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Department of Ecology
Water Quality Program

DEC 22 2004

December 15, 2004



Ken Koch
Water Quality Program
WA Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Proposed 303(d) delisting of Port Angeles Harbor for Dissolved Oxygen

10312

Dear Mr. Koch:

The Lower Elwha Klallam Tribe has recently learned that a consortium of industrial interests including the Port of Port Angeles, Daishowa America, and Rayonier have petitioned the Department of Ecology to delist Port Angeles Harbor from the 303 (d) list of impaired waters. These parties made no effort to consult with the Tribe and we only recently obtained a copy of their Delisting Request prepared by the consulting firm of Floyd, Snider and McCarthy (FSM). The Tribe, as co-manager of fish and wildlife resources within Port Angeles Harbor, is unequivocally opposed to delisting and believes that the Harbor should be listed for several other chemical contaminants.

It is our opinion that Port Angeles Harbor has been severely degraded by industrial activities, both historic and ongoing. We see little signs of willingness from local economic development interests in addressing the long-term cumulative effects of industrialization on marine habitats and biological and cultural resources of Port Angeles Harbor. Indeed, we view the effort to delist Port Angeles as an effort to protect an existing practice (water storage and transport of logs) that continues to degrade water quality and habitat.

With regard to the delisting request prepared by FSM, we offer the following comments:

- We agree that Port Angeles Harbor has a high flushing (turnover) rate. Given this fact and the obvious connection to the Strait of Juan de Fuca, a water body of extraordinary quality, we believe that the Harbor should immediately be upgraded from a type "A" water to "AA" water. The designation of the Harbor as type A was likely based upon political motivations that supported the discharge of industrial waste directly to the harbor and has no scientific basis.

- Given the high flushing rates it is not surprising that dissolved oxygen levels presented in the study were similar at shallow depths both inside and outside the harbor. However, the more pertinent question involves oxygen concentrations near the bottom of the harbor. Given the accumulations of wood waste that cover the harbor bottom, these are the areas that would be expected to be low in oxygen.
- We question the validity of using disparate temporal and spatial data sets to support the delisting of Port Angeles Harbor for dissolved oxygen. A better approach would be to conduct a detailed site-specific study that includes seasonal and depth profile sampling in areas throughout the harbor. Particular attention should be given to areas of accumulated wood waste and the western portions of the harbor, where water circulation is likely more limited. We also note that a large net pen fish rearing operation has been operating in the harbor for nearly two decades. To our knowledge no data has been collected to assess its impacts on the harbor's water quality.
- The FSM cited a "lack of data collected in the last ten years", but failed to include the Port Angeles Harbor Wood Waste Study (1999) prepared by Science Applications International Corporation (SAIC). This report has a number of conclusions that support maintaining Port Angeles Harbor on the 303(d) list for dissolved oxygen. In particular we note that SAIC (1999) concluded: "accumulation of fine LWD waste has contributed to apparent high sediment oxygen demand (SOD) conditions in the western harbor...", and "shallow apparent redox (RPD) depth in Port Angeles Harbor indicate organic overloading".

While an argument can be made to delist Port Angeles Harbor for dissolved oxygen based upon natural flushing rates, surface and mid-water sampling data, as well as the changes in pollutant discharge over time (reduction in direct pulp pollutants, sewage), the fact remains that over 25% of the harbor bottom is covered with wood and pulp waste. The proponents of delisting have not recognized, nor done anything to address this cumulative impact. Their goals are to remove any restrictions that might limit industrial development or limit liability for past pollutants.

In addition to the wood waste problem in the harbor, we would like to bring to DOE's attention that the harbor continues to receive untreated stormwater and pulses of sewage overflow. In addition, sediment data collected in the harbor in support of the Rayonier Mill clean-up indicates moderate to high levels of metals, dioxins, PCB's, and pesticides throughout the harbor. We would argue that the listing of the harbor for several of these contaminants on the 303(d) list is warranted.

Finally, the harbor's habitat has been drastically altered by shoreline filling, the almost continuous hardening of shoreline, numerous creosote pilings, marina activities, and tanker traffic. The cumulative effects of these activities have affected fish and shellfish resources important to the Tribe. Port Angeles Harbor was historically one of the most important resource gathering and cultural areas of the Tribe. Fisheries for crab, clams, oysters, salmon, halibut, and marine mammals were conducted in the harbor. In contrast, today little is available as a result of habitat degradation and pollution. Indeed, the Department of Health maintains a long-term closure on bivalve harvest within the Harbor for these reasons.

We reject further efforts to minimize pollution and habitat in the harbor. It is time for all parties to recognize their responsibility and begin to make real efforts to restore habitat and improve water quality in Port Angeles Harbor. The Tribe is prepared to participate in such meaningful discussions and would appreciate the Departments support. Thanks you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McHenry". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Michael McHenry
Fisheries Habitat Manager

Cc: LEKT Business Council