboat. The removal under one of our houseboats was quite prolonged, expensive and released vast numbers of small foam fragments that can be still seen above the waterline on bulkheads, houseboats and shorelines. I am not aware that submerged polystyrene flotation logs produce more environmental problems than their removal, a process that involves sawing and exposing vast surface areas of polystyrene particles that end up floating away no matter what is done to contain them.

[Quoted text hidden]



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS"

1 message

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**Thom Permenter** <thompermenter@clearwire.net>

Fri, Dec 19, 2014 at 3:50 PM

To: WFWOComments@fws.gov

Dear sirs,

I am opposed to the arbitrary and capricious nature of this bill. I believe that 90 days for public input on a 1000+ page bill is an attempt to "railroad" it through. I believe that many of the changes and rules proposed have no scientific basis. I believe that once again DNR is out of touch with the realities of boating in Puget Sound and the effects there of.

Sincerely,

Thomas Alan Permenter

—

thom



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Charlie Long** <mvdreamtime@comcast.net>

Sun, Dec 21, 2014 at 11:23 AM

To: WFWOComments@fws.gov

I would like to add my voice to the many others concerned about the potential impact of the proposed Aquatic Lands Habitat Conservation Plan. Once again, we are faced with proposed regulations drafted by people who have little knowledge or concern about the consequences of their actions.

I am an active member and former officer of Tacoma Yacht Club. Our club maintains, among other facilities, an outstation at Oro Bay on Anderson Island. The proposed 7-foot depth requirement would render most of our outstation docks unusable. These docks represent an investment of hundreds of thousands of dollars, not to mention that they are an important part of our club's schedule of activities. The 7-foot requirement appears to be completely arbitrary. ("Ho about we use 7 feet? Seven is my lucky number.")

In addition, the requirements relating to boathouse sidewalls and barriers could potentially wipe out most of the permanent moorage in our basin, a marina that currently maintains the highest standards for "clean marinas."

I urge you to consider the negative impact of these regulations on recreational boating—a key element in what makes the Puget Sound area a unique place to live.

Charles Long  
3889 Harborview Drive #302  
Gig Harbor, WA  
2253-857-7344

Past Commodore, Tacoma Yacht Club



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

2 messages

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**Robert Burk** <robertburk@comcast.net>  
To: WFWOComments@fws.gov

Fri, Dec 19, 2014 at 11:24 AM

Chapter 5 – Page 5-12

With respect to floating homes, the requirement for changing the open space on piers and floats represents a huge cost to the owners of these properties for incredibly small environmental value. Houseboats make up roughly 1% of the Lake Union surface and these structures on DNR land make up much, much less than 1% of the lake area. Floating homes should be grandfathered in and only subject to the requirement that the area of floats and docks not be increased other than as needed by other permitting agencies.

Respectively submitted,

Robert Burk, Ph.D.

2017 Fairview Ave E, Houseboat G

Seattle, WA 98102

206.390.9178

robertburk@comcast.net

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**WFWOComments, FW1** <wfwocomments@fws.gov>  
To: lalena.amiotte@dnr.wa.gov

Fri, Dec 19, 2014 at 1:39 PM

[Quoted text hidden]



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Samuel Thayer** <samthayer@msn.com>

Sun, Dec 21, 2014 at 4:59 PM

To: WFWOComments@fws.gov

I have never seen a maritime state do more to destroy the very industry and pass time which makes it so attractive. Keep raising the hurdles for boaters and related businesses and the ferries will be alone on the water and millions will be removed from the economy; from moorings to diesel sales. Stop trying to cut off your nose to save your face.

Samuel M Thayer  
Swantown Marina  
Olympia, WA

"If ANYTHING is going to happen, it's going to happen OUT THERE"  
~Captain Ron~



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**concerns with DNR Draft Aquatic Lands HCP**

1 message

**Dan Kruzich** <truncate@yahoo.com>

Mon, Dec 22, 2014 at 7:40 PM

Reply-To: Dan Kruzich &lt;truncate@yahoo.com&gt;

To: "WFWOComments@fws.gov" &lt;WFWOComments@fws.gov&gt;

Dear Sirs:

Here are my concerns with the Draft Aquatic Lands HCP.

1. This HCP considers species that are not endangered.
2. Measures called for don't address cost or operational impacts to tenants/lessee. A economic impact statement has to be written.
3. Cost of the Aquatic Lands HCP to the tax payer haven't been determined and a revenue stream hasn't been identified.
4. Tenants/lessee haven't been indemnnified against potential retroactive compensatory mitigation.
5. "Work Windows" language appears in the draft HCP without adequate definition or what they're impact on tenants/leassees will likely be.
6. Language appears that obligates tenants/lessee to control upland runoff from property not belonging to the tenants/lessee. DNR does not have authority over lands adjoining Aquatic Lands.
7. Private docks that DNR has no authority over will be impacted by the draft HCP. This violates the "takings" clause of the constitution.
8. The Aquatic Lands HCP lessens the rights, privledges, value, enjoyment, and usefulness of the tenants/lessee property with little or no public advantage. Studies show that migratory fish avoid near shore areas that the HCP means to protect. The science behind the HCP is flawed.

These are some of my concerns with the Draft proposal. Thank you. Dan Kruzich, P.O. Box 17352, Seattle, Wa. 98127.



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## Boating in Washington.

1 message

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**Cole\_John** <cole@lumber.com>

Mon, Dec 22, 2014 at 6:55 AM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>, "sgreaves@portagebaysystems.com" <sgreaves@portagebaysystems.com>

Re: Aquatic Lands Habitat Conservation Plan (HCP)

To the esteemed bureaucrats,

As someone who does not live in Washington but has spent many dollars boating in Washington over the last 32 years I would like to express my disapproval with DNR's Aquatic Lands HCP Draft Environmental Impact

Statement. It is onerous and unnecessary. Not being able to moor in an area with less than 7' and not being able to service my boat are just two of my problems.

I will spend my dollars elsewhere if this passes.

2 for example:

Tacoma Yacht Club will be hosting next year's Class Champs. The scheduled dates are August 13 (Junior Nationals), August 14 (Gold/Silver Eliminations), and August 15/16 (Gold, Silver, and Bronze Championships).

Whidbey Island Race Week <http://whidbeyislandraceweek.com/>

I also will make sure that all of our club activities stay on the Oregon side of the Columbia.

Do not pass this bill.

Regards,

John Cole



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

**Mike Beste** <mbeste@fulcrum.net>

Mon, Dec 22, 2014 at 1:07 PM

To: "WFWOComments@fws.gov" &lt;WFWOComments@fws.gov&gt;

Cc: Ashley Bell &lt;ashybash@gmail.com&gt;, "shannon0220@gmail.com" &lt;shannon0220@gmail.com&gt;, Tammy Walker &lt;cmgtammy@yahoo.com&gt;, "mindylinman@gmail.com" &lt;mindylinman@gmail.com&gt;

The Aquatic Lands Habitat Conservation Plan (HCP) is not in touch with reality. There is nothing wrong with raising a bar but a sensible plan must be drafted. Involving the boating community is a good way to produce something that will work. In its current form it will create a cost burden most assuredly to all boaters that use a dock ...and it doesn't necessarily solve anything.

I did not write this, but these words are circulating all over Facebook within the Washington boating community (if you weren't already aware) regarding this HCP:

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You cover hundreds of square miles of earth with solar panels, destroying any chance of plants growing or animals using that land, but you are being environmentally friendly. You take up land to build a giant cement building and put a green roof on it, destroying any chance of animals using the space of that building and you are being environmentally friendly.

If you put docks around your boat and maybe put a shed over it, providing a spot for marine animals to attach themselves and grow and shade for young fish to hide in while evading predators you are destroying the environment.

Love the DNR.

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I have to agree with these words. If somebody wants to draft a thousand page document ...using our tax dollars, can they please use their brain and get in touch with reality ...maybe reach out to resources that might be outside their comfort zone? It's clear that not much thought "outside the box" has been given to this matter.

I represent STYC of Ballard (Sloop Tavern Yacht Club). As of Friday I became Past Commodore after being at the helm for 4 years as Commodore and Vice. I am in touch with my members and the entire boating community. Our club represents 240 sailboats ...not big expensive ones ...the kind that normal people with normal jobs have. In case anyone of you that read this letter have some sort of stereotype about people that own boats ...consider that we aren't wearing blue blazers but you might find that most of us wear blue collars. Sailing club or Power Squadron ...we represent a majority of the demographic and when our life style is challenged by legislation that has been poorly drafted ...and it costs us money ...it makes us angry. Furious even. Please consider revising your document before pushing it upon us and for God's sake it took more than a decade for you to write it ...the public should get at least a year to review it, 90 days is in no way an acceptable review period.

Sincerely,

Mike Beste

Past Commodore, STYC

[www.styc.org](http://www.styc.org)

CC: Ashley Bell, Commodore, STYC  
Shannon Renner, Vice Commodore, STYC  
Tammy Walker, Treasurer, STYC  
Mindy Inman, Secretary, STYC



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**WDNR Aquatic Lands HCP DEIS.**

1 message

**Felicity Christensen** <feanne1@gmail.com>

Tue, Dec 23, 2014 at 3:20 AM

To: WFWOComments@fws.gov

Dear Sir or Madam;

I would first like to qualify my interest and comments concerning the Draft Environmental Impact Statement for DNR Aquatic Lands Habitat Conservation Plan. I am currently a slip lease owner and could be severely financially affected by these proposals. I find it unfair that the public are being given a mere 90 days for comment whereas it took the Department of Natural Resources 12 years to propose this document. Therefore I would urge you to allow more time for public response and comment before implementing these proposals. The timing of this is interesting don't you think? Over a time period when most people are busy with the Thanksgiving and Christmas holidays, we are given until New Year's Eve to read, digest the content and comment.

As is every other boater I have had the pleasure to know, I am concerned for the environment and very much enjoy my chosen recreation in the beauty and serenity afforded us by this wonderful State. I am in favor of protection and awareness. However it would appear that some overzealous researcher has categorized 29 species for protection when less than half are not actually threatened or endangered. Given this and the hastiness of response demanded it would seem to me that they did not use their 12 years very wisely!

The marina in which I have my slip has spent considerable time, effort and money for which my dock alone cost over a million dollars to upgrade and comply with DNR and other agency's health and safety concerns. They have complied with every request for environmental impact statements and are actively upgrading the marina as I write.

There has been no cost benefit analysis done for this document. I can see that if allowed to go unchecked, the construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or overwater structures. Would there be any financial restitution from the DNR for those whose property would be so affected?

It is my understanding that there are already significant ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the “do no harm” standard and even exceeding its legal authority by attempting to apply these new more stringent and costly proposed HCP regulations and requirements to existing projects and lease renewals even though the HCP has never been formally adopted!

I sincerely urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help responsible, safe, and law-abiding clubs and marina operators to meet ESA compliance.

Yours Faithfully,

Felicity Christensen



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**HCP.**

1 message

**John Goodfellow** <J.goodfellow@comcast.net>

Tue, Dec 23, 2014 at 6:44 PM

To: WFWOComments@fws.gov

Dear Sir / Madam,

I have been boating in the NW over 35 years. As a boater I obviously have a love for water and I respect the habitat which is home to countless creatures. There is no greater joy then to see an apex predator "killer Whale" in it's natural environment. Or a school of porpoise fish swimming along side your boat. It is painful to see trash and plastic floating in our wonderful puget sound. Boating has given my family and I a respect for the water that most people never have a chance to feel. We constantly pull trash from the lake and sound. Most of which comes from sources other then boats. I think much of the pollution I have seen is actually from illegal dumping from the shore line and not from boats. My daughter and many of her friends grew up appreciating the endless beauty of the San Juans and Puget sound. This gave our family a health respect for our environment . I fear that with your purposed restrictions, crushing regulations would only serve to deter people from boating and from understanding that the marine environment is a special eco system that we need to protect. I believe without new generations of boaters being able to see first hand the special nature of or waters we would be undercutting this knowledge that is so crucial to the protection of these areas. These same areas that you are now trying to help. Please understand that there is no better ally of the Marine environment then the recreational boater. Limiting covered moorage or skirts on a boat house setting depths of the marinas and the heavy regulations you purpose will accelerate the demise of small marinas and only hurts the chance for our children to become the next new marine biologist or the conservationist. It will limit the understanding of the marine environment and lessen the amount some will care about the sea if they are not exposed to its beauty. Would you rather take your 10 year old child to Sea World? Or watch a pod of whales hunt in the wild like they have for thousands of years.

Please keep the public comments/discussions open for one year. Let every voice be heard . We are all part of the Sea To quote JFK.

"I really don't know why it is that all of us are so committed to the sea, except I think it's because in addition to the fact that the sea changes, and the light changes, and ships change, it's because we all came from the sea. And it is an interesting biological fact that all of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea - whether it is to sail or to watch it - we are going back from whence we came.

Sincerely,

John S. Goodfellow  
2124 180th court NE  
Redmond, WA 98052  
425 644 5963



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## Habitat Conversation Plan- Comments

1 message

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**Scott Uren** <jscotturen@comcast.net>

Tue, Dec 23, 2014 at 9:30 AM

To: WFWOComments@fws.gov

Dear Sirs,

It has come to our attention that an Aquatic Habitat Conservation Plan has been drafted effecting amongst other things marinas in Washington State. This appears to be a plan that overlaps dutys performed by other agencies.

Is this correct? I am concerned as a private boater, that this may add unneeded costs to an already expensive venture.

I also understand concerns for shallow habitats, might our money best be spent on larger issues like the use of fertilizers and ground water run off? Seems this would be a much bigger issue for shallow habitat. Dwarfing what little effect marinas have on habitat which are already being watched. I can count on one hand marinas in South Puget Sound, how many residence are there using fertilizers to green up their grasses? How many agencies do we need to look after a very small contingency of marinas? You get my point..

I know your jobs are tough, we all want to do what we can to preserve this area of our beatiful country, I also think that there is already sufficient regulatory agencies overseeing the marinas, and not enough being done about other much larger issues effecting Aquatic Habitat.

Hope you do the right thing..

Scott & Kris Uren



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS.

1 message

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**Belinda Graham** <sgraham002@yahoo.com>

Tue, Dec 23, 2014 at 12:27 PM

Reply-To: Belinda Graham <sgraham002@yahoo.com>

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

As property owners and boat enthusiasts in the Brinnon area, we have concerns regarding the Department of Natural Resources (DNR) draft aquatic Habitat Conservation Plan (HCP). As currently written, the plan could severely impact marinas and individuals who have aquatic land leases with the agency. It's our understanding that the proposed HCP prohibits work in near-shore zones, seeks to protect 29 different species of which only 14 are on the endangered species list. Also, it's our understanding there are ESA protection mechanisms within current regulatory structures and that the DNR's proposed HCP is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed regulations.

We encourage taking time to review and revise the Department of Natural Resources proposed Habitat Conservation Plan so that reasonable alternatives can be provided to help marina operators meet ESA compliance. Thank you.

Steve & Belinda Graham  
Brinnon, Washington.



WFWOCComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## Response to Habitat Conservation Plan

1 message

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**Dave Rosenquist** <drosenqu@comcast.net>

Sun, Dec 28, 2014 at 10:53 AM

Reply-To: drosenqu@comcast.net

To: WFWOCComments@fws.gov

RE: HCP in relation to floating homes and adjacent docks and decks.

Thank you for soliciting input.

I have been involved with the floating homes on Lake Union since 1972 and heavily involved in initiating the Environmental Tech, Marine Biology Tech, Chemistry Tech and Oceanography Tech programs at Shoreline Community College. All of these programs were centered around the basic sciences and a critical analysis of the appropriate environment and the interaction of the various factors. I am passionate about protecting the environment including the human factor and requesting that a critical review specific to the aquatic and marine environment in Lake Union be revisited. Lake Union, unlike many lakes, is constantly flushed by numerous rivers preventing stagnation and favoring marine life. The DNR and other areas of government with the cooperation of the industries fronting the lake and the floating home owners have done, and continue to do an excellent job of eliminating or minimizing pollutants. I believe there is a valid case for grandfathering in the existing floating homes and docks and limiting the changes to new construction. I do not believe that there is a valid case that the proposed changes to existing structures will make a measurable impact on the marine environment of Lake Union.

Over the years I have observed that the Floating Home Community is likely the most conservation aware and conservation practicing group in the state. This includes recycling and being adamant about non polluting the lake and environment. Being so closely tied to the lake, they tend to be almost evangelistic in the promotion of environmental matters..

There is great concern in the community about the impact of some of the proposed changes.

Although there are an increasing number of "high end" floating homes most of the floating home owners are of modest income and would be severely impacted by having to change decks, replace foam etc. There is minimal degradation of the existing white foam and any additional flotation is being done with encased foam or polyethylene floats. The process of removing existing foam would greatly increase for years the amount of loose pellets on the

shoreline as it cannot be removed without considerable disturbance.

In regard to replacing the decks on the floating homes: I believe if requested a survey by a marine biologist would show that the fish population is greatest under the floating homes and docks as opposed to the open spaces. This can be confirmed by any of the divers which work on the floating homes and docks. One diver who does some work for me says that it is normal for bass one to two feet in size to come and look him in the face when he is under the docks.

The percentage of lake coverage by docks and floating homes in Lake Washington and Lake Union is minimally significant and studies indicate that marine life does need shelter and shade. I think any lay person who fishes can confirm this in addition to scientific surveys.

Requiring new docks to be grated is a good idea. The new available materials make this viable in new construction. However, requiring the existing docks to convert in many cases is cost prohibitive and would require a significant increase in rent and cost to the floating home owner and dock owners. Unless it can be documented that this increase in light penetration, considering the area of the lake, would be advantages to the marine life it should not be required.

In the '80's I tried to get a permit to put in a dock with pilings and boards (which could be grated) but I was required by the city and DNR to put in a floating concrete dock at a considerable additional expense. There is no way this can be converted now to a wood grate as it would not have the mass to withstand the boat wakes and would be torn up in less than a season.

Please review your plans and proposed requirements in view of the actual scientific impact specifically on Lake Union and Lake Washington. I believe I can assure you that the floating home community totally supports the preservation and enhancement of the aquatic environment of the lake. At the present time I believe that most floating home owners feel that the greatest contributor to degradation of the marine facilities and water quality is the extreme wakes caused by boats. Making the waterway from the locks to the University Bridge a "No Wake" zone would do more to limit the breakdown of foam, pilings and shorelines and the release of pollutants than perhaps any other "solution". The floating home community will continue to be stewards in the preservation of the best possible marine environment. I urge you to work closely with them prior to any decisions.

In summary, I believe the proposed changes make sense for new construction but request that before these changes be applied to the existing docks and floating homes: it be documented, considering the area and volume of Lake Union, the percentage of the area occupied by floating homes and docks, and the flushing action of the feeding rivers, that

applying these changes are necessary to preserve the overall marine health of the lake.

Again, thank you for soliciting input on this extremely critical environmental matter.

David W. Rosenquist

drosenqu@comcast.net

206 399 6886



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**odomsep@aol.com** <odomsep@aol.com>

Mon, Dec 29, 2014 at 3:31 PM

To: "WFWOComments@fws.gov" &lt;WFWOComments@fws.gov&gt;

Dear Sirs,

Thank you for extending the comment period for the Aquatic Lands HCP. I appreciate the amount of effort that has gone into the plan. However, there are a couple of areas of concern regarding the planning process that I would like to address.

For a large scale project such as the one proposed by DNR, applicants generally form a steering committee composed of persons, such as stakeholders, with an interest in the HCP planning area or affected species. The purpose of the steering committee is to provide the applicant with direction, guidance, advice, and assistance in developing the HCP. Although the development and participation of a steering committee is not a requirement in preparing a HCP, it is valuable in facilitating the HCP process when multiple groups with differing interests and opinions regarding the project are involved.

While not including outside stakeholders in the planning and development process may appear to be the easiest implementation process, history has shown that a collaborative Outcome Based HCP approach provides the best results for all involved. The current HCP as written is very prescriptive and costly to implement going forward and does not guarantee we will achieve the stated goals. Section 5.2 of the proposed HCP states "The measures and standards in this chapter are based on best available science and are assumed to be capable of improving habitat and habitat conditions for covered species." Just to be clear, is DNR proposing significant financial impact to Washington State residents based on assumptions and not a proven strategy?

The current HCP as written appears to be inflexible with regards to changing knowledge relating to species and habitat. Also, Agencies have interpreted the role of HCP's under section 10(a) of the ESA as a means to contribute to survival of species but not as a recovery tool. The Habitat Conservation Planning Handbook is inconsistent with this stand and states that "...contribution to recovery is often an integral product of an HCP..." and in general, conservation plans that are not consistent with recovery objectives should be discouraged.

I respectfully request that this HCP process be one of communication, collaboration and coordination with Washington State stakeholders. Further, that DNR adopt an outcome based HCP approach rather than a prescriptive one to achieve the overall objectives of environmental stewardship and meet the requirements of the ESA.

Best regards,  
Ed Odom  
Washington State Resident  
509.668.0981

Sent from my iPad



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**DNR leased land with floating homes proposals Fish & Wildlife**

1 message

**Sid McFarland** <jann.sid@gmail.com>

Mon, Dec 29, 2014 at 5:05 PM

To: WFWOComments@fws.gov

Please extend the comment time --we just heard about this stuff and are appalled at the fact this was sent out with so little notice for us to comment. We are also concerned about the apparent lack of knowledge of how our houses and floats are built --we would be glad to show your people around our community.

We have lived in our floating home at 2025 Fairview Ave East since 1973. Our house has little if any decking that extends beyond the log pack our house sits on. Having to put a gridded deck on a float that consists of layers of logs will not do anything for wildlife habitat. The same goes with auxiliary floats grandfathered in --they are decked over log packs.

The flotation consisting of Styrofoam and plastic barrels mixed in under older homes is not going anywhere and is covered with algae over the years so does not come apart. If a chunk floats out during a storm it is properly disposed of. It has cost neighbors as much as \$16,000 to have the Styrofoam removed from under their houses. It is a cost that most of us cannot afford and in removing, the Styrofoam bits often get into the lake. The salmon going through Lake Union do not stop for long and do not go under our houseboats according to the study I read that was done on Lake Union. The studies that we have seen used by City/State officials are from Rivers which are very different than the Lake conditions.

We would sure like to see the studies done of Lake Union that you are basing the proposed regs on.

People who live in our community are extremely aware of the environment and very respectful of the wildlife.

We consider ourselves stewards of the lake in that sense and would never do anything that would harm the waters --we swim in it and live on it.

We have our own Best Management Practices and they cover everything --and we practice these--don't just read about them.

Thank you for your consideration.

We agree with the comments sent in by the Floating Homes Association Board.

Sincerely,

Jann & Sid McFarland



WFWOCComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**WDNR Aquatic Lands HCP DEIS**

1 message

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**verboort@centurytel.net** <verboort@centurytel.net>

Mon, Dec 29, 2014 at 11:47 AM

To: WFWOCComments@fws.gov

Cc: Pleasant Harbor Marina &lt;diane@pleasantharbormarina.com&gt;

My wife and I are new owners of a covered boat slip at Pleasant Harbor Marina about 1 1/2 years ago. We have just become aware of the new HCP proposal which, if accepted as written, could prevent covered boat slips in the future. This would greatly reduce the value of our boat slip as if it were not covered. Under past practices our boat slip was permitted and allowed as a covered slip and would be grandfathered in and allowed to be continued as such in the future.

To consider changing the rules now after our investment has been made would be financially very hurtful and quite frankly, it would be absolutely ABSURD!!

The other point being considered as we understand it that is equally ABSURD is expanding the endangered species list! At some point we must consider the Human species! Kenneth & Barbara Verboort

23905 'Butteville Rd N"E  
Aurora, OR 97002  
503.678.5567

--

Barb



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands

1 message

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**Lawrence Roberts** <larryandlaurel@comcast.net>

Mon, Dec 29, 2014 at 4:53 PM

To: WFWOComments@fws.gov

My wife and I own license to two marina slips, and therefore pay Washington State taxes although we reside in Oregon. As we understand the proposed regulations our use of Puget Sound waters will be adversely affected by the demise of marinas or restrictions on using many of the beautiful areas we normally visit.

The timing of this proposal ( Twelve years in preparation and only Ninety days for public review ) smacks of a political agenda. It seems like a way to subvert the policies of public information.

From what we have read, there are far too many vague references to "studies" or "experts" who have compiled the information. Why are they not identified to prove their veracity?

We wonder why a HCP is required with the Endangered Species Act in place. This proposal seems like a redundant layer of bureaucracy.

Larry and Laurel Roberts  
3236 N.E. Everett St.  
Portland, OR 97232



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS - EXTEND DEADLINE

1 message

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**Giff Jones** <giffjones@gmail.com>

Mon, Dec 29, 2014 at 1:21 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Cc: "drosenqu@comcast.net" <drosenqu@comcast.net>, Sid McFarland <jann.sid@gmail.com>, Sheri Greaves <sgreaves@fhcrc.org>, Rick Miner <rickminer@duckin.com>, Marilyn Robertson <isobel.rob44@gmail.com>

WDNR:

This is a deadline extension plea.

It is grossly unfair to hundreds of affected owners, to learn of the aquatic lands HCP DEIS threat to our community weeks before the end-of-year holidays. We must be granted sufficient time to become informed and involved. We cannot be part of the solution without being part of the process.

Please! Extend the comment deadline to give us time to react.

Mr/Mrs Gifford T Jones  
2600 Fairview Ave E  
Houseboat #5  
Seattle, WA 98102



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

## WDNR Aquatic Lands HCP DEIS"

1 message

**Peter Erickson** <peter@peter-erickson.com>

Mon, Dec 29, 2014 at 10:13 AM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Cc: "Rob Widmeyer (rwidmeyer@LMNArchitects.com)" <rwidmeyer@lmnarchitects.com>, "Rick Weller (richard.d.weller@boeing.com)" <richard.d.weller@boeing.com>, Linda Cook <lcookiegte@clear.net>

To whom it may concern:

I have been out on vacation for 10 days visiting family to return to find I have 2 days left to respond to a proposed change that will dramatically effect my home and my community.

- \_ I live on a houseboat at 2025 Fairview Avenue East. My floating home has been around since 1922.
- \_ It is a house with surrounding decks and floats built on a log raft.
- \_ And it is located in DNR leased land.

In reading the proposed regulations that will be imposed on us as a condition of renewing our lease with DNR I have these questions.

1. Why was a proposal with such dramatic impact to our community announced with such a short timeline to respond.
2. And why was it delivered to us during the most highly travelled time of the year with the highest level of absent occupants? This is in no way an equitable, public notice and input process. Whoever was responsible for the timing and delivery of this proposal should be ashamed of themselves!

\_ Our community negotiated public notice zoning and safety provisions regarding anything impacting the livability and economic sustainabilty to floating homes. This process should involve the City Council.

3. Why wasn't each floating home owner notified ages ago about "a DNR study" that would have dramatic effects on us?
4. Why weren't the results \_ even preliminary\_ of these environmental surveys shared with us?
5. Three years ago the UW Dept of Fisheries conducted a study which could find no definitive evidence to suggest floating homes were negatively impacting fish habitat and that determined definitively that floating homes were far preferable to boating marinas with their oil and gas contaminants.

\_ This proposal and process you are dropping un-announced on us to be a fair public process should provide our community plenty of time (one year) to examine the results of your survey and to allow us to conduct our own.

6. In the event you were successful in ramming this through against our objections, how are we as a community to open our decks and log rafts to allow 60% sun light transference? These decks are over the logs that are the base structure and floatation for our homes? How are we to accomplish this and continue to maintain structural integrity and floatation?

If we are truly in fact destroying the survivability of endangered species we should have been notified and approached as partners to implement a long term program to mitigate these effects.

As a dock rep for 2025 Fairview I request that this process be halted until you engage openly with us to determine an equitable format to conduct this environmental effort.

Sincerely,

Peter Erickson



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## My opinion re: WDNR Aquatic Lands HCP DEIS

1 message

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**B Albert** <walbert99@yahoo.com>

Tue, Dec 30, 2014 at 8:57 PM

Reply-To: B Albert <walbert99@yahoo.com>

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

To Whom It May Concern,

I own a Floating Home on DNR leased land in Portage Bay, Seattle. The draft proposal is poorly thought out; our community will be very adversely affected if we were required to implement the proposed rules. I strongly oppose implementing them until the FH community have a voice in striking a balance between the goal of the DNR and the real life effects it would have on the FH community.

Respectfully,

Bill Albert

FH owner, 3146 Portage Bay Pl. E, Unit 'L', Seattle, WA 98102;

Treasurer, Portage Bay Condo Association

Board Member at Large, Floating Homes Association



WFWOComments, FW1 <wfwocomments@fws.gov>

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## COMMENT FROM HOUSEBOAT OWNER RE: STATE LEASE REGULATION CHANGES

1 message

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**Dickpatterson@aol.com** <Dickpatterson@aol.com>  
To: WFWOComments@fws.gov  
Cc: sgreaves@fhcrc.org, Messenger@associationvoice.com

Tue, Dec 30, 2014 at 3:15 PM

Please see attached.

Thank you.  
Dick Patterson

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 **MemberCommentLettertoDNR123014- DP 12-30-14.docx**  
13K

Send to: [WFWOComments@fws.gov](mailto:WFWOComments@fws.gov)  
Subject heading: WDNR Aquatic Lands HCP DEIS

December 30, 2014

Re: Comment letter from Lake Union floating home owner regarding the Draft Aquatic Lands Habitat Conservation Plan

Thank you for the opportunity to submit comments.

Our family owns a floating home located on leased DNR land in Lake Union and we are only TODAY hearing about your proposed new regulations. And since these potential changes may have a very serious financial impact on many or all of us who live on state leased property, we ask that an expanded opportunity be provided for us to better understand both the intention and details of your proposals.

Respectfully yours,

Dick and Kelly Patterson

2031 Fairview Ave East  
Hbt H  
Seattle, WA 98102  
206 619-3971



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**WDNR Aquatic Lands HCP DEIS**

1 message

**Wildkatzgsd@aol.com** <Wildkatzgsd@aol.com>

Tue, Dec 30, 2014 at 12:16 PM

To: WFWOComments@fws.gov

Mr. Tim Romanski  
U.S. Fish & Wildlife Service  
510 Desmond Drive SE, Suite 102  
Lacey, WA 98503

Mr. Scott Anderson  
NOAA Fisheries  
510 Desmond Drive SE, Suite 103  
Lacey, WA 98503

Regarding: WDNR Aquatic Lands HCP DEIS

I believe that there should be more time to provide adequate response time and work with boating community to protect the endangered and threatened species of aquatic life.

This will have a dramatic impact on the boating community. Here are a few of the issues I have thought about in the short response period.

Reduction in Marinas which will result in reduction in the number of boats along with all the associated boating expenses, jobs, revenue and taxes paid by boaters to support fishing and cruising. These help support the state DNR expenses

There are areas in the Puget Sound and possibly lakes which would not be able to have Marinas such as the Swinomish Channel and possibly other lakes which would have an impact of docks impacting the safe travel of the boats that may still be using the waterways.

Many of the boats will then be the smaller boats will people can trailer and launch. This will result in the sale of many of the larger boats other than the wealthy owners. The larger boats pay much more in licensing, fuel and related boat expenses. what this would be doing is reducing the number of those in the numerous Yacht Clubs actively supporting and working with the DNR to keep the waterways safe for boaters and aquatic life.

The larger boats also have bath rooms and holding tanks for our greywater which we pump out at marinas, fuel docks and Yacht Clubs

How was the depth determined to be best for the aquatic life? There are numerous

Aquatic life that currently have no problem surviving in the shallower areas which provide shelter.

This will only result in people looking for other areas to vacation such as Arizona, Hawaii, California and Oregon rather than out cruising in the Puget Sound and San Juan Islands.

The boating community has always been willing to work with the DNR as it relates to Marinas.

There is also the impact to Marina and boating related jobs.

I believe there should be a longer response period allowed along with working with the boating community and RBAW to provide a reasonable solution to protect the endangered and threatened species of aquatic life.

Sincerely,

Gary Dove

1720 NE 179th St #101

Shoreline, Wa 98155-3959

wildkatzgsd@aol.com

Member:

Meydenbauer Bay Yacht Club

Board of Trustees



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Mscorgeo@aol.com** <Mscorgeo@aol.com>

Tue, Dec 30, 2014 at 5:16 PM

To: WFWOComments@fws.gov

**Please see attached.**

**Thanks and Regards,**

**George**

**George Selfridge**  
**mscorgeo@aol.com**  
**(M) +541-490-1188**

**210 Hazel Ave.**  
**Hood River, OR 97031**  
**USA**



**To.doc**

30K

To: Scott Anderson  
NOAA Fisheries  
510 Desmond Drive SE, Ste 103  
Lacey, WA 98503

29 Dec. 2014

Tim Romanski  
US Fish and Wildlife Service  
510 Desmond Drive SE Ste 103  
Lacey, WA 98503

Via E mail to: [WFWOComments@fws.gov](mailto:WFWOComments@fws.gov)  
Subject WDNR Aquatic Lands HCP/Deis

From:  
George Selfridge  
210 Hazel Ave  
Hood River, OR 97031  
[mscorgeo@aol.com](mailto:mscorgeo@aol.com) 541-490-1188

Good Day,

I am writing to raise some points regarding the Draft EIS for DNR Aquatic Lands HCP, herein after the "DRAFT"

1. While agencies such as the NMTA and the RBAW have staff to review and formulate comments on the DRAFT, many of us who have aquatic leases are unable to review and fully comment with only a 90 day comment period. This is exacerbated by the holidays. I would encourage you to extend the comment period through the first quarter of 2015 to allow impacted entities more time to submit counter proposals and comments, some of which the DNR might find useful and worthy of incorporation into the final plan.
2. I understand that the proposed DRAFT is designed to protect 29 species when less than half are neither threatened nor endangered. I would argue that the DRAFT should only place requirements on lessees of Aquatic Lands to the extent that said requirements pertain solely to threatened and endangered species.
3. In developing the DRAFT as a "one size fits all" document the DNR will impose unnecessary burdens on a portion of the Aquatic Lands lease holders. It will also tie the hands of the DNR when implementing the rules, taking away any flexibility in interpretation and implementation. A DRAFT that was a "Guideline" would allow DNR to assess each lease holder and then work with to provide that lease holder with a rational solution that allows them to mitigate specific areas of concern to the DNR.

4. In the limited research I have been able to do I can't find any cost/benefit analysis applicable to the DRAFT. If such an analysis exists could you please direct me to it? Even after the fact it would make interesting reading.
5. There is inadequate funding for the enforcement of existing rules and regulations. Examples that comes to mind (and I am sure there are more) is the derelict vessel program esp. with regard to commercial vessels and also invasive species, both of which pose substantial problems for threatened and endangered species. I would think that adding another layer of rules/regulations via the DRAFT without the resources to enforce existing regulations is a bit over the top.
6. Per the above, the DRAFT currently exceeds the ESA regulations and will certainly exceed the "do no harm" standard and the legal authority of the DNR. That said, if there are regulatory statutes that give the DNR the authority to create the DRAFT and impose the new regulations I would appreciate it if you could direct me to the specific numbered statutes.
7. Before retiring the company I worked for built cement docks for several large marinas. I have a working knowledge of the then current regulations (as of 2010) and rationales for those regulations regarding the construction of marinas. In new construction or full replacement the incremental cost of constructing to current standards, costs can be weighed and a decision to proceed or not proceed can be made based on those factors. Unfortunately with existing structures the regulations may be fine in concept but the cost/benefit may not be practical in application. By making the DRAFT a "guideline" the DNR could work with individual lessees with grandfathered structures to mitigate, as fully as reasonable and possible, potential harm to all species noted in the DRAFT. This could be done in cases where a "regulation" may not be enforceable by the DNR but mitigation of DNR concerns could be implemented with little or no cost to the Lessee.
8. I boat a lot. Last year over 370 hours in a seven knot boat. Anecdotally I can say that marinas, shipyards and other "on the water" operators in Washington State exceed environmental standards by a large margin when compared to similar operators in BC and Alaska. If you want to add habitat for all marine species in WA build a dock and watch its structures fill with life. Keep in mind the families, businesses, industries and the way of life of the PEOPLE that the Draft EIS for the DNR Aquatic Lands HCP will impact and give them/us adequate time to respond to the DRAFT. The response may be helpful in formulating a document that works for the maximum number of interests. Finally, first fund and enforce existing rules and regulations before implementing new.

Thank you for your consideration and Happy New Year!

George Selfridge



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## DNR Leasholder (Floating Home owner): comment on Habitat Conservation Plan

1 message

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**John Nelson** <john@johnthepuertutor.com>

Tue, Dec 30, 2014 at 2:18 PM

To: WFWOComments@fws.gov

Cc: Sheri Greaves <sgreaves@fhcrc.org>

Please be aware that I am one of the numerous Floating Home owners that are carefully watching the development of the new Habitat Conservation Plan. I know you have received some well thought out comments: I urge you to take time to respond to them and incorporate them into the plan!

-John Nelson  
2764 Westlake Ave N #B  
Seattle WA 98109  
206-992-4676

**Fwd: "WDNR Aquatic Lands HCP DEIS"**

1 message

JON PETERSON <jpeter12@centurytel.net>  
To: WFWOComments@fws.gov

Tue, Dec 30, 2014 at 11:59 AM

Dear Sir and Madam;

What aggravates us most about this issue is *more....* Regulate, Regulate, Regulate! We now clearly know that these things never reach maturity. Like all taxes, this kind of regulation never sees reductions;.....It just keeps growing bigger and bigger over time. New ideas need to be incorporated. New people come in to make "improvements" and "earn their letter". New administrators take over and load it up with their own ideas. I guess that is what has happened here and apparently what DNR desires. But the result will obviously be a further hammering of a delicate marine and recreation industry that has already been shaken to its boots. Isn't that one of the unwritten and quiet DNR objectives? Maybe within a generation we can completely kill the industry? All in spite of the positive environmental gains already achieved? It sure seems so.

We urge you to provide more public comment time. This document took the DNR the better part of 12 years to do, and the public is being given a mere 90 days to respond – that is not acceptable;

This document goes way beyond protecting endangered and threatened species – we understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.

The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or over water structures.

We believe the storage, privacy, and investment of existing boathouses could be destroyed by these requirements.

Sidewalls and barriers would be prohibited under any circumstances, major deeper water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement; *All at huge inspection and enforcement cost that certainly will increasingly be borne by the very taxpaying targets at which you are aiming.*

There is no cost-benefit analysis being provided for any of these expensive requirements, *or any attempt to "score" their economic impact. Instead, it apparently and arrogantly assumes that such regulation has no impact on the real economy and ignores any potential of developing models to measure true economic effects.*

There is a 7-foot depth requirement that is arbitrary

We believe the DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted!

It is our understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed HCP regulations.

We urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help responsible, safe, and law-abiding clubs and marina operators to meet ESA compliance.

We hope you see and understand that this DNR mandate needs a huge re-write.

Have a nice day.

Jp



To: Tim Romanski  
US Fish & Wildlife Service  
510 Desmond DR SE Skelton  
Lacey, WA 98503



12/30/14

TALKING POINTS FOR COMMENTS ON DRAFT EIS FOR DNR AQUATIC LANDS HCP

- We urge you to provide more public comment time. This document took the DNR the better part of 12 years to do, and the public is being given a mere 90 days to respond – that is not acceptable;
- This document goes way beyond protecting endangered and threatened species – we understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.
- The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or overwater structures.
- We believe the storage, privacy, and investment of existing boathouses could be destroyed by these requirements.
- Sidewalls and barriers would be prohibited under any circumstances, major deeper water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement.
- There is no cost-benefit analysis being provided for any of these expensive requirements.
- There is a 7-foot depth requirement that is arbitrary
- We believe the DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted!
- It is our understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed HCP regulations.
- We urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help responsible, safe, and law-abiding clubs and marina operators to meet ESA compliance.

DEC 31 2014



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## DNR Habitat Conservation Plan

1 message

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**Michael Schick** <schick@phys.washington.edu>

Tue, Dec 30, 2014 at 3:39 PM

To: WFWOComments@fws.gov

Dear Sirs:

I wanted to make one comment on the proposed habitat conservation plan. As a physicist, I tend to be rather skeptical about claims unless they are clearly verified. To me the idea that floating homes are a refuge for predators during salmon spawning season seems unlikely, and does not appear to be grounded in any observation. If it were the case that shadowy environs provide cover for predators, then I assume that one would have to outlaw all boats on our waterways during spawning as they certainly provide a nice shadowed space in which to lurk. Further, the proposed solution for grating docks seems to me to be foolish. Our floating dock is supported by a network of cedar logs. If I were to replace 50% of the decking with grating, that would hardly change the amount of light that gets through the floating dock.

I understand that the DNR wants to preserve our waters and, as a floating home owner who loves the water of Portage Bay, I completely support the DNR in this desire. But the proposal seems to me to simply be poorly thought out and based on little scientific evidence. I am sure that the DNR has the resources to do better than this.

Sincerely,  
Michael Schick



WFWOComments, FW1 <wfwocomments@fws.gov>

## Fwd: WDNR Aquatic Lands HCP DEIS"

1 message

Linda Cook <lcookiegte@clear.net>  
To: wfwocomments@fws.gov

Tue, Dec 30, 2014 at 11:56 AM

----- Forwarded message -----

From: **Peter Erickson** <peter@peter-erickson.com>  
Date: Monday, December 29, 2014  
Subject: WDNR Aquatic Lands HCP DEIS"  
To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>  
Cc: "Rob Widmeyer (rwidmeyer@LMNArchitects.com)" <rwidmeyer@lmnarchitects.com>, "Rick Weller (richard.d.weller@boeing.com)" <richard.d.weller@boeing.com>, Linda Cook <lcookiegte@clear.net>

To whom it may concern:

I have been out on vacation for 7 weeks and now find I have 2 days left to respond to a proposed change that will dramatically effect my home and my community.

- \_ I live on a houseboat at 2025 Fairview Avenue East. My floating home has been around since 1910.
- \_ It is a house with surrounding decks and floats built on a log raft.
- \_ And it is located in DNR leased land.

In reading the proposed regulations that will be imposed on us as a condition of renewing our lease with DNR I have these questions.

1. Why was a proposal with such dramatic impact to our community announced with such a short timeline to respond.
2. And why was it delivered to us during the most highly travelled time of the year with the highest level of absent occupants? This is in no way an equitable, public notice and input process. Whoever was responsible for the timing and delivery of this proposal should be ashamed of themselves!  
\_ Our community negotiated public notice zoning and safety provisions regarding anything impacting the livability and economic sustainabilty to floating homes. This process should involve the City Council.
3. Why wasn't each floating home owner notified ages ago about "a DNR study" that would have dramatic effects on us?
4. Why weren't the results \_ even preliminary\_ of these environmental surveys shared with us?
5. Three years ago the UW Dept of Fisheries conducted a study which could find no definitive evidence to suggest floating homes were negatively impacting fish habitat and that determined definitively that floating homes were far preferable to boating marinas with their oil and gas contaminants.  
\_ This proposal and process you are dropping un-announced on us to be a fair public process should provide our community plenty of time (one year) to examine the results of your survey and to allow us to conduct our own.
6. In the event you were successful in ramming this through against our objections, how are we as a community to open our decks and log rafts to allow 60% sun light transference? These decks are over the logs that are the base structure and floatation for our homes? How are we to accomplish this and continue to maintain structural integrity and floatation?

If we are truly in fact destroying the survivability of endangered species we should have been notified and approached as partners to implement a long term program to mitigate these effects.

As a dock rep for 2025 Fairview I request that this process be halted until you engage openly with us to determine an equitable format to conduct this environmental effort.

Sincerely,

Peter Erickson



WFWOComments, FW1 <wfwocomments@fws.gov>

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## Roanoke Reef Marina

1 message

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**ostranph@gmail.com** <ostranph@gmail.com>

Tue, Dec 30, 2014 at 9:22 AM

To: WFWOComments@fws.gov

Dear Sirs/Ms:

I recently purchased a leasehold interest in a small slip at this small Marina. The proposed environmental requirements will be an onerous obligation whose financial requirements we could not possibly undertake. In particular, the proposal to mitigate all our older creosote pilings, especially considering that our dock has many crossbars and horizontal bracings, Perhaps there is some new technology which might make the job more affordable?

Sincerely,

Peter Ostrander



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**Fwd: WDNR Aquatic Lands HCP DEIS**

1 message

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**BendT34@aol.com** <BendT34@aol.com>

Wed, Dec 31, 2014 at 5:47 PM

To: WFWOComments@fws.gov

**To the DNR:**

Good morning. My name is David F. Holt, a sublease holder and recreational boat owner based at Pleasant Harbor, Washington. I respectfully submit to you the following comments for your consideration. These thoughts and comments are shared by many who are concerned and are certainly not mine alone. That said, this email is my own and I represent myself and no other group or organization.

The DNR has taken over a decade to formulate this Habitat Conservation plan. Allowing a ninety day response time from the affected owners and users is simply not acceptable. I suggest that in the long run this will slow the process terribly. Additionally, the proposed protection of 29 species of plant life when only fourteen are identified by law as protected reaches into quasi law making, not just administration.

Next we get into the area of construction and re-construction standards, standards that far surpass those acceptable in Washington marina use. The costs, very much unknown and likely arbitrary would be prohibitive. The proposed seven foot depth requirement is set out in an equally broad way, foretelling of the need to dredge, something that no boat owner or operator I know at Pleasant Harbor has the desire to have happen.

The DNR is, in my view, stepping way beyond its bounds, making decisions based on policy that is desired but in fact not in place. It would seem to me at a true team partnership with those that use the water would bode much better for all our futures than the DNR taking an antagonistic, if not combative posture.

I have spent decades on the water, taking precious care of all that it is. I have been a good steward and proudly remain but a minor recipient of those ways. Walking away from the water is not just an academic matter, nor is it an option.

Respectfully submitted,

David F. Holt

**David Floyd Holt**  
PO Box 1049  
Port Hadlock, WA 98339



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## Washington State Department of Natural Resources (DNR) proposed Habitat Conservation Plan

1 message

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**Paul Thorpe** <paul.thorpe@comcast.net>  
To: WFWOComments@fws.gov

Wed, Dec 31, 2014 at 10:45 AM

Ladies and Gentlemen,

DNR is telling people something entirely different than what Chapter 5 will require. The penultimate paragraph on page 5-7 states: "Any and all redesign or renovation conducted during the term of the agreement must meet the commitments of this habitat conservation plan." The penultimate sentence at the bottom of page 5-7 goes on to state: "Reauthorizations that fail to meet the commitments made in this habitat conservation plan will not be authorized." There is no mention of negotiation for less stringent or costly provisions. State Representative JT Wilcox told me that he had met with DNR and was told negotiations are possible. I have just learned that they have told the Floating Homes Association the same thing.

If that is true, page 5-7 must be revised to reflect this. If not, then a new administration can refuse to negotiate and point to these provisions to require full compliance no matter the cost or the lack of benefit to the species the HCP seeks to protect.

As a boater in Washington State, I will be impacted by the proposed plan due to the loss of facilities that cannot afford to comply and the increased fees to use the facilities that remain as they seek to recover the cost of compliance.

Regards,  
Paul Thorpe  
8320 72nd Ave. NW  
Gig Harbor, WA 98332-6729



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**RITSUKO YAMAJI** <ritzzy0517@gmail.com>

Wed, Dec 31, 2014 at 2:40 PM

To: WFWOComments@fws.gov

Dear Sir/Madam,

As a boater who has enjoyed the waters of Puget Sound, San Juan Islands for over two decades, cherishing the beauty of the nature of this region, I have following comment on your Aquatic Lands Habitat Conservation Plan draft.

Chapter 5: The Operating Conservation Program states that marinas, docks, and other overwater structures must maintain at least 7 feet of water above the substrate at the lowest low water. When approaching a marina or dock, all boaters run their boats at idling speed. I am not certain how you determined that 7 feet of water was most appropriate to minimize disturbance to the aquatic vegetation.

Along with the very stringent construction standards and requirements, this program will cause substantial financial burden on all leaseholders of the state owned aquatic land. I find it particularly alarming that the plan requires them to meet the standards even when they undergo routine maintenance without regard to the size and extent of the maintenance. As a result, boaters like me will experience much more limited moorage at significantly higher costs and may be forced to make a difficult decision to give up boating.

As a boater who wants to enjoy the waters of Washington State, I request you reexamine the major issues of this far reaching plan.

Sincerely,

Ritsuko Yamaji



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Stephen Foxman** <smfesq@mindspring.com>

Sat, Nov 22, 2014 at 6:49 AM

To: WFWOComments@fws.gov

The new regs on moorings do not make sense to me. The effect on the seafloor is minimal from concrete base units used to secure moorings, and embedded (which penetrates the seabed some distance) makes little sense in mud bottom as we have in the San Juans. All we are doing is shortening the life of these units (probably less than 7-8 years for embedded), increasing citizens' costs who want moorings (I think the extra cost is in the thousands of dollars - I was told the embedded could run around \$5,000), and requiring more environmental damage by the continuous manufacture, replacement and other on-water activities required to replace the inferior, more expensive embedded bases as they wear out in a relatively short time period. I am not sure what effect, from an environmental standpoint, the additional metal in the water and seabed resulting from the embedded mooring base will have on the aquatic and seabed environment.

Even of greater concern, I think there is a danger that people won't spend the extra money and will just use a regular anchor rather than a mooring, which I believe is far more damaging to the sea floor than any type of concrete mooring base.

Perhaps, more appropriate regulation may be directed at the number of total moorings in a given unit of sea floor area, rather than requiring an inappropriate more costly and inferior quality type of mooring that boat owners don't want.

Steve Foxman  
396 Haada Laas Rd.  
Port Townsend, WA



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS.

1 message

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**Walt Elliott** <elliottmoore@comcast.net>

Mon, Nov 24, 2014 at 8:03 PM

To: WFWOComments@fws.gov

Cc: peter@nmta.net

Please include the attached public comment.



**Public Comment on DNR draft HCP and EIS..docx**

21K

November 24th, 2014

Tim Romanski, U.S. Fish and Wildlife Service  
510 Desmond Drive SE, Suite 102, Lacey  
Scott Anderson, NOAA Fisheries  
510 Desmond Drive SE, Suite 103, Lacey

Below are comments on the Washington Department of Natural Resources' (DNR) draft Aquatic Lands Habitat Conservation Plan (HCP), August 2014, and accompanying draft Environmental Impact Statement (EIS). This follows the DNR's invitation for public comment of September 9, 2014.

Estimated costs and impact:

The EIS states that the Social and Economic impact of the proposal cannot be evaluated. The EIS should not be finalized until that evaluation has been completed. The individual and cumulative impacts of the HCP's requirements' on recreational boating costs has not defined nor evaluated. An evaluation is also needed on how the HCP may affect DNR's statute responsibility to "preserve and enhance water-dependent uses" of state-owned aquatic lands. Should the Department not be able to do this evaluation they should solicit estimates provided by organizations such as the Northwest Marine Trades Association and the Washington Public Ports Association.

Recreational impact:

The EIS cannot effectively evaluate impact on recreation without having an assessment of the HCP implementation cost for recreational facilities. The EIS states that the Plan will not impact recreation "because none of the alternatives includes any restrictions on the direct public use of or access to state-owned aquatic lands or on the number of overwater structures..." As the HCP does not have committed funding for the recreational infrastructure changes that the HCP will require those costs can be expected to be passed on to recreational users. As aquatic recreation is a discretionary expense increasing the cost will decrease availability to the public. Raising entry barriers and shifting boating recreation towards high income users also effectively limits public access. This would have significant impact considering the historic recreational use and uniqueness of western Washington's sheltered waters.

Applicability of measures:

The document is not consistently clear when compliance is required.. For example: immediately, by schedule, when a specific maintenance/repair is performed, when the component or structure is replaced or only when there is new construction. A table matrix is needed like the one in chapter 5 but with sufficient detail to resolve ambiguities and enable effective public review and comment. The table in the EIS not sufficient for this purpose as it is not in agreement with chapter 5 in all areas and is not the regulatory document.

#### Adaptive management:

The Adaptive Management Plan indicates that requirements, such as those specified in the plan, may likely be changed at the discretion of the DNR. As this would be without public comment and impact assessment, adaptive management would bypass the public processes. This also presents a moving target of unspecified requirements the cost of which is not evaluated. A marina may expend capital resources to implement HCP measures only to find that these measures have been superseded. The Adaptive Management Advisory and Implementation teams do not include user industry experts with the expertise to address the most practical and cost effective ways for users to accomplish goals. Many states have effectively used industry groups to develop practical BMPS and similar measures.

#### Best Management Practices (BMPs)

The HCP appears to make the BMPs of the “*Resource Manual for Pollution Prevention in Marinas*” regulatory requirements. The manual was issued as an educational tool for marina operators and boaters and its elements are described as voluntary. Although the HCP describes these as “guidelines” it also states that marinas “must incorporate” them. If those BMPs are mandatory measures they should be written into the HCP so that they may be reviewed, commented on and the impact assessed. BMPs are not requirements the HCP should make that clear.

#### Examples of related concerns:

##### Moorage

The Plan includes requirements for moorings that are permanently affixed to the bottom. This may cause a significant navigation, recreational and commercial impact. For example Apple Tree Cove, in Kitsap County, has historically been used by transient vessels for navigation as a safe anchorage. It has no mooring buoys. If vessels are prohibited from anchoring there with their installed ground tackle this will deny their right to a safe haven in north Puget Sound. If these requirements will prevent this and similar anchoring sites, there should be mitigation in the form of a program to install funded mooring buoys, that meet DNR requirements, which will provide an equivalent moorage capacity at nominal cost.

##### Repairs

The plan limits vessel repairs to decks and superstructures only. This limitation is not evaluated in the EIS. Most moorage areas do not have adjacent upland haul out facilities. The inability to repair a vessel below the waterline, without moving it a distance in open water, is a severe restriction and potential safety hazard.

##### Buffer

The buffer distance of the buffer distance of is 8 meters and 2 meters is not evaluated in the EIS. What is the number of moorage sites that will need to be abandoned and what impact will that have on recreation and economic costs? This should be addressed in the EIS.

##### Orientation

Will requirements to orient facility openings and docks require existing facilities to be reconfigured? If so the cost of that should be assessed in the impact statement as well as the effect on the facility's business operations which could include closure.

#### Zinc

The cost of eliminating galvanized materials in current buildings has not been evaluated in the EIS.

#### Covered moorage

The requirements for translucent or transparent are unclear and variously listed as 50 percent, 100 percent and 85 percent without specifying clearly how that applies. As a result this impact cannot be evaluated. The prohibition on curtains and restriction on roofing can present a fire safety risk, and conflict with other requirements for burn out panels and smoke curtains.

#### Breakwaters

The costs of retrofitting breakwaters for sediment, circulation, and fish passage needs to be calculated for the economic impact to be assessed. This should include the impact of the facility's shutdown if this is unaffordable. If structures, such as breakwaters, were built by the Army Corps of Engineers their responsibility and funding for retrofitting remediation needs to be addressed in the funding section.

#### Foam

It is not defined what maintenance activities will require the removal or replacement of foam materials. The cost and timeframe of a scheduled replacement has not been included in the EIS. As this is potentially very high it could have significant recreational and economic impact.

#### Pressure washing

The Plan limits all pressure washing rather than addressing the pressures and methods which should be observed. Eliminating pressure washing of concrete structures except that necessary to maintain structural integrity precludes the washing of floating concrete walkways which is needed to remove slime, waterfowl excrement and material which creates a safety hazard for walking. Mechanical cleaning is not an effective way of addressing most of these materials so some form of washing would be required.

Sincerely

Walter Elliott, Kingston Washington

360-434-0583



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**J DeMeyer** <jodem111@comcast.net>

Wed, Nov 26, 2014 at 3:48 PM

To: WFWOComments@fws.gov

Sirs:

As a user of state owned aquatic lands I was just made aware of this document today. A quick back and forth read via a small computer screen raises several concerns:

- Provide more time for comment. Reach out and do better job of advertising the proposal.
- The HCP is directed towards endangered and threatened species. Yet many of the provisions go beyond these.
- The HCP should acknowledge that many boating and marine facilities in our urban areas are located in Constitutional Harbor Areas. Under the State Constitution the water ward limit for structures is limited by the Outer Harbor Line.
- State owned aquatic land managed by Port Districts under the Management Agreement should be included under the provisions of the HCP. These Agreements are use authorizations just like a lease. They are subject to the same major use policies as other aquatic lands.

John DeMeyer

3300 Carpenter Rd SE

Lacey, WA 98503



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Level Pratt** <lovelpratt@gmail.com>

Tue, Nov 25, 2014 at 10:13 AM

To: WFWOComments@fws.gov

Attached please find my comment letter for the WDNR Aquatic Lands HCP and DEIS.

Thank you for your attention to these comments.

Level

Level Pratt

2551 Cattle Point Road

Friday Harbor, WA 98250

(360) 378-7172



**Level\_Pratt\_Comment\_Letter\_WDNR\_Aquatic\_Lands\_HCP\_DEIS.pdf**

702K

November 25, 2014

Scott Anderson  
NOAA Fisheries  
510 Desmond Drive SE, Suite 103  
Lacey, Washington 98503

Tim Romanski  
U.S. Fish and Wildlife Service  
510 Desmond Drive SE, Suite 102  
Lacey, Washington 98503

Submitted via e-mail, to [WFWOComments@fws.gov](mailto:WFWOComments@fws.gov)

RE: Washington Department of Natural Resources' Aquatic Lands Habitat Conservation Plan Draft Environmental Impact Statement

Dear Mr. Anderson and Mr. Romanski,

Thank you for this opportunity to comment on the Draft Environmental Impact Statement (DEIS) to analyze impacts of issuance by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service of two incidental take permits under Section 10 of the Endangered Species Act for implementation of the Washington Department of Natural Resources' (WDNR) Aquatic Lands Habitat Conservation Plan (HCP). Thank you also for this opportunity to comment on the WDNR Aquatic Lands HCP.

I am writing in support of Alternative 2, the Proposed Action, in the DEIS; however, both the WDNR Aquatic Lands HCP and the DEIS as submitted include deficiencies that I respectfully request be remedied. **In order to comply with the Endangered Species Act of 1973 (ESA, 16 USC 1531 et seq.) both the EIS and the WDNR Aquatic Lands HCP must include and address the interrelated effects of oil spill risk, vessel strike risk, and vessel traffic noise (including underwater vessel noise).**

**Comment/Request #1) Include revisions to both the WDNR Aquatic Lands HCP and the final EIS to address the existing and future proposed new and expanding terminal projects that could be affected by HCP implementation and the corresponding increases in vessel traffic, including the correlation between increased vessel traffic and increased oil spill risk, vessel strike risk, and vessel traffic noise (including underwater vessel noise).**

The following statement in the DEIS Section 5, Cumulative Effects, 5.2.2.1 Coal Export Terminals is not an adequate summary: "Increased marine traffic and coal terminal operations associated with any of the proposed terminals identified above have the potential for adverse effects on aquatic ecosystems and fisheries." The DEIS is deficient in not showing the correlation between increased marine traffic and increased oil spill risks, vessel strike risks, and vessel traffic noise (including underwater vessel noise); all

of which would adversely impact the proposed covered species and aquatic ecosystems and fisheries.

***Oil Spills:***

While Section 3.9.2.3 Proposed Covered Species includes mention of the impacts from oil spills on a number of the proposed covered species, there is no discussion of the new and expanding terminal project permitting and the increased vessel traffic that would have a corresponding increased risk of oil spills. The DEIS is also deficient in that it does not provide information about and analysis of the various types of products transported by vessel (which should also include propulsion fuel) and the varying impacts these products would have, when spilled, on the proposed covered species and aquatic ecosystems and fisheries. Further, the DEIS is deficient in that it does not provide information about and analysis of oil spill cleanup operations and the impacts they would have on the proposed covered species and aquatic ecosystems and fisheries; including dispersant use and in situ burning.

***Vessel Strikes:***

Of particular concern is that there is no mention of vessel strikes in the DEIS or the WDNR Aquatic Lands HCP. This is a significant deficiency that must be remedied in the final EIS and WDNR Aquatic Lands HCP. There is evidence of vessel strikes (collisions between vessels and cetaceans that result in cetacean injury or death), and incidences may be more frequent than documented. Current levels of vessel strikes are likely above legal limits set by the United States and may pose a significant conservation threat.

***Vessel Noise:***

Page 3-75 states:

The final recovery plan for Southern Resident killer whales identified several factors that may be limiting recovery. These are quantity and quality of prey, toxic chemicals that accumulate in top predators, oil spills, and disturbance from sound and vessels (NMFS 2008). Although it is not clear which threat or threats are most significant to the survival and recovery of Southern Resident killer whales, all of the threats identified are potential limiting factors in their population dynamics (NMFS 2008). The killer whale's position as a top-level predator makes the species vulnerable to changes in prey abundance.

However, I can find no mention in the DEIS or the WDNR Aquatic Lands HCP of the correlation between increased marine traffic and the increase in underwater vessel noise impacts on Southern Resident Killer Whales as well as other proposed covered species and aquatic ecosystems and fisheries.

Section 3, Affected Environment, 3.5 Noise and/or Section 5, Cumulative Effects, 5.3.3 Noise, needs to be revised in the final EIS as well as Chapters 3 and 5 of the WDNR Aquatic Lands HCP to include impacts from vessel noise associated with existing and future proposed new and expanding terminal projects that could be affected by HCP

implementation, and, further, the vessel noise impacts to the proposed covered species and aquatic ecosystems and fisheries.

**Comment/Request #2) Review and reconsider the species considered that were judged to have little or no overlap with state-owned aquatic lands or with the land uses that could be affected by HCP implementation, given the above revisions in the final EIS and WDNR Aquatic Lands HCP related to increases in vessel traffic, and specifically the corresponding increases in oil spill risk, vessel strike risk, and vessel traffic noise (including underwater vessel noise).**

**Comment/Request #3) Review, address DEIS and WDNR Aquatic Lands HCP deficiencies, and include in the final EIS and the WDNR Aquatic Lands HCP the following literature.**

***Regarding oil spills:***

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to Oil Contamination. International Oil Spill Conference Proceedings: May 2014, Vol. 2014, No. 1, pp. 2273-2287.

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- Hannam, M. L., S. D. Bamber, A. J. Moody, T. S. Galloway, M. B. Jones. 2010. Immunotoxicity and Oxidative Stress in the Arctic Scallop *Chlamys islandica*: Effects of Acute Oil Exposure. *Ecotoxicology and Environmental Safety* 73: 1440-1448.
- Henkel, L. A., H. Nevins, M. Martin, S. Sugarman, J. T. Harvey, and M. H. Ziccardi. Chronic Oiling of Marine Birds in California by Natural Petroleum Seeps, Shipwrecks, and Other Sources. 2014. *Marine Pollution Bulletin* 79:155-163.
- Incardona, J. P., C. A. Vines, B. F. Anulacion, D. H. Baldwin, H. L. Day, B. L. French, J. S. Labenia, T. L. Linbo, M. S. Myers, O. P. Olson, C. A. Sloan, S. Sol., F. J. Griffin, K. Menard, S. G. Morgan, J. E. West, T. K. Collier, G. M. Ylitalo, G. N. Cherr, and N. L. Scholz. 2012. Unexpectedly High Mortality in Pacific Herring Embryos Exposed to the 2007b Cosco Busan Oil Spill in San Francisco Bay. *Proceedings of the National Academy of Sciences* 109(2): E51-E58.
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**Regarding vessel strikes:**

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- Irvine L. M., B. R. Mate, M. H. Winsor, D. M. Palacios, S. J. Bograd, et al. 2014. Spatial and Temporal Occurrence of Blue Whales off the U.S. West Coast, with Implications for Management. *PLoS ONE* 9(7): e102959. doi:10.1371/journal.pone.0102959.
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- Williams, R., C. W. Clark, D. Ponirakis, E. Ashe. 2014. Acoustic quality of critical habitats for three threatened whale populations. Animal Conservation 17:174-185.

**Comment/Request #4) Ensure that the final EIS and the WDNR Aquatic Lands HCP includes the critical habitat for the Puget Sound/Georgia Basin distinct population segments of Bocaccio (*Sebastes paucispinis*), Canary rockfish (*S. pinniger*), and Yelloweye rockfish (*S. ruberrimus*).**

The National Marine Fisheries Service issued a final rule (79 Fed. Reg. 68041, November 13, 2014) to designate critical habitat for these three species of rockfish listed under the Endangered Species Act (ESA), pursuant to section 4 of the ESA. The specific areas in the final designation include 590.4 square miles (1529 square km) of nearshore habitat that is critical for their recovery. The rule identifies activities that might affect critical habitat, including near-shore development and in-water construction, dredging and material disposal, pollution and runoff, cable laying and hydrokinetic projects, kelp harvest, fisheries, and activities that lead to global climate change and acidification.

**Comment/Request #5) Attached please find the November 18, 2013 comment letter from Peter Goldmark, Commissioner of Public Lands, regarding the scope of the Millennium Bulk Terminals EIS. The WDNR Aquatic Lands HCP and Alternative 2 (the Proposed Action) in the final EIS should be revised to address all the concerns and all the protections included in the attached comment letter.**

In conclusion I will restate that order for the EIS and the WDNR Aquatic Lands HCP to comply with the Endangered Species Act of 1973 (ESA, 16 USC 1531 *et seq.*), they must include and address the interrelated effects of oil spill risk, vessel strike risk, and vessel traffic noise (including underwater vessel noise).

Thank you for your attention to these comments.

Sincerely,



Lovel Pratt  
2551 Cattle Point Road  
Friday Harbor, WA 98250



November 18, 2013

Millennium Bulk Terminals EIS Co-Lead Agencies  
c/o ICF INTERNATIONAL  
710 Second Ave, Suite 550  
Seattle, WA 98104

Subject: Scope of the EIS for proposed coal export terminal in Longview, WA

Dear Co-Lead Agencies:

Please accept these comments from the Washington Department of Natural Resources (DNR) regarding the scope of the Environmental Impact Statement (EIS) for the proposed Millennium Bulk Terminals coal export terminal at Longview, Washington. DNR is the manager of over 3 million acres of state trust lands comprised of forest, range, commercial, and agricultural lands, and 2.6 million acres of state-owned aquatic lands. In addition, DNR administers the state Forest Practices Rules on more than 12.7 million acres of non-federal, public, and private lands.

DNR is committed to sustainably managing the state's resources, relying on sound science, and making transparent decisions in the public's interest and with the public's knowledge throughout the environmental review process. I have directed my staff to provide technical support to the co-lead agencies towards ensuring a robust, science-based, and comprehensive environmental review process.

DNR is regarded as possessing special expertise under Washington state's environmental policy act rules, Chapter 197-11-920, Washington Administrative Code (WAC) related to the following areas: water resources and water quality of state-owned aquatic tidelands, shorelands, harbor areas, and beds of navigable waters; natural resources development; energy production, transmission, and consumption (geothermal, coal, and uranium); land use and management of state-owned or managed lands; recreation; and burning in forests. DNR is also an agency with jurisdiction for this project under Chapter 197-11-714(3), WAC.

The proposed project includes two new docks supporting two new ship loaders, an access trestle, and dredging of a new berthing area. Each of these project components would occur on state-owned owned aquatic lands that are currently leased for an existing dock and related facilities. The proposed project has not been approved by DNR and would require amendment of the existing lease or a new lease from DNR. DNR authorization is also required to conduct geotechnical studies or other pre-construction activities requiring entry onto state-owned aquatic lands. This authorization is what makes DNR an agency with jurisdiction under the State Environmental Policy Act, Ch. 43.21C RCW (SEPA) rules. DNR will consider a lease



Millennium Bulk Terminals EIS Co-Lead Agencies  
November 18, 2013  
Page 2 of 2

amendment or a new lease for the proposed terminal once potential project impacts have been documented through the environmental review, permitting, and public comment processes.

DNR appreciates the opportunity to submit comments on the scope of the EIS, which are provided in the attachment to this letter. The attachment identifies project alternatives to the proposal that should be considered in the EIS. The comments that follow identify analyses for each element of the environment identified under Chapter 197-11-444, WAC where DNR has identified probable, significant adverse impacts needing analysis in the EIS. For each issue of concern identified in this letter, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize, and mitigate effects of the proposal. As an agency with expertise and jurisdiction, DNR would appreciate being treated as a consulted agency as defined in WAC 197-11-724 throughout the SEPA process. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

Should you have any questions regarding this letter, please do not hesitate to contact Megan Duffy, Deputy Supervisor for Aquatics & Geology, at (360) 902-1034.

Sincerely,



Peter Goldmark  
Commissioner of Public Lands

Enclosure (1)

c: Megan Duffy, Deputy Supervisor for Aquatics & Geology

## IMPACTS IN THE IMMEDIATE PROJECT VICINITY

### **Natural Environment:**

#### **Earth**

##### *Sediment and Geomorphic Processes*

The EIS should include a detailed analysis of the potential alteration of physical and geomorphological processes in the nearshore zone, focused on sediment transport and riverine processes, fluvial erosion, and deposition, particularly with respect to initial and ongoing dredging requirements. The analysis should include spatially explicit mapping of sediment characteristics, riverine and beach geomorphology, bathymetry, and stability.

##### *Waves and Prop Scour*

The EIS should analyze adverse impacts of waves and prop scour generated by large vessels docking at the facility and tugs assisting with docking on sediment transport, bank erosion, and attached aquatic vegetation. How will the change in hydrodynamics from the in-water structures affect scour in the intertidal and shallow subtidal environments not only at the aquatic lease area but also up and down drift of the site? How will waves, currents, and propeller wash change the sediment characteristics and hydrodynamic environment? How will riverine vegetation and habitat for freshwater invertebrates be affected by changes in wave energy, sediment transport, or substrate? What is the likelihood that the project will require shoreline armoring in the future, due to operations, climate change, sea level rise, or other reasons, and how will impacts be mitigated?

The EIS should analyze the potential of dock construction or operations (including future maintenance, repair, and replacement) to disturb any contaminated sediments and how this will be mitigated.

##### *Geologic Hazards*

DNR has responsibility for obtaining, maintaining and distributing information and technical assistance regarding geologic hazards under the Geological Survey Act, Chapter 43.92, Revised Code of Washington (RCW). In addition to the objectives stated in Chapter 43.92.020 RCW, the geological survey must conduct and maintain an assessment of seismic, landslide, and tsunami hazards in Washington. This assessment must include the identification and mapping of volcanic, seismic, landslide, and tsunami hazards, an estimation of potential consequences, and the likelihood of occurrence. DNR recommends you analyze the potential for geologic hazards at the site using the following methodology:

- a) Identify both shallow and deep-seated landslide hazards using DNR's GIS Statewide Landslide database and then create a site-specific geologic map. In areas with no existing landslide inventory, create a shallow landslide database using historic aerial imagery and other spatial data in a GIS.
- b) Evaluate riverbank sloughing and subaqueous landslide hazards using bathymetry or similar DEM data.

- c) Identify potentially unstable slopes using DNR's Shalstab model or other comparable slope stability modeling program in a GIS.
- d) Identify slope hazards associated with slope modification or vegetation removal at construction areas.
- e) Evaluate earthquake hazards including earthquake-induced ground failures. The proposed project is in a moderate to high liquefaction area and should be thoroughly investigated
- f) If dredging for port access, identify potential hazards to adjacent beaches and bluffs from loss of subaqueous buttressing, and
- g) Identify tsunami inundation hazards from landslides, local faults, a Cascadia subduction zone event, or through subaqueous or terrestrial landslides. Explicitly address increased risk of inundation resulting from climate change and sea level rise.
- h) Because of the proximity to Mount Saint Helens there are volcanic hazards such as ash fall and lahars that should be investigated as part of this proposal. As recent as 1980 significant lahars impacted the Cowlitz and Columbia River and transportation routes

### Plants and Animals

#### *Baseline Study*

The EIS should include a detailed baseline study of the area's biological resources and analyze potential impacts, including, but not limited to: benthic habitats; shellfish resources (such as native freshwater mussels); littoral vegetation; migration and spawning corridors and behavior for multiple species (such as eulachon, green and white sturgeon, Pacific lamprey, and eight salmonid species); marine mammals (such as Stellar and California sea lions); waterfowl and migratory shorebird communities including nesting, rearing, resting, and feeding habitats along the river banks and islands, as well as and upland species including endangered or threatened species.

The project proponent should coordinate with DNR and WDFW regarding appropriate mapping methods for uplands vegetation, littoral vegetation, shellfish resources, eulachon spawning areas, and benthic and epibenthic invertebrate abundance and distribution. For example, WDFW eulachon spawning surveys have confirmed that eulachon eggs and larvae have been found in this location on more than one occasion. WDFW studies have also documented eulachon spawning in close proximity upstream from the proposed terminal in the Cowlitz and Kalama Rivers.

The Mount Saint Helens Wildlife Area Fisher Island Unit is located in close proximity downstream from the proposed terminal, which is home to various species of waterfowl, shorebirds, the Columbian white-tailed deer, and other wildlife species. This reach is also an area utilized by various aquatic species, including migratory salmon, Pacific lamprey, and eulachon, as documented and monitored by WDFW and the Cowlitz Indian Tribe. Pacific lamprey play a key ecological role in the food web and are considered an indicator species for anthropogenic impacts to aquatic systems. They also have significant cultural and subsistence value for many Native American tribes in the Pacific Northwest. Because their lifestages include a filter-feeding larval stage that drifts downstream, burrows, then remains from 3 to 7 years in the substrate of the mainstem and tributaries of the Columbia river system, they are particularly vulnerable to exposure to contaminants, dredging, channel maintenance, and construction impacts. The EIS should identify and synthesize all available information about these species.

### **Organization of comments**

The following comments are organized into several sections. First, project alternatives to the proposal that should be considered in the EIS are identified. Next, probable significant adverse project impacts in the immediate vicinity of the project area, within the lower Columbia region, and to state-managed lands statewide are identified. Impacts at each of these scales are further organized into the Natural and Built environment categories according to the elements of the environment identified in Chapter 197-11-444, WAC. For each identified issue of concern, DNR requests that the EIS identify the potentially affected resources, analyze the probable impacts to those resources, and identify measures to avoid, minimize, and mitigate effects of the proposal. DNR may submit additional scoping comments as we increase our understanding of the proposal and its impacts.

### **PROJECT ALTERNATIVES**

#### Project Location and Design

The project will result in the addition of 233,841 square feet, or 5.37 acres of new overwater structure coverage area. Construction will also include the installation of 628 48-inch steel pilings and 500,000 cubic yards of dredging to create a new 48-acre berthing area. At full capacity, 44 million metric tons of coal will be loaded onto ships from the two new docks per year.

The EIS should include a comprehensive analysis of alternatives to the proposed project design. The analysis should assess the potential adverse impacts and mitigation measures for each alternative. Alternative overwater structure designs should be evaluated to identify designs that avoid and minimize impacts, such as minimizing the number of pilings required, minimizing the coverage area of new overwater structures, using alternative decking materials, and minimizing artificial lighting. Alternative dock configurations should be evaluated to identify alternatives that minimize initial and ongoing dredging requirements, including the use of smaller, shallower-draft vessels than the panamax-sized vessels expected to visit the proposed terminal. Alternative coal transport and ship loading equipment designs should also specifically be evaluated to identify alternatives to the proposed ship loading system that avoid and minimize the risk of coal and coal dust entering the Columbia River.

Each of the alternatives analyses described above should examine both the impacts resulting from the location and design of the structures and equipment, as well as operational considerations and impacts associated with each of the alternatives, including the predicted number of vessels that may be expected to visit the facility under the identified alternatives. The analyses should also consider cumulative impacts resulting from proposed terminal and the current and potential future uses of the existing dock.

#### Vessel Traffic

The project would generate an additional 1,460 one-way vessel trips annually on the lower Columbia River. A detailed vessel traffic analysis should be conducted using a robust model that relies on the most recent vessel tracking data for the Columbia River system. The analysis should include both existing levels and any projected increases in vessel traffic from this proposal and other sources throughout the Columbia River system, including the proposed Morrow Pacific coal export facility and the current and potential future uses of the existing dock. Based on these

analyses, the EIS should evaluate multiple alternatives for reducing potential conflicts, including routes, operations, and traffic control.

#### Vessel Operations

The EIS should analyze alternative berthing times and seasonal restrictions to ensure that cargo vessel and tug operations do not adversely affect the spawning and migration behavior of salmon, eulachon, sturgeon, and other species that utilize the proposed project area.

#### Rail Traffic and Rail Corridor Expansion

The EIS should identify any necessary expansion of rail corridors or infrastructure that may be utilized by the proposed project, as well as projected increases in rail traffic. All of the possible rail routes identified by the applicant should be included in this analysis. If any necessary expansions of rail corridors or infrastructure are identified, alternatives should be identified that avoid and minimize impacts to aquatic habitat and water quality. Alternatives should also be identified that avoid and minimize local and regional impacts from increased rail traffic.

In evaluating alternatives, it is also important to address the impact of bifurcation of state-managed lands due to corridor expansion on DNR's ability to manage these lands and avoid bifurcation to the greatest degree possible. The EIS should identify alternative alignments that could prevent this bifurcation.

### *Shading*

The EIS should analyze the amount of shading at each depth that will be generated by the overwater structure and moorage of vessels, including tugs and vessels that may perform maintenance on the conveyor belt or related to other dock or trestle operations. What are the potential, adverse impacts of shading on riverine resources, including, but not limited to: littoral vegetation (including productivity), benthic habitats, eulachon migration and spawning behavior, and migratory movement of juvenile and adult salmon, green and white sturgeon, and Pacific lamprey, and how will they be avoided? How will shading be monitored over time to detect adverse impacts on riverine vegetation (including rushes, sedges, and other littoral species) or fish species?

### *Construction*

The EIS should analyze adverse impacts during construction of the docks and trestle, and any future maintenance, repair, and replacement, from the presence of barges or other vessels used for construction. How will construction, design, and materials ensure avoidance of impacts to biological, chemical, and physical habitats, including, but not limited to: fish and wildlife, sediment transport, benthic habitats, and riverine vegetation (including rushes, sedges, and other littoral species)? How will barge presence be limited in duration to mitigate adverse impacts, including shading, and noise?

The EIS should analyze the amount of noise likely to be generated during construction, future repair, maintenance, and replacement, and how the project will avoid impacts to eulachon, salmon, green and white sturgeon, Pacific lamprey, marine mammals, marbled murrelet, and migratory shorebirds and waterfowl.

### *Operational Noise*

The proposed facility will operate 24 hours per day, 365 days per year. The EIS should analyze the amount of noise that will likely be generated during operations by the loading and offloading of materials, transport through the conveyor system, docking and moorage of ships, and trucks and other machinery at the terminal. What are the individual and cumulative impacts of noise generated from this project on eulachon migratory and spawning behavior, salmon, and other aquatic species during operation of the proposed terminal? How will these impacts be avoided? How will any changes in noise be monitored over time to assure there are no adverse impacts to eulachon and other aquatic species? What options can be instituted to mitigate impacts?

### *Artificial Lighting*

The EIS should analyze impacts of lighting proposed on the overwater structure and within 200 feet of the shoreline on eulachon, salmon, Pacific lamprey, and other aquatic species. A study should be conducted to investigate the potential changes in species abundance and dominance resulting from increased prey access under artificial lighting and address ways to reduce or eliminate any identified impacts. How will any changes in lighting be monitored over time to assure there are no adverse impacts to eulachon or other species? Cumulative impacts should be modeled to determine what potential impacts, if any, two additional docks will have. Multiple options should be evaluated for avoiding or minimizing artificial light impacts, and

recommendations should be included for adaptive management program to reduce long term effects of artificial light impacts.

#### *Aquatic Vegetation*

The EIS should analyze any potential for dock construction, operations, and future maintenance, repair, and replacement to scour sediments or disrupt or harm riverine vegetation or other benthic habitats. How will impacts to riverine vegetation damaged during construction or operations through displacement, shading, burial, or scour be avoided?

#### *Biological Resources*

The EIS should analyze how vessels, including barges, propose to navigate or dock at the proposed facility, and how adverse impacts of the proposed alignment and vessel operations on eulachon, salmon, marine mammals, riverine vegetation, and other biological resources and species will be mitigated.

#### Air

The applicant estimates the proposal will generate up to 1,460 one-way vessel trips on the lower Columbia River annually (not including the tugs to support them). These vessels will likely burn fuel that may contribute to localized air pollution or emission of greenhouse gases, both while underway and while docked. This may result in pollutants entering surface waters through atmospheric deposition. The EIS should evaluate measures such as providing shore power to ships while docked to avoid and minimize air quality impacts.

#### Water

##### *Hydrological Dynamics*

The EIS should evaluate existing nearshore hydrological dynamics in the area. What is the potential of the overwater structure to disrupt water flow or other natural riverine hydrological functions?

##### *Point and Non-point Discharges*

The EIS should analyze whether any stormwater, treated or untreated, point or nonpoint, or any other pollution sources, may enter the Columbia River as a result of the project. This includes stormwater that may be infiltrated in wetlands and seep to groundwater. How will adverse impacts be mitigated? The EIS should include an estimate of much rain is estimated to run off the docks, trestle, and roadway, and the quality of the runoff. What are the potential, adverse impacts of untreated stormwater, including the roadway, from the wharf and pier on aquatic habitat and how will these impacts be avoided?

The EIS should include a characterization of the source, quality and quantity, and potential impacts of all stormwater runoff generated by the entire project that may enter state waters, whether treated or untreated. The EIS should analyze whether the conveyer belt and other overwater facilities will need to be cleaned or maintained and how any runoff from the conveyer belt will be prevented from entering the Columbia River. The EIS should demonstrate how new point-source discharge

outfalls for stormwater will be designed to avoid or minimize individual and cumulative adverse impacts.

The EIS should analyze the increased risk of oil spills that may occur due to the increase in vessel traffic through the lower Columbia River.

Coal train cars are typically sprayed with surfactants to reduce coal loss. While the surfactant manufacturers claim that they are non-toxic to fish, there could be potential for non-lethal effects on fish-behavioral changes, or for deformities or other effects on fish. No shellfish data are available related to surfactants. Some surfactants, most notably Corexit, the surfactant used in the Gulf Oil spill, have been implicated in subsequent fish and shellfish deformities. The EIS should identify potential impacts of surfactants on fish and wildlife, including shellfish such as freshwater mussels.

### Cumulative Impacts

Stormwater and wastewater discharges can carry heavy metals and other pollutants that may be harmful to fish and wildlife. What is the individual impact, and what are the cumulative impacts of stormwater, other pollutants, and any other wastewater discharges generated by the project, when considering all other stormwater and wastewater discharges in the lower Columbia River system? The EIS should include an ambient water toxicity study, using protocols accepted by Ecology and EPA to evaluate the cumulative effects of existing industrial wastewater and stormwater outfalls and groundwater seeps on riverine species survival and water quality.

Caged freshwater mussel studies and/or harbor seal bioassays may be used as biological indicators of toxicity. Growth rates of caged fresh water mussels have been shown to respond both positively and negatively to different environmental conditions. Bioaccumulation of polycyclic hydrocarbons (PAH), pentachlorophenol (PCP), and heavy metals in caged mussels should also be conducted, and future PAH, PCB, and heavy metal concentrations should be modeled based on the various alternatives being considered.

### Vessel Fueling and Pumpouts

The EIS should analyze where fueling of vessels will occur. What are the adverse impacts of any fueling activities? If the need for such a facility is identified in the future, how will potential, adverse impacts of spillage be avoided and mitigated? The EIS should analyze where vessels will pump out sewage and handle gray water. Is a sewage pumpout system proposed for the overwater structure? If so, how will potential spills be mitigated?

### Coal Dust and other Commodity Material Drift

The EIS should analyze the amount of coal dust, large coal particles, or other commodity materials that may escape from the conveyor belt, the ship loader, or upland storage facilities, and the impacts of any escaped dust or materials on the aquatic environment. What is the potential for coal dust and other commodity particulates stored on the upland to enter riverine waters indirectly by wind, surface water, or groundwater? What measures are in place to ensure the conveyor belt or

loader does not malfunction, resulting in a spill outside the ship's internal containment facilities and into riverine waters?

The EIS should analyze the potential for commodity materials to change the chemical environment of aquatic lands in the lower Columbia River system, including pH. Some materials, such as inorganic sulfur like that found in coal, can react with chemicals in water to produce sulfuric acid, resulting in acidification. Is that a possibility if coal enters the Columbia River? In addition, coal particles may leach heavy metals into riverine waters and sediments. The highest impacts here would be nearest the terminal. What might be the resultant impacts on fish and wildlife, and sediment quality? Studies have implicated coal in oxygen depletion. What is the potential for commodity materials to contribute to oxygen depletion or have a smothering effect on aquatic or upland habitats? What best management practices will be employed to collect dust and other commodity materials that may land on the facilities or vessels to prevent it from being washed or blown into the water or tracked onto the trestle? The EIS should describe measures to be instituted to prevent escape of coal dust, particles, and other materials into the Columbia River should a vessel collide with the overwater structures or other ships.

#### Ballast Water

The EIS should characterize all ballast water to be discharged into the riverine environment, the adverse impacts of discharge, and how adverse impacts will be avoided. How will ballast water quality be monitored to assure no adverse impacts to water quality over time? Management of ballast water should be consistent with Washington State Ballast Water Management Act and interstate agreements on Columbia River ballast water management.]

#### Invasive Species

The EIS should analyze the potential for the project to introduce invasive species to the project site and to the lower Columbia River system and how the potential adverse impacts will be mitigated to prevent introduction. If an invasive species is found to occur on a vessel associated with the project, what actions will be implemented to prevent spread of the species into riverine waters?

#### **Built Environment**

##### Environmental Health

##### *Toxic Chemicals*

The EIS should analyze the need for safeguards to prevent potential release of toxic chemicals associated with construction and future maintenance of concrete at the dock and trestle. Will treated wood be used? What materials will be used for fenders? Some fender materials have the potential to leach PAHs or other toxic pollutants; please analyze how potential impacts will be avoided and minimized.

## Land and Shoreline Use

### *Sea Level Rise*

The EIS should analyze how many pilings will be installed and the construction methods, design, and materials to be used. How will the structure be designed to function at current and forecast sea levels based on most recent predictions from the 'Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future' (June 2012).

## Transportation

### *Marine Vessels*

The EIS should include a detailed vessel traffic analysis and assessment of traffic management needs. The analysis should provide information on vessel drift, ballast water management, frequency of entry, egress, and moorage time anticipated for the different types of vessels and sizes of vessels, and their potential impact on the Columbia River environment (including aquatic natural resources). It should be based on a robust model that relies on the most recent United States Coast Guard vessel tracking system data for the Columbia River system, including existing or projected traffic from adjacent industrial facilities, upstream shipping terminals, and nonindustrial vessels. The scope of the study should include all of the Columbia River system, and not just the site of the proposed terminal. The study should evaluate multiple alternatives for reducing potential incidents.

The EIS should analyze the impacts of the increased vessel traffic, size of the vessels, and proposed vessel routes on fish and wildlife species and their habitats. The impacts of projected vessel traffic generated by the project on the spawning and migration behavior of eulachon, salmonid, sturgeon, and other species should be analyzed. How will vessel operations be conducted during eulachon pre-spawning and spawning season to prevent impacts to eulachon? What are the cumulative impacts of projected vessel traffic generated by the project, and projected traffic for the region, eulachon, salmonid, sturgeon, and other species? What are the impacts to these species due to the increase in noise expected to occur from increased vessel traffic approaching and leaving the facility?

The EIS should analyze the potential for the project's proposed vessel operations to adversely impact or interfere with adjacent industrial operations, including facility access. If a vessel can't access one of the facilities and has to moor temporarily, how might this affect other industrial operations and vessels transiting through the lower Columbia, or the risk of collision?

The greatly increased ship activity has the potential to impact sediment quality. Diesel burning by the ships can create greenhouse gases, PAHs and dioxins, which can contribute to localized ocean acidification as well as contaminate the sediments in the area through atmospheric deposition, especially if diesel fuel is burned while the container ships are idling while at the terminal. The EIS should analyze the cumulative impacts of engine exhaust from the cargo vessels and tugs and upland machinery operations, and the potential for pollutants to the Columbia River from atmospheric deposition, or from vessel machinery, or loading operations.

Historical and Cultural Preservation

The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands as well as any upland areas affected by the project.

## **IMPACTS TO STATE-MANAGED LANDS IN THE LOWER COLUMBIA REGION**

### **Natural Environment**

#### Air

The EIS should analyze the adverse impacts of engine exhaust from the cargo vessels and tugs and its potential to enter the Columbia River, including sediment quality, water quality, and localized acidification. It should also include analysis of the additional fossil fuels generated by the additional trains traveling over state-managed lands and identify measures to reduce the project's carbon footprint.

#### Water

The EIS should evaluate the ways in which coal dust and other particulates may escape the train cars and enter the Columbia River, including wind, stormwater, and spills.

#### Plants and Animals

The EIS should analyze how the increase in traffic of large vessels may affect fish and wildlife, including their migration, rearing, foraging, and spawning habitat.

The existing rail system is located adjacent to the shoreline along long stretches of the Columbia River. The EIS should analyze whether rail corridors may need to expand onto state-owned aquatic lands in other areas to accommodate the project. If so, how much right-of-way onto state-owned aquatic lands is estimated to be required? What are the potential impacts of increasing the number of tracks on aquatic and uplands habitats managed by the state?

### **Built Environment**

#### Environmental Health

The EIS should analyze the increased risk of oil and fuel spills that may occur due to the increase in vessel traffic through the lower Columbia River.

The EIS should analyze the potential impacts of increasing the number of tracks on aquatic and uplands habitats managed by the state along the existing rail corridor, or any alternative corridors that may be needed, including, but not limited to: habitat, cultural resources, water quality, and wetlands. The EIS should analyze the impacts to ground and surface water, soil and adjacent wetlands from any necessary expansion, and evaluate mitigation measures that reduce and prevent the potential for short and long term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup. We encourage the proponent to work with DNR to establish these measures to ensure they meet DNR requirements.

## Natural Resources

### *DNR-Managed Uplands and Conservation Lands*

DNR manages a statewide system of conservation lands, protecting some of the best remaining natural areas in Washington. These sites contribute to region-wide biodiversity conservation, while serving as baseline reference sites to guide the management of less-pristine lands. The EIS should analyze the potential impact on DNR Natural Resource Conservation Areas (NRCAs) and Natural Area Preserves (NAPS) along the Potential Rail Corridors.

The EIS should analyze impacts of forests, sensitive ecosystems, and plant communities listed as threatened or endangered that may be impacted due to expansion of the rail lines on state-managed lands along the entire length of potential rail corridors.

## **IMPACTS TO STATE-MANAGED LANDS STATEWIDE**

### Natural Environment

#### Earth

Please refer to the comments on geological hazards. Any expansion of rail lines over state-managed lands should provide the recommended geological hazard analysis.

#### Plants and Animals

##### *Rail Corridor Expansion*

The existing rail system is located directly adjacent to the shoreline along long stretches of the Columbia River and other state-managed rivers. The EIS should analyze how much right-of-way onto state-owned aquatic lands and DNR managed uplands is estimated to be required to accommodate the increase in train traffic. What are the potential impacts of that potential expansion? What expansion of rail corridors is estimated to be needed on state-managed uplands throughout the state? How much right-of-way is estimated to be needed for each area? How will impacts to habitats be minimized and mitigated?

##### *Stream Passage Structures*

The EIS should analyze the location and design of bridges and culverts needed or replacement of existing structures for any stream crossing. All structures should meet fish passage and hydraulic code requirements of the WDFW. Structures should be appropriately sized based on hydraulic calculations similar to those in the WDFW manual for 100-year flood plus debris events, regardless of fish presence. The project proponent should consult with WDFW and use appropriately sized round culverts on non-fish bearing streams and open-bottom culverts or bridges for crossings on fish streams.

##### *Habitat Conservation Plan*

Washington's Trust Lands Habitat Conservation Plan (HCP) is an ecosystem-based forest management plan developed by DNR to provide habitat for species such as the Northern spotted

owl, marbled murrelet, and riparian-dependent species such as salmon and bull trout. The HCP is a contract with the United States Fish and Wildlife Service (USFWS) and the National Ocean and Atmospheric Administration (NOAA) providing protections for species listed as 'threatened' or 'endangered' under the federal Endangered Species Act (ESA). The HCP applies to 1.8 million acres of forested state trust lands within the range of the Northern Spotted Owl. Under the HCP DNR was issued an Incidental Take Permit (ITP).

The EIS should analyze impacts on lands covered by DNR's HCP to demonstrate and document that the construction of a new facility near DNR-managed lands and site expansion of existing facilities (railroad rights-of-way) on DNR-managed lands will not adversely affect the species protected under this agreement limit DNR's ability to comply with its commitments in the HCP that protect covered species. Additionally, it would be helpful for USFWS Section 10 representatives familiar with the upland HCP to be involved in any discussion with USFWS regarding DNR-managed lands.

#### Water Quality

The EIS should analyze how much right-of-way onto state-owned aquatic lands is estimated to be required to accommodate the increase in trains. What are the potential impacts to water quality? Where relevant, the EIS should review existing studies from other parts of the country.

#### Natural Resources

##### *Conservation Lands*

The EIS should analyze the potential impact on DNR Natural Resource Conservation Areas and Natural Area Preserves along the rail corridor, including potential indirect effects, of new or expanded rail corridors or infrastructure. For example, within the Columbia River corridor, a direct impact may be on the Washougal Oaks Natural Area that is directly to adjacent to the existing rail line. DNR can provide additional information on locations of these areas if necessary.

##### *Biomass and Renewable Energy*

Washington's forests have an abundant, renewable supply of woody biomass. Using some of this material for liquid transportation fuel, heating, and electrical power generation will play an important role in Washington's emerging green economy and help to address climate change. DNR's forest biomass initiative is occurring against a backdrop of existing state and federal policy direction, which act as guides to the emerging industry and signal opportunities for future expansion.

The EIS should analyze the socio-economic impact to the Washington state biomass industry development of renewable fuel alternatives. The analysis should consider whether increasing coal exports will delay the Washington state and regional biomass-to-fuel research and infrastructure investments in green technology and jobs, and if a new dry bulk terminal increases opportunities in infrastructure investments in green technology and jobs by providing a terminal to ship bulk dried biomass fuel pellets.

## **Built Environment**

### Environmental Health

Please refer to the earlier comment regarding hazardous substances associated with any rail corridor expansions. Any expansion of rail corridors on state-managed lands to support the project should analyze the potential for soil contamination and include mitigation measures that reduce and prevent the potential for short- and long-term impacts to ground and surface water, soil, and wetlands from cumulative hazardous material buildup.

### Land and Shoreline Use

How might the additional train and vessel traffic, affect DNR's agricultural and commercial lessees' lands and the ability to get their commodities, such as wheat, grains, potatoes, and timber, to the market? The EIS should include a cumulative impacts analysis of these potential effects. What affect could increase in coal dust have on the health or productivity of forest and crops located on or directly adjacent to DNR-managed lands?

### Natural Resources

The project proponent should analyze or consider potential impacts to urban forests and ongoing restoration activities along the rail corridors. Analysis of impacts should include, but should not be limited to: analyzing effects of permanent removal of urban and fragmented forests for new facilities and additional rail sidings; analyzing rail traffic increases along existing rail feeder tracks that may create fine particulates (dust) from the shipping of bulk dry goods that may coat plant leaf area leading to a reduction of plant photosynthesis and respiration ability resulting in a decrease in urban forest health; analysis of forest health along potential rail routes and opportunities for improvement through restoration and enhancement activities.

### Public Services and utilities

The EIS should analyze whether any uses of state-managed lands would need to be increased to accommodate the construction, operation, and any future maintenance activities of rail corridors and infrastructure. This includes but is not limited to: all excavation of material, placement of construction materials and tracks, equipment movement and placement of equipment. The EIS should analyze how state resources, including wetlands and forests within and outside directly affected areas, will be protected. Will the project require re-configuring of existing wetlands?

### *Fire Risk*

The EIS should analyze additional wildlife risk for lands covered by DNR fire suppression responsibilities along existing and any potential new railways that will anticipate increased traffic. It is critical that all fire prevention laws and rules of the state be adhered to by construction contractors during facility clearing or construction, maintenance, or use to prevent unnecessary risk to life and natural resources. Chapter 76.04, RCW and Chapter 332-24, WAC provide contractor requirements regarding landowner and operator responsibilities related to fire prevention and fire hazard abatement. The EIS should identify all reasonable measures to prevent and minimize the

start and spread of fire on to adjacent forested areas. Measures should include ensuring all vehicles carry a fire extinguisher of at least a 5 B/C rating and a serviceable shovel, following construction site safety operating procedures which should include compliance with the substantive requirements of Chapter 332-24-301, WAC (Industrial restrictions) and Chapter 332-24-405, WAC (Spark emitting requirements).

Analysis and proposed mitigation measures should be undertaken that will anticipate increased traffic. Train cars carrying coal are not covered because of spontaneous combustion risks. The EIS should analyze the potential increased risk of explosion and resulting wildfire from the addition train traffic through or adjacent to forest lands.

The trains may be up to 1.5 miles long, which could block street crossings. What is the potential impact of the increase and length of trains on DNR's ability to respond to wildfires?

#### *Management of DNR Lands*

What would be the impact of bifurcation of state-managed lands due to rail corridor expansion on DNR's ability to manage these lands? What alternative alignments could prevent this bifurcation?

#### Historical and Cultural Preservation

The EIS should analyze impacts of construction and operations (including future maintenance, repair, and replacement) on cultural resources and tribal use. This analysis should be completed for the aquatic lands, the uplands areas subject to Forest Practices Permits, and additional uplands easement areas.

#### Agricultural Crops

DNR manages approximately 1.1 million acres of agriculture land in the state. Commodities from these lands are typical with Washington grown products: tree fruit, grains, row crops, and cattle. In fiscal year 2011, \$13 million in revenue was generated from the leasing of DNR-managed agriculture lands. The lessees of these lands rely on transportation infrastructure such as highways and railways to move commodities to regional destinations or ports bound for international trade. The 2006 Statewide Rail Capacity and System Needs Study commissioned by the Washington State Transportation Commission identified several limiting factors regarding rail use and growth in the state. Specifically, the study highlights capacity issues on existing rail partly due to increases on Class I railroads in long-haul bulk and intermodal trains arriving from or departing to the mid-west and other states. According to the study, long-haul trains tend to be more profitable for rail companies and hence create an economic barrier for Class II short-haul trains that typically transport state-grown agriculture goods and link to Class I railways. The report states: "The railroads are focusing on high-volume and long-haul services, but the state's industrial and agricultural shippers also need low volume and short-haul services".

The EIS should analyze impacts from increases in long-haul or intermodal trains and increases in vessel traffic on the Columbia River to the proposed terminal and to the Washington state agriculture industries. A nalysis should include, but not be limited to: socio-economic impacts to DNR agriculture revenues; potential for reduced crop productivity associated with coal dust

particles; limits on access for purposes of managing DNR lands; reductions in the ability for producers to move goods to international ports due to increased congestion; and, opportunities to improve rail infrastructure. Mitigation measures should be identified.

The EIS should also analyze the impacts of coal dust on forests, agricultural crops, and other commercial uses of state-managed lands throughout all rail corridors that would be used to move commodities going to the marine terminal. Studies have demonstrated significant amounts of coal dust may blow off coal train cars during transit.



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**WDNR Aquatic Lands HCP DEIS**

1 message

**Alan Robinson** <alanr@goldspar.com>

Wed, Nov 26, 2014 at 3:59 PM

To: WFWOComments@fws.gov

To Whom It May Concern,

My wife and I are now retired but remain life long boaters on Puget's Sound. It has come to our attention that WDNR is considering some drastic changes that will affect boaters and owners of boat houses. We are long time members of Tacoma Yacht Club and keep our boat in a boathouse in the Yacht Club Basin near Point Defiance. Since purchasing our current boat house about 20 years ago we have spent well over ten thousand dollars upgrading the flotation and siding to comply with changes in regulations. We now have very little income and cannot afford the unreasonable upgrades that proposed legislation may require.

We are all for protecting the environment and the beauty of Washington's waters; however, in our judgment forcing people to continually upgrade their facilities is unreasonable and of questionable value. We request that any changes be minimal and that existing boat houses that meet current codes be "grandfathered" along for as long as they exist or for some extended time like 20 years.

Thank you very much for your time and consideration.

Alan and Gail Robinson

Tacoma, WA



WFWOCComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

**Barry** <barryrutten@comcast.net>

Wed, Nov 26, 2014 at 5:17 PM

To: WFWOCComments@fws.gov, Barry Rutten <barryrutten@comcast.net>

Cc: commodore@queencity.org, secretary@queencity.org

As a member of Queen City Yacht Club, located on Portage Bay in Seattle, I am writing to indicate that I disagree very strongly with many of the provisions, prohibitions, new requirements and rules contained in the proposed HCP you are considering.

While I certainly support the conservation of our aquatic species and the preservation of clean water, I wish to express in the strongest terms possible that this proposal does not appear to be well thought out or reasonable in its application and many of its provisions, as outlined below, appear to provide little or no benefit while extracting immense or unreasonable costs.

Many provisions appear arbitrary with no substance to back them up and appear to put an undue and unreasonable burden on yacht clubs and marinas. I strongly urge you to consider extending the comment period and seek out the feedback and engagement of the affected marina and yacht club communities directly so that they may offer counter-proposals as outlined in the HCP.

Thank you,

Barry Rutten

We urge you to provide more public comment time. This document took the DNR the better part of 12 years to do, and the public is being given a mere 90 days to respond; that is not acceptable or reasonable.

This document goes way beyond protecting endangered and threatened species we understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.

The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or overwater structures.

We believe the storage, privacy, and investment of existing boathouses could be destroyed by these requirements.

Sidewalls and barriers would be prohibited under any circumstances, major deeper water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement.

There is no cost benefit analysis being provided for any of these expensive requirements. There is a 7 foot depth requirement that is arbitrary

We believe the DNR may be exceeding its legal authority by attempting to apply these requirements to existing projects and lease renewals even though the HCP has never been formally adopted!

It is our understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the "do no harm" standard of underlying regulations with more stringent and costly proposed HCP regulations.

We urge that this HCP be significantly revised, so that reasonable alternatives can be provided to help responsible, safe, and law abiding clubs and marina operators to meet ESA compliance.



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## Habitat Conservation Plan

1 message

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**Dave Willis** <dbwillis@willismarketing.com>

Wed, Nov 26, 2014 at 8:47 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

I am blown away at how I read the new proposed conservation plan and the lack of common sense.

If I were a scientist sure, make the changes but I am not. Please go back to the drawing board and get people on there that know that there is middle ground vs. going too far with the proposal as written.

As a boater using these waters for over 50 years I am deeply committed to continuing to be responsible to keep our waters environmentally healthy but this proposal is going places that will create too much havoc.

Please redraft this conversation plan that makes sense.

Sincerely

Dave Willis

Willis Marketing, Inc.

[dbwillis@willismarketing.com](mailto:dbwillis@willismarketing.com)

253-358-8235 Office

253-381-2244 Mobile



WFWOComments, FW1 <wfwocomments@fws.gov>

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## What is going on.

1 message

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**Marty Hobbs** <myanotheradventure@gmail.com>

Wed, Nov 26, 2014 at 11:32 PM

To: WFWOComments@fws.gov

*What is going on? You are in your seat to help the public and the environment, not your or the states pocket. This isn't helping anyone.*

*Regards,*

*Marty Hobbs*



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Pete** <petep1@yahoo.com>

Wed, Nov 26, 2014 at 5:08 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Sirs.

Read your proposal on regulating everything except commercial geoduck harvesting. I know this is the states CASH COW, but it is more detrimental to the marine environment than any of the restrictions you propose. Why?

Regards  
Pete



WFWOCComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Stephen A. Hulsizer** <sahulsizer@earthlink.net>  
Reply-To: "Stephen A. Hulsizer" <sahulsizer@earthlink.net>  
To: WFWOCComments@fws.gov

Wed, Nov 26, 2014 at 10:18 PM

Thank you for the opportunity to comment on this DEIS. I am a boat owner and own a slip at the Poulsbo Yacht Club Marina.

Three parts I find interesting. The first is the proposal to limit sidewalls and barriers in floating boat house construction. These structures are incompatible with the emphasis on providing lighted water for salmon smolt and other small fish. They also consume an enormous amount of overwater space, limiting the number of slips available. The only saving grace is the ability to limit spread of fire along a pier.

Some of the advantages of hard sided structure may be obtained by simple fabric roofed structures such as found at the Poulsbo Yacht Club Marina. The over water space is not constrained and there is some more opportunity for light to reach the water under the structure.

I, for one, am completely unconcerned about privacy issues of owners wanting cover their boats and the attendant possessions. The vast majority of boats live in open slips with no problems.

The second issue is minimum water depths. At the Poulsbo Yacht Club, we are facing the issue of silting reducing the depths below the 7 foot minimum. Frankly, it is again up to the boaters to provide adequate light in this area, and if 7 feet is what is required, so be it. Eventually, the marina will have to be relocated. I would hope that the State works with the Poulsbo Yacht Club Marina Management Association to accomplish this at minimal cost and administrative burden. This club is not the only one with this problem, and it is an existing club built according to the codes of the day.

The third issue is that of gray water retention. I worked for Holland America as a port engineer. One of the problems there was gray water retention and treatment. Because shower water is considered gray water it is retained. The e. coli counts in the gray water approached those of black water, since the e. coli bacteria have a chance to grow in the retention system. One does wash ones backside when showering. The retained gray water often contains other chemicals used for cleaning and other tasks. We currently retain gray water on our boat in a separate tank and discharge underway.

Regards,  
Stephen A. Hulsizer  
3408 NW 62nd St  
Seattle, WA 98107  
206 789-3073



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Steve Greaves** <sgreaves@portagebaysystems.com>  
To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Wed, Nov 26, 2014 at 5:24 PM

November 26, 2014

Mr. Tim Romanski  
U.S. Fish & Wildlife Service  
510 Desmond Drive SE, Suite 102  
Lacey, WA 98503

Mr. Scott Anderson  
NOAA Fisheries  
510 Desmond Drive SE, Suite 103  
Lacey, WA 98503

**RE:** *Comments and concerns Department of Natural Resources Habitat Conservation Plan -- "WDNR Aquatic Lands HCP DEIS"*

Dear Mr. Romanski & Mr. Anderson:

I am a Washington boater for over 50 years.

While I appreciate the opportunity to comment on the DNR's Aquatic Lands HCP Draft Environmental Impact Statement (EIS), I must convey that I have significant concerns with the Draft EIS as it now stands. The document, especially the Chapter 5 provisions governing the "Operating Conservation Program," raise a series of alarming questions and concerns, and would dramatically increase the costs of boathouses and overwater structures. My concerns are as follows:

- **There is insufficient time being given for public comment:** I understand the DNR has spent the better part of 12 years working on this HCP, which will have major ramifications and will serve as the first HCP of its kind in the nation. Yet the public is being given a mere 90 days to comment on the document. Please extend the comment period by extended at least two months.
- **As a landmark document, this HCP needs to be kept focused on the task at hand – endangered and threatened species:** Again, given the precedent-setting nature of this HCP, it is critical it be done right and that it be focused on the task at hand – measures that help protect endangered and threatened species. That is not the case with this Draft EIS. As I understand it, this EIS outline measures to protect 29 species overall, only 14 of which are listed. In other words, more than half the species covered by this Draft EIS are *not* listed as threatened or endangered.
- **The new requirements for overwater structures will have a devastating impact on the cost and viability of upgrades or replacements:** The practical effects of Chapter 5 will prohibit sidewalls or barriers in boathouses under any circumstances, will enforce new standards based on arbitrary reauthorization dates, and will mandate implementation of new standards even for simple maintenance, repair, or replacement. This will have dramatic

and extremely costly impacts. The elimination of boathouse sidewalls, for example, will likely be structurally incompatible with existing boathouse construction, will eliminate lateral fire protection, and will destroy the storage, privacy, and investments made to existing boathouses.

- **The implications of requiring boathouse and marine projects to be moved to deeper waters are not well-defined and are not well-known:** The natural result of this Draft EIS will be to require boathouses and marina facilities to be constructed in deeper waters, and yet the HCP does not define why that is necessary, state what it will achieve, or provide any cost-benefit analysis of this requirement. This will place a significant financial hardship on marina operators throughout the state, many of whom have been operating safely and responsibly for decades.
- **Are there less costly and stringent standards that can still allow for ESA compliance?:** This documents lays out a wide array of very stringent and very costly measures, but gives me very little understanding of whether there are alternatives that can still allow for ESA compliance thresholds to be met.
- **Are there already underlying regulations that can afford ESA protection?:** From information I have recently received, it is my understanding that there are ESA protection mechanisms within current regulatory structures and that the DNR is significantly exceeding the “do no harm” standard of underlying regulations with more stringent and costly proposed HCP regulations. The proposed HCP aims to recover and restore habitat to un-impacted pre-development condition through blanket prescriptions, a goal that exceeds existing federal and state habitat management goals and regulations.
- **DNR may be going beyond its legal authority by factoring these provisions into existing lease renewals and permits:** I need to do more follow-up on specific examples provided to me, but I am concerned the DNR may be going outside and beyond its legal authority by taking the provisions from Chapter 5 and making them lease and/or permit conditions with existing Yacht Club renewals. I would like to be shown the authority for DNR as a state agency to enforce provisions from a document that is still in “Draft” status. I am told that the agency is currently implementing conservation measures but I have not seen these, I am not aware of when or how they were developed, and I am not aware of any public process for them.
- **DNR is requiring “life span” improvements that extend several decades for Aquatic Lands leases that typically run 12 to 15 years:** I question the authority of the DNR to lay out a series of “life span” improvements to overwater structures that will need to be made and that will cover periods of 20-30 years, when in fact the aquatic lands leases the DNR enters into with private marinas and yacht clubs typically run 12-15 years.
- **The seven-foot depth requirement at low low water in this HCP is arbitrary, and does not recognize that impacts are minimized when boaters approach overwater structures:** This HCP does not provide any clear definitions or rationales for the seven-foot depth requirements in the EIS. Nor does it recognize that boaters coming into marinas, docks, and boathouses are typically approaching at idling speed and thus causing very minimal impacts.
- **Additional greywater management and separation seems to be implied:** In at least two places, this document appears to leave the implication that additional greywater management and separation will be required of operators in the future. It is not at all clear to me where DNR has authority to impose such requirements, or why they are necessary. The Department of Ecology, not DNR, has jurisdiction over water quality.
- **It is not at all clear how this HCP impacts existing operational and day-to-day activities with operational work windows, or what mitigation requirements will be placed upon operators:** It is not at all clear to me what this HCP will do to affect day-to-day operations of marina facilities with operational work windows. Nor am I given clarity as to what mitigation requirements if any will be placed upon longtime marina or boathouse owners who have been operating and acting responsibility in the water for decades.

- **Existing operators will be required to complete a survey of forage fish spawning in the area – What triggers such a survey? What will be done with it?** This is not at all clear in the document.
- **Lack of definition regarding implementation Best Management Practices (BMPs):** These are among many provisions that are not well-defined.

In summary, I have major concerns regarding this HCP and what it will mean for overwater structures and breakwaters. I would respectfully urge that more time be afforded the public to comment on such a far-reaching and precedent-setting document. I also urge that the DNR work with us on reasonable alternatives rather than imposing a series of extremely costly standards upon responsible and law-abiding boat clubs and marina operators.

Thank you for your consideration of my input.

Sincerely,

- Steve

Steve Greaves  
Washington boater for over 50 years  
206-371-048



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## New proposals

1 message

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**wneils@comcast.net** <wneils@comcast.net>

Wed, Nov 26, 2014 at 3:43 PM

To: WFWOComments@fws.gov

Please take to heart what you are considering. Just because you have authority does not mean you need to do something "just to do something" to justify yourselves. It seems you want to strangle and kill the whole industry which thrives on enjoying the waters of the Puget Sound.

Maybe if you owned waterfront or a boat and knew how the people who enjoy the water DO want to preserve and protect it you would understand...

Please talk to those involved instead of trying to revert the entire coastline to what it was over 100 years ago and the cost of so much and the results so little.

Ward Neils



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**lawalker3@comcast.net** <lawalker3@comcast.net>

Thu, Nov 27, 2014 at 12:15 PM

To: WFWOComments@fws.gov

Dear Fish & Wildlife folks,

This email forwards comments to the proposed DNR Habitat Conservation Plan. First, as a lifelong boater, marine property owner, yacht club member and member of several boating stakeholder groups, I was completely surprised and blown away at finding out about this and the short time fuse for public comment. Seems this violates one of DNR's prime charters to promote public use of aquatic lands – seems like we have forgotten people first and then minimize harm to species. As a citizen who is supposed to be served by DNR, I am offended by the lack of input in the process and see the 90 day comment period as a legal cop-out. If I didn't know about this until the eleventh hour, who didn't along with their ability to input. Something as serious as this should have been orchestrated by a citizen commission. I, for one am completely disappointed in this government process as taken.

Specifically, I am concerned about the overall economic impact to the public [no cost to DNR] and the cost versus benefit of this plan. While there are certainly some good practices for new installations, to attack literally thousands of existing and approved structures in this manner seems to go against the premise of promoting aquatic lands use. Science is mentioned in the buzzwords, but I can find no science easily available to me to support this on such a broad brush scale.

The new standards seem to exceed in several areas those of current [and past approvals] by DOE and WDFW and for existing approved structures under a theme of do no additional harm as opposed as an attempt to restore habitat to near original or pristine conditions. Additionally, current permitting processes treat project on a site specific basis instead of a one size fits all addressed in the HCP.

Some of the standards like the "no sidewalls" for boathouses goes over the top. For the fractional percentage of total over water exposure, boat houses provide weather protection which precludes the need for, and reduces, significant washing of vessels. Additionally, the fire protection provided by the sidewall barriers results in magnitudes of less spreading of fires from vessel to vessel and pollution and debris added to the environment in caused by of a vessel fire and sinking. Lastly, current boathouse construction methods largely depend on the sidewalls for lateral structural support. Finally, most boathouse installations are side by side in continuous rows which will provide little benefit little or no benefit for light transmission if sidewalls are prohibited.

The yacht club I belong to has concrete pontoon floats for all its moorage walkways. Application of the new standards would require 100% replacement of floats that have traditionally met standards [and are similar on a smaller basis to the states floating bridges]. Imposing the new standards for something nothing more than renewing the club's DNR lease without any other life cycle management appears to be financially detrimental. The arbitrary 7' depth standard under floats/vessels will likely cause numerous yacht clubs & marinas to relocate their moorage seaward. Again, imposing the new standards for something nothing more than renewing the club's DNR lease without any other life cycle management appears to be financially detrimental. Additionally, the environmental

disruption of moving massive structures, re-driving potentially hundreds of pilings and adding more over water structure to reach the extended floats does not seem to take a balance into consideration.

Lastly, grey water management [prevention] is included without any possible idea of how, why, pre & post sampling to determine harm/benefit. This is a significant concern to most all boaters if taken in this frivolous approach.

This process needs to take a time out and re-begin with a citizen commission comprised of boaters, boating stakeholder groups, environmental groups and scientific consultants. The overall plan looks like something created entirely by ideology by a organization without the expertise and the authority to regulate and enforce it.

Thank you for the opportunity to comment.

Loyd Walker



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Marilyn Johnson** <marilynj@driftwoodkey.com>

Thu, Nov 27, 2014 at 11:57 AM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

Hello -

I am a member of RBAW - just a boater, not a DNR leaseholder - and an environmentalist. I have read chapter 5 of the draft plan, and I am as alarmed by the draft's requirements as is RBAW.

Rather than sending yet another copy of the RBAW letter - though I agree with all their points - let me say in my own words, this plan places too many burdens on your existing leaseholders. Due to the lack of grandfathering, even for law-abiding Clean Marinas, the end result of the compliance rules will be destroying the existing marine trades and boating industry in WA state. Losing these almost 2000 leased facilities will have a huge financial impact on the state because massive amounts of state funding is generated by marine traders and pleasure craft.

We are blessed in the PNW to be able to live one foot on shore, on foot in the water. Anytime there is a large collection of humans, such as a city, the environment is adversely impacted. We must compromise - balance the needs of humans with the needs of all other parts of nature. To impose such dire measures on the existing marine trades that lease your land will be a great loss of quality for human life in the PNW.

Have you sufficiently demonstrated that this loss of human life quality is worth the gains to the environment you intend to protect? I don't think so. It would be interesting to see an economic cost analysis of what is proposed in this draft - I cannot imagine it paints a pretty picture.

Marilyn Johnson

s/v Rainshadow moored in a private marina that is not a lessee of DNR.



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**TomLuque** <tomluque@gmail.com>

Thu, Nov 27, 2014 at 3:19 PM

To: "WFWOComments@fws.gov" <WFWOComments@fws.gov>

I say no to this proposal to create bureaucratic jobs.

This proposal does not state is there a problem that has not been addressed by other agencies Already funded.

Once you can define the real current problem that needs to be addressed,define the limits on employees needed, fun, and a time limit to finish.

Are there any examples in the world to show what happens if you're not taking care of.

Thankful for the opportunity to serve you.

Tom Luque



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**WDNR Aquatic Lands HCP DEIS**

1 message

**Rick and Pam Gordon** <flashandfreckles@wavecable.com>

Fri, Nov 28, 2014 at 10:46 AM

To: WFWOComments@fws.gov

Cc: Representative - Jan Angel &lt;jan.angel@leg.wa.gov&gt;, Representative - Larry Seaquist &lt;larry.seaquist@leg.wa.gov&gt;, Representative - Jesse Young &lt;jesse.young@leg.wa.gov&gt;, "Paul Thorpe, RBAW President" &lt;paul.thorpe@comcast.net&gt;, "Rick &amp; Pam Gordon (gmail)" &lt;flashandfreckles@gmail.com&gt;

**Subject: WDNR Aquatic Lands HCP DEIS**

We are very concerned about the effect on Washington state boaters, marinas and yacht clubs if the HCP as described in the draft on the DNR website is implemented. While there is no way we have the time nor expertise to read, review and analyze all the documents involved, we are particularly concerned with chapter 5 and the potential catastrophic impact on recreational boating in the state. It does not take much common sense to know that the result of moving marinas out into deeper water, relocating mooring buoys and making other costly changes to areas perceived to need help protecting eelgrass, will result in prohibitively large increases in the cost of using these facilities. And that is if these facilities would even be able to remain in operation.

While much of the non-boating public assumes that boating in Washington is strictly a rich persons activity and thus can function even with very expensive changes to the infrastructure, this is absolutely not true for most of Washington's boaters. In our case, we boat in the summer using our well maintained 20 year old 30' vessel. Being retired on social security, any cost increase will further limit the ability of us using our boat. Of course, younger boaters also use their boats to enhance family activities all during the year. We certainly did when our children were younger. The vast majority of these boaters is not wealthy and would be severely impacted by the increased costs of boating that we foresee with

this HCP.

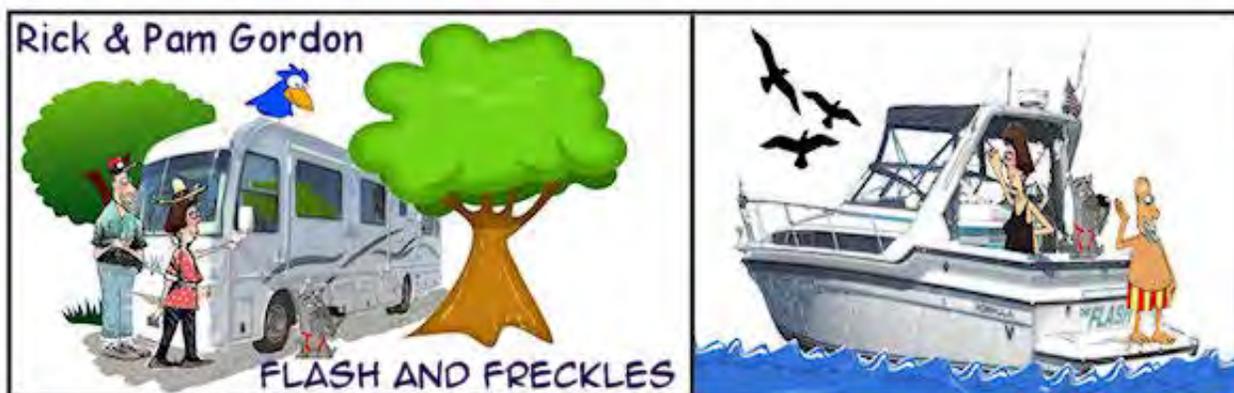
The Science Review Panel seems to indicate that a lot more studies are required to prove the assumption that this HCP would have the anticipated positive effect. The DNR and other Washington State departments have implemented many restrictions on recreational activities in the past without due consideration of the effect on the parties involved. The most recent that comes to mind is the closing of all fishing for rockfish in Puget Sound, effectively closing all bottom fishing. A plan with select closed conservation areas, similar to other government's plans (such as in British Columbia in Canada), would have been a much better compromise, and it would not have affected fishermen so dramatically. We sincerely hope that consideration of the REAL effect of any HCP on recreational boating is given a lot more consideration.

Thank you,

Rick and Pam Gordon

8363 SE Fragaria Road

Olalla, WA 98359







WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Shannon Underwood** <shannon@ug-dev.com>

Fri, Nov 28, 2014 at 8:50 AM

To: WFWOComments@fws.gov

Dear Messrs. Romanski and Anderson:

I am writing in opposition to certain portions of the Aquatic Lands Draft Environmental Impact Statement. I am concerned about the requirement requiring boathouse and marine projects to be moved to deeper waters. It occurs to me that very, very many of us do not have money to move our structures to deeper water. I also see with conflict between adjacent uses when marine facilities are all moved out to deeper water. Additionally moving the structures out farther would put them at greater risk of weather threat and decay. It appears that for the regular boaters out there who keep their facilities in good repair, the burdens on repair will almost force us to let our facilities decay.

I have read the RBAW comments submitted to you on November 26, 2014 and am in accord with those statements, but thought that I would forward my own additional concerns though I am not as well versed on this as I would like to be. I do not believe there is adequate time for public comment.

Yours very truly,

M. Shannon Underwood

Meydenbauer Bay Yacht Club Rear Commodore

M. Shannon Underwood

Underwood Gartland Development

PO Box 3513

Bellevue WA 98009-3513

425 881 2113 (o)

425 882 8649 (f)

206 919 7157 (m)

[www.ug-dev.com](http://www.ug-dev.com)



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Jerry Downer** <norwester45@hotmail.com>

Sat, Nov 29, 2014 at 10:46 AM

To: "WFWOComments@fws.gov" &lt;wfwocomments@fws.gov&gt;

I would like to comment on your proposed HCP Regulations.

Although you have taken 12 years to develop your proposed regulations, you are not allowing enough time for the public, especially those affected by these regulations, to comment and challenge some of your assumptions.

Your proposed regulations go way beyond protecting endangered and threatened species. In fact you will be destroying many marine related industries that contribute to the State's economy both in well paying jobs and taxes paid.

The construction standards and requirements in your document will have a devastating financial impact on all leaseholders looking to improve, expand, or repair boathouses, breakwaters, or overwater structures.

The regulations prohibiting sidewalls and barriers under any circumstances, will destroy the investments of existing boathouses. Major deeper water relocation would be required, and expensive standards would be mandated even for the simplest maintenance, repair, or replacement.

Your proposal does not offer any cost-benefit analysis for these expensive requirements. This should be mandatory!

The 7-foot depth requirement is totally arbitrary and is unreasonable for implementation.

I urge you to significantly revise the HCP so that reasonable alternatives can be provided to help responsible, safe, and law-abiding clubs and marina operators meet ESA compliance.

Please extend the public comment period on this proposal.

Thank you,

Jerry Downer  
28701 6th PI S #110  
Des Moines, WA 98198  
[norwester45@hotmail.com](mailto:norwester45@hotmail.com)



Jones, LouEllyn <louellyn\_jones@fws.gov>

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## RE: WDNR Aquatic Lands HCP DEIS

1 message

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**PALAZZI, DAVID (DNR)** <DAVID.PALAZZI@dnr.wa.gov>

Mon, Dec 1, 2014 at 2:13 PM

To: "kellwilli@aol.com" <kellwilli@aol.com>

Cc: DNR RE AQ LEASING SHORELINE <DNRREAQLEASINGSHORELINE@dnr.wa.gov>, "AMIOTTE, LALENA (DNR)" <Lalena.Amiotte@dnr.wa.gov>, "Jones, LouEllyn (louellyn\_jones@fws.gov)" <louellyn\_jones@fws.gov>

Mr. Kellis,

We received your comments to the Aquatic Lands Habitat Conservation Program's draft Environmental Impact Statement (DEIS). Your comment and our response will be included in a responsiveness summary that we will be developing over the next several months and included with the final draft EIS later in 2015. Please contact me if you have further questions and concerns. dp

*David Palazzi*

*DNR-Aquatics Program*

*Planning Program Manager*

*360-902-1069*

*david.palazzi@dnr.wa.gov*

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**From:** BERUBE, DONNA (DNR) **On Behalf Of** DNR RE AQ LEASING SHORELINE

**Sent:** Monday, December 01, 2014 9:09 AM

**To:** PALAZZI, DAVID (DNR)

**Cc:** TOBA, DERRICK (DNR); Miles, Joe (DNR); AMIOTTE, LALENA (DNR)

**Subject:** FW: WDNR Aquatic Lands HCP DEIS

Hi Dave,

The email below regarding the Aquatic HCP DEIS was received through the Shoreline Leasing email. Please respond within 5 business days and copy the Shoreline Leasing email.

Thank you,

Donna Berube

## Washington State Department of Natural Resources (DNR)

**From:** [kellwilli@aol.com](mailto:kellwilli@aol.com) [<mailto:kellwilli@aol.com>]**Sent:** Saturday, November 29, 2014 11:18 AM**To:** DNR RE AQ LEASING SHORELINE**Subject:** WDNR Aquatic Lands HCP DEIS

Please be advised that I want to register my disapproval that is contained in your EIS Draft statement in chapter 5. The proposed requirements that DNR are purposing are cost prohibitive for the boaters in the state. Please exclude this section in the purposes EIS statement.

Wm. R. Kellis  
Tacoma, Wa. 98403  
253-272-7211



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**rivera\_dan** <rivera\_dan@hotmail.com>

Sun, Nov 30, 2014 at 4:10 PM

To: WFWOComments@fws.gov

To Whom it may concern,

I would like to make concerns known regarding the proposed HCP. I believe this plan to be totally out of line with your duty to serve the public ok n it's interest. Your proposing to make the lives of all encumbered by this proposal impossible to comply with.

I vote to not allow this new HCP to be enacted.

Sincerely

Dan Rivera  
Boater and Conservationists



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**David Higgins (1on1)** <dave@1on1co.com>

Sun, Nov 30, 2014 at 8:17 PM

To: WFWOComments@fws.gov

Dear DNR,

I am asking that you give the public more time to review the proposed changes that will affect the boating community. As I read the proposed bill, there are numerous changes that seem to be an excessive financial burden on those individuals keeping their boats in marinas and boathouses.

Giving the voting (and boating) public only 90 days to respond seems unreasonable ... I am asking for more time.

Thanks,

Dave

Dave Higgins

1on1 Reporting Tools

800-847-3111

[www.1on1co.com](http://www.1on1co.com)



WFWOComments, FW1 <wfwocomments@fws.gov>

## WDNR Aquatic Lands HCP DEIS

1 message

Doug Williams <mybellanile@gmail.com>

Sun, Nov 30, 2014 at 8:01 PM

To: WFWOComments@fws.gov

Dear DNR,

In addition to fully supporting the below talking points outlined by the **RBAW**- if you folks are really interested in saving the salmon species- **QUIT ALLOWING NETTING OF THE RIVERS**. I realize this would piss of the native population but if no one has pointed this out - killing all the salmon in nets before they can spawn just wont and hasn't worked out well! Harassing and condemning the the people that own boats, docks and boathouses that collectivity -maybe make up .001% (my guess) of the shoreline is delusional . All this HCP is micro management of the lowest hanging fruit will not save a single salmon fry- just confirm our government wants to bankrupt us out of our *property* (that we really just rent from the state anyway). Questionable rules piled on top of more questionable rules fixes what? There are two things killing the Salish Sea and our precious salmon, overfishing and pollution none of witch you folks want to tackle. Maybe someone there can explain to me just how **Walmart** just built a mega store in Aberdeen on **700 RECLAIMED CREOSOTE** piling driven into the tidal flood, leaching its poison directly into the *class 3 Chehalis River* and the ocean??? Really??? That's OK with the DNR??? I was just denied installing a grated dock extension with a pump out station as well as creosote pile replacement with steel by Pierce County- how did that help the environment here in Gig Harbor? Two boats have already sunk here at my existing dock and they don't care if my boat ( with 2500 gallons of diesel) is number 3!?! If you folks want to save the salmon tax all the waterfront owners another hundred bucks - give it to the First Nations to not strip the fish from the rivers and HELP the owners of over water structures to rid the waters of creosote- not impose financially impossible rules on top of more rules. My guess is you could actually see results...

Sincerely,  
Doug Williams  
2535698088

### TALKING POINTS FOR COMMENTS ON DRAFT EIS FOR DNR AQUATIC LANDS HCP

- We urge you to provide more public comment time. This document took the DNR the better part of 12 years to do, and the public is being given a mere 90 days to respond – that is not acceptable;
- This document goes way beyond protecting endangered and threatened species – we understand it calls for the protection of 29 species, more than half of which aren't threatened or endangered.
- The construction standards and requirements in this document will have a devastating financial impact on all leaseholders looking to improve,

expand, or repair boathouses, breakwaters, or overwater structures.

- We believe the storage, privacy, and investment of existing

boathouses could be destroyed by these requirements.

- Sidewalls and barriers would be prohibited under any circumstances, major deeper

water relocation would be required, and expensive standards would be

mandated even for the simplest maintenance, repair, or replacement.

- There is no cost--benefit analysis being provided for any of these

expensive requirements.

- There is a 7--foot depth requirement that

is arbitrary

- We believe the DNR may be exceeding its legal

authority by attempting to apply these requirements to existing

projects and lease renewals even though the HCP has never been

formally adopted!

- It is our understanding that there are ESA

protection mechanisms within current regulatory structures and that

the DNR is significantly exceeding the "do no harm" standard of

underlying regulations with more stringent and costly proposed HCP

regulations.

- We urge that this HCP be significantly revised, so

that reasonable alternatives can be provided to help responsible,

safe, and law--abiding clubs and marina operators to meet ESA

compliance



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**edward schulman** <dracovolans@comcast.net>

Sun, Nov 30, 2014 at 10:17 AM

To: WFWOComments@fws.gov

Cc: Pat &lt;pecrockett@aol.com&gt;

Many of the proposed regulations will negatively impact the job rich recreational and industrial boating in Washington. The proposed regulations come down heavy on the side of protecting a small portion of the aquatic environment at the cost of jobs and the general economic welfare of areas on and surrounding the water. I think a better balance between the welfare of the people and the targeted eco-system should be found. While the Ecologist who propose these changes may see the need for change as a black and white situation, I believe responsible lawmakers should look to the compromises that will be more realistic. The present proposals would leave thousands of boats with nowhere to go. Boats unlike real property are mobile and their use is optional so many could leave the area or boaters may be retire from boating. Keeping a boat pleasure or commercial will become much more expensive unless one goes to Canada. The net result less jobs and a blow to the economy.

Owner of three boats

presently in the Seattle area. Edward Y Schulman MD.



HCP regulations.

There are a few items in this Draft document that make sense, are supported by proven science, and that can be implemented without severe financial impact to water users. However, the bulk of this document should be moved back to the drawing board and rewritten with input from existing leaseholders and other water users.

Kevin and Beverly Kennedy

Tacoma, WA



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**"WDNR Aquatic Lands HCP DEIS"**

1 message

**Kevin VanderVaate** <kvandervaate@gmail.com>

Sun, Nov 30, 2014 at 7:21 PM

To: "WFWOComments@fws.gov" &lt;WFWOComments@fws.gov&gt;

I don't know where to start on this. I must have been living under a log. I just read this and found out that public had until the 4th to react on this.

Waste water? Shouldn't that be the department of ecology?

deeper water? What does that mean for moorage? It is vague to say the least.

No sides on boat houses? So no fire breaks much less almost every boathouse was designed with these for structural integrity. Clear roof panels. That makes sense.

Docks? It always seems to me the fish are around the pilings and hiding under the docks and have been for years. This I believe would cause financial hardship on many people and organizations and many more thing in this need to be addressed properly and accurately with details.

It seems that this is getting pushed through with hardly any time for the public to comment or react. It seems that people are going to be Penalized and not worked with in a fair and consistent manor?

Kevin VanderVaate

253-970-4359

Sent from my iPad



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Patrick** <spiritgill54@msn.com>

Sun, Nov 30, 2014 at 6:09 PM

To: WFWOComments@fws.gov

Dear Sirs,

We have just become aware of and read, with alarm, the proposed HCP for DNR Aquatic lands and have the following comments.

1. The scope of the plan is extensive, yet the public is only being allowed 90 days comment period. I urge that another 60-90 days be allocated and that sufficient publicity to alert ALL affected organizations and individuals be undertaken so that those affected have adequate to comment. The current schedule is unacceptable!
2. Under what justification has the protection of so many non-threatened species been included without supporting local studies, not foreign studies?
3. Where is the engineering justification for a 7 foot minimum depth? Applied to both fresh and salt water?
4. Why is there no grandfather provisions for structures compliant under existing rules, and why is DNR apparently applying new, unpublished, unapproved rules on current lease renewals. What is the legal basis for these actions?
5. Why does DNR not address the proliferation of private, unmarked mooring buoys on state land, removing that land from public use?
6. Where is the required cost-benefit analysis, and the economic impact analysis on the state economy.
7. This HCP appears to significantly exceed the "do no harm" standard of underlying regulations, imposing stringent and costly new regulations.
8. What will be the cost impact of enforcement, are we now proposing a new state bureaucracy at taxpayer expense?
9. Statements like "move to deeper water" seem to misunderstand the near shore topography because in many instances that is not possible, especially since new breakwaters are prohibited, except floating, which may not be feasible from an engineering perspective.
10. The overall intent seems to be to remove (over time) human activity from the waterways of the state and return to a mythical, pre-human existence condition. If so, then state that up front so we citizens of the state can realize what the real intent and scope is of this plan. However, it seems that native americans will be exempt from that plan.

We have always respected the marine environment and the difficult balancing act between legitimate marine activities and the ecosystems in which we operate. We believe this HCP needs modifying to have a more balanced plan which respects the investments and rules already in place and provides a more reasonable path to protecting the environment for both

current and future generations.

Patrick & Miriam Gill  
Vessel Owner  
Yacht Club Member  
RBAW Member  
Washington State resident  
[spiritgill54@msn.com](mailto:spiritgill54@msn.com)  
425-647-5151



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**robert** <arborview@msn.com>  
To: WFWOComments@fws.gov  
Cc: jamontgomery@gmail.com

Sun, Nov 30, 2014 at 12:48 PM

Dear sirs,

With respect to your proposed Habitat Conservation Plan, there are numerous items you have outlined that are simply not justifiable.

To isolate just one, for example, you state that a no-wake zone will need to be enforced. Just how do you expect this to happen? As a member of a yacht club with marina facilities, are we to hire a full time "wake monitor" to be stationed at the end of our docks 8, 12, or perhaps 24 hours a day to watch for wake causing boats? And then what? Lets say we do see a boat causing a wake - do we now report them (assuming we can read a registration number or boat name from the dock) to you? To the local police? The Coast Guard? If we can't identify them from the dock, would we now need to purchase a skiff to go out and intercept them? To what end do we take the word "enforcement"? Do we perhaps perform a citizens arrest? What, exactly, did you have in mind?

I have just begun the process of reviewing the proposed HCP, and this email addresses only a single example of the unreasonable or unworkable issues included in this document. I suggest that you take a step back and reassess your primary objectives.

Respectfully,  
Robert Lubowicki



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Scott Sprague** <sbsnjem@gmail.com>

Sun, Nov 30, 2014 at 9:06 PM

To: WFWOComments@fws.gov

**Hello,**

**Thanks for the opportunity to comment on the new proposed laws.**

**Can it be true that all marinas and docks will need to be extended into deeper water to maintain a 7' water depth below a vessel? Boats coming into docks are going dead slow...what's the point? Imagine all the disruption and expense! For nothing!**

**Education and awareness has reduced shoreline issues dramatically. I say this as a lifetime sailor, designer, and builder. I am by the water every day, and have been for 60+ years. The shorelines are better than ever in my lifetime.**

**Let's create more habitat to help marine life thrive. Offshore reefs can be created. Hard surfaces are where life clings and thrives. We all want to improve marine life.**

**Nobody seems to be pointing out the obvious: docks and floats are habitat...look at any float in salt water and it is teeming with growth, with fish and marine life all around. In many (maybe most) harbors, the floats and dock structures show the most dense marine life in the harbor, particularly since so many harbors are barren mud. Marine structures are important to our marine friends.**

**Thank you,  
Scott Sprague**



WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**WDNR Aquatic Lands HCP DEIS - comments**

1 message

**Wayne Gilham** <wgilham@harbornet.com>

Sun, Nov 30, 2014 at 5:00 PM

To: WFWOComments@fws.gov

Cc: steve.sewell@commerce.wa.gov

**FlowDesign, Inc.****Wayne Gilham. S.A.**

marine surveyor / pleasureboat consultant

SAMS – surveyor associate

*a member of the Zenith Maritime Group***1727 Bridgeview Drive, Tacoma WA 98406****(253) 318 - 9873** [wayne@flowdesignsurvey.com](mailto:wayne@flowdesignsurvey.com)

November 30, 2014

Mr. Tim Romanski

U.S. Fish &amp; Wildlife Service

510 Desmond Drive SE, Suite 102

Lacey, WA 98503

Mr. Scott Anderson

NOAA Fisheries

510 Desmond Drive SE, Suite 103

Lacey, WA 98503

Cc to: Mr. Steve Sewell, Maritime Sector Lead

Washington State Department of Commerce

## Office of Economic Development and Competitiveness

2001 6<sup>th</sup> Avenue, Suite 2600 Plum St. SE

Seattle, WA 98121

**RE: Comments and concerns on Department of Natural Resources Habitat Conservation Plan -- "WDNR Aquatic Lands HCP DEIS"**

Dear Mr. Romanski &amp; Mr. Anderson:

I wish to add considerable more detail to my previous comments, as finally I have had a bit of time to thoroughly parse the huge proposed HCP document and even more imposing background papers – the Holiday weekend afforded me the opportunity, to also consult with others more knowledgeable in current regulatory-review procedures, this EIS process, and the presumed goals of DNR in overlaying existing protections with such an HCP.

From my further review AND my considerable discussions, I wish you to consider these points:

1. The proposed HCP for overwater and inwater structures does not appropriately coordinate with the first two of DNR's management guidelines of public lands (i.e., encouraging direct public use and access, and fostering water-dependent uses) BUT instead *conflicts* with these very guidelines by discouraging use by boaters, limiting public access across the intertidal/shallow-subtidal zone, and reducing the size, configuration, and number of existing inwater structures for mooring of recreational boats.
2. **The proposed HCP appears to rely on a long-term, continuous reduction in floating and overwater structures to achieve habitat benefits.** Because the majority of in-/over-water structures exist to support vessels, the only practical way this goal can be reached is to – over time – reduce the number of vessels to the extent that the structures are no longer available. This is in direct contradiction of our State Governor's "push" for greater opportunities for Outdoor Recreation, and his "push" for Economic Development in the maritime sector!
3. Unlike other HCPs that address *modifications* of a specific action (e.g., harvesting timber, growing shellfish), the proposed HCP section pertaining to overwater and inwater structures focuses on the cessation of activities by removal of structures (e.g. no floats between the shoreline and the arbitrary -7 ft MLLW, no sidewalls on boathouses, no boat ramps in potential forage fish spawning areas) to achieve habitat benefits.
4. Unlike the existing environmental review process, **the proposed HCP attributes harm to aquatic habitat from all structures equally**, independent of size, depth, location, function, and habitat value. It also assumes any structure within its lease authority causes "harm" whether the structure is permanent or seasonal, and whether OR NOT the habitat is used by any protected species, either constantly or intermittently. In contrast, my sources suggest that the existing review process evaluates projects based on specific attributes, including size, location, habitat type and value, etc..
5. **The proposed HCP would result in regulations and review that are duplicative of existing regulations and reviews.** For example, under section 7 of the Endangered Species Act (ESA), in-water activities in navigable waters must be evaluated in a Biological Assessment for potential harm to ESA-listed species and habitats that may be caused by the action's construction, operation, maintenance, and/or removal, within a short-term (i.e., construction) and long-term (i.e., operations) duration. In a

written document called a Biological Opinion, the federal Services (i.e., National Marine Fisheries Service and U.S. Fish and Wildlife Service) specify the protective actions that a project proponent must accept to avoid or minimize harm to listed species and their habitats, taking into account the species and habitats *at the site and the activity proposed*. DNR acknowledges that this federal review and authorization will not change if the proposed HCP is adopted. The proposed HCP allows DNR to insert itself into a regulatory process that *already* evaluates environmental health *in greater detail*, with more expertise. Why?

6. DNR also notes that “a habitat conservation plan addresses avoidance, minimization, and compensation for take associated with an ongoing program of operation; the approved habitat conservation plan must address long-term monitoring and contributions to the recovery of listed species.” While this information is technically correct, it currently applies to each separate in-water action that occurs in navigable waters (whether on DNR land or not). For example, renovation of a recreational marina would require the same conservation analysis, which may include long-term monitoring and contributions to species recovery. ***The proposed HCP would duplicate (on a state-wide basis) the same conservation and monitoring actions that each individual project is required to undertake.***
7. DNR uses the following statement as justification of the need for an HCP. “An aquatic HCP will also ensure that activities authorized by DNR, such as leasing for marinas and aquaculture, can continue while avoiding and minimizing impacts to endangered species.” The statement implies that an aquatic lease, in and of itself, could be harmful or beneficial to sensitive, threatened, and endangered species—presumably because no other regulations or rules adequately protect the species and habitat that may be found on “their” aquatic lands. In reality, ***existing local, state, and federal laws already tightly regulate activities***—including the installation and use of structures—that occur on the shoreline, over the water, and in the water, ***regardless of land ownership or leasing authority***. Today, regulated activities include construction (including methods, materials, equipment used, and timing) and operation of: marinas, ship terminals, docks, floats, ramps, piers, pipelines, breakwaters, piling, mooring buoys, and outfalls; water intakes and discharges; surface and storm water quality and quantity, and sewage discharges. The existing habitat and species protections are specific to both the proposed *activity* and the proposed *location*, so that valuable or sensitive habitat is protected or resorted *to the degree proportional to the impact*, rather than the blanket approach to protections that is proposed in the HCP (e.g., no floats in waters shallower than -7 ft MLLW, 60 percent grated decking, no side walls on boat houses). ***The proposed HCP would give DNR the authority to mandate uniform habitat “protections” without consideration of the necessity or value of those protections on a location-specific or activity-specific basis.*** In addition, DNR asserts that without the proposed HCP, project reviews by other state and federal authorities would fail to consider the bigger picture of cumulative impacts from multiple separate activities along a shoreline. DNR’s assertion ignores the responsibility under ESA section 7 that cumulative adverse effects be *considered by federal agencies* during ESA reviews.
8. ***Under the ESA section 7, impacts are evaluated by comparison of proposed conditions to existing conditions, not pristine conditions.*** Under existing regulations, habitat compensation for proposed impacts is limited to 1) preserving existing habitat conditions, 2) avoiding or minimizing additional harm to species and habitat, and 3) addressing ongoing species/habitat injury of a permitted action. ***DNR’s approach in the proposed HCP is to recover and restore habitat to un-impacted pre-development condition through blanket prescriptions, a goal which greatly exceeds existing federal and state habitat management goals and regulations.***
9. What is the impetus for DNR to ***provide protections under the HCP to non-federally-listed species?*** What Best Available Science and state mandate are being used to justify protection of state-listed species? State-listed species are currently managed by wildlife experts within the Washington Department of Fish and Wildlife on all state lands and waters; providing WDNR with additional management authority would increase costs to the public and project proponents, conflict with existing programs, and duplicate effort with potentially no benefits to either wildlife or the public.
10. From what Best Available Science source does DNR base its ***desire to regulate graywater discharge from boats?*** Even the most stringent federal reviews of habitat impacts and water quality do not include graywater from boats as a significant impairment to marine waters—possibly because quantities and especially concentrations are too small to measure. What is the purpose of having unique water quality management limits to WDNR-leased waters separate from all other waters of the state? The Washington Department of Ecology currently manages all discharges into waters of the state. Sewage and bilge water discharges are already prohibited by state and federal regulations.

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Now, I address In greater detail, certain sections:

Overwater structures p. 5-10

"All overwater structures will be required to implement the following conservation measures for all authorizations:

3. "At the time of application or reauthorization, applicants and lessees shall assess water drainage and runoff patterns and shall develop and implement a plan to alter or treat them, as necessary, to reduce direct inputs of contaminants and nutrients into state waters." *Which contaminants and nutrients? Who determines? How would a marina or private dock treat rainwater runoff? **Washington State Department of Ecology already manages water quality from stormwater and surface water runoff.** DNR management would be duplicative and over-reaching.*
4. "Unless the aquatic vegetation present at a site can be accurately delineated using existing information, proponents of new activities will be required to conduct a vegetation survey to determine the location and species of aquatic vegetation on a proposed leasehold." **Aquatic vegetation, vegetation surveys, and protective buffers are already managed by WDFW.** *Vegetation surveys are already required by WDFW under the same standards as those WDNR proposes to adopt.*

Complex and multiple element structures p. 5-11

"All marinas, shipyards, and terminals will be required to implement the following conservation measures for all authorizations: <snip> ...Alternatively, the buffer may be established through prop-wash modeling to identify appropriate buffers that will avoid scouring of the substrate and impacts to aquatic vegetation (if it occurs on or adjacent to the site). The modeling must be conducted and certified by an engineer experienced in assessing these impacts. The results of the modeling should provide Washington DNR with recommended siting buffers and depths and other proposed actions to avoid impacts from the types of motorized watercraft that will be using the facility." *My sources suggest that propeller wash studies are expensive and questionable—**what Best Available Science shows that scour is 1) an issue, and 2) not addressed by the Services under ESA section 7?** Many marinas are already armored to protect the basin slopes, so propeller scour effects on aquatic vegetation would not be an issue. Aquatic vegetation is currently managed by WDFW and USACE, so why does WDNR need to insert duplicative authority? Propeller scour analysis of vegetation might be appropriate for a new moorage area, but not for renewal of a lease within an established moorage. My sources suggest that **Aquatic vegetation is already managed and protected by the federal Services** (through the USACE permit process) and WDFW (through the HPA process). Scour studies would not add protection, but would add considerable expense to marinas—especially because WDNR defines a marina as any moorage with 10 or more vessels, regardless of vessel size.*

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I posit that the above much more detailed points do not contradict, but only amplify the general comments I submitted on November 26, 2014 – My position remains, that I must question the very need for DNR's "one-size-fits-all" overlay process (especially if triggered on arbitrary administrative lease-renewal dates rather than only upon NEW construction), especially as it seems – upon my more detailed review and discussions with those active in such regulatory matters -- to be placed on top of what appears to be a completely adequate existing regulatory procedure to ensure Endangered Species protection.

Respectfully submitted,



Wayne Gilham



**image001.jpg**  
7K



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR Aquatic Lands HCP DEIS

1 message

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**Elizabeth Landry** <landryea@mac.com>

Sat, Dec 27, 2014 at 2:25 PM

To: WFWOComments@fws.gov

Reference : HCP-EIS

I would like to request reconsideration of this legislation. As a vessel owner I can see what a hardship this action would work on recreational boaters, commercial operations, and marinas. The requirements outlined in HCP-EIS would severely impact marina operations and capacities on which commercial and recreational boaters depend for moorage and maintenance. Vessel sales both new and used would also be impacted. Who would buy a boat if there was no place to moor it? In the year 2000 available marina moorage was already a serious problem and continued to be a problem until the recent depression developed. The disastrous effect on the entire boating industry and would slow the economic recovery we are now experiencing.

Please do everything possible to mitigate the adverse effect that these regulations would have on the entire boating industry and our recovering economy.

Thank You,

Raymond E. Landry

Owner/Captain M V Otter 679-444



WFWOComments, FW1 <wfwocomments@fws.gov>

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## WDNR HCP?

3 messages

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**Stephen Davies** <poplarav@gmail.com>  
To: WFWOComments@fws.gov

Thu, Sep 4, 2014 at 7:48 AM

Where can I find this online?

Thanks

—  
Steve Davies  
Editor, [Endangered Species & Wetlands Report](#)  
[https://twitter.com/ESWR\\_Update](https://twitter.com/ESWR_Update)

301-891-6715 land  
202-744-1535 cel

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**WFWOComments, FW1** <wfwocomments@fws.gov>  
To: Stephen Davies <poplarav@gmail.com>

Tue, Sep 9, 2014 at 9:28 AM

I am assuming you have these already, but in case you don't, our website is: <http://www.fws.gov/wafwo/wdnrhcp>

Also attached is the Federal Register notice.

Sorry for the delay.  
[Quoted text hidden]

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**79 FR 53020.pdf**  
206K

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**Stephen Davies** <poplarav@gmail.com>  
To: "WFWOComments, FW1" <wfwocomments@fws.gov>

Tue, Sep 9, 2014 at 9:54 AM

Thanks much. I did manage to find 'em  
[Quoted text hidden]



WFWOComments, FW1 <wfwocomments@fws.gov>

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**public comment on federal register - this proposal proposes 50 years of private thieves stealing and using our national lands -this is no benefit for 325 million citizens of america - its for locals who want money for themselves**

1 message

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bk1492@aol.com <bk1492@aol.com>

Thu, Sep 11, 2014 at 11:54 AM

To: tIMrOMANsKI@fws.gov, scott.anderson@noaa.gov, WFWOComments@fws.gov, vicepresident@whitehouse.gov, americanvoices@mail.house.gov, info@tapayer.net, media@cagw.org  
Cc: info@pewtrusts.org, center@biologicaldiverstiy.org, info@earthshare.org, info@earthjustice.org, info@defenders.org, humanelines@hsus.org, info@peta.org, info@idausa.org, info@llohv.org

the state lands are washingtonlands. these lands that are national lands are for 325 million people and you are not taking comment from anybody or getting borad outreach on what to do with national lands. you are letting local yokel thieves take national lands for their own private usage for 50 years. I am definitely afghast at this proiposal and against it.

the lands will be quickly plundered for the private locals pocketbooks/wallets. national owners will be impoverished compeletely of lands that they own and have paid for. national taxpayers are getting zzilch out of this plan. this plan is an environmentl nightmare. it needs to be thrown in the wastebasket and the agencies proposing it given an f minus for their work. wildlife and birds wil be extinct. the commercial fishing industry stole the salmon and will do so again because noaa does not regulate for real sustainability. they let the commercial fish profiteers run wild and steal and steal and steal.

there is no law enforcement in noaa at all. it is absurd and depraved to give 50 years permits to private takers. pleae continue me on the mail list on all future activities on this theft from the general American public this is robbery on a massive scale. I want this land protected for national citizens, not the locals who can manage their state lands. they do not have the only sayon national lands. this comment is for the public record. please receipt. jean public [jeanpublic1@yahoo.com](mailto:jeanpublic1@yahoo.com)

[Federal Register Volume 79, Number 172 (Friday, September 5, 2014)]

[Notices]

[Pages 53020-53023]

From the Federal Register Online via the Government Printing Office [[www.gpo.gov](http://www.gpo.gov)]

[FR Doc No: 2014-21198]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 0648-XD366

[FWS-R1-ES-2014-N095]

Draft Environmental Impact Statement; Proposed Washington  
Department of Natural Resources Aquatic Lands Habitat Conservation  
Plan, Washington

AGENCY: National Marine Fisheries Service, National Oceanic and  
Atmospheric Administration, Commerce; Fish and Wildlife Service,  
Interior.

ACTION: Notice of availability; announcement of meetings; request for  
comment.

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SUMMARY: The Washington Department of Natural Resources (WDNR) has submitted applications to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) (together, the Services) for incidental take permits (permits) for a term of 50 years, pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit applications address incidental take of listed species caused by WDNR authorizations of shellfish aquaculture, log booming and storage, and overwater structures undertaken by individuals, businesses, and governmental agencies on 2.6 million acres of State-owned aquatic lands, including marine and freshwater tidelands, shorelands, and bedlands of the State of Washington. The proposed permits would authorize take, incidental to otherwise lawful activities, of 29 species of fish and wildlife, including federally listed threatened and endangered species. As required by the ESA, WDNR has prepared a Habitat Conservation Plan (HCP) designed to minimize and mitigate the impacts to the maximum extent practicable, that will likely result from such taking. A draft implementing agreement (IA) for the HCP has also been prepared. The Services have jointly prepared a Draft Environmental Impact Statement (DEIS) in accordance with requirements of the National Environmental Policy Act (NEPA). The DEIS evaluates the impacts of, and alternatives to, the proposed HCP and issuance of the permits. We are announcing public meetings and requesting public comment on the DEIS, proposed HCP, and the IA.

DATES: Written comments on the DEIS, proposed HCP and draft IA must be received from interested parties no later than December 4, 2014. The Services and the WDNR will conduct four public meetings to inform the public about the DEIS, proposed HCP, and the IA. See SUPPLEMENTARY INFORMATION section for meeting dates, times, and locations.

ADDRESSES: Obtaining Documents: The DEIS, HCP and related documents are available electronically on the World Wide Web at <http://www.nwr.noaa.gov/Salmon-Habitat/Habitat-Conservation-Plans/HCPs-in-Process.cfm> and <http://www.fws.gov/wafwo/>.

Submitting Comments: You may submit written comments by any of the following methods:

U.S. mail: Scott Anderson, National Marine Fisheries Service, 510 Desmond Drive SE., Suite 103, Lacey, WA 98503; or Tim Romanski, U.S. Fish and Wildlife Service, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503. Email: [WFWOComments@fws.gov](mailto:WFWOComments@fws.gov). Include the identifier ``WDNR Aquatic Lands HCP EIS" in the subject line of the message. Facsimile: 360-753-9518. In-Person: Written comments will be accepted at the public meetings, or can be dropped off during regular business hours at the above address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. FOR FURTHER INFORMATION CONTACT: Tim Romanski, U.S. Fish and Wildlife Service, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503; telephone 360-753-9440; facsimile 360-753-9518; or email [TimRomanski@fws.gov](mailto:TimRomanski@fws.gov); or Scott Anderson, National Marine Fisheries Service, 510 Desmond Drive SE., Suite 103, Lacey, WA 98503; telephone 360-753-5828; facsimile 360-753-9517; or email [scott.anderson@noaa.gov](mailto:scott.anderson@noaa.gov). If you use a telecommunications device for the deaf, please call the Federal Information Relay Service TTY 800-877- 8339 or visit Federal Relay at <http://www.federalrelay.us/>. SUPPLEMENTARY INFORMATION: Public Meeting Information and Special Accommodation The public meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation services or other auxiliary aids should be made at least 7 working days prior to the meeting date by contacting: Scott Anderson, National Marine Fisheries Service, at telephone 360-753-5828; or email [scott.anderson@noaa.gov](mailto:scott.anderson@noaa.gov); or Tim Romanski, U.S. Fish and Wildlife Service, telephone 360-753-9440; facsimile 360-753-9518; or email [TimRomanski@fws.gov](mailto:TimRomanski@fws.gov). The four meetings will be held at the following locations listed below: 1. Tuesday, October 7, 2014, 6 p.m. to 8:30 p.m., Skagit Valley College, Mount Vernon Campus, Angst Hall, Room A-125, 2405 East College Way, Mount Vernon, WA 98273. 2. Thursday, October 9, 2014, 6:30 p.m. to 8:30 p.m., Cowlitz County Public Utility District Office, 961 12th Avenue, Longview, WA 98632. 3. Monday, October 13, 2014, 6:30 p.m. to 8:30 p.m., Pierce County Public Library, Processing and Administration Center, Rooms B and C, 3005 112th Street E, Tacoma, WA 98446. 4. Wednesday, October 15, 2014, 6:30 p.m. to 8:30 p.m., City of Pasco Senior Center, Multi-Purpose Room North, 1315 N 7th Avenue, Pasco, WA 99301. Statutory Authority Section 9 of the ESA and its implementing Federal regulations prohibit the ``taking" of a species listed as endangered or threatened. The term ``take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such [[Page 53021]] conduct. Harass is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding, and sheltering. ``Harm" is defined by FWS regulation to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727; November 8, 1999) (50 CFR 222.102). Section 10 of the ESA and the implementing regulations provide that the Services may issue permits, under limited circumstances, to allow the take of listed species incidental to, and not the purpose of, otherwise lawful activities. The FWS regulations governing permits for endangered species are promulgated in 50 CFR 17.22; regulations governing permits for threatened species are promulgated in 50 CFR 17.32. The NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307. Background The WDNR has submitted applications to the Services for permits pursuant to section 10(a)(1)(B) of the ESA. As required by section 10(a)(2)(A) of the ESA,

WDNR has developed an HCP designed to minimize and mitigate the impacts that will likely result from incidental take, of 29 species addressed in the HCP, that is reasonably certain to be caused by activities authorized by WDNR on State-owned aquatic lands. This HCP addresses multiple species and habitats, and encompasses the entirety of the 2.6 million acres of aquatic lands managed by WDNR. Nearly all the marine and freshwater bedlands, approximately 70 percent of the shorelands of navigable lakes and rivers, and approximately 30 percent of the tidelines in Washington are owned and managed by the State. WDNR is seeking two permits for incidental take of species under the respective jurisdictions of NMFS and the FWS. Each Permit would have a term of 50 years to run concurrently with the HCP. This term ensures that WDNR will be able to implement the defined conservation strategies and monitoring efforts for all activities covered by the HCP that currently exist on State-owned aquatic lands. The Services formally initiated public scoping for the proposed HCP and EIS through publication of a Notice in the Federal Register on October 24, 2006 (71 FR 62251). That notice announced a public scoping period during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal, and to attend five public scoping meetings held between October 24, 2006, and November 8, 2006, at various locations in Washington. Utilizing the public scoping comments, the Services have prepared a DEIS to analyze the effects of the alternatives on the human environment. The DEIS, proposed HCP, and IA documents are now available for public review and comment with this notice. Covered Activities WDNR's goal in developing this HCP is to provide a process for management of State-owned aquatic lands that meets the applicable requirements of the ESA and WDNR's responsibilities to manage aquatic lands for a balance of public uses and environmental protection. This includes ensuring that the effects of the specific WDNR activities included in the permit will be mitigated to the maximum extent practicable, and that there is no appreciable reduction in the likelihood of the survival or recovery of a covered species in the wild due to permitted incidental take or habitat degradation. The HCP provides a method for habitat management on State-owned aquatic lands that supports species recovery and reduces the risk of extinction. The HCP focuses on a set of activities that WDNR can affect both how and where they occur on State-owned aquatic lands. Three general categories of authorized activities are included in the HCP: Shellfish aquaculture, log booming and storage, and overwater structures. Shellfish aquaculture includes the operations, facilities and structures that WDNR authorizes on State-owned aquatic lands associated with the commercial planting and harvesting of shellfish. The harvesting of wildstock shellfish is not covered. Log booming and storage includes placing logs into and taking them out of the water, assembling and disassembling of log rafts before or after their movement in water-borne commerce, and water-based sorting and temporary holding of the logs. Log storage includes the water storage of logs in rafts or other preparation for shipment in water-borne commerce. The use of aquatic lands for these activities occurs as part of larger commercial logging operation, and because the activities are closely related, WDNR frequently combines the two activities into a single authorization. Overwater structures are defined as structures built over, under, or floating on the water associated with recreation, industry, or habitation. The group is broken into two categories: Single element structures, meaning those with only one associated structure such as a private pier; and multiple element structures that contain a complex of interrelated structures at a single facility, such as a commercial marina or shipping terminal. Activities associated with overwater structures typically occur year-round, with heavier use of recreational facilities occurring in the summer. While a majority of the structures are permanent, structures such as mooring buoys, floating docks, or rafts may be removed in the winter. Although authorizations for overwater structures vary in duration, the structures themselves may remain indefinitely.

This is particularly true for multiple-element structures, where the structures are often valuable enough to remain in place across multiple lease terms and business operators.

**Covered Species** The Aquatic Lands HCP addresses 29 listed and non-listed species of fish, birds, and other animals. The FWS has jurisdiction for 15 of the covered species, including the marbled murrelet (*Brachyramphus marmoratus*), western snowy plover (*Charadrius alexandrinus nivosus*), black tern (*Chlidonias niger*), harlequin duck (*Histrionicus histrionicus*), common loon (*Gavia immer*), Columbia spotted frog (*Rana luteiventris*), northern leopard frog (*Rana pipiens*), Oregon spotted frog (*Rana pretiosa*), western toad (*Bufo boreas*), Pacific pond turtle (*Actinemys marmorata*), Pacific lamprey (*Lampetra tridentata*), bull trout (*Salvelinus confluentus*), coastal cutthroat trout (*Oncorhynchus clarki clarki*), kokanee salmon (*Oncorhynchus nerka*), and white sturgeon (*Acipenser transmontanus*). The marbled murrelet, western snowy plover, and bull trout are listed as threatened under the ESA. The Oregon spotted frog (*Rana pretiosa*) is a species proposed for listing as threatened or endangered. The NMFS has jurisdiction for 14 of the covered species including Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), pink salmon (*Oncorhynchus gorbuscha*), steelhead trout (*Oncorhynchus mykiss*), [[Page 53022]] green sturgeon (*Acipenser medirostris*), eulachon (*Thaleichthys pacificus*), Pacific herring (*Clupea pallasii*), Pacific sand lance (*Ammodytes hexapterus*), surf smelt (*Hypomesus pretiosus*), bocaccio rockfish (*Sebastes paucispinis*), canary rockfish (*Sebastes pinniger*), yelloweye rockfish (*Sebastes ruberrimus*), and southern resident orca (*Orcinus orca*). Chinook, chum, coho, sockeye, and steelhead trout have one or more evolutionary significant units that are designated as endangered or threatened under the ESA. In addition, the yelloweye rockfish, canary rockfish, eulachon, and green sturgeon are listed as threatened under the ESA. The southern resident orca and bocaccio are listed as endangered under the ESA.

**Covered Lands** The Aquatic Lands HCP covers those lands directly owned by the State of Washington and managed by WDNR that underlie navigable freshwater, marine, and estuarine waters within the State of Washington. Under Federal law, Washington received title to those lands upon Statehood, and the State asserted ownership in Article XVII, Section 1 of the Washington State Constitution. This HCP does not cover aquatic lands that were sold into private ownership, managed by agencies other than WDNR, or are under waters that are not navigable for establishing State title. Navigable waters are those lands that are capable of serving as a highway for commerce in their natural and ordinary condition, using customary modes of travel and trade on water. WDNR presumes all bodies of water meandered by a government surveyor to be navigable for the purpose of establishing State title, unless declared otherwise by a court. If there is a dispute about whether a water body is navigable for the purpose of vesting title in the State, the judiciary makes the final determination. While State ownership in saltwater is well established, the extent of State-owned aquatic lands underlying freshwater is less established, because the navigability of some waterbodies has yet to be analyzed or adjudicated. In addition, because State ownership, and thus WDNR's management authority, generally follows gradual changes in the boundary of the water body caused by natural accretion, erosion, and reliction, the location of waterbodies managed by WDNR may change over time. The WDNR manages approximately 2.6 million acres of submerged land, including the attached biological communities (submerged aquatic vegetation and infauna). State-owned aquatic land extends 3 miles waterward into the Pacific Ocean, and includes submerged lands and resources to the center of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and the Strait of Georgia; the aquatic lands and resources surrounding the San Juan Archipelago; and the lands and resources underlying Puget Sound, Hood Canal, and navigable rivers and lakes across the State. Alternatives

The following is a brief summary of the three alternatives evaluated in the DEIS and HCP (for details, refer to those documents):

**Alternative 1: No-action--**Under this alternative, WDNR would not implement a HCP, and permits would not be issued by the Services. The WDNR would continue managing and leasing State-owned aquatic lands in accordance with current practices, but no specific management strategies would be implemented by WDNR to ensure compliance with the ESA. The WDNR would not conduct a direct evaluation under the ESA of the effects of its management actions, nor would it consider the cumulative effects of its activities. WDNR would manage requests for uses of State-owned aquatic lands on a site-by-site basis. Currently, many use authorization agreements issued by Washington DNR require the implementation of practices designed to protect environmental resources. Additionally, Washington DNR has various programs currently in place that help conserve habitat (e.g., the Aquatic Reserves Program, Derelict Vessel Removal Program, and the Aquatic Lands Restoration Program). However, the degree of habitat protection, and the frequency and consistency of implementation, would not be assured over time without a HCP and permits because WDNR would not be committed to a fully funded HCP and a legally binding permit.

**Alternative 2: Proposed Action--**Under this alternative, WDNR would implement the proposed HCP, and the Services would issue permits covering three general categories of activities (shellfish aquaculture, log booming and storage, and overwater structures) in freshwater, estuarine, and marine environments, provided all legal requirements are met (see the Covered Activities section above). A specific conservation program would be implemented through the HCP to ensure compliance with the ESA.

**Alternative 3: HCP for Marine Areas Only--**Under this alternative, WDNR would implement an HCP, and the Services would issue permits for covered activities only in marine and estuarine environments, provided all legal requirements are met. The activities, species, and area covered under this alternative would generally be a subset of those included under Alternative 2, and the HCP would focus on those species most likely to be affected. The HCP would not cover the Columbia spotted frog, Oregon spotted frog, northern leopard frog, western toad, Pacific pond turtle, or black tern, because in Washington State, these species occur only in freshwater habitats. Washington DNR would implement all of the elements of the HCP operating conservation program to ensure compliance with the ESA, but in marine and estuarine areas only. WDNR's habitat protection and restoration programs and actions would be applied toward compensation for unavoidable impacts from authorized uses in marine and estuarine waters only. In freshwater areas, WDNR would manage State-owned aquatic lands as described for Alternative 1, No Action, so there would not be the added protections of the HCP for the freshwater activities.

**Public Availability of Comments**  
Comments and materials we receive, as well as supporting documentation we use in preparing the final EIS, will become part of the public record and will be available for public inspection by appointment, during regular business hours, at the Service's Washington Fish and Wildlife Office (see ADDRESSES). Before including your address, phone number, email address, or other personal identifying information in your comment(s), you should be aware that your entire comment(s)--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment(s) to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority** We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1539) and NEPA (42 U.S.C. 4371 et seq.) and its implementing regulations (40 CFR 1506.6). [[Page 53023]] Dated: August 25, 2014. Angela Somma, Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Dated: August 25, 2014. Richard R. Hannan, Deputy Regional Director, Pacific Region, U.S. Fish and Wildlife Service, Portland, Oregon. [FR Doc. 2014-21198 Filed 9-4-14; 8:45 am] BILLING CODE 3510-22-P; 4310-55-P





WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## Aquatic Lands Habitat Conservation Plan

1 message

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**hwbranch@aol.com** <hwbranch@aol.com>

Thu, Sep 18, 2014 at 8:30 AM

To: WFWOComments@fws.gov

Re: Aquatic Lands Habitat Conservation Plan

This plan is more of the same short sighted thinking that has gotten us into the current sorry state of affairs. Puget Sound is an ecosystem in collapse and all DNR can come up with is more of the same, tired lingo.

On June 15, 2002 the City of Olympia commissioned the West Bay Habitat Assessment by R.W. Morse. R.W. Morse is the author of several popular field guides and considered a leading expert on Northwest Birds. Fifty six surveys were conducted over an eight month period. Along West Bay they counted 39 species of waterbirds and six raptors, for a total of 15,231 sightings. Red-necked, Horned and Western Grebe, Pelagic Cormorant, Surf Scoter, Barrows Goldeneye, Hooded, Common and Red-breasted Merganser, Ruddy Duck, Bonaparte's Gull and Mew and Red-winged gull. As of 2002 White Winged and Black Scoters, American Wigeon, Canvasback and Rhinoceros Auklet were already locally extinct. Today, 12 years later, they're all, for all intents and purposes, locally extinct.

These birds were apex predators, the best indicators of the health of the ecosystem. Their loss should tell us that South Puget Sound is a collapsed ecosystem and yet we rarely if ever see it mentioned. This is because the topic lies outside the box of allowable topics. It's taboo. If you start talking about ecosystems, you're soon going to be talking about ecosystem based management which is a terrifying thought for the Washington State shellfish industry and development and other well connected special interests.

A lot of people are upset about the proposed loss of the last heron rookery in Olympia. Unfortunately the loss of these majestic birds will be nothing new. In 2002, R.W. Morse repeatedly implored the City to at least try to determine what was causing the loss of the birds and nothing happened. For someone such as myself who has witnessed this loss, it's hard to stomach the lack of interest or even recognition of these realities.

Over the years, I've witnessed the loss of species. But moreso I witnessed these species being forgotten. Current conditions are always the target. It's a classic example of the shifting baseline. Meanwhile, there are some interesting local movements afoot. Citizens are increasingly frustrated with Washington State's environmental policies. A community rights ordinance may come to a vote. This may include an Ecosystem Bill of Rights:

1. Every effort should be made to restore or mimic natural conditions. Natural marine ecosystems are the most productive, resilient and maintenance free.
2. Natural conditions include the shape and structure of land, hydrogeology, water quality and biota including everything from the smallest plankton to the largest apex predator. Natural conditions are assessed according to physical, chemical and biological parameters, all of them, not just one or two. Any terminology is applied correctly according to universally accepted definitions.
3. Natural conditions are those that existed historically. Any assessment of natural conditions must include an assessment of historic conditions.
4. Plants and animals don't have to be endangered throughout their range to be endangered locally.

Washington State supposedly adheres to a policy of "no net loss". Chemical and biological parameters are

12/2/2014

DEPARTMENT OF THE INTERIOR Mail - Aquatic Lands Habitat Conservation Plan

largely dictated by physical parameters. As long as physical parameters remain degraded, we will continue to see net losses. Washington State is refusing to recognize the most basic tenets of oceanography.

Harry Branch  
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WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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**RE: WDNR Aquatic Lands HCP DEIS**

1 message

**Rob Widmeyer** <rwidmeyer@lmnarchitects.com>

Tue, Jan 6, 2015 at 7:50 AM

To: "WFWOComments@fws.gov" &lt;WFWOComments@fws.gov&gt;

Cc: "cpl@dnr.wa.gov" &lt;cpl@dnr.wa.gov&gt;

I am the owner of a floating home located on leased DNR land in Lake Union. My wife and I are members of the Log Foundation, a cooperative moorage of 52 floating homes located at 2017, 2019 and 2025 Fairview Avenue East. I currently serve as the president of our Board of Directors. Given the very short comment period over the holidays, I realize that your deadline for comments has passed. However, I hope you agree that a comment period that ended between Christmas and New Year's is unreasonable, and that these comments will be accepted and considered. While these comments are my own, I intend to share these with our board and confirm that these concerns are shared by all our members.

While many aspects of the draft aquatics HCP regulations give me cause for concern about exactly how they will be specifically applied to floating home moorages, my comments here are directed at the requirements for "unobstructed grating", as it would specially apply at the Log Foundation moorage. Our moorage occupies a combination of privately owned submerged land, leased portions of submerged City Seattle street right-of-ways, and a leased DNR submerged parcel. These regulations would apply to the DNR parcel which begins 200 feet from shore and extends 150 feet to the West. The lake is typically 30 – 35 feet deep over the entire DNR parcel. The outer 150 feet of our 3 pile-supported 6 foot wide access walkways are located within the DNR parcel. 14 of the 52 floating homes are located wholly within the DNR parcel, and 8 are partially located within the DNR parcel.

While I appreciate the desire to reduce overwater shading in near shore environments, I question the prescriptive application of grating 200 feet or more from shore. What is the scientific basis for the requirement in this off shore location? I understand that the reduction of overwater shading is directed at protecting juvenile fish or maintaining aquatic vegetation. What specific species of juvenile fish have been observed at this location? What vegetation is present at this depth? I suspect the answer to both is: none.

While I question the value of grating on our access walkways, I can understand how the access walkway decking could be modified to include 50% grating. However, the application of this requirement to the deck areas of floating homes is impractical and would be ineffective. Most floating homes in our moorage have log floats. These consist of multiple layers of closely spaced large logs. The resulting structure forms an essentially opaque foundation under the entire float area. Adding open grating over deck areas would not

reduce over water shading in any measureable way. If grating was installed, restrictions limiting the use of these deck areas to maintain them as "open" would also not increase light transmission. It would however make the deck areas useless for their primary purpose of outdoor living. There is no practical way to modify log floats to reduce opacity. The other floating homes are on concrete encased floatation with the same impact and challenges for modification.

My intent on focusing on the grating requirement is to demonstrate that the application of these standard prescriptive requirements across many different overwater water structures and uses does not likely achieve the desired results for floating home moorages, is in many cases impractical, and does not result in an acceptable cost / benefit. Floating home residents are among the strongest advocates for the quality of our marine habitat. Given the opportunity, we are ready and willing to contribute to developing custom solutions that could enhance the marine environment within our floating home moorages. I ask that the proposed regulations be further refined to more directly address the unique situations of floating home moorages.

Thank you,

Rob Widmeyer

2017 Fairview Avenue, A

Seattle, WA 98102

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**Rob Widmeyer, AIA, LEED AP**

Partner

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WFWOComments, FW1 &lt;wfwocomments@fws.gov&gt;

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## WDNR Aquatic Lands HCP DEIS

1 message

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Dan Mosby & Kathy Peterson <kpeterson781@yahoo.com>  
To: WFWOComments@fws.gov

Sat, Jan 17, 2015 at 6:33 AM

To: Tim Romanoski and Scott Anderson  
From: Dan Mosby and Kathy Peterson  
January 17, 2015

We spend our summers in the San Juan Islands cruising our small sailboat out of Anacortes. We are strong supporters of the extensive efforts and concomitant resources the state has expended to reclaim the natural habitats of Fidalgo Bay. It would be a terrible shame to see our habitats destroyed by increased tanker traffic or other commercial uses. As you develop the Aquatic Lands Habitat Conservation Plan, please stipulate that there be no net loss of wildlife habitat in any development. Any developments should be considered utilizing the best available science. There are many unanswered questions about changes now rampant in our Salish Sea, from loss of important species to changes in water quality. Please make the Conservation Plan a stringent protector of our treasures.