PCSGA

PACIFIC COAST SHELLFISH GROWERS ASSOCIATION

November 2, 2012

Ms. Kathy Hamel
Permit Writer
Washington State Department of Ecology
PO Box 46600
Olympia WA 98504-7600

Dear Ms. Hamel,

Thank you for the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for the development of a general permit for the control of the non-native state-listed noxious week *Zostera japonica* (Japanese eelgrass) on commercial clam beds in Willapa Bay, Pacific County. I am submitting these comments on behalf of the Pacific Coast Shellfish Growers Association (PCSGA). Members of PCSGA appreciate the opportunity under the State Environmental Policy Act (SEPA) to provide input on the scope of analysis within the EIS.

For nearly a century, PCSGA has been representing shellfish growers from Alaska, Washington, Oregon, Hawaii and California. These multi-generational businesses sustainably produce oysters, clams, mussels and geoduck. Shellfish growers pride themselves not only on the quality of their shellfish but also in their role as environmental stewards, mindful of the dynamic conditions in the marine environment. For years these dedicated farmers, in particular along Washington's coast, have fought to protect their shellfish beds from the presence of the invasive species *Zostera japonica*. As with Spartina, shellfish growers were among the first to recognize the need for controlling such invasive species and have witnessed their once productive farms become altered by this invasive species and are eager to be able to control its further spread.

Before providing comments on the scope of the EIS, PCSGA objects to the wording used by the Department of Ecology (Ecology) in the Public Notice announcing the SEPA scoping period, issued on October 2, 2012. The Public Notice states: "We are also issuing a scoping notice for an Environmental Impact Statement (EIS) to cover this activity. Find the EIS scoping notice and more information at… Ecology is requesting comments from the public about whether or not it is appropriate for Ecology to develop a permit for this activity." There are two critical flaws with this Public Notice.

First, it is improper for Ecology to solicit or consider public comments on whether it is appropriate to develop this permit. Under Washington State law, permitting decision must be based on specific standards and criteria, not community displeasure. *Maranatha Mining, Inc. v. Pierce County*, 59 Wn. App. 795, 804-05, 801 P.2d 985 (1990). The Public Notice violates this well-established principle. Second, combining public comments on the perceived "appropriateness" of the permit along with defining the scope of the EIS is confusing and suggests that the agency will issue the permit based on public comment rather than analysis under an EIS. In order for the issuance of a Determination of Significance to be made, Ecology has already determined the permit to be appropriate, and is now taking the next step to analyze the probable environmental impacts from the activity. Therefore, even if it were appropriate for

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Ecology to solicit or consider public comments on the "appropriateness" of this permit, Ecology should have issued two separate public notices and provided separate staff contacts and comment submission addresses.

As Ecology defines the scope of the EIS, PCSGA respectfully requests the inclusion of the following analyses:

The effectiveness of the various management methods on managing invasive *Zostera japonica*.

In evaluating the effectiveness of each proposed management method, Ecology should consider the level of effort and financial cost to employ each method, and the long-term success rate (i.e. permanency) of each method. The preferred alternative should not result in a significant financial burden to the shellfish producing community, nor should it be a temporary solution.

The EIS should also examine the relationship of each of the alternative approaches for consistency with state and federal efforts that support shellfish production in Washington. Specifically, Ecology should consider the policy statements and goals of the National Aquaculture Policy, National Shellfish Initiative, Washington Shellfish Initiative, Washington's Shoreline Management Act, which identifies shellfish beds (including commercial) as "priority species and as "critical saltwater habitat." and the State Noxious Weed Control Board's designation of Japanese eelgrass as a Class C noxious weed on commercially managed shellfish beds. The preferred alternative should effectively meet the intent of these efforts and be consistent with actively controlling invasive species and supportive of the state's shellfish industry.

Impacts of *Zostera japonica* on the environment and infrastructure if it is not managed.

The EIS should analyze the biological impact associated with the presence of invasive *Zostera japonica* on the production of the Willapa Bay Estuary including impacts to the:

- biota including diatoms and micro zooplankton;
- natural sediment movement and nutrient storage; and
- young salmon, shorebirds, crabs and shellfish through changes within the food web and benthic sediments.

Additionally, possible changes to the value of ecosystem services provided by commercially produced shellfish in Willapa Bay must also be analyzed within the EIS. The value may change if the production of shellfish decreases due to the presence of invasive *Zostera japonica*. Ecology should also consider how each of the alternative methods affects the production of shellfish in Willapa Bay. The preferred alternative should be one that ceases the further spread of *Zostera japonica* and allows shellfish production to remain at current levels or increase.

The EIS should analyze the economic impact to the shellfish industry associated with the presence of invasive *Zostera japonica* in Willapa Bay including:

- Management costs incurred by shellfish producers for each of the alternative approaches, including associated equipment, staff and administrative costs.

- The financial impact to Pacific County if shellfish production in Willapa Bay is reduced due to the presence and likely increase of invasive *Zostera japonica*.

Finally, PCSGA requests that Ecology complete a scoping summary and make it available to interested parties. A summary of scope, issued in advance of the EIS, will be very helpful to understanding the rational of what Ecology has chosen to analyze in the EIS.

Thank you again for allowing PCSGA to offer input on the scope of the EIS. As the development of the EIS progresses, please let me know if the shellfish community can be of any assistance. I can best be contacted at 360-754-2744 or via e-mail at margaretbarrette@pcsga.org.

Respectfully,

Margaret P. Barrette
Executive Director