



Skagit River System Cooperative

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21 November 2005

Island County, Department of Planning and Community Development
Attn: Phillip Bakke, Director
PO Box 5000 Coupeville, WA 98239

Re: Lead Entity file No. 387/04, Nichols Brothers Boat Builders Inc., Scoping EIS.

Dear Mr. Bakke,

On behalf of the Swinomish and Sauk-Suiattle Indian Tribes, the Skagit River System Cooperative (SRSC) has reviewed the above referenced SEPA materials and offers the following comments and recommendations for public record and scoping of the Environmental Impact Statement (EIS):

Shellfish Resources

- Ghost Shrimp (*Callinassa californiensis*) are a species with habitats of State and Local importance, the biological assessment states that ghost shrimp are very common approximately +5 feet MLLW down to -0.7 feet MLLW and that ghost shrimp beds dominate the near shore area out to approximately the 0 feet MLLW elevation. The Puget Sound Treaty Tribes have entered into a Sand Shrimp Management Agreement with the State of Washington in which the management goal is to preserve, protect, and perpetuate the long-term sustainable harvest of sand shrimp resources, and to protect the habitat necessary to sustain these harvests. We request that a determination be made as to the number of ghost shrimp per square foot and how much habitat will be removed or made inaccessible for harvesting in the area proposed for the rail system.
- The proposed rail system crosses over public Beach Identification #240440 (Freeland County Park). A population assessment was conducted for recreational harvest by Washington State Fish and Wildlife, 7 June 2004. Seven acres were surveyed resulting in an allowable harvest of 15,216 pounds of native littleneck and Manila clams, combined. Adjacent areas are also identified as approved for commercial harvest but no mention of BIDN 240440, however it is not presently certified for commercial harvest. How will the proposed project affect commercial and recreational harvest of shellfish?
- As stated, the proposed rail system, including pilings, will not be placed on recreational or commercial shellfish beds. A map showing existing shellfish beds relative to the proposed rail system should be provided as well as a clam survey in the area to be impacted by the rail system. Would there be any encumbrances associated with the rail system that would exclude diggers' access to these shellfish beds?
- To date, we have not requested the Washington Department of Health to certify BIDN 240440 for commercial harvesting, our concerns to be addressed, are there any activities

associated with the construction of boats upland, the rail system itself or the launching of boats in the future that would prohibit certification of the adjacent tidelands by Department of Health?

- There is no reference to geoduck in Holmes Harbor or geoduck surveys within the construction site which is proposed to extend to a depth of -15 feet MLLW? Presently there are two geoduck tracts located in Holmes Harbor, tract 03400 (Dines Point) and 03450 (Holmes Harbor), these tracts were surveyed in 1971. Geoduck beds closer than 200 yards from shore were not surveyed. The presence of geoduck within the impact area will need to be determined, and if geoduck are present, there will need to be a survey and population estimate.

Salmon Resources and Ecosystem Function

- Should construction of this project occur, we request that an analysis be conducted of ecosystem impacts pre- and post-project construction.
- As some beach structures (e.g., bulkheads, piers, etc...) may have an effect on near shore sediment transport and long shore drift, it seems appropriate that an analysis be conducted on how the project will affect wave energy and sediment transport on the beach face and the back beach areas. This analysis directly relates to long-term survival of eelgrass, spawning habitat for forage fish, potential for future dredging projects, shellfish resources, etc.
- The adjacent wetland area to the east of the NBBBI fabrication area was a historic pocket estuary, a habitat feature noted for its productivity and importance for juvenile Chinook salmon (and other salmonids) rearing. How will the development and full build-out of the project affect this habitat feature and its ability for future restoration potential? At the very least, removal of the existing boat launch should be considered only part of the mitigation plan. Scoping of pocket estuary restoration as part of the mitigation package should be warranted under the EIS.
- A drainage analysis consisting of point-source and non-point-source pollution coming from the NBBBI site should be conducted in the EIS. This directly relates to a bullet above that states the tribes' concerns regarding certification of commercial shellfish beds by the Department of Health. Further, how does on-site drainage affect the wetland to the east of the production area?
- What are the permanent habitat changes associated with full build-out of the 1400' rail structure and the estimated change in fish or avian communities for this area as a result of habitat change? Please include a discussion about predator-prey relationships, post-construction fish and avian community assemblage structure, and their impacts on forage fish and juvenile salmonids.
- A thorough examination of how this project will affect Chinook salmon (and other salmon species) would be helpful. Currently, the biological assessment is lacking in discussion of direct and indirect affects to salmon.

Adaptive Management Plan

- Due to the large and potential ecologically damaging scope of this project, we request that an adaptive management plan be drafted and agreed to by all interested parties that would take into account post-project monitoring, cumulative effects of activities in the area,

past, present, and future, as well as potential future mitigation options should the results of the project be more damaging than thought.

Thank for the opportunity to comment on this project proposal and scoping of the EIS. We eagerly await your response.

Sincerely,

Derek Marks
Fisheries Scientist