From:	Garth Griffin - NOAA Federal
To:	ECY RE Shrimp Control Permit Comments
Cc:	Ken Phippen - NOAA Federal; Matthew Longenbaugh - NOAA Federal; Laura Hoberecht - NOAA Federal
Subject:	burrowing shrimp control
Date:	Friday, February 14, 2014 4:05:00 PM
Attachments:	Ecology NPDES comments, burrowing shrimp 021314.pdf

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Attached - thanks.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232

February 13, 2014

Derek Rockett
State of Washington Department of Ecology
Water Quality Program
P. O. Box 47775
Olympia, WA 98504

Dear Mr. Rockett:

Thank you for the opportunity to comment on the scope of a State Environmental Policy Act (SEPA) Environmental Impact Statement (EIS) for Ecology's issuance of a National Pollutant Discharge Elimination System (NPDES) permit to the Willapa/Grays Harbor Oyster Growers Association (Association) to allow the application of imidacloprid in limited areas of Willapa Bay and Grays Harbor for the control of burrowing shrimp (*Neotrypaea californiensis* and *Upogebia pugettensis*) on commercial shellfish beds. NOAA's National Marine Fisheries Service (NMFS) comments are provided based on our responsibilities under the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and the Department of Commerce and NOAA Aquaculture Policies.

Section 301(a) of the Clean Water Act (CWA) prohibits any point-source discharge of a pollutant to waters of the United States unless the discharge is in compliance with certain sections of the Act. One way a person may discharge pollutants without violating the Section 301 prohibition is by obtaining authorization from the Environmental Protection Agency (EPA) under a Section 402 National Pollutant Discharge Elimination System (NPDES) permit. On November 14, 1973, the EPA approved the administration of the NPDES permit program by State of Washington.

Aquaculture is an important component of our agency's efforts to maintain healthy and productive marine and coastal ecosystems, protect special marine areas, rebuild overfished wild stocks, restore populations of endangered species, restore and conserve marine and coastal habitat, balance competing uses of the marine environment, create employment and business opportunities in coastal communities, and enable the production of safe and sustainable seafood. In addition to biological effects on marine resources, NMFS is concerned about economic impacts the Association is experiencing as a result of burrowing shrimp.

NMFS supports the Association's attempts to phase out the use of carbaryl. In our 2009 consultation with the EPA, NMFS concluded that carbaryl use is likely to jeopardize the continued existence of 22 species of listed Pacific salmonids and likely to adversely modify the designated critical habitat of 20 species of listed Pacific salmonids.

NMFS recommends that Ecology's SEPA EIS include an analysis of alternative types of oyster culture that would not require the control of burrowing shrimp but could still maintain oyster production value.

Control of burrowing shrimp may reduce habitat quality (*i. e.* , food resources) for ESA listed North American green sturgeon (*Acipenser medirostris*), southern distinct population segment (DPS). NMFS designated critical habitat for Southern DPS North American green sturgeon on October 9, 2009 (74 FR 52300 2009). The invertebrate prey resources for green sturgeon are primarily found in the intertidal mudflats and subtidal channel margins, include epibenthic and benthic invertebrates, Dungeness crab, and a variety of clams. In Willapa Bay, burrowing shrimp are the preferred prey item for green sturgeon, comprising approximately 50 percent of their diet (Dumbauld *et al.* 2008). Control of burrowing shrimp may also reduce the quality of essential fish habitat (EFH) for federally-managed fish species.

The NMFS recognizes that states may adopt procedures to evaluate listed species and their critical habitat consistent with federal procedures. And, while the EFH consultation requirements of the MSA do not apply to state-issued NPDES permits, NMFS may use existing coordination procedures to provide conservation recommendations to state agencies for any action that may adversely affect EFH.

NOAA is one of the lead federal agencies in Washington State involved in protecting, improving, and restoring marine species, habitats, and ecosystems. We look forward to the timely completion of a SEPA EIS that will allow continued shellfish culture in a manner consistent with the protection of NMFS trust resources. If you have questions regarding these comments, please contact our Regional Aquaculture Coordinator, Laura Hoberecht by phone, 206-526-4453 or email, laura. hoberecht@noaa. gov, or Fisheries Biologist Scott Anderson by phone, 360-753-5828 or email, scott.anderson@noaa. gov.

Sincerely,

Kim W. Kratz, Ph. D.
Assistant Regional Administrator
Oregon - Washington Coastal Area Office

References Cited

Dumbauld, B. R. , D. L. Holden, and O. P. Langness. 2008. Do sturgeon limit burrowing shrimp populations in Pacific Northwest estuaries? Environmental Biology of Fishes 83:283-296.