



Promoting the protection, conservation and restoration of natural forest ecosystems and their processes on the Olympic Peninsula, including fish and wildlife habitat, and surrounding ecosystems

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Anna Bausher
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Reference: MLA18-00006

Dear Ms. Bausher:

Thank you for the opportunity to comment on the Penn Cove proposal to expand operations in Quilcene Bay by 60%. In reviewing the Penn Cove proposal to expand their mussel rafts on Quilcene Bay from the current 15 rafts to 24 rafts, we have the following questions and comments.

The Jefferson County Public Health Department has underway a project on water quality in the project target area: Quilcene-Dabob Pollution Identification and Correction (PIC).¹ The goal of the PIC project “is to restore and protect surface waters for shellfish harvest, recreational use and aquatic life habitat.” To date, preliminary data on water quality have been made available to adjacent property owners and on the PIC web page. Washington state water quality standards require that fecal coliform bacteria levels not exceed an average of 50 colonies/100mL, with not more than 10% of all samples exceeding 100 colonies/100mL. In a fact sheet published in 2017 the Public Health Dept. reported “hot spots” (greater than 500 colonies / 100ml) and “high hits” (greater than 200 colonies / 100ml) of fecal matter in the project area.² The PIC timeline indicates it will finish with data collection in March 2018, and report by December 2018. The results of the PIC water quality data, accurate and unbiased, should be obtained and reviewed before allowing expansion of shellfish operations.

Cumulative nutrient loads and water quality impacts from shellfish operations in the target area of the proposed expansion are also currently the subject of litigation with the leaseholder for this venture, Coast Seafoods. Coast operates an onshore oyster hatchery that deposits effluents of unknown quantity, and pollutants, directly into Quilcene Bay via pipes, ditches, and channels without a permit. The 9th Circuit Court of Appeals decided in March 2018 that Coast’s operations fall under the Clean Water Act requirement to apply for a NPDES permit for its effluents. The 9th Circuit recently denied Coast’s petition for *en banc* review of its decision. Accurate, unbiased, up to date scientific data on nutrient and pollutants deposited in Quilcene Bay should be obtained before allowing further expansion of shell fish operations.

¹ <http://www.co.jefferson.wa.us/1151/5104/Quilcene-Dabob-PIC-Project>

² http://www.co.jefferson.wa.us/DocumentCenter/View/3419/Quilcene-Fact-Sheet-Summer_2017-PDF

Washington State Administrative Code on water quality (Chapter 173-201A WAC) protects existing uses and scenic qualities of marine surface waters, including Hood Canal where the project target area is located. Existing uses include shellfish harvest, fishery, habitat, recreational and other uses. The water quality standards for Hood Canal and existing uses are specific for temperature, dissolved oxygen, nutrients, pH, turbidity, bacteria, and pollutants. The Code also includes anti-degradation policies. The scientific analysis and information presented in the project proposal is outdated and insufficient. It does not report current conditions sufficient to determine water quality indicators for existing uses, nor the potential for impacts of the project to degrade quality and current uses. Jefferson County should not allow the project to proceed until a full analysis of cumulative effects of all uses of Quilcene Bay under the Washington Administrative Code is completed.

We submit the following questions:

1. What are the potential impacts to smelt spawning habitat that is mapped nearby?
2. What are the potential impacts from shading caused by the structures and mussels? An acre of new over-water structure seems significant.
3. Does the operator need a Hydraulic Project Approval from WDFW? If not, why not?
4. Does the operator need a 401 certification from the Washington Department of Ecology? If not, why not?
5. What are the potential impacts of sediments? To eel grass?
6. Will the activities comply with Washington's sediment standards? How can their compliance be verified?
7. Who determines such sediment standards? And if there are any, are those standards current?
8. Penn Cove relies on a report prepared for Totten Inlet. How and why is that report applicable to Quilcene Bay, particularly when the citations are more than a decade old? For example:

Brooks, K.M. 2005a. Baseline information describing sediment physicochemistry of Totten Inlet and the macrobenthos of the proposed North Totten Inlet Mussel Farm. Prepared for Taylor Shellfish Company, Inc., Shelton, Washington by Aquatic Environmental Sciences, Port Townsend, Washington.

MEC-Weston Solutions, Inc. 2004. An assessment of potential impacts of mussel raft culture to surrounding waters and associated biota of Totten Inlet (October 2004). Prepared for Taylor Resources, Inc., Shelton, Washington. 83pp.

9. Why is the only contact to adjacent property owners listed as Coast Seafoods when there are multiple adjacent property owners that should have been contacted as well. For example, Ray Canterburby who owns the beach property immediately adjacent to the boat ramp, is not listed as having been contacted. Nor are the residents of East Quilcene Bay, whose properties are adjacent to the rafts listed. This appears to be a violation of public notification – which led to the confusion by many residents surprised at learning about this proposal during the last 2 weeks prior to comments period closing.
10. In question 9I of the SDP18-00001 JARPA document, it asks to “1. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project”. The response is left blank. Yet there are known Endangered Species around Quilcene and Dabob Bays, namely the Marbled Murrelet, rock fish, and Puget Sound Chinook Salmon, Hood Canal Summer-run Chum Salmon, and Puget Sound Steelhead – as referenced in NOAA's 2016 5-Year Review Summary and Evaluation of these species.
11. Why are these species mentioned in #10 not listed?

12. Penn Cove states that they get dissolved oxygen information from the UW probe located in Quilcene Bay. Where is the data supporting the dissolved oxygen levels that are known to fluctuate so drastically on Hood Canal? The University of Washington's probe is very often "down" for repairs or simply shut down, therefore continuous data is not available. The claim by Penn Cove is not accurate nor truthful.
13. Penn Cove states there will not be any hydraulic fuels or other fuels on their equipment rafts, yet here is a photo of their equipment raft on Quilcene Bay clearly showing hydraulic fuel and other hoses pointed to discharge directly to the water.



Oil and hydraulic waste from Penn Cove's Mytilus ship and the equipment rafts invariably end up in the bay and create a film that damages the estuary's ecosystem. This film is one of the reasons all diving and pursuit birds are no longer visiting the bay in the large numbers so evident (and recorded with videos and photographs) in the past. This film not only does damage to the birds but it creates a reflective covering that makes it difficult for them to see below the surface.

We would appreciate a more thorough investigation of the reports and scientific data submitted by the operator to justify the proposed expansion. These reports are outdated by at least a dozen years and no longer accurately reflect the deteriorating conditions in Quilcene Bay and Hood Canal. For example, significant changes to the environment have occurred in the past decade, particularly dissolved oxygen levels in Quilcene Bay, which have changed drastically in the past 5 to 10 years. Dissolved oxygen as an indicator is of serious concern as it affects the entire food web of many species in the ecosystem.

Due to the omissions and inaccuracies in the proposal documents we are opposed to this expansion.

Sincerely,

Connie Gallant
President