



North Olympic Group
PO Box 714
Carlsborg, WA 98324

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Greg Ballard, Project Planner
Clallam County DCD
223 E. 4th Street, Suite 5
Port Angeles, WA 98362

RE: Additional Comments Cooke Aquaculture Pacific Case Number SHR2016-00002

This letter is an amendment to our earlier comments dated July 22, 2017 which was sent before we had time or opportunity to review the numerous documents related to this case.

General Comments

Need for an EIS - The following is a quote from the State Department of Ecology (DOE) website regarding EIS requirement:

An EIS is required for any proposal that is likely to have a significant adverse environmental impact that mitigation has not been for that would reduce the impact to a nonsignificant level. The applicant and lead agency may work together to revise the proposal's impacts or identify mitigation measures that would allow the lead agency to issue a determination of nonsignificance." (<http://www.ecy.wa.gov/programs/sea/sepa/faq.htm>).

With the problematic and environmentally destructive history of open net pens and with this being the first installation in the often times heavy weather and water conditions of the Strait of Juan de Fuca, the impacts are not reduced to "an insignificant level". Besides the need for a thorough EIS type analysis a detailed report, rather than 74 individual exhibits, would provide an organized process and a comprehensible access to information. On what basis did the DCD decide not to require an EIS? Based on our readings to date Sierra Club North Olympic Group requests an EIS.

Economic Concerns - No matter how the applicant intends to mitigate impacts, this project puts at risk the economic advantages to our communities. Our marine environment, our wild fish health and the presence of marine mammals and birds have economic value. A 2014 Ecosystems Services Valuation Study by Earth Economics for Clallam County reinforces the economic value of our undisturbed coastal waters.

(<http://www.coastalwatershedinstitute.org/earthEconomics.pdf>)

This project only benefits Cooke Aquaculture Pacific (CAP) with no economic return to the people of Clallam County. The business of smolt raising and adult salmon processing is performed elsewhere. There is no employment advantage as the project will use the same number (ten) of employees who work at the current Port Angeles Harbor site.

Need for Separate Permits - The proposed CAP net pen operation site in the Strait and the existing Port Angeles Harbor pens are both included in the same permit application. Although they bear no relationship, except for ownership, the permit incorrectly refers to the CAP site as a "relocation and modification" which it is not. The Harbor site is strictly a demolition project

whereas the Cap site in the Strait is a new construction. No physical materials or methods of operation are being relocated or modified. There should be two separate permits issued to avoid confusion and misrepresentation.

Exhibit C.03 – DCD Preliminary Review of SEPA (ECL 2016-00003)

Page 2 and 3 – description of existing Harbor net pen construction is not relevant to the permitting of a new construction and feeding barge operation under a new lease holder when there are no materials or methods of operation being relocated. The legal definition of modification is: *A change or alteration in existing materials. Modification generally has the same meaning in the law as it does in common parlance.* (<http://legal-dictionary.thefreedictionary.com/>)

The DCD states that they consider the relocation of the net pens as a new operation from a permitting perspective. Including information unrelated to the CAP site is a mistake as it misstates the issues and adds an unnecessary burden when reviewing the documents.

Page 3, ¶5 – states the site is located near the outer limits of critical habitat for adult salmonids. To eliminate interaction with wild fish the site should be located completely outside the salmonid habitat including the 100-foot perimeter sediment impact zone as described on page 7 under Ecology NPDES Waste Discharge Permit.

Page 3, ¶6 – states "These circular cages are specifically engineered for use in high-energy shore locations where waves can reach over 30 feet in height during storm events." CAP should be required to submit the engineering data and/ or report to support this statement.

Page 5, ¶2 - According to the last sentence, pens are designed with a safety factor based on historical wave data collected at two other locations along with one month of wave data collected near the CAP site. The CAP site data was collected from early August to early September. These are not traditionally the heaviest weather months and the data should be considered inadequate. Additional weather measurements are planned "prior to relocation". This on-site data should be collected during months of historically heavy weather prior to final permit approval.

Page 5.II, ¶1 – states approval should be consistent with the Clallam County Shoreline Master Program (SMP). The currently approved SMP states on page 35 under Section 4.a.1

Permitted aquaculture uses are limited to:

- a. *Propagation, enhancement or rehabilitation of naturally occurring stocks.*

Atlantic salmon are not naturally occurring in Washington State.

Pages 5,6 and 7 – includes a list of eleven required permits and approvals. The Ecology NPDES Waste Discharge Permit is the only one that requires a third party consultant for testing and monitoring discharges from the facility. The remaining permits require owner produced information, checklists and reports to ensure compliance. Broader independent oversight, including more than just sediment testing, should be required.

Page 7, WDNR Aquatic Resource Use Authorization – According to the last sentence the lease with DNR has standards and guidelines for allowable use. A copy of the lease should be available for public review prior to permit approval.

Page 13.A, Surface water – the last sentence describes using net scrubbers and pressurized seawater to clean the nets. No antifouling chemicals will be used. Even using scrubbers, waste bacteria and other organisms will be discharged into the surrounding waters.

Page 14, Measure to reduce impacts – states that discharge from the facility would not change baseline conditions beyond 100 feet from the edge of the operation. According to Page 3, ¶5 within this 100-foot, untested zone there would be adult wild salmonids.

Page 14.5, Issue A – addresses feeding methods and control of feed accumulation. There is no information on the contents of the feed. All Ingredients should be listed in order to provide complete information on what could be deposited into the waters.

Page 17, ¶4 - addresses disease prevention and states that CAP has been monitoring for Salmon Anemia Virus. According to the National Institute of Health, Virology Journal date Nov 29, 2014: *Infectious salmon anemia (ISA) is a serious viral disease of marine farmed Atlantic salmon... The mortality in marine fish net-cages rises slowly and can vary from 0 to 90%. In fact, the virus can be present in the net-cage for up to 6 months before significant mortality is noted.*

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4272776/>)

It appears that monitoring is not a sufficient preventative. At one time this disease (now prevalent) was also unknown in Chile, Norway, Maine and numerous other locations.

Page 18, ¶4 – states this is the only Atlantic salmon net pen operation along the Washington side of the Strait of Juan de Fuca. There is concern that permitting the CAP operation will initiate an approval of future net pens along the Strait.

Exhibit C.16 - page 13, ¶1 includes a statement from the 1986 Ecology, Dept. of Fisheries, Dept. of Agriculture and DNR 1986 Interim Guidelines: *“The interim guidelines place no limits on the number of net pen operations or total allowable production in the following areas:*

- *Strait of Juan de Fuca*
- *Etc “*

Exhibit C.16 goes on to explain that the Guidelines have been periodically updated; it is not clear if the above quoted statement remains in the Guidelines.

Page 20, Section 7, Item 6 – Gear loss and retrieval – It is possible for gear and net pen components to be lost and unobserved at night, during rough weather, or when the crew is not present (weekends). Twice a year beach cleanup is inadequate. Beaches should be inspected weekly as materials washed ashore can, in a single day, be pulled back into the water by the tides and lost to view.

Also, a beach cleanup does not address concern over debris carried out into the Strait where birds, larger fish and mammals are in danger of ingesting small materials or becoming entangled.

Page 24, Section 12 - Recreation, The area is described as 9.7 surface acres that would not interfere with boating, fishing or other watersport activities. According to page 5, ¶5, CAP will lease 52 acres from DNR. Will the lease restrict access to the entire 52 acre area?

Exhibit C.022 – MDNS with 34 Mitigation Measures

Mitigation Conditions 11, 12 & 13 – We find these conditions provide insufficient oversight for a first-time open waters net pen operation in Washington State.

Mitigations 14 through 18 concerning Noise – Marine traffic to and from the CAP site is not addressed. Exhibit C.05A, SEPA Environmental Check List, page 34, describes projected scheduled water transports. According to the information provided these would include the following annual round trips:

30' boat for crew transport =	520
Marine Freight vessel (size not specified) =	64
Larger Marine Vessel (size not specified) =	<u>25</u>
	609 annual round trips

These numbers do not include additional unscheduled trips. Boat traffic, of any size but especially larger vessels which produce substantial noise, interfere with fish and marine mammal migrations through the site area.

Mitigation 26 – As stated in an earlier comment above, a twice-yearly beach inspection and required clean- up is insufficient.

We request an additional comment period as the limited time-frame (7/9/17 through 8/31/17) for comments does not allow a thorough review of all 74 exhibits.

Respectfully Submitted,

Janet Marx, Chair
Sierra Club North Olympic Group

cc: Director Mary Ellen Winborn