

PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION

APPENDIX H

PUBLIC REVIEW COMMENTS

Integrated Feasibility Report and Environmental Impact Statement



US Army Corps
of Engineers®
Seattle District

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1 Introduction

This document responds to comments received on the Puget Sound Nearshore Ecosystem Restoration Study (Project) Draft Feasibility Report and Environmental Impact Statement (DFR/EIS) by the U.S. Army Corps of Engineers (Corps). Comments were submitted verbally at the public meeting held in Burlington, Washington, on November 5, 2014. Comments were also received in writing through letters and electronic mail. A total of 65 comment submittals were received. All comments were received during the 90-day open public comment period of October 10, 2014 through January 8, 2015.

2 Environmental Review Process

On October 10, 2014, the Corps released the Draft Feasibility Report and Environmental Impact Statement for public review. A Notice of Availability for public review of the documents was filed in the Federal Register (EIS No. 20140298). Printed copies of the DFR/EIS were available for public review at local public libraries. Additionally, the documents were available for public review on the Corps' website:

<http://www.nws.usace.army.mil/Missions/CivilWorks/ProgramsandProjects/Projects/PugetSoundNearshoreEcosystemRestoration.aspx>

The public review and comment period on the DFR/EIS began on October 10, 2014, and closed on January 8, 2015. One public meeting was held to receive public comment on the DFR/EIS and Appendices in Burlington, Washington, on November 5, 2014.

3 Document Organization and List of Commenters

This document contains copies of comments received during the comment period followed by the Corps' responses to those comments. Each comment is numerically coded in the margin of the comment letter, based on the order of the comments presented in the letter. The comments and responses are presented as follows:

- Master Responses (Section 4)
- Comments received at the public meetings, with responses (Section 5)
- Comments by email with responses (Section 6)
- Comments by mail with responses (Section 7)

A total of 65 comment submittals were received on the Draft Feasibility Study and Environmental Impact Statement. Each comment submittal was given a comment identification code. 14 comments were provided verbally at the November 5, 2014 public meeting. These comment submittals are identified as PM1 to PM14. 38 comments were provided by email; these submittals are identified as E1 to E38. The remaining 13 comments were received by postal mail; these submittals are identified as M1 to M13. Each comment submittal is listed below in Table 1.

Table 1: Public Comment Submittals received on the Puget Sound Nearshore Ecosystem Restoration Study Draft Feasibility Report and Environmental Impact Statement

Comment Identification	Date on Letter/Email	Commenter	Organization/Affiliation
Comments received at the November 5, 2014 public meeting			
PM1	11/5/2014	Gary Brandstetter	Marshland Flood Control District (MFCD)
PM2	11/5/2014	John Roozen	Private Citizen
PM3	11/5/2014	Kurt Kazwar	Private Citizen
PM4	11/5/2014	Curt Kraemer	Private Citizen
PM5	11/5/2014	Ed Stauffer	Private Citizen
PM6	11/5/2014	Peter Landry	Private Citizen
PM7	11/5/2014	Ann Bylin	Snohomish County Public Works
PM8	11/5/2014	Rone Brewer	Private Citizen
PM9	11/5/2014	Art Kendall	Private Citizen
PM10	11/5/2014	Ed Moats	Private Citizen
PM11	11/5/2014	Randy Good	Private Citizen
PM12	11/5/2014	Suzanne Phillips	Private Citizen
PM13	11/5/2014	Kathy Mitchell	Private Citizen
PM14	11/5/2014	John Roozen	Private Citizen
Comments received via email			
E1	10-10-2014	Kelly Turner	Private citizen
E2	10-10-2014	nathansuit@hotmail.com	Private citizen
E3	10-10-2014	Sarah Jackson	Private citizen
E4	10-11-2014	Kurt Zwar	Private citizen
E5	10-12-2014	Lorraine Karl	Private citizen
E6	10-13-2014	Terry Abrams	Private citizen
E7	10-20-2014	Forest Shomer	Inside Passage Seeds and Native Plant Services
E8	10-27-2014	Larry Helm	Private citizen
E9	11-3-2014	Doug Gresham	WA Department of Ecology
E10	11-5-2014	Gary Brandstetter	MFCD
E11	11-8-2014	Katherine Clark	Private citizen
E12	11-8-2014	Theodore Johnson	Private citizen

E13	11-8-2014	Robert Burrell	Private citizen
E14	11-8-2014	Jody Bogumil	Private citizen
E15	11-10-2014	Mary Cunningham	City of Everett Planning & Community Development
E16	11-10-2014	Sequoia Warner	Lowell Community Food Bank
E17	11-11-2014	Walter Kuciej	Private citizen
E18	11-11-2014	Larry Jensen	Private citizen
E19	11-11-2014	Larry Jensen	Private citizen
E20	11-12-2014	Scott Bedlington	Private citizen
E21	11-15-2014	Greg and Jennifer McKee	Private citizens
E22	11-20-2014	Jennie Sheridan	Private citizen
E23	11-20-2014	Ed Husmann	Snohomish County Farm Bureau
E24	11-21-2014	Michael Heath	Private citizen
E25	11-21-2014	Barbara Brenner	Whatcom County Councilmember
E26	11-21-2014	Dave Patterson	Private citizen
E27	11-21-2014	Edward Farrey	Private citizen
E28	11-21-2014	Henry Bierlink	Whatcomb Farm Friends
E29	11-23-2014	Joseph Kelly	Private Citizen
E30	11-24-2014	Tom Kearns	Private Citizen
E31	11-24-2014	Daniel Tepper	Whatcom Parks and Recreation Foundation
E32	11-24-2014	Justen Graham	Private Citizen
E33	11-24-2014	Robert Hughes	Private Citizen
E34	11-24-2014	Bob Norling	Private Citizen
E35	11-24-2014	Kelly Turner	Private Citizen
E36	11-24-2014	Pete Franett	Private Citizen
E37	12-2-2014	Suzanne Phillips	Private Citizen
E38	12-4-2014	Caroline Armon	OnBoard Tours Whales
Comments received via postal mail			
M1	10-18-2014	Kurt Zwar	Private citizen
M2	no date	Curt Young	Retired WDFW biologist
M3	11-18-2014	Allan Giffen	Everett Planning and Community Development
M4	11-19-2014	George Boggs	Whatcom Conservation District

M5	11-21-2014	Ann Russell	WRIA 1 Environmental Advocates Caucus
M6	11-21-2014	Roylene Rides-At-The-Door	Natural Resources Conservation Service
M7	11-21-2014	William Schmidt	Skagit County Farm Bureau
M8	11-21-2014	Peter Landry	Private Citizen
M9	11-21-2014	Brent Carson	Hadley-Colmenares family
M10	11-23-2014	Shari Tarantino	Orca Conservancy
M11	11-24-2014	Gary Brandstetter	MFCD
M12	11-24-2014	Alex Alexander	Private Citizen
M13	11-25-2014	Merle Jefferson	Lummi Indian Business Council
M14	1-6-2015	Scott Schuyler	Upper Skagit Indian Tribe

4 Master Responses

4.1 Master Response 1, Sites Removed from Tentatively Selected Plan

After the Tentatively Selected Plan (TSP) was initially identified, the Corps revisited the overall ecosystem restoration strategy for Puget Sound and developed a tiered implementation approach for 36 sites identified across Puget Sound. This tiered implementation master plan identifies various approaches for implementation of 36 projects: General Investigation (GI) projects to be recommended for construction, GI projects recommended for additional study, projects to be completed under existing Corps construction authorities (Continuing Authorities Program (CAP) or Puget Sound and Adjacent Waters Program (PSAW)), and projects to be completed by others.

Of the 36 sites identified for implementation across Puget Sound, three are being recommended for construction authorization under this existing Corps feasibility study and are presented as the recommended plan. The 3-site recommended plan is smaller than the 11-site TSP that was originally identified; however, the recommended plan is one aspect of the broader strategy to implement all 36 sites across Puget Sound.

Based on the strategic implementation master plan, the recommended plan and Agency Preferred Alternative and includes the following sites: Duckabush River Estuary, Nooksack River Delta, and North Fork Skagit River Delta.

- This master response applies to the following comments: PM1-1, PM3-1, PM4-2, PM5-1, PM6-1, PM7-1, PM8-1, PM9-1, E4-1, E10-1, E12-1, E15-1, E16-1, E24-1, E26-1, E27-1, E30-1, M1-1, M3-1, M8-1, M9-1, M11-2, M12-2, M14-1, M14-2

4.2 Master Response 2, Public Outreach

Public outreach and coordination is a key component of this restoration project. The Corps and local sponsors have worked to engage members of the public and other key stakeholders throughout the study, including multiple public meetings, listening sessions, and public review of the Draft Feasibility Report/Environmental Impact Statement. If Congress authorizes the recommended plan, targeted outreach will continue during the Preconstruction, Engineering, and Design Phase. During this phase, the Corps and local sponsors would continue to work to refine the project designs in coordination with landowners and stakeholders.

- This master response applies to the following comments: PM5-1, PM6-1, PM10-2, PM13-1, E23-1, M11-1, M14-1, M14-2.

4.3 Master Response 3, Loss of Farmland and Compensation for Real Estate

The Corps acknowledges and understands that many areas across the Puget Sound nearshore have long histories of agricultural production. The Corps also understands the value of agriculture in the Puget Sound region and recognizes that declining agricultural productivity is a significant concern. Proposed ecosystem restoration projects included in the recommended plan are intended to be compatible with ongoing farming and agricultural practices.

The Corps has initiated the process for compliance with the Farmland Protection Policy Act by providing the Farmland Conversion Impact Rating Forms to the Natural Resources Conservation Service for their review and input. When final project designs are available, the Corps will finalize the compliance process.

Information about Compensation:

Once the project footprint has been confirmed, the Corps Real Estate Division will identify the minimal real estate interest (fee purchase, easement, etc.) required for each affected parcel and develops a real estate map to reflect the real estate needs. Utilizing the real estate map that has been developed, an appraisal is performed on the property to determine its fair market value based on the type of real estate interest (fee purchase, easement, etc.) is identified for each respective parcel.

The determination for fee purchase versus easement is dependent on the amount of impact associated with the highest and best use of the property. For instance, if a pasture used for livestock was to be flooded on a frequent basis as a result of the project, and render the pasture unsuitable to raise livestock, that type of situation may constitute a fee purchase. Likewise, if only portions of a pasture were subject to flooding but the overall pasture remained suitable to raise livestock, that type of situation may constitute a flowage easement.

After the appraisal is complete, the sponsor will contact the respective landowners to make an offer on the property based on the appraised value. Once the selling price is set, the landowner conveys fee ownership or easement rights to the sponsor, which is recorded by the County assessor. Then, the landowner is paid. When easements are used instead of fee purchase, a deed restriction is placed on the property title, but the land remains privately owned after the project construction is complete. The easement protects the ecosystem restoration habitat improvement in perpetuity. Access to these privately owned lands is controlled by the landowner.

- This master response applies to the following comments: PM7-1, E8-1, E18-1, E19-1, E23-4, E25-1, E28-1, E37-1, M2-6, M4-1, M5-4.

5 Public Meeting Comments and Responses

5.1 Comments Received at the November 5, 2014 Public Meeting – Public Meeting Transcript

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PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION PROJECT PUBLIC MEETING U.S. ARMY CORPS OF ENGINEERS SEATTLE DISTRICT NOVEMBER 5, 2014 6:30 p.m. Burlington City Hall Council Chambers 833 South Spruce Street Burlington, WA 98233 REPORTED BY: TERESA C. SMITH, CCR 3342

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GARY BRANDSTETTER

MR. BRANDSTETTER: Gary Brandstetter,
B-R-A-N-D-S-T-E-T-T-E-R. I'm the secretary manager for the
Marshland Flood Control District, and I have been asked by
the commissioners to make a statement. We shall begin by
saying we don't know whether we're for or against this
project because despite your ten years or whatever it's
been, we found out about it about two weeks ago because of
a corps online e-mail, which if they could find us for
that, I don't know why they couldn't find 6,200 acres in
the last ten years to come and talk to us directly.

We are the second biggest of your projects, and I
understand from the very nice lady, Nancy back there who I
talked to when I came in, that the Nooksack people have
been in direct contact with the corps and BFMW all this
time. Well as far as I know, we don't have a single
member. Certainly none of the commissioners -- I have been
a legal counsel for the District for 20-plus years, and
we've not had any direct contact. And that's a concern.
And so we will be asking for an extension of the comment
period. How do we find out more about this so we know
whether we're for or against.

In addition to the fact that we're 6,200-plus acres,
we are a governmental body, and when we found out about
this, we contacted Snohomish County, and they didn't know

PM1-1

1 anything about it. I'm told that they were going to send
2 somebody up here tonight. I don't know whether that's the
3 case or not. We also have a member who went to an
4 agricultural meeting on sustainable land strategies, and he
5 mentioned the project, and the tribes didn't know anything
6 about it.

PM1-1

7 So, I say this not to criticize the plan which we
8 don't know and understand, but to criticize the process.
9 And I'm getting the yellow signal and everybody wants to
10 get out of here anyway, so I'll sit down. Thank you.

11 JOHN ROOZEN

12 MR. ROOZEN: My name is John Roozen, R-O-O-Z-E-N. I
13 farm in Skagit County about 2,500 acres worth with my
14 family in about 40 locations, and to even attempt to
15 address this in three minutes is just unbelievable, so I
16 will -- I will fail.

17 I just want to say that this is an unbelievably
18 complex detailed system that started with a listing (ph),
19 I'm thinking driven entirely by the listing (ph) of the
20 salmon in the late '90s. That process should have driven a
21 limiting factors analysis which somehow caused -- figured
22 out what caused the species to go endangered.

PM2-1

23 Now, that starts out with a population dynamic study
24 over time. The purpose of that is to overlay all the
25 historical data, the biological data, the harvest data, the

1 natural events, the cultural events and everything, even
2 the stuff that you have in the laws (ph). The whole
3 presentation you're making is missing the population
4 dynamics study over time. That was told to us in '96 and
5 '97 by Dr. Carl Walters from the University of British
6 Columbia, a brilliant man, one of the most brilliant in the
7 world, and he said that's what you need first.

8 So if you go to the Federal Register in 1998 and
9 2000, you will see that this ESU number 8 in Puget Sound
10 didn't have 100 percent habitat critical reason. It was a
11 lot of anecdotal data and harvest data to see what the
12 escapement and how this -- how the dynamics of this
13 population worked. It was very poorly done.

14 I do believe that we live our lives forward. We
15 analyze it in the rear-view mirror; that the Army Corps and
16 WDFW should go back and do this population dynamics study
17 over time. We have spent, in some people's minds, over \$6
18 billion trying to save fish when we have no more fish.

19 So if you have that study, it's called Dynamics
20 because it goes back and it will continue to improve as you
21 get more data, and all the new projects, the \$6 billion
22 that has already been done will be in there; and the people
23 that are out in the world that want to see a cost benefit
24 analysis or a ratio of what their money is funding and what
25 we're going to get for that, because we're not getting

PM2-1

1 anything yet, would then be able to see what this is going
2 to do for us because it is -- it is wonderful to do some of
3 the things you're doing, but when it comes to the
4 conversion of farmland, I'm going to hope that that will be
5 a brutal battle because for generational change, I might
6 sell my farm for \$10,000 an acre now. It used to be a lot
7 less. I don't think so. In Whatcom County it's way more.
8 But I'm selling it for a generation, okay; but when it's
9 converted, if it stays in farming, it's going to be
10 available to produce for a lifetime, and if it goes and is
11 converted into habitat, it's also for a lifetime. At that
12 point in time, I think that all farmland shouldn't even be
13 considered for conversion unless it's started at 100,000 an
14 acre.

15 Like I say, I wish there was more time. I'll try
16 and write a lot of my comments, but I'm hoping that these
17 will be received very sincerely and we go back and we
18 rebuild some of the foundation that might be missing.

19 (A train passed by.)

20 KURT KAZWAR

21 MR. KAZWAR: It's been a while since I have been in
22 front of people. My name is Kurt Kazwar, K-A-Z-W-A-R,
23 biology teacher for six years, Sumner High School, physical
24 therapist for over 30 years. I'm retired. I have been
25 doing a bunch of volunteer work on the Skagit Big Island

PM2-2

1 Farm Unit for fish and wildlife since 2011.

2 I would challenge anybody who can put on hip waders
3 to go down there and go through that area in the wetlands
4 area, the pristine wetlands area that we are supposedly
5 trying to save, and walk through there and take a look at
6 the thousands of frogs and salamanders and turtles and
7 every other thing that is down there and say that this is
8 just a piece of dirt and we're going to blow the dike,
9 that's fine. You're going to be killing thousands and
10 thousands of animals down there, and I hope to God that
11 people are going to take a look at this and decide this is
12 not just a piece of dirt, that it's worth saving and not
13 just blow this thing away.

14 On a sidelight note, I hope that everybody also
15 takes a look at what's happening in the Okanogan Sockeye
16 Run, which was just enormous 20 years ago. 2,000 fish,
17 ESL, 400,000 this summer and going up. 400,000 fish. They
18 can't believe it. It's off the charts. It's pre-1938.
19 It's 100 years, kind of a record that they're going through
20 there. And the chief guy who is the head of the nation,
21 the alliance, the tribes above and below the border, said
22 there's two things responsible. Water flow all connected
23 across two countries, all these dams and habitat
24 restoration in the headwaters, in the headwaters where they
25 lay their eggs and the fish start. And if you blow that,

PM3-1

PM3-2

1 you ain't going to get the kind of numbers you're seeing.

2 Remember, 2,000 to 400,000. We have to take a look
3 at the headwaters, our headwaters, because if they say that
4 it's in fine shape, it ain't because you are not getting
5 fish coming down here. You can say what you want. I'll
6 let somebody else who may be past on one minute or go more
7 than me. Thank you.

8 CURT KRAEMER

9 MR. KRAEMER: Curt, C-U-R-T, Kraemer, K-R-A-E-M-E-R.
10 My residence is in Marysville, retired fish biologist. I
11 want to talk a little bit about salmon recovery in general.
12 This is just one of the processes going on in the Pacific
13 Northwest, in Puget Sound in particular. I really want to
14 talk about when I look at these projects, one thing that
15 jumped out immediately is on the Delta projects that are on
16 public land, WFW land, restoration costs were about \$25,000
17 an acre. When it moved to public lands, it was ten times
18 that. \$4 million per acre. That's pretty significant. Of
19 course one of the reasons that the cost is so different is
20 that you have to pay the landowners for the property, I
21 mean, when you take public land from the WFW and other
22 folks who weren't being paid for that land.

23 To date there have been a number of restoration
24 projects that have occurred in the local region. Most of
25 them -- all of them in this region occurred on public land.

PM3-2

PM4-1

1 Those projects resulted in significant loss of recreational
2 opportunities for a wide variety of users. The agency, my
3 understanding, has attempted to re-pledge (ph) those lands,
4 have not been able to do that for lack of willing
5 (inaudible) within the (inaudible) community and in Skagit
6 County in general. I think it's blatantly unfair to
7 continue to place the burden on salmon recovery on the
8 public landowners, yet the private industry and the private
9 agricultural communities, the Skagit County Government and
10 the Snohomish County Government, are unwilling to
11 participate and support replacement lands for those
12 recreational units that have been displaced. Until such
13 time, maybe we should place the burden on the private lands
14 instead of the public lands. That's my first comment. I
15 will write more detailed comments in my -- in my written
16 presentation.

17 One other thing I was struck at when I looked at the
18 projects proposed was the Feeder Bluffs situation in Puget
19 Sound. We're all aware of that. That's a major driver in
20 the foundation of the Ecosystem in Puget Sound. That's the
21 return for bait fish and (inaudible) everything from orcas
22 to Chinook salmon to bull trout to the various rock fish.
23 Those are all key processes. There's only one of them
24 projects that's addressed in that fashion. It's \$4.4
25 million out of \$1.1 billion. Less than one-half or 1

PM4-1

PM4-2

1 percent of the proposed budget is being directed towards
2 this essential and very key proponent of -- keystone in the
3 recovery of Puget Sound's Ecosystem. And your presentation
4 was as an Ecosystem approach, we need to look at the
5 foundations of the Ecosystem. If you're really serious
6 about Puget Sound in the large scale, I would look there.
7 Thank you.

8 ED STAUFFER

9 MR. STAUFFER: Ed Stauffer. S-T-A-U-F-F-E-R. I
10 would ratify what Mr. Roozen had to say. I'm a resident of
11 Skagit County, and I value the quality of life that attends
12 to us because of our farming community. I hate to see
13 these huge programs develop which become applied to us like
14 a square peg in a round hole. So I hope you'll take into
15 consideration that in Skagit County we do have an existing
16 comprehensive plan between (inaudible) Management Act. It
17 is the law of the land, and I'd like you to in particular
18 read the rural element. I helped to write it so I know
19 what's in that. I don't know what's in your proposal
20 because I understand you have been working for 12 years,
21 and I understand that you also contacted -- that's in your
22 materials -- our local agency somehow involved in this to
23 help develop your list of priority sites.

24 I -- I don't see any opportunity that I or any of us
25 that live on the land and work with the land, had any part

PM4-2

PM5-1

1 in that process of site selection until now; and I don't
2 know if we really have an opportunity to be involved in
3 that now. I'd like to know what are the Skagit County
4 sites that didn't make the 543 that are still slated for
5 future screwing around with. I'm sorry. I shouldn't use
6 terms like that. I say screwing around because I'm very
7 concerned about terminology.

8 Now, you call this your Puget Sound project. You
9 need to take into consideration that the research that
10 you're doing to develop these concepts that you've
11 presented for us tonight that will evolve in the plans with
12 data later with more public money, supposedly, Puget Sound
13 doesn't even apply to the waters off of Skagit County.
14 That's a whole different system. I'm a classically trained
15 biological scientist. I don't know from my training what
16 an Ecosystem is, and I can't find a reference for that term
17 before 1970.

18 If you're going to roll off your lips, "Ecosystem,"
19 after 12 years of study of our lands, then please give us a
20 definition of what you're talking about. An Ecosystem
21 could be anything. Once again, Mr. Roozen said, go back in
22 time. Go back in time to where the ecology of the Puget
23 Sound waters and the waters of the north out of the glacier
24 (ph) river system were first impacted by the humans at the
25 end of the glacier (inaudible) period. And our shorelines

PM5-1

PM5-2

1 in Skagit County were over 100 feet below what they are
2 today. Now that's a dynamic system, and you have to take
3 those kinds of things into consideration. So I hope you'll
4 do that.

5 Excuse me. I have to look at my quick notes here.
6 Is my time up? My final brief comment is I watched
7 President Obama for an hour and a half this afternoon
8 describing what he planned to do with his agenda for the
9 coming years. He's got two years left in his
10 administration. And I, in essence, say he's going to be
11 abandoning his EPA projects and going instead for putting
12 money into building jobs and recreating wealth in the
13 middle class.

14 So you people that are working for these agencies
15 and depend on the taxpayers' money, stop and think that
16 under our system of government, your funding could dry up
17 within two weeks. I hope it does. Thank you.

18 PETER LANDRY

19 MR. LANDRY: (Approached the podium playing the
20 harmonica.) The Green Valley. That's a song written by a
21 folk singer, and back in a time when we had freedom of
22 speech, people paid attention to the writings of people a
23 little bit more. Anyway, he -- I think he was trying to
24 say as an environmentalist of the 1920s, when Gunthrie was
25 saying that "This land was made for you and me," and that

PM5-2

PM5-3

PM6-1

1 means me as a farm owner, that while I own the land, it's
2 -- it's a balance. I don't own the land, but you own the
3 land; and you own the land, and I own the land. And that
4 as the other speakers very nicely spoke, that, you know,
5 you have to pay attention to the people that live there
6 before you come up with a plan and start saying, this is
7 what we think ought to happen. And that ought -- that idea
8 ought to be both thought of beforehand, given lots of
9 opportunity for discussion, and be based on very, very good
10 information that was come up with with no ulterior motives
11 and things.

12 So, the bottom line is my name's Pete Landry. I am
13 a Washington long -- lifelong Washington assistant, I'm an
14 engineer, and a licensed engineer in the state of
15 Washington, a licensed geologist, an engineering geologist
16 in the state of Washington. I was also in the Coast Guard
17 for seven years as a pollution investigator. I also worked
18 four years for the conservation district system, and also
19 been a public works director for four years. And the only
20 reason why I know about this project like the first
21 gentleman from the Marshland Flood Control District is
22 because I was a government agent person that was on an
23 e-mail list, and my farm is involved in something where
24 they didn't bother to communicate anything to the
25 landowners. Only -- I've only got into it because I was a

PM6-1

1 public works director once.

2 Now, here's where I have some problems with this.
3 No involvement in the -- no landowner involvement in the
4 plan or even any public involvement, really. It's not
5 comparable to a five-year old -- just a five-year old
6 effort to some various lands which did go through a public
7 process. It doesn't respect the community nor the well
8 over 100 years of farming, will destroy the largest
9 riparian force of the west bank of the lower Snohomish
10 River, which is a wetland of material (inaudible) well over
11 100 feet of 4 to 5 feet in diameter (inaudible) back when
12 the first Europeans came, you know.

13 Now, if you flood the area, they will topple over
14 like jackstraws, and yeah, I'm sure there's habitat there.
15 We don't know if there's (inaudible) there. Actually the
16 habitat does exist there. It also will require between a
17 third to a half of a billion, with a B, dollars ignorance
18 (inaudible) because they (inaudible) 30 years ago designed
19 (ph) the dikes. It was the last big project. It was very
20 high-tech, spent untold thousands of dollars preparing this
21 plan without talking to anybody where I would -- just one
22 person that owns property from 4 feet of (inaudible) the to
23 45 at the bottom north end of the valley, you'd stop it
24 just by saying, I'm never selling, okay. So your project
25 is done in the marshland because I'm not selling. And

PM6-1

1 there's other people that aren't going to sell too, okay.
2 And also, no discussion on the (inaudible) people in here.
3 It is simply the stupidest idea I've ever seen. And it's
4 also -- a marshland is a dozen miles up the Snohomish
5 River. It's (inaudible) if this is -- if they're going to
6 spend a third of the money on this project in Puget Sound,
7 here's your Ecosystem restoration project, and they're 12
8 miles up the freaking Snohomish River in an area that
9 doesn't receive salt water even for 100 years of global
10 warming, then we're in trouble.

11 Also, it is -- for that \$350 million they could take
12 that and revamp everything. There's a million households
13 in the state of Washington with electric heat. That's a
14 million households. Half of those -- half of the electric
15 household heat could be re-fabbed [sic] with new heat
16 pumps, get rid of those old inefficient baseboard heaters.
17 That would be longstanding benefits for the global
18 environment. It would mean jobs for people. It would mean
19 -- it would mean that poor people, rather than being thrown
20 out of their homes by a project, would be benefitted. This
21 project picks on the poor people. There's a dozen
22 households at the end of marshlands that are just owned by
23 regular folk and one or two big companies, and we're going
24 to be expected to move out as a part of the process of this
25 to make this happen.

PM6-1

1 This is the most outrageous thing I've ever had.
 2 And like I said, I was a scuba driver when I was 15. I've
 3 lived here my whole life. I was in the Coast Guard, I was
 4 a licensed engineer, I know what I'm saying. This is
 5 wasteful, wasteful. So much can be done with a half a
 6 billion-dollars, and they don't even know that their \$350
 7 million price tag is way too low. Thank you. My name is
 8 Peter Landry, P-E-T-E-R L-A-N-D-R-Y.

9 ANN BYLIN

10 MS. BYLIN: My name is Ann Bylin, A-N-N B-Y-L-I-N.
 11 I'm speaking on behalf of Snohomish County today, public
 12 works. The County fully supports the goals of this
 13 project, and we're equally committed to implementing salmon
 14 recovery plans. The County also (inaudible) protecting
 15 farmlands, as well as fish and wildlife habitat. These
 16 duly mandates often put us in the middle of a lot of
 17 issues.

18 The County has been very proactive in restoration
 19 over the last ten years, and we've implemented many large
 20 scale restoration projects. We've learned a lot of lessons
 21 with these projects, and the primary lesson being engaging
 22 the public very early on in the process.

23 As a result of the inside implemented project, the
 24 County has (inaudible) sustainable land strategies process
 25 which brings together stakeholders, including the agg

PM6-1

PM7-1

1 community, the environmental community, and the tribal
2 community. The goal is to achieve (inaudible) net gains
3 for egg and fish. This is a collaborative approach
4 (inaudible) multi-benefit project. The marshland project
5 was submitted prior to SOS being formulated, and we spent a
6 lot of years in the last two years building trust and
7 relationships.

8 Let's see. We're concerned that by identifying some
9 of the projects in the study, that it has circumvented our
10 processes and the stakeholder (inaudible) fish and wildlife
11 and proponents to engage landowners and stakeholders in
12 this process and to evaluate if these projects make sense
13 in respect with our SOS process and the reef (inaudible)
14 planning efforts. Thank you.

15 RONE BREWER

16 MR. BREWER: My name is Rone Brewer. First name
17 R-O-N-E, second name, B-R-E-W-E-R. And I'm livid. It's
18 really hard for me to contain what I really want to say
19 here, and some of you out there have already taken the
20 brunt of that. I'm not going to apologize, actually,
21 because I've spent six years of my life going to work group
22 meetings on the farm that I own of the Skagit Wildlife area
23 and that was to give you half of the island for fish
24 restoration. And then the Corps project 1135, we spent
25 three-and-a-half million-dollars on a fish restoration

PM7-1

PM8-1

1 project giving you 200 acres of the 400 dike, roughly.
2 There's 200 left. We went through a public process. We
3 developed alternatives, ten of them, and we chose one
4 through a public process. We spent the money. We did a
5 fish restoration project. It's done. Take it off the darn
6 list.

7 There are other projects on here. Milltown Island.
8 The dike broke on Milltown Island in 1976. You got fish
9 restoration on the Milltown Island in 1976. There was a
10 beautiful channel in there. They have been monkeying
11 around with Milltown Island spending taxpayer dollars
12 blowing holes in the dikes for 20 years, and the channels
13 on that island are shallower now than they used to be.
14 There's less channel habitat in Milltown Island than there
15 was 20 years ago when the dike broke.

16 Spencer Island, the dikes broke there eight, ten
17 years ago. It's already restored. Why are we spending
18 money on places that are already flooded. I have been
19 through this all with some of the people in this room.
20 Most of you are too young to even know what went on ten
21 years ago. You were in college or high school or grade
22 school, for God sake. I have been through it. I'm done
23 and I'm planning on scoring a path through the regional
24 department of fish and wildlife. Bob, you have been
25 warned, if you're still here, because we've already been

PM8-1

1 there.

2 ART KENDALL

3 MR. KENDALL: I guess I'm speaking for my wife this
4 evening. My name is Art Kendall, A-R-T K-E-N-D-A-L-L, and
5 that's -- formerly it's Dr. Arthur W. Kendall, Jr. I was a
6 fishery biologist for the Nellow (ph) Fishery for my career
7 so I know a little bit about fish and fish habitat or a
8 life history of fish. In fact, I wrote the book on that.
9 But I wanted to speak tonight actually following up on
10 Rone's comments on the Deepwater Slough project in
11 particular.

12 The sheet here says that this is phase 2 of a highly
13 successful phase 1 site restoration. How do you define
14 "highly successful"? Is there any peer-reviewed
15 literature? Now, this -- again I go back with Rone to the
16 late 1990s where we had all these discussions, came up with
17 a plan, did the project, spent \$300,000 for a bridge from
18 one half of the island to the other that's going to go away
19 now, and the rest of the money that went into that, what's
20 "highly successful"? Is there any peer-reviewed literature
21 that has said that that has done anything? I don't think
22 we should move forward with additional restoration until we
23 know whether what we've already done, what we've already
24 spent the money on, what we've already taken land way from
25 its previous uses for, is shown to be successful.

PM9-1

1 And I guess another point is that we look at this as
2 just brown dirt. I mean, you know, it's -- it's an -- it
3 has no value now, so we're going to give it some value as
4 salmon habitat. It has tremendous value now. It's a park
5 that's owned by the people of the state of Washington. We
6 own it. We manage it. We bought it. We manage it for --
7 particularly for water fowl habitat and water fowl hunting.
8 It has a lot of other uses also, and just to take that way
9 from us citizens of Washington without giving us anything
10 in return, if you're -- if you insist on doing this,
11 include replacing the functions that exist there now for
12 public access and for the habitat before you do the
13 restoration work. Fund. Have funding in place and
14 actually do the purchase of additional lands elsewhere, put
15 it in place before you put the shovels to the ground on
16 this area, or any area that is not just brown dirt. And
17 those -- as I say, those costs should be included.

18 One other thing, and I -- I hesitate to bring this
19 up to the Corps of Engineers, but the Skagit River flows --
20 it has a certain volume, a certain flow. It gets down here
21 to the delta and it spreads out. You have a thing about,
22 you know, kind of the area that that spreading out goes
23 through, you have the volume. You still have the same
24 flow. If you keep increasing the area, you decrease the
25 flow and so then it silts in. It's so simple. This is

PM9-1

1 what Rone was talking about. Milltown Island, that's what
2 we're seeing. All along the bay front, it's -- it's
3 silting in. There's -- there's less depth in the channels.
4 It's a lot harder to get around, and is that even taken
5 into consideration when we, again, continue to increase the
6 area that we're -- that we're flooding. Thank you very
7 much.

8 ED MOATS

9 MR. MOATS: Hi. My name is Ed Moats, M-O-A-T-S.
10 They're asking for comment, and that's a good thing, but I
11 presume they mean informed comment. An informed comment,
12 of course, requires information. When I listen to the
13 presentation and I look around the room at the posters and
14 displays and look at the information that you can obtain
15 from the back table, I see question marks. Exactly where
16 are these 5,000 acres, who owns them now, how many are
17 already in government ownership, what's their GMA
18 designation, what's the SMA designation, what's the zoning,
19 what's their actual use now, what's their use history, how
20 much of it is agricultural land. I suppose darn near 100
21 percent, but I don't know that for a fact. What's the
22 agricultural history and history of use of this land. All
23 of this information plus much more that I haven't thought
24 of yet and that's running through your minds, is necessary
25 for informed consent.

PM9-1

PM10-1

1 Our attorney Gary Brandstetter just told us that the
2 Marshland Flood Control District hadn't even learned about
3 this project until a few days ago and that he is informed
4 Snohomish County had not learned of this project until a
5 few days ago. There is a principle of law that is
6 applicable in every state of the United States and
7 applicable in the federal courts and the federal legal
8 system as well.

9 This an principle of law is that a person is
10 presumed to intend the natural and probable consequences of
11 his acts. A person is presumed to intend the natural and
12 probable consequences of his acts. So I ask now, here we
13 are 19 days before the comment deadline when the
14 information suddenly becomes available, what is the
15 intention of the government in this timing of events. Is
16 it not clear that the -- if the intension is a natural and
17 probable consequence, is it not the natural and probable
18 consequence that there is going to be damn little informed
19 comments because there's no opportunity to gather the
20 information. I'm sure the government will deny that, and
21 if they are sincere in their denial, they will extend the
22 comment period out at least 90 days. Considering they're
23 not even going to ask congress for an appropriation until
24 the fall of 2015, they can certainly extend the comment
25 period for 90 days and extend this event for 60 days so

PM10-2

1 that we can have another public discussion opportunity 30
2 days before the extended 90-day comment period. That would
3 be in order, and I suggest that that's what the government
4 should now do is extend the comment period for 90 days.
5 Thank you.

PM10-2

6 RANDY GOOD

7 MR. GOOD: Randy Good, R-A-N-D-Y, G-O-O-D. I, too,
8 want to support the comments presented by John Roozen and
9 also by Ed Stauffer. My understanding is that the next
10 process on this is for congressional approval. I suggest
11 we all contact Congressman Rick Larsen and Congresswoman
12 Delbene, and have them deny any more funding to any of
13 these 11 projects they're proposing. I think the first
14 thing we have to do is stop the money from going to it.
15 Thanks.

PM11-1

16 SUZANNE PHILLIPS

17 MS. PHILLIPS: Hi. My name is Suzanne Phillips,
18 S-U-Z-A-N-N-E, P-H-I-L-L-I-P-S. I would just like to point
19 out in this booklet that you have here on juvenile salmon,
20 what you admit that you don't know, you don't know that
21 Chinook salmon, how they use the habitats associated with
22 the shoreline area. You don't know what are the linkages
23 between habitat use and the population of the salmon,
24 resulting population. You don't know how salmon move
25 around in Puget Sound. There's a list of seven things here

PM12-1

1 that you don't know. To spend \$1.1 billion of taxpayer
2 money when we don't even know the basic facts is a
3 ridiculous thing to do, and I hope -- I -- I don't mind
4 this thing going through eventually if you can prove to me
5 that it's going to produce some salmon and all that,
6 then -- then I could take a look at it, but third grade
7 science told me you don't just assume that people know just
8 because they're scientists. Thank you.

9 KATHY MITCHELL

10 MS. MITCHELL: Thank you. That's K-A-T-H-Y,
11 M-I-T-C-H-E-L-L. I live in Bow. I wasn't going to say
12 anything at all because I don't know much about the
13 project. I had not heard about it until this afternoon and
14 came down to see what kind of information would be given
15 and allowed to go over and be able to digest. I'm also a
16 classically trained scientist, started off in biology, got
17 my degree in geology. Just like other people here,
18 multi-careers and a bunch of education (inaudible)
19 experience. I think most people, by the time they get to
20 my age and older, realize and learn that it's best to have
21 all the information and facts in hand that you can to make
22 good decisions before you sign off on anything, regardless
23 of what somebody tells you. And at this point, with the
24 information that we have, with all due respect to the folks
25 who presented it to us, we appreciate that, but it's so

PM12-1

PM13-1

1 vague. There's so little information, there's no way
2 anybody can really assess what's here. There's nobody that
3 can endorse it that hasn't looked at it for ten years. And
4 the public really needs to have more time to really see
5 what's being proposed and to understand everything that's
6 involved. It's a big price tag. If it is truly an
7 important project, then you'll extend the public comment
8 period to at least three months. That would at least allow
9 people time to have their say (inaudible.) There is no way
10 anyone can study that information.

11 Furthermore, I looked at all the information for the
12 brochures for the people with the papers out there for the
13 individual projects, and I do understand the time that they
14 spent on them. I know that there's one and probably more
15 that has (inaudible) a marketing glossy than actual
16 science. So I would expect and require and ask that if our
17 government dollars that are being spent on a project that
18 is truly important and truly going to make a difference,
19 that you give people time to study and to learn and to be
20 properly informed before anything goes further; otherwise,
21 it's completely (inaudible.) Thank you.

22 JOHN ROOZEN

23 MR. ROOZEN: John Roozen, R-O-O-Z-E-N, and I'm
24 really thankful that I get to do this twice because I
25 didn't finish. The -- the issue that is foundational to

PM13-1

PM14-1

1 the whole concept is why are we doing this. Because here's
2 a little book that I found, which was in the back, for
3 Skagit County, Mayor Fred Martin from LaConner, Jay Jax,
4 President of New England Fish Company, Pacific Coast
5 Maritime Council (inaudible), Olympic Fish and Game
6 Protective Association, and (inaudible).

7 Okay. So that population dynamic study overtime
8 that I talked about should be fundamental for every
9 endangered species declaration. So you overlay events.
10 The event here was 1937. The Army Corps built -- before
11 that there was a jetty from Goat Island to McGlinn. That
12 was taken out. It was a sheet pile one with logs. That
13 was taken out by the WT Preston, the steamboat, and another
14 one, a rock one was put in in 1937 to McGlinn Island by
15 LaConner to divert the Skagit River silt. In 1993 a
16 clinical study said 10 million tons a year -- that's why
17 it's filing in over there on the island -- 10 million tons
18 a year average comes down the Skagit River. (Inaudible).

19 So what I'm going to say here and read to you is,
20 "It would overlay this if there was a drop." I'm going to
21 read to you that "It is estimated by all salmon buyers that
22 over half a million pounds of salmon annually are harvested
23 from the waters of the Swinomish channel. Another half a
24 million pounds is caught in the Skagit River mouth, and
25 Inside Deception Pass, a million pounds of salmon

PM14-1

1 annually." They disappeared after this jetty was done.
2 That's a manmade thing that would show in the study. All
3 these things would show why they're happening. What else
4 would show right now is the gentleman talked about all the
5 Sockeye (inaudible) in Washington. We had a huge Sockeye
6 Run predicted here and it didn't materialize because 50
7 percent of them were caught and the rest didn't show up so
8 they didn't go up there. It's happening to the Cohos right
9 now. The job of the river -- and we have a minimum
10 industry flow, we just don't have any fish in the flow --
11 all living systems want to survive one (inaudible), and
12 we're just not sending enough fish up there to make love
13 and have babies and come back.

14 We have the estuary. We have the biggest estuary in
15 the Western United States. But I have been out that way.
16 (Inaudible.) I got four boys, they're tough guys, and
17 we've been out there in the height of the smelt season.
18 And if the estuary is a limiting factor, it should be full,
19 just like hotels are full or seats at the casino are full;
20 but you go out there in the height of the smelt season and
21 there's no smelt, because we're not letting them go up
22 there. And harvest has not even been discussed.
23 Population dynamics from the 1800s all the way through
24 these projects, so Fisher Slough is in there, and it would
25 show you how many that million-dollars is doing.

PM14-1

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Every project has to pay its way and has to show to
the taxpayers. Thank you very much.

(The public comment section concluded at 7:18 p.m.)

PM14-1

1 REPORTER'S CERTIFICATE

2 I, TERESA CULP SMITH, a Certified Shorthand Reporter
3 of the State of Washington, duly authorized to administer
4 oaths, do hereby certify:

5 That the foregoing public hearing was transcribed by
6 me, via machine shorthand, which was thereafter transcribed
7 under my direction; that the foregoing transcript is a true
8 record of the audio recording given, to the absolute best
9 of my ability.

10 I further certify that I am neither financially
11 interested in the action nor a relative or employee of any
12 attorney or party to this action.

13 IN WITNESS WHEREOF, I have this date subscribed my
14
15 name.

16
17 Dated: November 18, 2014.
18
19
20
21
22

23 _____
24
25 TERESA CULP SMITH, CCR 3342

5.2 Responses to Public Meeting Comments

5.2.1 Response to Public Comment PM-1

PM1-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the Marshland Flood Control District, City of Everett, landowners, and other key stakeholders will be notified to ensure closer coordination in the future.

5.2.2 Responses to Public Comment PM-2

PM2-1: Analysis of the complex Puget Sound nearshore system was based on the scientific guidance provided by the Nearshore Study's interdisciplinary team of scientists. The Nearshore Science Team has overseen the delivery of a series of peer-reviewed technical reports that provide the foundation of the Nearshore Study. These analyses led to identification of a problem of national significance, and to planning objectives necessary to address identified issues. The results of the Nearshore Study are based on a comprehensive analysis of historical and current conditions in the Puget Sound nearshore zone. Technical reports characterize the impacts of shoreline and watershed alterations on nearshore ecosystem processes, identify the fundamental causes of the observed ecosystem degradation, and assess which of the causes most need to be addressed through restoration. The Change Analysis "is a comprehensive, spatially-explicit assessment of the extent of change over Puget Sound's shorelines, estuaries, and deltas". The Change Analysis quantified structural and physical change between historical (1850s to 1890s) and current (2000 to 2006) conditions. Building on the results of Change Analysis, the Strategic Needs Assessment developed a complementary evaluation tool to investigate the degree of degradation to nearshore ecosystem processes. Evaluation of the Change Analysis and Strategic Needs Assessment results led the Nearshore Science Team to identify six major changes to the physical characteristics of nearshore ecosystems of Puget Sound. These changes can be grouped into two broad categories: 1) significant direct changes to the nearshore ecosystems of Puget Sound; and 2) widespread and pervasive changes. These observations support a science-based problem statement, providing the basis for Nearshore Study planning objectives. This technical foundation assisted the study team in formulating and recommending ecosystem restoration projects across the Puget Sound nearshore.

PM2-2: See Master Response 3.

5.2.3 Responses to Public Comment PM-3

PM3-1: See Master Response 1. The Deepwater Slough project is not being recommended for construction authorization at this time. The Corps will continue to evaluate potential impacts to amphibians, reptiles, birds, and mammals if this site is carried forward in the future.

PM3-2: Comment noted.

5.2.4 Responses to Public Comment PM-4

PM4-1: Project sites require a mix of public, private, and tribal property interests. Proposed ecosystem restoration projects included in the recommended plan are intended to be compatible with ongoing farming and agricultural practices while still maintaining recreational opportunities for public users. Real estate interests will continue to be confirmed as project footprints are refined during the Pre-Construction, Engineering, and Design phase.

PM4-2: See Master Response 1. Under the tiered implementation approach, a greater number of feeder bluff restoration sites will be pursued.

5.2.5 Responses to Public Comment PM-5

PM5-1: See Master Response 1 and Master Response 2.

PM5-2: The focus of this study is the Puget Sound nearshore zone, the transitional zone between major ecosystem types: terrestrial, freshwater, and marine. Many of the important and unique characteristics of Puget Sound depend upon the nearshore zone, including its high biological productivity, complex food webs, diverse habitats, and large numbers of plants and animals that occupy these habitats (Kozloff 1973; Sound Science 2007). Conditions in Puget Sound provide the context for the nearshore zone issues addressed in this study. The Puget Sound Nearshore Study aims to address the continuing degradation of nearshore ecosystems through restoration of natural processes (e.g., sediment movement and tidal hydrodynamics) and restoration and/or re-creation of coastal wetlands and embayments.

PM5-3: Comment noted.

5.2.6 Response to Public Comment PM-6

PM6-1: See Master Response 1 and Master Response 2. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the Marshland Flood Control District, City of Everett, landowners, and other key stakeholders will be notified to ensure closer coordination in the future.

5.2.7 Response to Public Comment PM-7

PM7-1: See Master Response 1 and Master Response 3. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, Snohomish County and other key stakeholders will be notified to ensure closer coordination in the future.

5.2.8 Response to Public Comment PM-8

PM8-1: See Master Response 1. The Everett Marshland, Milltown Island, and Spencer Island projects are no longer included in the recommended plan. If and when any of these projects move forward with Corps involvement, key stakeholders will be notified to ensure closer coordination in the future.

5.2.9 Response to Public Comment PM-9

PM9-1: See Master Response 1. The Deepwater Slough project is no longer included in the recommended plan.

5.2.10 Responses to Public Comment PM-10

PM10-1: The Final Feasibility Report and Environmental Impact Statement includes project footprints for each of the three sites included in the recommended plan. The Final Real Estate Plan includes documentation for real estate interests that will be affected by the projects based on the current project footprints and conceptual designs. At this stage of project design, GMA and SMA designations have not yet been confirmed because project footprints are still being refined. The Corps has initiated the process for compliance with the Farmland Protection Policy Act by providing the Farmland Conversion Impact Rating Forms to the Natural Resources Conservation Service for their review and input. When final project designs are available, the Corps will finalize the compliance process.

PM10-2: See Master Response 2. The public comment period for the Draft Feasibility Report and Environmental Impact Statement was extended by 45 days. The Final Feasibility Report and Environmental Statement will be released for another 30 day review.

5.2.11 Response to Public Comment PM-11

PM11-1: Comment noted.

5.2.12 Response to Public Comment PM-12

PM12-1: Analysis of the complex Puget Sound nearshore system was based on the scientific guidance provided by the Nearshore Study's interdisciplinary team of scientists. The Nearshore Science Team has overseen the delivery of a series of peer-reviewed technical reports that provide the foundation of the Nearshore Study. These analyses led to identification of a problem of national significance, and to planning objectives necessary to address identified issues. The results of the Nearshore Study are based on a comprehensive analysis of historical and current conditions in the Puget Sound nearshore zone. Technical reports characterize the impacts of shoreline and watershed alterations on nearshore ecosystem processes, identify the fundamental causes of the observed ecosystem degradation, and assess which of the causes most need to be addressed through restoration. The Change Analysis "is a comprehensive, spatially-explicit assessment of the extent of change over Puget Sound's shorelines, estuaries, and deltas". The Change Analysis quantified structural and physical change between historical (1850s to 1890s) and current (2000 to 2006) conditions. Building on the results of Change Analysis, the Strategic Needs Assessment developed a complementary evaluation tool to investigate the degree of degradation to nearshore ecosystem processes. Evaluation of the Change Analysis and Strategic Needs Assessment results led the Nearshore Science Team to identify six major changes to the physical characteristics of nearshore ecosystems of Puget Sound. These changes can be grouped into two broad categories: 1) significant direct changes to the nearshore ecosystems of Puget Sound; and 2) widespread and pervasive changes. These observations support a science-based problem statement, providing the basis for Nearshore Study planning objectives. This technical foundation assisted the study team in formulating and recommending ecosystem restoration projects across the Puget Sound nearshore.

5.2.13 Response to Public Comment PM-13

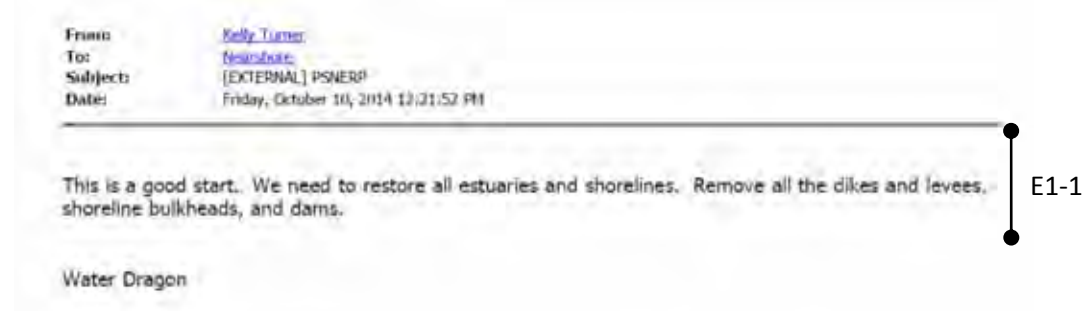
PM13-1: See Master Response 2. The public comment period for the Draft Feasibility Report and Environmental Impact Statement was extended by 45 days. The Final Feasibility Report and Environmental Statement will be released for another 30 day review.

5.2.14 Response to Public Comment PM-14

PM14-1: Comment noted.

6 Individual Email Comments and Responses

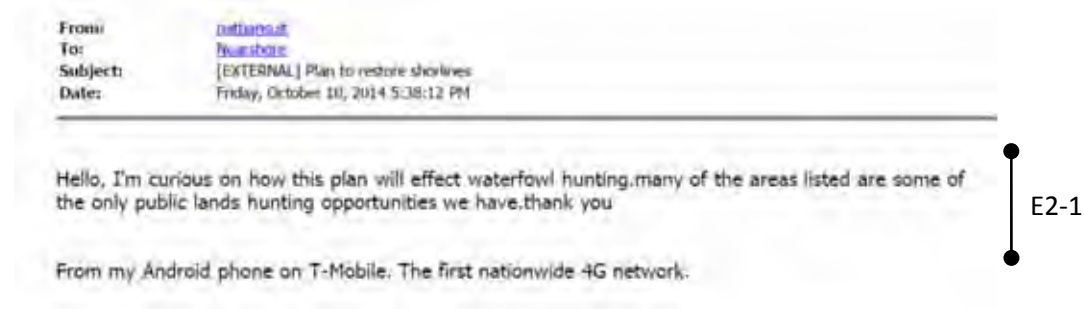
6.1 Comment Letter E1 – Kelly Turner



6.1.1 Response to Comment Letter E1—Kelly Turner

E1-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities to restore estuaries and shorelines.

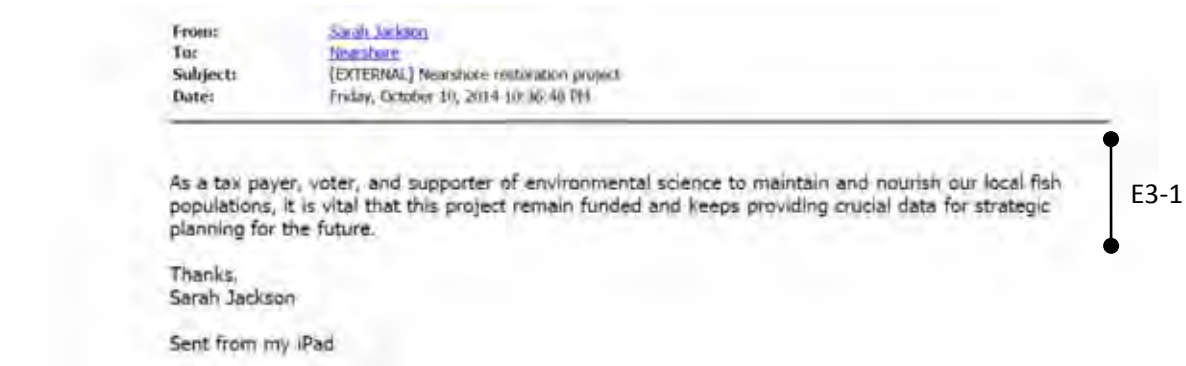
6.2 Comment Letter E2 – nathansuit@hotmail.com



6.2.1 Response to Comment Letter E2

E2-1: Section 5.4.2 of the Final Feasibility Report and Environmental Impact Statement discusses effects to waterfowl hunting. Waterfowl hunting opportunities may be displaced or substituted by new or different recreation opportunities e.g., bird watching. The recommended plan now includes restoration at three sites instead of 11, so fewer public hunting lands would be affected.

6.3 Comment Letter E3 – Sarah Jackson



6.3.1 Response to Comment Letter E3

E3-1: Congressional authorization and appropriation are required prior to construction. Pending appropriation of funds, this project can continue to provide data and information for strategic planning for the future.

6.4 Comment Letter E4 – Kurt Zwar

From: maplest327@aol.com
To: [Washstate](#)
Subject: [EXTERNAL] Deepwater Slough restoration project
Date: Saturday, October 11, 2014 1:53:02 PM

Dear sirs,

I volunteered with the WDFW several years ago to help restore the Big Skagit Island (Farmed section of the Skagit Wildlife Refuge). John Garrett was manager at the time of the Skagit Wildlife Refuge. The current manager, also knows me.

Along with beginning some restoration myself, I also spent time documenting the amphibian wildlife on the island. It is a 300 acre wildlife paradise with a very large population of native red legged frogs, salamanders and turtles. It is also home to beavers, otters, blacktailed deer, coyotes, small mammals and many, many bird species including nesting Bald Eagles,

I am very concerned that some people want to blow the dikes on the Big Skagit Island. If this is done....all of the extremely rare and valuable wildlife on this island will be destroyed. Nearly half of the island is freshwater wetlands. It is very beautiful there. No humans regularly go there except a few duck hunters in the fall.

I most respectfully recommend that any Deepwater Slough restoration project done will leave the dikes around the island intact and not destroy the existing wildlife on the island. Places like this are extremely rare....especially in western Washington.

For any of those who believe it should be done, I would hope that they would travel to this rare and beautiful island that is full of threatened and endangered native wildlife and check it out for themselves. These amphibians and other animals were native here before any humans arrived. Please let us not destroy a beautiful place that gives them a safe habitat.

Salmon are not the only species we need to protect. Even the animals we do not eat deserve our respect.

Frogs are often found on the totem poles of NW Indians. I hope we can still allow them to survive in the last places we have not conquered and turned into civilization.

Many thanks for listening.

Sincerely,

Kurt Zwar, PT
3954 NE 115th St.
Seattle, WA 98125
maplest327@aol.com
206 362-2477

BS Zoology, UW 1973

E4-1

6.4.1 Response to Comment Letter E4

E4-1: See Master Response 1. The Deepwater Slough project is not being recommended for construction authorization at this time.

6.5 Comment Letter E5 – Lorraine Karl

From: Lorraine Karl
To: Elizabeth
Subject: [EXTERNAL] Restoration project
Date: Sunday, October 12, 2014 10:21:07 AM

Go for it! Do it all!! I have watched wildlife disappear in just decades, development was allowed to expand to the point of no return for tidal wildlife. This was a different coast, a different state. The nature I loved, the tidal marsh is gone.....what you see in this photo is gone. If I could have given up the family home to restore and clean the environment, I would gladly have done so. The real estate there has become too costly to allow restoration. Where it is still possible, please do as much as possible.



This photo is at the water's edge in front of Aunt Margie's cottage.

I was privileged to grow up in a cottage on tidal wetlands of Woolley's pond, originally fresh water. A channel to Little Peconic Bay was dredged, a marina established. All the homes surrounding the pond, channel and Little Peconic Bay were on cesspools/septic. The communities surrounding the bay were home passed generation to generation. When I was a little girl I could see the bottom of shallow areas of Woolley's pond, the channels, Little Peconic Bay. I could go sailing at night with a lantern, seeing the eels easily. Blue claw crabs could be scooped with a net...I could see them. How many hours did I watch fish, horseshoe crabs, fish, scallops with iridescent eyes from a floating platform a hundred feet from shore in Little Peconic Bay. It's all bulldozed, docks, boats...and no more horseshoe crabs, clamming, scallops with beautiful eyes. As a child I gathered these shells for my Grandma Rose, she made this art from them. The shells are gone.

E5-1



E5-1

6.5.1 Response to Comment Letter E5

E5-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound nearshore. The Corps is currently working to identify the lands needed for/affected by the project footprint. Once the project footprint has been determined, the Corps Real Estate Division identifies the minimal real estate interest (fee purchase, easement, etc.) required for each affected parcel and develops a real estate map to reflect the real estate needs. Compensation for lands, homes, and business owners will be based on this real estate evaluation.

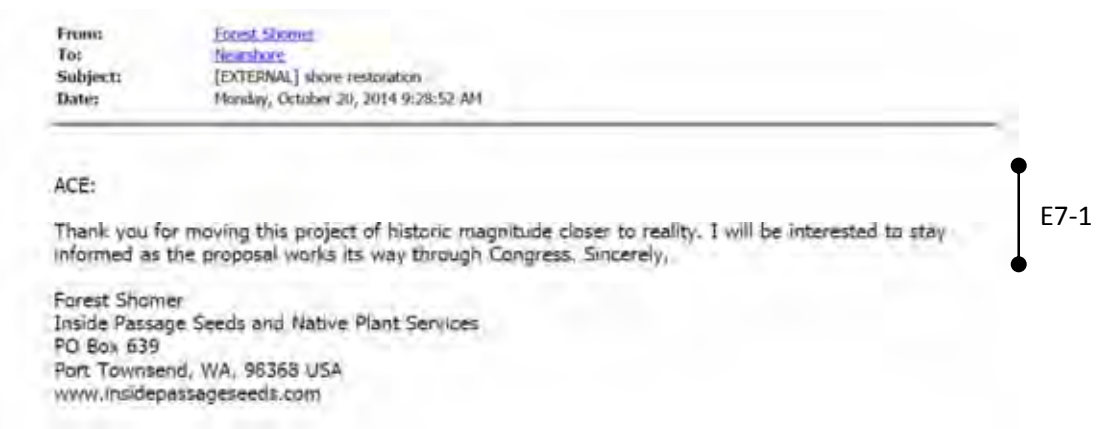
6.6 Comment Letter E6 – Terry Abrams



6.6.1 Response to Comment Letter E6

E6-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound nearshore.

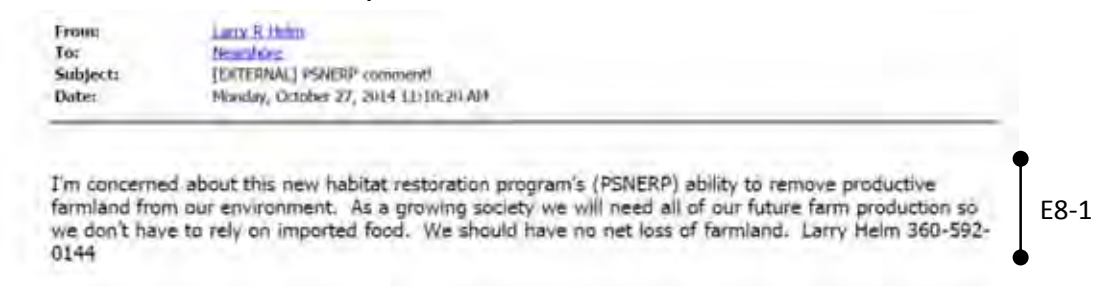
6.7 Comment Letter E7 – Forest Shomer



6.7.1 Response to Comment Letter E7

E7-1: Thank you for your comment. Your name has been added to the project's distribution list to receive future updates.

6.8 Comment Letter E8 – Larry Helm



6.8.1 Response to Comment Letter E8

E8-1: See Master Response 3.

6.9 Comment Letter E9 – Doug Gresham, Washington Department of Ecology

From: [Gresham, Doug \(ECY\)](#)
To: [Nearshore](#)
Subject: [EXTERNAL] PSNERP Public Comment
Date: Monday, November 03, 2014 3:00:49 PM

Attn: Ms. Nancy C. Gleason, U.S. Army Corps of Engineers

I wish to submit comments on the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) draft feasibility report and environmental impact statement. As the wetland specialist responsible for a portion of this area (San Juan, Skagit, and Snohomish Counties) I offer these comments on wetland regulation and water quality protection. I specifically reviewed 7 out of the 11 restoration sites listed in the tentatively selected plan that fall within my jurisdiction. This includes Deer Harbor Estuary in San Juan County; Telegraph Slough, North Fork Skagit River Delta, Deepwater Slough, and Milltown Island sites in Skagit County; and Spencer Island and Everett Marshland sites in Snohomish County.

In general, I support the restoration of these wetland habitats and their improvement in functions and values. These projects will restore valuable habitat that has been lost through dike construction and agricultural drainage practices. I support the thoughtful engineering approach of breaching short sections of levees, filling of drainage ditches, and excavating feeder channels to allow tidal currents to aid restoration. This approach will prevent large scale erosion of newly flooded areas, protect the infrastructure that remains, and minimize water quality impacts.

E9-1

While Ecology supports the removal of levees, this work will require state and federal authorization. The wetlands on these sites are waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. The wetlands on these sites are also shoreline-associated wetlands regulated under the state Shoreline Management Act (RCW 90.48) and County Shoreline Master Program. State authorization is required for work within waters of the state and any proposed impacts should be accurately identified in the environmental documentation and project drawings. The delineated wetland boundaries will need to be field-verified by Ecology or the U.S. Army Corps of Engineers (Corps) before ground disturbing activities begin.

E9-2

We also have concerns with temporary construction impacts to water quality from the excavation and filling of these areas. A temporary erosion and sediment control plan should be implemented to minimize the release of sediment into waters of the state. In addition, best management practices such as timing restrictions, fish exclusion methods, and preparing a spill prevention and control countermeasures plan should be used to protect water quality.

E9-3

Thanks again for the opportunity to comment on this restoration plan. Let me know if you have questions.

Doug Gresham, PWS
Washington State Department of Ecology
3190 - 160th Ave. SE
Bellevue, WA 98008
Phone: (425) 649-7199
Email: Doug.Gresham@ecy.wa.gov <<mailto:Doug.Gresham@ecy.wa.gov>>

6.9.1 Responses to Comment Letter E9

E9-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities to restore wetland habitats across the Puget Sound nearshore.

E9-2: Chapter 7 of the Final Feasibility Report and Environmental Impact Statement describes compliance with applicable laws and regulations, including Section 401 of the Clean Water Act. The Corps will continue to coordinate with Ecology as project designs are refined during the Pre-Construction, Engineering, and Design phase. Applicable requirements of state and Federal law will be met prior to construction.

E9-3: Section 5.7.1 of the Final Feasibility Report and Environmental Impact Statement describes standard practices to mitigate negative impacts of construction. Section 5.7.2 describes best management practices that will be implemented to project water quality.

6.10 Comment Letter E10 – Gary Brandstetter, Marshland Flood Control District

MARSHLAND FLOOD CONTROL DISTRICT

P.O. Box 85 • Snohomish, Washington 98291-0085 • Tele (360) 568-6044 • Fax (360) 568-3785

Sponsoring **MARSHLAND WATERSHED PROJECT**

November 5, 2014

To: U.S. Army Corps of Engineers and Washington State Department of Fish & Wildlife

Re: Proposed Everett Marshlands Project

Ladies and Gentlemen:

This letter is submitted on behalf of the Marshland Flood Control District (MFCDD), a Special Purpose District formed and operating under RCW Chapter 86.09. MFCDD is a governmental body whose three (3) Commissioners are elected in staggered six (6) year terms, one of which comes up for re-election every two (2) years. MFCDD has statutory authorization to assess owners of property in the District to support its system of agricultural ditches, a flood canal and a pump station with two (2) 100 hp and four (4) 250 hp pumps. The system has been fully in place since the 1960's, and partially in place based on two (2) predecessor drainage districts since the early 1900's. This system, supported by assessments paid by approximately 100 landowners, drains over 6,200 acres of privately owned land, most of which is agricultural.

With this background, MFCDD wishes to express its concern regarding the fact that there has been little, if any, notice of the joint Corps/DF&W proposal. There has also been a total lack of involvement with MFCDD and its members. In short there has been a total failure to seek participation from MFCDD.

Every one of the 829 acres included in this joint Corps/DF&W proposal is located within MFCDD boundaries and yet there has not been any direct contact with, or requested input from, the governmental body given statutory authority over all 829 acres proposed for removal from District services. Likewise, as far as MFCDD is aware, not one property owner whose land is proposed for wetland/fish habitat restoration has been involved in planning this proposal.

These seem to MFCDD to be serious defects in the process and MFCDD does not make these assertions lightly. MFCDD's Secretary/Manager received an email notice – out of the blue – on October 13, 2014, happenstantially the day of MFCDD's monthly meeting. The notice listed "Everett Marshlands" as one of 11 projects proposed for wetland and fish habitat restoration. There was, however, no individual project information.

In a day or two, MFCDD's federal sponsor, NRCS, contacted the District and forwarded information from an internet link that provided some specifics – the only specifics revealed to date. MFCDD then contacted Snohomish County – one of whose major arterials is proposed for "removal" – and it had no notice. An MFCDD member who meets with the Sustainable Land Strategies (SLS) committee mentioned the project at an SLS meeting and members of the Tribes knew nothing about the proposal.

It is true that, several years ago, the City of Everett adopted a mitigation plan for this area, which may have been a template of sorts for this proposal. But MFCDD and its members made consistent

E10-1

and repeated objections to Everett's proposals and were told, after public meetings and in private, that "This is not going to happen for 30 years or more, if at all. The City has no money to even study the feasibility. The City just needs to satisfy DOE's demands for mitigation because of development on Everett's Puget Sound waterfront." That waterfront is on the opposite side of town from their mitigation proposal, by the way.

Further, after adoption of the City plan, MFCD heard nothing else. The plan seemed to disappear. Last fall, MFCD received a call from someone at DF&W who requested that some visiting Army Corps "brass" be allowed to inspect MFCD's pump plant the following day. The notice was short and created a conflict, but MFCD had its pump plant operator present to open the gates. He was shown – but not given – a map which he reported proposed moving the pump plant a mile upstream. After the visit, however, nothing more was heard.

In summary, there has been little notice to, and absolutely no involvement of, MFCD or its members when MFCD is the governmental body given statutory authority over these 829 acres. Until and unless there is a totally transparent sharing of information and negotiation of specifics, MFCD has no choice but to object to the process. If the article in Tuesday's 11/4/14 HERALD is correct, that the MFCD property owners have to go along or the project is dead because eminent domain cannot be used, the Corps and DF&W have started off on the wrong foot.

Very Truly Yours,



Gary W. Brandstetter
MFCD Secretary/Manager and Legal Counsel

C: Don Bailey, Chairperson
Marv Thomas, Commissioner
Tim Stocker, Commissioner

6.10.1 Response to Comment Letter E10

E10-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the Marshland Flood Control District, landowners, and other key stakeholders will be notified to ensure closer coordination in the future.

6.11 Comment Letter E11 – Katherine Clark

From: leighwirth@gmail.com
To: Neansboro
Subject: [EXTERNAL] Nooksack
Date: Saturday, November 08, 2014 9:13:39 AM

I think its a great idea to improve the habitat around the Nooksack Deltas- I hope this project goes through. The Lummi Nation has an excellent Natural Resources department that has begun much of this work there as tribal members livelihood's depend upon successful salmon runs. Excellent news.

Katherine Clark
Leigh Wirth
Bellingham, Washington

Sent from Windows Mail

E11-1

6.11.1 Response to Comment Letter E11

E11-1: Thank you for your comment. The Corps is carrying forward the restoration project at the Nooksack River Delta and continues to coordinate with the Lummi Nation as project designs are refined.

6.12 Comment Letter E12 – Ted Johnson

From: [Ted Johnson](#)
To: david.price@dfw.wa.gov
Cc: mcunningham@ci.everett.wa.us; pugetsoundnearshore@dfw.wa.gov; [Nearshore](#)
Subject: [EXTERNAL] Everett Marshland Property
Date: Saturday, November 08, 2014 11:48:59 AM

Mr. Price,
I recently learned about a plan to significantly change the Everett marshland of the Snohomish estuary as a part of the Puget Sound Nearshore Ecosystem Restoration Project.

I am a home owner in this area and according to the drawings provided at http://www.pugetsoundnearshore.org/factsheets/Everett_TSP.pdf it appears my property could be seriously impacted. I am deeply concerned both about the project and the fact that there was no direct communication with the community and notification to home owners about these plans. It was only because another homeowner in the area discovered the project and contacted the Everett Herald that I heard about it. The "outreach" at the same website is notable in the complete lack of communication to the Everett area. There are several CCs to this email, because I could not find any clear indication of where to send my comments.

In my mind the feasibility of a successful and sustainable project of this magnitude is highly questionable. Further, the many property owners should be given early and adequate notification and opportunity to understand the changes and impacts, as well as be able to give feedback and consent.

Without clear descriptions of how this project will affect use of my property during and after the project and future property value, I cannot give my support.

Sincerely,
Theodore Johnson
7725 Larimer Rd
Everett, WA

E12-1

6.12.1 Response to Comment Letter E12

E12-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, you and other key stakeholders will be notified to ensure closer coordination in the future.

6.13 Comment Letter E13 – Robert Burrell

From: [R. Burrell](#)
To: [Nearshore](#)
Subject: [EXTERNAL] PSNERP
Date: Saturday, November 08, 2014 1:32:48 PM

Hello,

My name is Robert Burrell, and I live in Bellingham, WA. As a recreational fisherman of the Nooksack river, I would like to express my full support of the Puget Sound Nearshore Ecosystem Restoration Project. I would be very pleased to see this project completed.

E13-1

Thank you very much for your time,
Robert Burrell

6.13.1 Response to Comment Letter E13

E13-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound nearshore.

6.14 Comment Letter E14 – Jody Bogumil

From: [Jody Bogumil](#)
To: [Nearshore](#)
Subject: [EXTERNAL] protect our shoreline
Date: Saturday, November 08, 2014 7:00:23 PM

Hi,

I live in Bellingham and we need to do all that we can to protect this beautiful area. Please follow through with the program to restore our shoreline. Our shoreline has undergone massive pollution and destruction and if the coal port moves in, we are going to see things get worse and worse. Any and all help that we can offer would be greatly appreciated.

E14-1

Thank you very much in advance,

Jody Bogumil

6.14.1 Response to Comment Letter E14

E14-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound nearshore.

6.15 Comment Letter E15 – Mary Cunningham, City of Everett

From: [Mary Cunningham](#)
To: "Ted Johnson"; david.pnce@dfw.wa.gov
Cc: pupetsoundnearshore@dfw.wa.gov; [Nearshore](#)
Subject: [EXTERNAL] RE: Everett Marshland Property
Date: Monday, November 10, 2014 11:21:04 AM
Attachments: [PSNERP FAQs.pdf](#)

Mr. Johnson,

Thank you for including me in your email.

As you may recall, in 2009 the City of Everett adopted the Marshland Subarea Plan that addressed restoration potential in the Marshland area. In that Plan the City committed to working with willing property owners, and to completing a large number of studies to ensure that any restoration proposed in the area was technically feasible and would not harm adjacent property owners who do not want to be included in a restoration project. It also made clear that property owners could change their willingness to participate over time, as this was a long-term planning process. The City continues to commit to meeting those requirements in our plan.

I'm attaching a document that answers frequently asked questions regarding the PSNERP process. As you can see in the highlighted text, PSNERP also commits to working with willing property owners, and to complete additional studies and designs for the projects. This is a 20-year plan and, if the Marshland restoration is included in the final plan, it may be many years before the project gets to the design and construction phases.

I understand that property owners are concerned that they did not receive notice during this part of the process. I will be mailing the frequently asked questions to all of the property owners in the area.

Please feel free to call or email me if you have any questions regarding potential future restoration in the area.

Mary Cunningham

City of Everett Planning & Community Development

2930 Wetmore Ste. 8A

Everett, WA 98201

425-257-7131

mcunningham@everettwa.gov <<mailto:mcunningham@everettwa.gov>>

E15-1

6.15.1 Response to Comment Letter E15

E15-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the City of Everett, Marshland Flood Control District, landowners, and other key stakeholders will be notified to ensure closer coordination in the future.

6.16 Comment Letter E16 – Sequoia Warner

From: [Sequoia Warner](#)
To: [Nearshore](#)
Subject: [EXTERNAL] Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)
Date: Monday, November 10, 2014 1:26:44 PM

I am writing concerning Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) Draft Feasibility Report and Environmental Impact Statement

Specifically: Everett Marshland, Everett, WA

Though I am all for restoring habitat, I believe for this particular project it will do more harm than questionable benefit. I garden at Red Barn Community Farm for the Lowell Community Food Bank. We feed 100's of people out of this garden, and we are only one of many gardens at the farm, all of which donate at least 50% to local food banks.

There are many farms in this impact area, it is one of the first open land as you travel north from Seattle, and is a very peaceful bit of nature amidst the endless city sprawl. We don't have a replacement property for the Red Barn Community Farm, which will be a huge loss to the families who have come to rely on this healthy alternative to the starches and canned goods one expects at a food bank.

There is a great amount of infrastructure requiring removal to make this plan work, including roads, and parks, this is a highly used recreation area as well.

I don't the project is a good use of the millions that would go into it. Please consider this email a strong vote for NO!

Sequoia Warner

206-240-0676

Lowell Community Food Bank

5218 S 2nd Ave,

Everett WA 98203

E16-1

6.16.1 Response to Comment Letter E16

E16-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, you, the Lowell Community Food Bank, and other key stakeholders will be notified to ensure closer coordination in the future.

6.17 Comment Letter E17 – Walter Kuciej

From:	Walter Kuciej
To:	Nearshore
Subject:	[EXTERNAL] Comment
Date:	Tuesday, November 11, 2014 12:12:18 PM

I am in favor of the Puget Sound Nearshore Ecosystem Restoration Project. We need to create more habitat for wildlife and recreation. Thank you. Walter Kuciej Seattle WA.

E17-1

6.17.1 Response to Comment Letter E17

E17-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound nearshore.

6.18 Comment Letter E18 – Larry Jensen

From:	Larry Jensen
To:	Nearshore
Cc:	Bill Schmidt ; Ed Moats
Subject:	[EXTERNAL] survival -for or against!
Date:	Tuesday, November 11, 2014 9:39:53 PM

Dear Dept of Fish and Wildlife and others,

I am writing this email in complete opposition to the proposed Puget Sound Nearshore Ecosystem Restoration Project (PSNERP).

I am a farmer and what you are proposing is to remove vital farm habitat from production for the human species and reduce our ability to produce a local, safe, food supply. If it is your desire to prevent us farmers from surviving then you are making the right move by proposing more farmable acres be turned into wetlands. You should keep going and you will prevent the survival of the farmers, the farm and locally produced food.

I would suggest instead if you wish to improve fish runs that you enhance existing habitat and control the harvest if you want to restore salmon runs.... for example nets in the river are counter to both.

NETS ARE BAD FOR HABITAT AND NETS ARE GREAT TOOS FOR HARVEST!

Please let the fish and the farmers survive.....no more nets and no more conversion of farmland!

Larry R. Jensen
 Member of the Skagit County Farm Bureau
 Member of the Skagit County Red Potato Growers Association

E18-1

6.18.1 Response to Comment Letter E18

E18-1: See Master Response 3.

6.19 Comment Letter E19 – Larry Jensen

From: [Larry Jensen](#)
To: [Nearshore](#)
Cc: [Ed Moats](#); [Bill Schmidt](#); [Ed Hussman](#); [Ed & Roxanne Hussman](#); [Jim Hinton](#)
Subject: [EXTERNAL] JUST SAY NO!
Date: Tuesday, November 11, 2014 10:04:26 PM

To those in the know,

Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) is a formula for disaster!

That is right, you read me correctly.

Why should we spend all the proposed funds and all time when we don't know what the past efforts have yielded and we don't hear specifics on what exactly the proposed plan is to accomplish (ie: how many salmon is it to add to the run). Is there a cost benefit analysis you can show me that has been done to say the results to the farming community, the adverse economic costs, and does the cost to the tax payer justify the expense? This all seems to get lost in the desire for the agencies to build their kingdoms and take control over more of our lives and our resources.

I say no to anymore take over of our lives, no to more expense, and no to more taxes to pay for it, no to the loss of farm land, and no to the loss of more of our local food supply!

JUST SAY NO!

Larry R. Jensen
Farmer in the Marshland Drainage District
Snohomish County Washington.

E19-1

6.19.1 Response to Comment Letter E19

E19-1: See Master Response 3. In addition, the Cost Effectiveness Analysis for the array of alternatives considered for implementation is presented in Section 4.5 of the Final Feasibility Report and Environmental Impact Statement.

6.20 Comment Letter E20 – Scott Bedlington

From: [Scott Bedlington](#)
To: [News@psnerp.com](#)
Subject: [EXTERNAL] PSNERP
Date: Wednesday, November 12, 2014 1:32:23 PM

To whom it may concern,

I am submitting a comment concerning the Nooksack River Delta Site of the Puget sound near shore ecosystem restoration project. We (Dick Bedlington Real Estate LLC and Bedlington Farms LLC) currently own approximately 425 acres in your area of your restoration project. All of this land is in agriculture production. We are not interested in selling these properties at any price. The project you are proposing would be detrimental to our company. Most of the other property owners I have spoken with have nothing about this and I think you should make the effort to contact them. Thank you for allowing this comment.

E20-1

Please reply back to confirm you received this comment.

Scott Bedlington
Sales & Farm Manager

Dick Bedlington Farms
8497 Guide Meridian Rd.
Lynden, WA 98264
360-354-5264 Office
360-354-7619 Fax
Email: scott@bedlingtonfarms.com
Website: www.bedlingtonfarms.com

6.20.1 Response to Comment Letter E20

E20-1: Landowner willingness is a key component of restoration at the Nooksack River Delta. If Congress authorizes the recommended plan, landowner outreach will continue during the Preconstruction, Engineering and Design Phase. During this phase, the Corps and local sponsors will continue to work to refine the project designs in coordination with landowners and stakeholders, including Dick Bedlington Farms. If there are landowners who are unwilling to negotiate with study sponsors to provide necessary property, individual project sites will be modified and/or removed from the proposed restoration plan.

6.21 Comment Letter E21 – Greg and Jennifer KcKee

From: [Greg](#)
To: [Nearshore](#)
Cc: "Greg"; [Jennifer: steve@nicollawfirm.com](mailto:jennifer.steve@nicollawfirm.com)
Subject: [EXTERNAL] Nearshore North Fork Skagit River Delta Project (Parcel #P15515)
Date: Saturday, November 15, 2014 1:57:32 PM

Greg & Jennifer McKee
13735 Rawlins Road
Mount Vernon, WA 98273
360-445-3132

15 November 2014

Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, WA 98124-3755

Re: Nearshore North Fork Skagit River Delta Project (Parcel #P15515)

Dear Ms. Gleason,

We have recently been made aware of a project that has apparently been in the planning stages for a number of years and which directly affects us in an extremely significant way. To have found out about this by chancing across an article in the Skagit Valley Herald was surprising and very disappointing for us. Why were the impacted property owners not contacted prior to the public announcement (and still have not been contacted)?

We have lived on our property on the North Fork of the Skagit River since 1998 – 16 years this past August. This is the longest that we have lived in one home since we were married nearly 41 years ago. We love our home here on the Skagit and have poured much love, blood, sweat and tears into it over the years.

Our home was built in 1901 by the Summers family one of the area's most noteworthy pioneering families. They also started Phil's Boathouse which later became Blake's Resort when it was sold. We have devoted much time and effort over the years to maintaining and upgrading this fine old farm house – with many wonderful family gatherings here for birthdays and Christmas, etc. We just recently completed a new septic system installation and restoration project for which we invested approximately \$55,000 dollars in order to keep the house and property in top notch shape both esthetically and functionally.

In 2007 I designed (Greg is an Architect retired) a timber frame office/studio/garage/workshop which our two sons and our son-in-law built for us – very much a family affair. The project was published in the October 2008 edition of Timber Homes Illustrated Magazine – being recognized as a notable project.

I (Greg) retired from my career as an Architect in 2012. Much of our time and effort in the ensuing couple of years has been directed toward preparing our home and property for sale. Much of our personal principal is wrapped up in our home and property – intended to provide for us as our retirement years progress. It is imperative that we are able to access those assets in the very near future.

E21-1

Our grave concern today is that as soon as this project was announced, our land ownership has essentially gone into a state of suspended animation. We find ourselves in virtual limbo since we cannot move forward with any substantial plans for our home – you have taken away our ability to fully guide our own direction with our own lives at this point. We cannot list our property for sale and we feel it might be further money wasted to invest any more of our limited funds in maintenance or upgrade projects. This threatens our retirement years which we have looked so forward to enjoying – they are upon us. And, what is most irksome, it seems to have been thrust on us with little care or concern about the real-life impacts of the announcement – whether or not the project proceeds. Either way, if the project goes on to completion or is eventually abandoned, we are immediately and significantly impacted as far as our options as related to our dear home.

If this deliberation/feasibility phase proceeds for an extended period of time – we will continue to live in total limbo during that period. This is unacceptable to us at this stage in our lives – and imminently unfair for you to thrust this onto us.

At this time, knowing what we now know, we envision only two possible satisfactory outcomes – and either one should be arrived at in as short a period of time as possible:

1. Our property is purchased outright at a suitable price recognizing the profound impact this whole project is inflicting on us day-by-day or
2. Our property is left untouched with a dike being built around it to provide safety from the river and with appropriate access.

E21-1

We feel that the worst possible scenario now that we are thrust into this unwanted situation would be for this deliberative process to extend out over several years and then to eventually have the project scrapped due to property-owner resistance or other negatively impacting criteria (i.e. denial of funding by Congress). In this scenario, we would have been forced to live this important part of our retirement years with the outcome of the project uncertain, the probability of our continued ownership in jeopardy and any impetus for continuing to perform appropriate upkeep, upgrades and maintenance projects to prepare to place our home on the market for sale being undermined and simply living every day of this prolonged process with this sword hanging over our heads.

Surely when this is examined on a personal level, as to how it will so profoundly impact us whichever way the project now proceeds, you must recognize that it is imperative that the land owners who are impacted must be handled respectfully, compassionately and fairly. Please don't lose sight of the human toll this project will take as you evaluate the proper path to follow. Too often we have seen these types of projects which are envisioned based on noble goals but which blindly emphasize some intangible end at the expense of real-life suffering and loss. We have already, even at this early stage, suffered loss – and this process has just begun for us. An unwanted hand grenade seemingly casually tossed into the midst of our long awaited and planned-for retirement years.

Best regards,

Gregory McKee Date Jennifer McKee Date

(signed copy to be mailed)

6.21.1 Response to Comment Letter E21

E21-1: Landowner willingness is a key component of restoration at the North Fork Skagit River Delta. If Congress authorizes the recommended plan, landowner outreach will continue during the Preconstruction, Engineering and Design Phase. During this phase, the Corps and local sponsors will continue to work to refine the project designs in coordination with landowners and stakeholders, including you. If there are landowners who are unwilling to negotiate with study sponsors to provide necessary property, individual project sites will be modified and/or removed from the proposed restoration plan.

6.22 Comment Letter E22 – Jennie Sheridan

From: jennies96@aol.com
To: [Nearshore](#)
Subject: [EXTERNAL] Public Comment Submission—Chamber's Bay
Date: Thursday, November 20, 2014 10:59:58 AM

Hello—

I am hoping that the Chamber's Bay area will be taken into consideration during the Puget Sound Nearshore Ecosystem Restoration Overview.

The north and south docks at Chamber's Bay were valuable nesting sites for purple martins, cliff swallows, pigeon guillemots, and ospreys. Colonies of bats (the most I saw at one time was 20-25) would fly in and out of the pilings of the docks in the evenings for insects. Below the surface of the water, marine life clung to nearly every single piling supporting the docks. Hundreds of starfish (mostly purple and ochre stars and leather stars—all seemingly unaffected by the "wasting" disease), giant and short plumose, painted, and green anemones, Lewis's Moon Snails, and a wide variety kelp and decorator crabs, not to mention feather duster worms, giant barnacles, creeping pedal sea cucumbers, Pacific blue mussels, and a rainbow of native sponges, all used the pilings of the dock as habitat.

With those docks now gone, a huge hole is left in what was a flourishing habitat. This summer alone, twelve martin pairs nested at the south dock and eight to ten pairs nested in the north dock. About ten pairs of pigeon guillemots occupied the back portion of the north dock and at least six pairs in the south dock. Thirty-two active cliff swallow nests lined the concrete ceiling of the north dock. All of these species have been returning to these two docks for years (at least the past fifteen years that I know of for sure, though I'm sure much longer) to nest and raise their young.

With the exception of six martin houses and a vacant osprey pole, no habitat plan has been put in place to compensate for the loss of these two docks. A plan needs to be put forth that incorporates habitat for both resident and migratory nesting birds and for marine life.

Part of the beauty of the docks was, while they served as valuable nesting sites, they were also accessible at low tide for the non-diving public to explore up close the rich diversity of Puget Sound marine life that clung to the pilings. The docks were a popular destination for families, day campers, and students. Ideally, a new habitat plan could include non-toxic posts placed in the water that would still be accessible at low tide. The posts—a grouping of or small "forest" of posts—could attract new marine life and could also be used to hold purple martin boxes and bat houses.

With State monitoring programs around Puget Sound and up and down the coast for starfish, it is important to bring back hard surfaces for them to cling to so that the public can monitor their status, especially considering the hundreds (during low-tide this summer, I counted over 600 purple and ochre and leather stars at the north dock clinging to the pilings above the water's surface with many more below the waterline) that have existed at these sites for decades. Because of over one-hundred years of gravel mining, the sea floor at Chamber's Bay is very sandy—almost pure sand—with no hard surfaces. The docks at Chamber's Bay were one of the very few accessible sites for the non-diving public to explore the diverse range of hard surface-clinging creatures that inhabit the Sound.

There are sites in Puget Sound that are manmade underwater diving parks with various structures laid out on the sea floor to accommodate and encourage surface-clinging marine life. If this idea could be put in place at Chamber's Bay, yet remain accessible to the non-diving public at low tide, the area could continue to be a hands-on classroom for the beach going public and students alike. The best way to achieve this while also providing nesting and roosting spots for migratory birds would be to install non-toxic posts in the water, similar to the piling habitat that was removed. While this idea may prove to be an expensive endeavor, it seems that part of the funds used to remove the piling and dock habitat in the first place, should be allocated to replace it.

I hope very much that some form of habitat replacement will be implemented at Chamber's Bay to encourage the many species—that dwell above the water's surface and below—that have thrived at the

north and south dock for decades. Without any plan in place, we are bound to see a significant decrease in these species and some may become non-existent in the area. This is a significant loss for everyone.

Jennie Sheridan
Tacoma, Wa

E22-1

6.22.1 Response to Comment Letter E22

E22-1: Thank you for your comment. At this time the Chambers Bay project is not included in the Corps' recommended plan for construction authorization. However, this site has been identified for future additional study and may be recommended for construction authorization in the future.

6.23 Comment Letter E23 – Ed Husmann, Snohomish County Farm Bureau

From: [Ed Husmann](#)
To: [ed.husmann](#); [Nearshore](#)
Subject: [EXTERNAL] PSNERP
Date: Thursday, November 20, 2014 8:13:02 PM
Attachments: [PSNERP Comment.docx](#)

Dear Sir or Madam please add the attached letter to the PSNERP comment file as part of the official project. Thank you.

Ed Husmann
President, Snohomish County Farm Bureau

SNOHOMISH COUNTY FARM BUREAU

USACOE
nearshore@usace.army.mil

Dear Sir or Madam,

I and several other members of the Snohomish County Farm Bureau attended the 11/5/14 PSNERP meeting at the Burlington City Hall in Burlington, WA. We thank you for this opportunity to comment on the PSNERP draft FR/EIS. Please make us a party of record to the project and please give careful consideration to our comment below.

Comments

1. We find it dismaying to learn of the evident secrecy of the proceedings to date. At the 11/5/14 PSNERP meeting at the Burlington City Hall we learned that

◆ WDFW and the ACOE been working on this PSNERP for the past 12 or 13 years.

◆ WDFW and the ACOE spent over 22 million dollars to identify properties in the Puget Sound region for the Project

◆ Not until the 10/10/14 announcement by WDFW was the public advised of the existence of the Project and then the public was given only 45 days (deadline 11/24/14) to comment on the draft FR/EIS.

◆ There was no public involvement or notice of the scoping of the FR/EIS,

If the WDFW and ACOE wanted informed comment about the draft FR/EIS that has been 13 years in preparation, they would have allowed far more time for study of that document. It strongly appears that both government agencies are not acting in good faith but are attempting to slide one by the public.

2. We learned at the 11/5/14 meeting that NSPERP consists of 5,000 acres distributed over 11 Projects in six counties for a cost of \$1.4B before cost overruns. No information was given to suggest that this is a cost-effective expenditure, or that similar projects in the past have been effective producers of salmon.

3. We learned at the 11/5/14 meeting that the premise of this Project is that there is a shortage of smolt habitat. Yet we also learned that the existing smolt habitat is not fully utilized. Therefore there cannot be a shortage of smolt habitat.

4. We learned at the 11/5/14 meeting that most if not all of the 5,000 acres are agricultural land under the Washington GMA and SMA, both of which mandate the protection of agricultural land. But the Project will destroy these 5,000 acres with daily saltwater pollution.

5. The 5,000 acres is presently habitat to various plants and animals. The Project will create a new habitat by destroying the present habitat. Hence

E23-1

E23-2

E23-3

E23-4

E23-5

the Project will benefit one set of plants and animals while displacing another set. Why this constitutes a net gain remains to be explained.

E23-5

6. We also learned at the 11/5/14 meeting that some of these 5,000 acres overlay previous projects in which considerable taxpayer funds were expended in the past. This is a waste.

E23-6

7. The Project proponents misrepresent that the Project will "restore" the land to its pre-dike condition. ACOE & WDFW wants the public to believe that (1) the land was a swamp before it was diked, and (2) by removing the dikes the land will be returned to its pre-dike condition. #1 is probably false, and #2 is certainly false. Agricultural use has caused the land protected by the dikes to subside, and dike breach now will cause inundation and saltwater pollution never seen pre-dike.

E23-7

8. ACOE & WDFW claim the Project will "reverse human-caused degradation". This "degradation" was the protection of farmland for production of food. This claim reveals a anti-human animus that calls into question the basic motivations of ACOE and WDFW lies behind this Project.

At its November 12th meeting, the Snohomish County Farm Bureau voted to oppose NSPERP by all available means.

E23-8

Very Truly Yours,

Ed Husmann, President\
Snohomish County Farm Bureau

6.23.1 Responses to Comment Letter E23

E23-1: See Master Response 2. The public comment period for the Draft Feasibility Report and Environmental Impact Statement was extended by 45 days. The Final Feasibility Report and Environmental Statement will be released for another 30 day review.

E23-2: The Cost Effectiveness Analysis for the array of alternatives considered for implementation is presented in Section 4.5 of the Final Feasibility Report and Environmental Impact Statement.

E23-3: There are a number of problems that this study intends to address, not just restoration of smolt habitat. First, large river deltas have been widely impacted by multiple alterations that significantly limit the size of the estuaries and degrade the nearshore ecosystem processes that support them. Next, many coastal embayments, including open coastal inlets, barrier estuaries, barrier lagoons, and closed lagoons/marshes, have been eliminated or disconnected from Puget Sound by the placement of fill, tidal barriers, and other stressors. In addition, stressors along beaches and bluffs have disconnected sediment inputs and altered sediment transport and accretion along long sections of the Puget Sound shoreline. Finally, the shoreline of Puget Sound has become much shorter and simpler, as well as more artificial. The cumulative effects of these multiple human-induced stressors threaten to overwhelm the ability of naturally occurring ecosystem processes to maintain structures, biological resources, and ultimately, the biodiversity and productivity provided by the ecosystem.

E23-4: See Master Response 3. At this stage of project design, GMA and SMA designations have not yet been confirmed because project footprints are still being refined. The Corps has initiated the process for compliance with the Farmland Protection Policy Act by providing the Farmland Conversion Impact Rating Forms to the Natural Resources Conservation Service for their review and input. When final project designs are available, the Corps will finalize the compliance process.

E23-5: The various plants and animals finding support in the present degraded acreage are in either in low numbers, are common around the Sound and not habitat-limited, or are non-native invasive species that outcompete high value northwest natives. Restoration would shift the balance toward the native species that people place greater value on, provide greater species diversity, and support much greater overall biological productivity.

E23-6: The projects included in the recommended plan are designed to be compatible with previous or nearby projects.

E23-7: The objective of Civil Works ecosystem restoration is to restore degraded significant ecosystem structure, function, and dynamic processes to a less degraded, more natural condition. The objective is not necessarily to restore to pre-settlement, pre-dike, or historical conditions, nor to reverse all human-caused degradation.

E23-8: Comment noted.

6.24 Comment Letter E24 – Michael Heath

From: mhth7@comcast.net
To: [Nearshore](#)
Subject: [EXTERNAL] Farmed Island in deep water slough
Date: Friday, November 21, 2014 6:50:22 AM

Gentlemen; This Island is a unique piece of property that offers a lot of habitat for waterfowl. All this habitat will be lost if the dike is breached, and the opportunity to hunt a special area will be lost. I am not in favor of this project!
Michael W. Heath
Captain USNavy (retired)

E24-1

6.24.1 Response to Comment Letter E24

E24-1: See Master Response 1. The Deepwater Slough project is not being recommended for construction authorization at this time.

6.25 Comment Letter E25 – Barbara Brenner, Whatcom County Councilmember

From: [Barbara Brenner](#)
To: [Nearshore](#)
Subject: [EXTERNAL] Puget Sound Nearshore Ecosystem Restoration Project Draft Feasibility Report and Environmental Impact Statement Nooksack Delta Project
Date: Friday, November 21, 2014 9:44:28 AM
Attachments: [PDF of letter Nooksack Delta Puget Sound Nearshore Ecosystem.pdf](#)

Please see attached PDF of letter from me regarding: Puget Sound Nearshore Ecosystem Restoration Project Draft Feasibility Report and Environmental Impact Statement Nooksack Delta Project. A hard copy of was mailed on November 19, 2014.

Barbara Brenner, Councilmember

Whatcom Council

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
Phone: (360) 676-6690



COUNCILMEMBER
Barbara Brenner

WHATCOM COUNTY COUNCIL

FROM THE DESK OF COUNCILMEMBER BARBARA BRENNER

November 19, 2014

Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, WA 98124

RE: Nooksack Delta Puget Sound Nearshore Ecosystem Restoration Project Draft Feasibility Report

Dear Ms. Gleason:

Since the above referenced project was first envisioned by your agency over a dozen years ago, Whatcom County has engaged in numerous open, transparent, and inclusive processes to identify natural resources that are integral to maintaining and improving our county's quality of life. As a council member, I greatly value our working lands (farms, ranches, and forests). These lands provide food, fiber, raw materials, energy, and contribute greatly to our local economy. I also understand our lands provide critical environmental resources, such as fish, wildlife habitat, and hydrologic functions. We need all of these very important resources to maintain and improve Whatcom County. I urge you to not trade one essential part of our county for another. I believe much of your work has so far been done in a virtual vacuum, which has caused concern and distrust from our community, including me.

E25-1

I believe your proposal can be a win-win for your agency and our county, as long as the local community is involved and we do not lose any agricultural land base. Our Comprehensive Plan calls for no net loss of agricultural land. We are also the seventh leading agricultural producing county in the state and intend to remain at that level or better. Our community has local ideas that can alleviate concerns and promote a better outcome for all. For instance, our county's Purchase of Development Rights program and committee could help you identify farmland in jeopardy of conversion to development, which could potentially offset some of your proposals. We could also use that program on other lands to offset environmental impacts. Whatcom County is developing an Environmental Services Market Place that is founded on free market principles. I believe we can assist you in creating proposals for high habitat and/or hydrologic values without sacrificing productive agricultural land.

In summary, I hope and expect any proposals from your agency will ensure our local Whatcom County community is fully engaged. I also request any proposals incorporate local priorities and projects. I believe together we can create workable projects that will ensure adequate water for farms and the environment.

Sincerely,

Barbara Brenner, Councilmember
Whatcom County Council

BB:nh

C: Dana Brown-Davis, Clerk of the Council
Correspondence File

I:\COUNCIL\Barbara Brenner\2014\ Puget Sound Nearshore Ecosystem

6.25.1 Responses to Comment Letter E25

E25-1: See Master Response 3. The Corps will continue to coordinate with Whatcom County, landowners, and key stakeholders as project designs for the Nooksack River Delta are refined.

6.26 Comment Letter E26 – Dave Patterson

From: [Dave Patterson](#)
To: [Nearshore](#)
Subject: [EXTERNAL] deepwater slough and milltown island projects
Date: Friday, November 21, 2014 10:30:58 AM

Having been very involved with alternative 9 which was a compromise between parties which allowed for salmon enhancement and hunting opportunities I am opposed to any further restoration at the deepwater slough site. Now it provides a safe location to waterfowl hunt and provides needed forage for migrating birds. The milltown site has no value for hunting or food production so should be considered a priority site for further restoration. The food production and hunting opportunities located at deepwater slough can not be duplicated at another site so it should remain as is.

E26-1

Dave Patterson

A concerned hunter and fisherman

6.26.1 Response to Comment Letter E26

E26-1: See Master Response 1. The Deepwater Slough and Milltown Island projects are not being recommended for construction authorization at this time. The Corps will continue to evaluate potential impacts to waterfowl hunting opportunities if either site is carried forward in the future.

6.27 Comment Letter E27 – Edward Farrey

From: efarrey@frontier.com
To: [Nearshore](#)
Subject: [EXTERNAL] Destruction of the Farmed Island, Skagit Wildlife area
Date: Friday, November 21, 2014 10:55:28 AM

I am writing in opposition to the proposal to destroy the dikes on the Farmed Island (south fork Skagit River). Over 3 million tax payer dollars were spent to create salmon habitat by opening part of the Farmed Island to salt water and constructing new dikes on the remaining portion. It did not work. There is nothing there but mud and cattails. This same situation happened when the dikes at the Headquarters Unit were removed. The habitat will not support juvenile salmon and the habitat for amphibian's, slugs, snails, bugs, birds, mammals, plant life is gone forever. There are hundreds of these acres of worthless salmon habitat already existing in the Skagit Wildlife Area and salmon numbers are not rising. If something is not working the common sense answer is not to do more of the same. As my grandmother taught me, "don't throw good money after bad".

E27-1

In regards to Milltown Island, if you want to pursue this strategy, go ahead. The Island is already non-useful for anything. Since the dikes were breached, there is actually less water flow through the island then before the breaches. I would call your attention to the channel that used to separate the the north and south segments of the island. Where there was once and strong flow, there is now very little flow.

Since it is always easier to be negative than positive, I would like to offer a helpful suggestion. Put the dike destruction on hold and conduct a study proving that creating this type of habitat is actually improving juvenile salmon survivability. I know that the creation of habitat such as reclaiming oxbows on the Stillaguamish River does work.

Having the funding and ability to do something does not mean it needs to be done.

Sincerely,
Edward Farrey

6.27.1 Response to Comment Letter E27

E27-1: See Master Response 1. The Deepwater Slough and Milltown Island projects are not being recommended for construction authorization at this time. The Corps will continue to evaluate potential impacts to waterfowl hunting opportunities as well as salmon survivability if either site is carried forward in the future.

6.28 Comment Letter E28 – Henry Bierlink

From: [Henry Bierlink](#)
To: [Nearshore](#)
Cc: [Bradley Smith](#); [Brett Pebl](#); [Chuck Anholt](#); [Dale Bedington](#); [Don Eudler](#); [Garett Delo](#); [Lisa Doss](#); [Maberry Jan](#); [Marty Maberry](#); [Sherm Prlander](#); [emilcomcost@outmail.com](#); [joddie@opensovereign.com](#)
Subject: [EXTERNAL] comments on PS Nearshore Ecosystem Restoration project
Date: Friday, November 21, 2014 1:20:36 PM

November 21, 2014

Via Email

Nancy C. Gleason U.S. Army Corps of Engineers CENWS-EN-ER P.O. Box 3755, Seattle, WA, 98124

Re: Puget Sound Nearshore Ecosystem Restoration Project Draft Feasibility Report and Environmental Impact Statement. -- Nooksack Delta Project

Dear Nancy C. Gleason:

Whatcom Farm Friends is concerned about the scope and effect of the potential restoration project envisioned in the Nooksack River Delta. While we are open to cooperating on projects that enhance water quality and habitat we must consistently weigh these goals against the community's goals to support a sustainable agricultural economy.

Whatcom County has identified 100,000 acres of productive farmland as our goal for the minimum number of acres protected for farming. Approximately 1,000 of those acres are in or are affected by this project. We request that project proponents address the question of how removal of this land from farming is mitigated. This requires much more than just a fair price for the owner of the farmland. It means locating new land within the area for agricultural production or an enhancement of existing farmland to equal the loss of productive capacity caused by the project. These costs need to be developed and incorporated into the project budget.

E28-1

We trust that you will fully address these concerns before advancing this project in Whatcom County.

Henry Bierlink, Executive Director

Whatcom Farm Friends
1796 Front Street
Lynden, WA 98264
360-354-1337 hbierlink@wcfarmfriends.com <<mailto:hbierlink@wcfarmfriends.com>>

Agricultural Advocacy, Education & Awareness

6.28.1 Response to Comment Letter E28

E28-1: See Master Response 3. The Corps will continue to coordinate with Whatcom County, landowners, and key stakeholders as project designs for the Nooksack River Delta are refined.

6.29 Comment Letter E29 – Joseph Kelly

From: [Joseph Kelly](#)
To: [Nearshore](#)
Subject: [EXTERNAL] Nooksack wetland restoration
Date: Sunday, November 23, 2014 11:19:49 AM

The Nooksack was historically one of the most productive streams in the Puget Sound. Most of that productivity has been lost, due in part to habitat loss.

I feel that every effort should be made to restore the habitat and gain back some of the productivity loss. Habitat restoration should be a primary consideration on all of the waters in Puget Sound.

Joseph M. Kelly

E29-1

6.29.1 Responses to Comment Letter E29

E29-1: Thank you for your comment. The Corps is carrying forward the restoration project at the Nooksack River Delta and continues to evaluate other opportunities for restoration across all of the Puget Sound nearshore.

6.30 Comment Letter E30 – Tom Kearns

From: [Tom Kearns](#)
To: [Nearshore](#); [Rob Broker](#)
Subject: [EXTERNAL] DeepWater Slough Project
Date: Monday, November 24, 2014 11:13:38 AM

I do not support this project as it will destroy 200 acres of prime wetland habitat to become a single monoculture for only fish.

No evaluation of economics, and total ecological improvement has been prepared to determine its impact. No engineering data, etc. has been presented in sufficient detail to truly understand its impact.

I suggest the USACE and WDFW consider first obtaining 200 acres and turn it into a wetland in the same general vicinity before draining the proposed project area. Then after building a new wetland, monitor for 12 years before constructing the proposed project. The waiting period would correspond with the hatchery limitation that has been placed on the Skagit River. The waiting period will produce data that will be a single element change in the environment that can indicate the wisdom of the wild fish only restriction.

Also before doing anything, develop a ecological benefit of all fish and wildlife impact for this project. It appears the project is based upon bureaucratic and political justification for a single species rather than a total ecological system.

E30-1

6.30.1 Response to Comment Letter E30

E30-1: See Master Response 1. The Deepwater Slough and Milltown Island projects are not being recommended for construction authorization at this time. An evaluation of economic costs and ecological benefits will be completed if this project is carried forward by the Corps in the future.

6.31 Comment Letter E31 – Daniel Tepper, Whatcom Parks and Recreation Foundation

From: [Daniel Tepper](#)
To: [Nearshore](#)
Cc: [Michael McFarlane](#); [Dan Taylor](#)
Subject: [EXTERNAL] Puget Sound Nearshore Ecosystem Restoration Project
Date: Monday, November 24, 2014 11:17:20 AM

Dear Ms. Gleason,

Re: Puget Sound Nearshore Ecosystem Restoration Project--Nooksack River Delta segment

My name is Daniel Tepper and I am the President of the Whatcom Parks and Recreation Foundation. On behalf of the Foundation and the Nooksack Loop Trail committee (which comes under our purview) I would like to thank you for the opportunity to comment on the PSNERP and in particular the Nooksack River Delta segment. This is an exciting project and one which we generally support. We do, however, have some concerns and also see some opportunities with the project.

Our primary area of concern is along the east side of the Nooksack River between Slater Road and Marine Drive. In our opinion, partial removal of the levee on that side of the river should be done on a limited basis with culverts or small bridges spanning the breaches so that the trail is not obliterated. Maintaining and enhancing the existing trail will allow the continued use by hunters, fishers, bird watcher, walkers, etc. In addition, it will create a unique educational opportunity for the public with appropriate signage educating trail users about the surrounding environment.

E31-1

The second opportunity/concern is the need to include a crossing under Slater Road as part of the Tennant Creek Bridge project. This would, of course, have to be closed when the Nooksack River is approaching flood state however this would be just a few times of the year at most. The remainder of the time it would provide safe non-vehicular access under Slater Road. This would also allow the possibility of removing one of the two Washington State Department of Fish and Wildlife parking lots now located on each side of Slater Road.

E31-2

And finally, I would like to add that Whatcom County has long had a strong interest in establishing trail connectivity along the Nooksack River. Indeed, the County has adopted numerous trail plans for well over 45 years outlining this desire including the most recent update of Whatcom County's comprehensive plan. The Nooksack Loop Trail referenced in the first paragraph is a manifestation of those desires and adopted plans and, by extension, the general public's interest in maintaining access to and along the Nooksack River. Hopefully, as the PSNERP project moves forward, these long-held trail plans will be taken in to account and accommodated.

E31-3

Thank you again for the opportunity to comment on the PSNERP project. When the project gets to a more detailed planning stage, we would be pleased to work with you.

Sincerely

Daniel Tepper
dtepper@sthmcross.com
Tel. 360-738-2939 - office

President
Whatcom Parks and Recreation Foundation

PS – For more information on the Nooksack Loop Trail, please see www.nooksacklooptrail.org .

6.31.1 Responses to Comment Letter E31

E31-1: The Corps will evaluate a possible design modification on the east side of the Nooksack River per the comment. Additional design refinements will occur during the Pre-Construction, Engineering, and Design Phase.

E31-2: The Corps will evaluate a possible design modification to include a crossing under Slater Road. Additional design refinements will occur during the Pre-Construction, Engineering, and Design Phase.

E31-3: Recreational opportunities including trails will continue to be evaluated as project designs are refined during the Pre-Construction, Engineering, and Design Phase.

6.32 Comment Letter E32 – Justen Graham

From: [Justen](#)
To: [lin@shore](#)
Subject: [EXTERNAL] Public Comment on Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)
Date: Monday, November 24, 2014 11:27:11 AM

Hello

I am writing to express our opinion on the Puget Sound Nearshore Ecosystem Restoration Project specifically regarding the Nooksack River / Marietta area.

My mother Margaret - who is 75 years old - has lived at her house, which was built in the 1920s at 1850 Marine Drive in downtown Marietta for 22 years. Neither she nor any of her neighbors were informed of the 'community commentary meeting' on November 5th and only after I read the article in the Bellingham Herald November 7th did she know of this 'meeting' or comment period. This meeting was held in Burlington 40 miles away from the site in another county.

This seems very underhanded, not only in not informing the residents affected but then also holding the 'community commentary meeting' in another county.

My mother has worked hard to help build a stronger peaceful community over the last 22 plus years and now, when things are at the most peaceful and rural, in a crunched housing climate with skyrocketing costs, on a minimal social security benefit is supposed to relocate and find a 2 bedroom home with likened acreage for her long time established gardens, her pony (named Marietta), 6 cats, 2 dogs, 6 chickens and cockatiel.

This situation is causing my mother extreme stress, anxiety and sadness at the thought of losing the home and place where she has worked and planned to live out her life and to hand down to her family.

Marietta is originally an ancestral fishing and ceremonial village of the Lummi tribe. It is located on the extreme edge of the 'restoration' zone and should be recognized and preserved, not eliminated.

It appears as though it was added as an appendix on the project map, an annexation of questionable purpose.

The Silver Reef Casino (which was recently built and then expanded) is located in the middle of the historical flood zone delta of the Nooksack River. The casino has been exempted from relocation.

Marietta, a longtime established community on the extreme edge of the 'restoration zone', which historically existed as a fishing village and ceremonial meeting place before the white settlers came, has not been exempted. The more recent historical perception of Marietta as a 'low income minority blight' is obviously easier to target, and chase a handful of landowners and farmers off of their lands than the tribal casino even though the casino is in the 'restoration' zone.

This restoration project involves massive expenditure, and appears to be a money grab from the local taxpayers and federal government, and a cleaning house exercise.

Our family is very opposed to it.

Justen Graham
Lisa Kuhn
Margaret Keehn
Faye Lane
William Lane Jr

E32-1

6.32.1 Response to Comment Letter E32

E32-1: The 1999 Whatcom County Flood Hazard Management Plan identified relocations of the Marietta area as a recommendation for possible implementation. At this time, the County is pursuing relocations of this area and the Corps has included this action in the proposed project at the Nooksack River Delta for consistency. The Corps will continue to coordinate with Whatcom County and the community of Marietta as project designs are refined and potential relocations are confirmed.

6.33 Comment Letter E33 – Robert Hughes



6.33.1 Responses to Comment Letter E33

E33-1: The Puget Sound Nearshore Study has identified guiding principles for nearshore ecosystem restoration that favor process-based restoration over species-based restoration. Process-based restoration includes intentional changes made to an ecosystem to allow natural processes (such as erosion, accretion, accumulation of wood debris, etc.) to occur. This restoration typically involves actions supporting or restoring the dynamic processes that generate and sustain desirable nearshore ecosystem structure (e.g., eelgrass beds) and functions (e.g., salmon production, bivalve production, and clean water). Process-based restoration is distinguished from species-based restoration, which aims to improve the services an ecosystem provides to a single species or group of species as opposed to improving elements that support the entire ecosystem.

E33-2: Project sites require a mix of public, private, and tribal property interests. Real estate interests will continue to be confirmed as project footprints are refined during the Pre-Construction, Engineering, and Design phase.

E33-3: This Puget Sound Nearshore Study is authorized under Section 209 of the River and Harbor Act of 1962 (Pub. L. 87–874). Additional Congressional authorization and appropriation is required before this project is constructed.

6.34 Comment Letter E34 – Robert Norling

From: [Rob Norling](#)
To: [Nearshore](#)
Subject: [EXTERNAL] Review of projects
Date: Monday, November 24, 2014 3:38:50 PM

To whom this may concern,

I have lived in the Everett area 68 years, fished most of the Puget sound and San Juan regions so I am familiar with

most of your proposed project sites. After reviewing your proposals, (projects), it looks to me like you either have

to much money banked or you are trying to bump up the WA States economy with your own stimulus package.

This a complete waste of the tax payers money and it will accomplish nothing.

Concerned and not Happy

Robert Norling
3311 Grand Ave.
Everett, WA. 90201

E34-1

6.34.1 Response to Comment Letter E34

E34-1: Comment noted.

6.35 Comment Letter E35 – Kelly Turner

From: [Kelly Turner](#)
To: [Nearshore](#)
Subject: [EXTERNAL] Restoration projects
Date: Monday, November 24, 2014 6:15:47 PM

I support plans to restore the proposed areas to natural conditions, and to maintain them and prevent recurrent degradation.

Water Dragon

E35-1

6.35.1 Response to Comment Letter E35

E35-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound Nearshore.

6.36 Comment Letter E36 – Pete Franett

From: [Pete Franett](#)
To: [linashore](#)
Subject: [EXTERNAL] 11 potential PSNERP projects
Date: Monday, November 24, 2014 10:17:47 PM

To whom it may concern,

I am opposed to the 11 potential PSNERP projects for two main reasons:

1) **Financial burden to the taxpayer:** The state of Washington is facing some major financial obligations when the legislature reconvenes, most notably the supreme court McCleary decision and Initiative 1351. As a taxpayer I can't afford to pony up an additional \$260 million to \$385 million (depending on your source of information) of state money for a project not as pressing as others already on the table.

●
|
E36-1
●

2) **Taking farmland out of production:** In eight of the ten potential projects north of Everett there are references to current agricultural use. I am assuming that this land will be taken out of agricultural use when the dikes come down. Until we find other ways of providing affordable food for a growing population I am absolutely opposed to taking farmland out of production.

●
|
E36-2
●

Sincerely,

Pete Franett
144 Young Road
Kelso, WA
98626

Regards,
Pete Franett
(360) 636-5005
pbfranett@wildblue.net

6.36.1 Responses to Comment Letter E36

E36-1: Congressional authorization and appropriation is required before this project is constructed. Following completion of the Final Feasibility Report and Environmental Impact Statement, the Corps will forward the project recommendation to Congress for their review. If Congress endorses the recommendation, it is anticipated that they would provide authorization for construction in a Water Resources Development Act, which is typically passed every 2- 7 years. The authority to construct, however, does not equate to the funding for the design and construction phase, which would be addressed annually in the Federal budget and biannually in the state budget. This project will compete for funding at the local, regional, and national level.

E36-2: See Master Response 3.

6.37 Comment Letter E37 – Suzanne Phillips

From: [sueph](#)
To: [Nearshore](#)
Subject: [EXTERNAL] In opposition to PSNERP
Date: Tuesday, December 02, 2014 9:31:42 PM

To the Corps of Engineers:

I write this in opposition to your PSNERP study.

At over one Billion dollars, it's too expensive. And it's also unnecessary.

Through round-about and underhanded dealings and regulations, making it near impossible to carve out a living as a farmer, and by government entities (Counties, Cities) outbidding local farmers when land is for sale, farming is slowly but surely being nudged out of the Pacific Northwest.

Judging from the scope of your study, (five thousand acres), Western Washington farmers are no longer being nudged out of our region... they are being pushed.

E37-1

Please do not take part in this scheme, which has shattered beyond heartbreak the livelihoods of so many Puget Sound farming families, as well as the farming culture of our region. Farms are every bit as essential to human life as shellfish and salmon.

Furthermore, there is an appalling LACK of scientific data to justify more "restoration" studies and experiments in the Puget Sound region.

During the last decade, a number of these projects have been either completed or are well underway. Surely these sites can serve to produce adequate data without flooding more open space.

Furthermore, a literature review of this field indicates a much greater need for accurate fish counts than restoration efforts; especially in existing estuaries and within the marine waters of the Puget Sound. Without those counts, there is no proof that "restoration" is even necessary.

E37-2

To date, in our region, literally billions of tax dollars have already been spent on these experiments, and none have been successful in bringing back significant numbers of the targeted endangered species, and none have facilitated their deletion from the endangered/extinct species list.

Repeating these exercises is a sorry waste of your time and talent... and our money.

There is no reason to throw good money after bad.

Sincerely,

Suzanne Phillips

7915 72nd Dr. NE

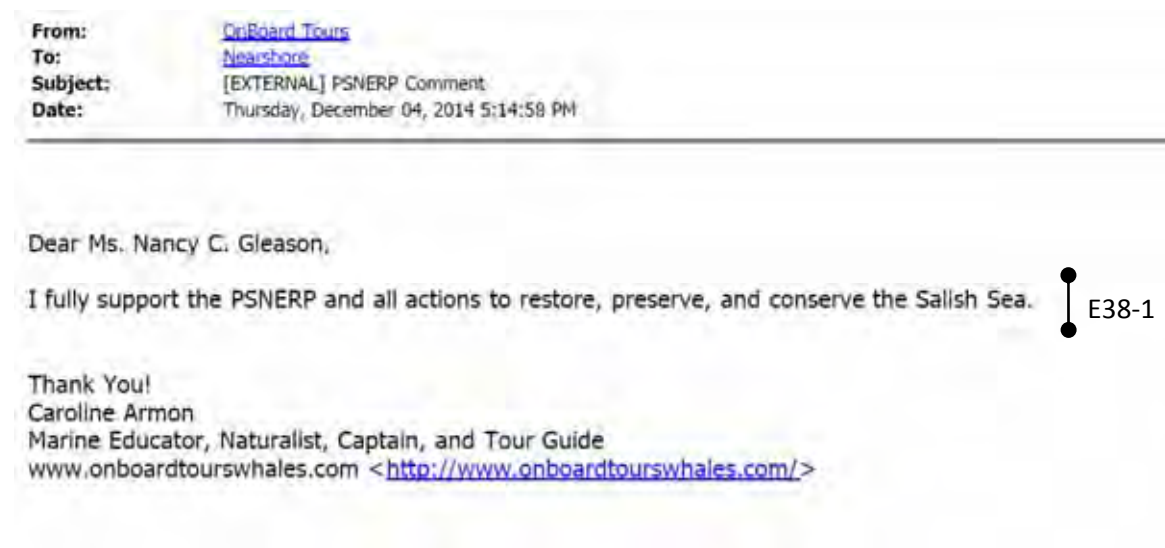
Marysville, WA 98270

6.37.1 Responses to Comment Letter E37

E37-1: See Master Response 3. Project sites require a mix of public, private, and tribal property interests. Proposed ecosystem restoration projects included in the recommended plan are intended to be compatible with ongoing farming and agricultural practices while still maintaining recreational opportunities for public users. Real estate interests will continue to be confirmed as project footprints are refined during the Pre-Construction, Engineering, and Design phase.

E37-2: Analysis of the complex Puget Sound Nearshore system was based on the scientific guidance provided by the Nearshore Study's interdisciplinary team of scientists. The Nearshore Science Team has overseen the delivery of a series of peer-reviewed technical reports that provide the foundation of the Nearshore Study. These analyses led to identification of a problem of national significance, and to planning objectives necessary to address identified issues. The results of the Nearshore Study are based on a comprehensive analysis of historical and current conditions in the Puget Sound Nearshore zone. Technical reports characterize the impacts of shoreline and watershed alterations on Nearshore ecosystem processes, identify the fundamental causes of the observed ecosystem degradation, and assess which of the causes most need to be addressed through restoration.

6.38 Comment Letter E38 – Caroline Armon



6.38.1 Response to Comment Letter E38

E38-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound Nearshore.

7 Individual Mailed Comments and Responses

7.1 Comment Letter M1 – Kurt Zwar

October 18, 2014

Nancy C. Gleason
US Army Corp of Engineers
CESWS-EN-ER
P.O. Box 3755
Seattle, WA 98124-3755

Re: PSNERP draft feasibility report

Dear Ms. Gleason,

My name is Kurt Zwar. I am a volunteer with the WDFW and have worked on the Skagit Big Island (aka: Farmed section of Skagit Wildlife Area) since 2011. I have a degree in Zoology (1973) from the University of Washington and taught high school biology.

I have been involved in habitat restoration on the Skagit Big Island and have monitored amphibian populations there. I have enclosed habitat and species photographs (CD - photo) and communications I have had with several WDFW scientists, especially regarding the wonderful riparian, wetland and woodland habitat that the Skagit Big Island is.

This island in the middle of the South Fork of the Skagit River is the second on your list for restoration as the Deepwater Slough runs through the island.

This island is a tremendous amphibian, reptile, avian and mammal habitat. The fresh waters of the Skagit River feed this environment. It is home to a wide variety of animals including nesting Bald Eagles, Northern Red-legged frogs, Northwestern salamanders, garter snakes, turtles, beavers (whose work enhances the entire island ecosystem), otters, black tailed deer, muskrats, martin, coyotes, blue heron, bittern, hawks, many more species of birds including songbirds, shorebirds and waterfowl. Snipe, a native shorebird nests on the Skagit Big Island. Many other birds species nest there too.

This amazing place is home to a fast disappearing entity in Washington state.....a safe place for amphibians to survive....protected by geology and man.....so far. With over 80% of wetlands already destroyed in Western Washington, it would be a tremendous tragedy to lose this incredible place. Everyone who visits the Skagit Big Island comes back amazed at this wild and wonderful place.

I am afraid that all of this will be lost with a planned project on the Deepwater Slough going through the middle of the island. If the dikes there are breached, salt water will destroy the habitat there for all of the animals that live there. For over 100 years this island and it's native inhabitants have been protected. Now that protection is in jeopardy. Open the dikes and all of these animals die. All of the habitat will be permanently lost.

Destroying dikes on the Skagit Big Island will destroy riparian, wetland and forest habitat. It is too much and too high a price for an absolutely rare, beautiful and unique habitat. Not protect this island in the face of rapidly dwindling wetland habitat in Washington state? On the Skagit River? Save this place for all who are there now. The amphibians, reptiles, birds and mammals live in this habitat. We should be saving this rare and beautiful place. It should be treasured for what it is and for the huge wildlife population that calls it home already. It is not just some field to be flooded with saltwater. It is

M1-1

extremely valuable and rare wildlife habitat. Please protect this land, and the animals that call it home. Please, do not destroy it.

The Skagit Big Island is a treasure of the Skagit Wildlife Area. It has been used by duck hunters for over 100 years. When this island farm was sold in 1953.....it was purchased by the Washington State Game Department. Not fisheries or anyone else. It was purchased to help maintain habitat and duck populations and to provide continued access to hunters who have experienced and respected this wild place. It is perfectly clear that the purchase of the island from Carl and Anna Marie Lorenzen in 1953 by the Game Department was to maintain habitat, duck populations, hunting access and traditions. That tradition continues to this day. Local hunters often bring their kids to the Skagit Big Island for their first hunts as it is a safe place for the young ones. I hunted there first when I was 14. Many Washington citizens know this special place. Skagit county Boy Scout troops have worked on the island building safe and sturdy duck blinds for all to use.

I am asking that the Corp of Engineers and the WDFW look at the Skagit Big Island as an invaluable place that needs to be saved. Saved for the amphibians in a much harsher world that we now live in. Saved for the thousands of other animals that live there also. Saved for the hunters who have hunted there for over 6 generations. And saved for all our future. I hope we have not become so callous as to destroy this island without looking at its threatened inhabitants like they are not there and do not count. Like this beautiful land does not exist?

Whatcom County has recently been found (by the WDFW) to have an existing population of the exceptionally rare Oregon Spotted Frog, an EPA endangered animal. I was looking and listening for the Oregon Spotted Frog on the Big Skagit Island. They are native in Skagit County too.

There are many places very close to the Skagit Big Island that can be converted to tidal land as is the case with Milltown Island just south. The Skagit Big Island is much too valuable and rare to deserve that fate.

Belinda Rotton, manager of the Skagit Wildlife Area and John Garrett, the former manager can verify my work there.

Thank you for your consideration on the Skagit Big Island.

Sincerely,



Kurt Zwar
3954 NE 115th St.
Seattle, WA 98125
206 362-2477
maplest327@aol.com

cc:

Belinda Rotton – Manager Skagit Wildlife Area
21961 Wylie Road
Mt. Vernon, WA 98273
360 445-4441
360 445-2093 (fax)

Other public comment materials received held by Corps office, but not included here:

- WDFW News Release re: PSNRP public meeting, dated 10/10/2014
- Whatcom County Amphibian Monitoring Project, Oregon Spotted Frog, dated 10/19/2014
- Metro Park Tacoma news release re: Reintroduction of Oregon Spotted Frog, dated 10/2/2014
- Correspondence between Kurt Zwar and WDFW re: Skagit Big Island Frog Survey, various dates
- CD on the Skagit Big Island, dated 4/2011

M1-1

7.1.1 Response to Comment Letter M1

M1-1: See Master Response 1. The Deepwater Slough project is not being recommended for construction authorization at this time. The Corps will continue to evaluate potential impacts to amphibians, reptiles, birds, mammals, and waterfowl hunting opportunities as described in your letter if this site is carried forward in the future.

7.2 Comment Letter M2 - Curt Young

Comments on - Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) Draft Feasibility Report and Environmental Impact Statement

I am no stranger to wetlands for I am a retired biologist which spent 32 years reviewing environmental impact statements and managing wetlands, including Spencer and Ebey Islands.

First, if the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) was submitted by a non-government entity it would not be given any hope of progressing. Each project within this document is unique and must have its own environmental impact statement. To lump 11 projects into one document and request comments as one EIS, in 45 days, is laughable, but the government did it because they can. Below I would like to add my comments which generally apply to all the projects.

M2-1

Cost Estimates and Benefits – Cost is purely an educated guess if everything goes perfectly. Also a low cost estimate has a much better chance of approval and funding. But the original estimate is usually not even close to the actual cost. I am sure everyone has read about projects that are way beyond budget (big Bertha anyone?), so it is reasonable for readers to inflate the cost estimates by a factor or three or more to get something close to reality. And with similar logic, is it beneficial for project approval to estimate benefits as high as possible. In reality, the expected benefits rarely meet expectations.

M2-2

Restoring Wetlands – all of the lands are already wetlands, if you doubt this try getting a building permit. These wetlands already support a large variety of wildlife. If grazed, wetlands host a huge variety of waterfowl, hawks, owls, shorebirds, frogs, and song birds. If the area is returned to tidal mud flats where is the habitat mitigation for these species?

M2-3

Enhancing Salmon Habitat – When the south end dikes of Spencer Island were breached in about 1990 there were great expectations for fish use. The fish use and habitat changes were monitored extensively by State, County, and Federal agencies, but the expected increase in fish use was minimal, while the costs were substantial. The same applies to breaching the dikes for Diking District 6. The county bought the entire district with one of the main justifications as fish enhancement. The costs were high but fish benefits were very low.

M2-4

Increasing Salmon Population – the cheapest way to increase fish numbers is to build and operate a hatchery. Critics point out the low return rate and impact on native fish. But the reality is there is no net loss of fish. Orcas and marine mammals are fed by the hatchery fish, as well as diving ducks like grebes and scoters, all of which are either endangered or on the threatened list. It is not feasible to raise any of these non-fish species in a hatchery, but one can raise salmon and trout and the “loss” is a gain for the other species. Even fish that are not eaten will die and provide food for insects, which in turn are food for fish. In addition, if you believe in global warming the future of “native” salmon is not very rosy. The rivers will be subject to more quick flooding which scours the gravel where the eggs are laid. This results in a loss of an entire generation of young. In addition, the rivers will be lower in the summer causing warmer waters and fish stranding. The ocean is also becoming warmer and less productive. Perhaps to maintain the legacy of the Northwest salmon a new strain of salmon needs to be developed more adapted to the future environment. Currently native salmon and trout genes are used for hatchery fish. Nature does not stay constant, only a person's hopes that they can bring back historical conditions.

M2-5

Farmland and Water – As the climate becomes drier at some point there will not be enough water to

M2-6

make it feasible to farm the deserts of Washington and California. Already California is questioning the use of water to farm the San Joaquin valley. The sub-irrigated lands of western Washington, lands like Everett Marshland, may be prime farmland in 20 years. With this proposal it will be mud flats, and other agricultural lands will be returned to salt water. The productive Kent valley has long since been lost to several feet of gravel and blacktop. Do we want local products, or pay the price of burning fossil fuels to have them shipped from China or Brazil?

M2-6

The bottom line is that society can never bring back salmon, or trout, and shoreline habitats to what it was in the past. There are too many pressures on the land and waters to satisfy the needs of people for homes, roads, business, timber, fish, recreation, etc. Some habitat modification projects make sense, but it takes more detailed analysis and a vision of what is needed 20 years in the future. Given a ballpark figure of \$25 million for construction of just one fish hatchery, spending taxpayer funds of \$1.2 to 4 trillion for the 11 projects is a poor investment if the primary purpose is for increasing fish numbers.

M2-7

M2-8

Curt Young
retired WDFW biologist
Snohomish, WA

7.2.1 Responses to Comment Letter M2

M2-1: The public comment period for the Draft Feasibility Report and Environmental Impact Statement was extended by 45 days. The Final Feasibility Report and Environmental Statement will be released for another 30-day review.

M2-2: Cost estimates include conservative contingencies. Cost estimates have also been escalated to the anticipated year of construction in order to capture potential increases in costs.

M2-3: Projections of wetland abundance in the nearshore zone depend on a variety of factors including land development and zoning, regulatory permitting and enforcement, mitigation requirements, sea-level change, and climate change. During the next design phase, the potential effects of habitat changes would be thoroughly analyzed and all appropriate permits would be obtained prior to construction.

M2-4: Each of the three sites included in the recommended plan has a monitoring and adaptive management plan developed for use after project construction. The goals of the monitoring plans are to determine whether the management measures applied to the sites are producing the desired effects and to determine whether corrective action is needed to improve effectiveness. The site-specific monitoring plans contain metrics and performance targets that are tied to evaluation of project objectives. These performance targets, if not met, will trigger an adaptive management action.

M2-5: Based on principles of landscape ecology and ecological restoration, and consistent with Corps planning guidance, the Nearshore Study has identified principles for nearshore restoration that support a process-based approach. Process-based restoration is distinguished from species-based restoration, which aims to improve habitat conditions for a single species or group of species. Nearshore Study objectives seek to benefit the entire ecosystem, with associated improvements in the delivery of broader ecosystem functions and qualities. While increasing salmon populations is one goal of the study, the Corps is recommending actions that broadly support or restore the dynamic processes that generate and sustain desirable nearshore ecosystem structure (e.g., eelgrass beds) and functions (e.g., salmon production, bivalve production, and clean water).

M2-6: See Master Response 3.

M2-7: The objective of Civil Works ecosystem restoration is to restore degraded significant ecosystem structure, function, and dynamic processes to a less degraded, more natural condition (not necessarily pre-settlement or historical conditions).

M2-8: See response to Comment M2-5. While increasing salmon populations is one goal of the study, the Corps is recommending actions that broadly support or restore the dynamic processes that generate and sustain desirable nearshore ecosystem structure (e.g., eelgrass beds) and functions (e.g., salmon production, bivalve production, and clean water).

7.3 Comment Letter M3 – Allan Giffen, City of Everett



PLANNING AND COMMUNITY DEVELOPMENT

Allan Giffen
Director

November 18, 2014

Attn: Ms. Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755, Seattle, WA, 98124

Re: Puget Sound Nearshore Ecosystem Restoration Project Draft Feasibility Report and Environmental Impact Statement

Dear Ms. Gleason,

In 2009 the City of Everett adopted the Marshland Subarea Plan that included a conceptual plan for future restoration, land use and infrastructure opportunities. The Marshland's location is ideal for tidally-influenced wetland restoration and represents one of the last opportunities for large scale restoration of this type along the mainstem of the Snohomish River in the estuary. Restoration of the Marshland area is also included in the Snohomish Basin Salmon Conservation Plan.

The current PSNERP proposal includes a conceptual restoration plan that is more expansive than in the City's plan. In Everett's Subarea Plan, the City committed to working with willing property owners, and to completing a large number of studies to ensure that any restoration proposed in the area was technically feasible and would not harm property owners who do not want to be included in a restoration project. It also made clear that property owners could change their willingness to participate over time, as this was a long-term planning process. The City continues to commit to meeting those requirements, and is pleased that the PSNERP proposal also commits to working with willing property owners and completing additional technical studies as part of the design process.

The City of Everett supports inclusion of the Marshland restoration in PSNERP's proposal. Although we do not currently have funding set aside for the project, we hope that can be achieved in the future.

Sincerely,


Allan Giffen
Director

M3-1

7.3.1 Response to Comment Letter M3

M3-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the City of Everett, Marshland Flood Control District, landowners, and other key stakeholders will be notified to ensure closer coordination in the future.

7.4 Comment Letter M4 – George Boggs, Whatcom Conservation District



Whatcom Conservation District

6975 Hannegan Road, Lynden, WA 98264 Phone: (360) 354-2035 x 5 Fax: (360) 354-4678
e-mail: wcd@whatcomcd.org

November 19, 2014

Via Email

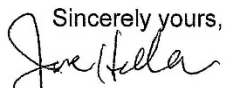
Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755, Seattle, WA, 98124

Re: Puget Sound Nearshore Ecosystem Restoration Project Draft Feasibility Report
and Environmental Impact Statement. -- Nooksack Delta Project

Dear Nancy C. Gleason:

In the next 50 years farmers will have to produce as much food as they have done in the previous 10,000 years to meet the needs of the world's burgeoning population. Whatcom is the seventh leading agricultural producing county in the State. These lands provide food, fiber, raw materials, energy and contribute greatly to our local economy. Having said this, the Whatcom Conservation District recognizes that agricultural land presents the greatest opportunities for enhancing fish and wildlife habitat and critical hydrologic processes. Our District supports projects that advance local priorities and deliver these essential functions and values so long as the loss of farmland is fully mitigated. The above referenced project should not go forward absent a con-current commitment to purchase development rights on prime farmland to offset any erosion of our County's farmland base. To do otherwise would not only violate the Washington State Growth Management Act but also the Whatcom County Comprehensive Plan. The Corp's best chance of a successful project would be to propose one that accommodates both local habitat priorities and farmland protection policies.

M4-1

Sincerely yours,

Joe Heller, Chair

Board of Supervisors: Joseph Heller Larry Helm Larry Davis Daniel Heeringa Richard Yoder

7.4.1 Responses to Comment Letter M4

M4-1: See Master Response 3. The Corps will continue to coordinate with Whatcom County, the Whatcom Conservation District, landowners, and key stakeholders as project designs for the Nooksack River Delta are refined.

7.5 Comment Letter M5 – Ann Russell

Attn: Ms. Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755, Seattle, WA, 98124

11/21/2014

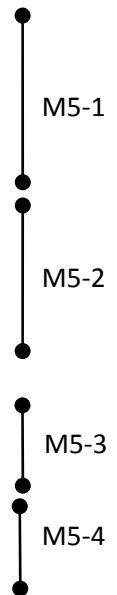
**RE: Comments for the Public Record
National Environmental Policy Act
Environmental Review of 2014 Project List
Puget Sound Nearshore Ecosystem Restoration Project (PSNRP)
Nooksack River Delta Project**

The WRIA 1 Environmental Advocates Caucus is a collaboration of environmental organizations and individual activists that was organized initially to be a Stakeholder Group in the WRIA 1 Watershed Planning process. This process was initiated by state law to provide for a collaborative approach to the crises of water quantity and quality.

As part of our mandate to provide a voice for environmental values in the WRIA 1 Planning Process, we also find it pertinent to comment on a project planning and funding process in the Nooksack River Delta that has the potential to provide a tremendous positive impact to both nearshore water quality and wetlands habitat, but also to associated dependent biota.

On this basis, we would like to introduce these recommendations into the Public Record in this SEPA Process. We understand that the proposed project phase will encompass feasibility review and initial design.

1. We support, on principle, the restoration of lower Nooksack watershed freshwater wetlands and salt marsh habitats. These habitats were destroyed en masse by earlier "Reclamation" efforts and their loss has been shown to be highly detrimental to the restoration of ESA listed salmon stocks and to the web of life that supports not only fish, birds, insects and plants but our very life on this planet.
2. The project could provide considerable public safety benefits by limiting flooding in the community of Marietta on the Lower Nooksack left bank distributaries.
3. Water quality parameters for the Lummi River Reconnection should be thoroughly evaluated in light of current pollution of Bellingham Bay and Portage Bay by river borne pollutants.
4. Lower summer low flows into Bellingham Bay in light of a Lummi River Reconnection should be examined in the context of lower dilution of current Bellingham Bay pollution and in the context of probable additional pollution to Bellingham Bay from the outcomes of the Bellingham Bay Redevelopment Project.
5. Water quantity parameters of any proposed Lummi River Reconnection should consider impacts of diminished summer lower flows into Bellingham Bay on fish migration and sedimentation dynamics.
6. Scientific data indicates that similar projects such as the restoration of the Nisqually River Delta wetlands significantly improved the habitat and water quality of Puget Sound and its estuaries. This water quality dynamic should be consider as a potential justification for proceeding promptly with the Nooksack River Delta's restoration.
7. Restoration of wetlands on farmlands should be conducted in a manner that is supportive of Whatcom County's agricultural industry and the County's No Net Loss of Farmland policy. One associate concept is that farmlands loss mitigation from the project could go into purchasing Development Rights on prime farmlands currently threatened with potential development.



There are various other environmental opportunities and challenges not enumerated in this letter and we ask you to be true to your mandate as The Environmental Protection Agency to require that this project will provide the highest environmental return with the minimal damage to environmental values.

Environmental Caucus Members*:

Jim Hansen
Ann Russell
Bert Webber
Brooks Anderson
Gaythia Weis

Joe Knight
John Bremer
Marian Beddill
Pam Borso
Wendy Steffensen

*The views in this letter are those of individuals, and not that of the affiliated organizations of the Environmental Caucus

7.5.1 Responses to Comment Letter M5

M5-1: Comments noted.

M5-2: A water quality evaluation will be completed during the Pre-Construction, Engineering, and Design Phase. Water quality parameters as well as summer low flows will be evaluated as project designs are refined.

M5-3: Comment noted.

M5-4: See Master Response 3.

7.6 Comment Letter M6 – Roylene Rides-At-The-Door, Natural Resources Conservation Service



November 21, 2014

Ms. Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, Washington 98124-3755

RE: Comments to the Draft Feasibility Report, Environmental Impact Statement – Puget Sound Near Shore Restoration Study

Dear Ms. Gleason:

The Natural Resources Conservation Service (NRCS) has funded a flood control project and is an easement holder for many of the identified in the Draft Feasibility Report, Environmental Impact Statement for the Puget Sound Near Shore Restoration Study. It is important that the USACE and WDFW fully understand the scope and extent of our holdings and investments as they may negatively impact the goals and objective set forth in the Study.

Marshland Flood Control District

The NRCS has contributed significant technical and financial investment in the flood control facilities within the proposed Everett Marshland Tidal Wetland Restoration plan. We are happy to provide the background information surrounding the flood control system. The Marshland Flood Control District (MFCD) has entered into a legally binding operation and maintenance agreement with NRCS for all of the works of improvement including the Pump Plant, Floodway Channel and Dike system. Based on our review, all of the flood control facilities will be impacted by the proposed restoration activities. The operation and maintenance agreement that NRCS has with the MFCD would prevent any modifications to the existing flood control measures.

Drainage and Flood Control Infrastructure History

The drainage and dike construction work in the 1950s and 1960s was a common practice to establish farmable acres. These practices were utilized because they supported the goals to establish stable food production resources. With further advances in equipment and farming practices after WWII, increasing farmable acres was just one of the solutions to increase food production.

The drainage and flood control infrastructure installed with the assistance of the NRCS, formerly the Soil Conservation Service, in the Marshland area are extensive. The NRCS technical and financial investment in the proposed project area has been substantial. Information presented in the Draft EIS outlines alternatives which include the removal of the existing flood control structures, rebuilding dikes, pump station and tide gates within the Everett Marshland study area. The proposed alternative will directly affect the flood control facilities funded by NRCS and the overall objectives outlined in the NRCS Marshland Watershed Plan approved in 1959. Over the past 49 years, the federal government has made a significant investment to provide drainage systems and flood water protection for the farmable ground within the Marshland floodplain. MFCD and NRCS have entered into a binding Operation and Maintenance (O&M) agreement that obligates MFCD to operate and maintain all of the flood control facilities. Undoubtedly this will need to be considered as each alternative is evaluated. The O&M agreement will affect the implementation of the Subarea plan as proposed.

Natural Resources Conservation Service
316 W. Boone Avenue, Suite 450 Spokane, Washington 99201-2348
Voice (509) 323-2900 Fax (855) 847-5492
An Equal Opportunity Provider and Employer

M6-1

NRCS in Washington State recognizes the importance of wetland restoration and the hydrologic connections between freshwater and saltwater tidal streams as vital for salmon habitat. The natural hydrologic resources in the Marshland Subarea area definitely lend themselves toward this type of wetland restoration. Seasonal high groundwater, precipitation and the freshwater and saltwater connectivity are all existing hydrologic features at this location.

NRCS is providing the following comments to the "Draft Feasibility Report, Environmental Impact Statement – Puget Sound Near Shore Restoration Study" for consideration in the finalization of the report.

Comments:

1. Current Operation and Maintenance (O&M) Agreement - MFCD and NRCS have entered into an O&M agreement for all of the facilities that NRCS provided financial assistance. Funding for construction of the flood control facilities was provided by the PL-566 Small Watershed Protection program. NRCS is responsible for implementing and carrying out the program requirements.
 - a. Facilities within the Subarea plan boundary that were financed by NRCS include; Pumping Plant, Floodway Channel and Dike system. The O&M agreement requires the MFCD to operate and maintain the facilities. Failure of the MFCD to operate and maintain the facilities in accordance with the O&M agreement could result in federal action to recover past financial expenditures for flood control facilities.
 - b. PL-566 program provisions are provided for decommissioning elements of financed watershed projects, however there must be compelling and justifiable rationale for doing so. Any proposed action would need to have the full support of our project sponsor.
2. Complexity of project - NRCS has provided technical assistance since the mid-1950s to design and install the MFCD pump station, tide gate and dike. The technical challenges to design stable structural measures in this area have proven very difficult. The following should be considered:
 - a. Overcoming geotechnical issues to construct a new pumping plant will require significant site investigation and planning. Peat and organic soils are prevalent within the proposed relocated pumping plant site. It should be anticipated that stabilization of the foundation or installation of piles will be required in order to provide a stable foundation for the relocated pumping plant. The estimated cost of construction could be much higher than the estimate contained in the Subarea Plan. In order to better anticipate the project cost of the pumping plant, it is recommended to complete a planning level geotechnical investigation to verify technical feasibility from which to base the cost estimate.
 - b. Constructing a new dike system will pose various challenges. The foundation soil may not be adequate to construct a dike at the proposed location. Extensive settlement should be anticipated, weak bearing soils, and a high likelihood of piping prone soils should be anticipated; all of which will require treatment measures in order to mitigate the detrimental effects to the proposed flood control facilities. In order to better anticipate the project cost of the dike, it is recommended to complete a planning level geotechnical investigation to verify technical feasibility from which to base the cost estimate.
 - c. The hydraulic analysis will be quite challenging for flow regime design purposes and limiting adjacent property negative impacts. The proposed wetland restoration project will certainly affect the Snohomish River hydraulics. A coordinated dike agreement was developed in 1991. The purpose of the agreement was to establish enforceable dike elevations for flood control dike districts on both sides of the Snohomish River. The hydraulic model will need to be revised to include the topographical changes as proposed in the preferred Subarea Plan.

M6-1

Any changes to the water surface profile and potential dike height modification will need to be agreed upon by all impacted flood control districts. It is recommended to include all costs related to the revised analysis and updated coordinated dike agreement into the Subarea plan.

- d. The proposed wetland restoration project will certainly affect the surface and ground water hydrology within the proposed Subarea plan. Seepage through and under the relocated dike should be a consideration. It is our opinion that a dramatic change in the ground water hydrology will occur. The area within the Subarea plan will become affected by the daily tides which could cause seepage areas into areas along the dike that are intended to be excluded from changes to ground water hydrology. It is recommended to evaluate and estimate the potential impacts to the areas outside of the Subarea Plan dike system, and to propose mitigation measure to prevent ground water from having detrimental impact outside of the Subarea Plan.
 - e. Topography of the valley floodplain along the lower Snohomish river valley typically slopes away from the riverbank. Relocation of the pumping plant and dike will present difficulties. It should be anticipated the dike elevation will be significantly higher measured from the existing ground line to the top of the dike as the floodway channel is approached. The increased hydrostatic pressure will increase the complexity of designing and constructing a stable dike and pumping plant. While the Everett Marshland Tidal Restoration plan identifies a preferred alternative, technical feasibility has not been demonstrated. In order to better anticipate the overall project cost, it is recommended to complete a planning level geotechnical investigation to verify technical feasibility from which to base the cost estimate.
3. Cultural Resources - Wetland restoration activities typically occur in lowland valley areas where the likelihood of past human use is high.
- a. NRCS recommends expanding the cultural resources section to clearly identify the potential impacts to known and likely cultural resources within the proposed Subarea Plan. A literature review provides limited data. It is recommended to conduct a surface reconnaissance to better determine potential cultural resource impacts and proposed mitigation measures.
 - b. The cultural resource impacts and considerations should include both pre and post European settlement of the proposed project area.
 - c. It should be anticipated that significant time and money will be needed during the planning stage before any work can begin. This cost should be reflected in the overall project cost for each alternative developed.
4. Planning and Project cost - Without adequate planning, the preferred alternative could fail on any number of levels. Legal and regulatory issues will need to be addressed. The actual on the ground construction cost of this type of project is often a fraction of the overall project cost.
- a. Planning and design of the preferred option will be an additional expense to the actual installation costs and should be estimated and included in the Subarea Plan.
 - b. Due to the location of the project, number of landowners affected, the wider public interest and the City of Everett; thorough planning will be vital to ensure success.
 - c. Hydrologic patterns and anticipated water table changes will need to be considered and mitigated through properly designed flood control and drainage structures.
 - d. The human element of planning, from landowners to citizens is one of the most difficult to anticipate. It is vital that a majority of the participants support this project. The public will need to understand the environmental benefits of this project and environmental education may need to be included in the planning.

M6-1

5. Maximum Restoration - Wetland areas are dynamic systems and their restoration is vital to a multitude of species.
 - a. These types of projects require a large investment of time and money; it is suggested to maximize the environmental benefits for the dollars invested. The chance to restore a significant amount of wetland and establish tidal connectivity is a tremendous opportunity to improve our natural resources.
 - b. If the Marshland Subarea Plan is implemented, it is recommended that the maximum restoration be pursued within the anticipated constraints surrounding the chosen alternative.

NRCS Easement Programs

The NRCS has several permanent conservation easements within the Puget Sound Near Shore Restoration Study area. There are three programs involved; the Farm and Ranchland Protection Program (FRPP), Wetland Reserve Program (WRP) and Emergency Watershed Program-Flood Plain Easements (EWP-FPE). These are permanent easements that either restrict land uses to those that are compatible with long-term agricultural production (FRPP) or control all rights to the use of the land with limited interests (including fee title) reserved to the landowner (WRP and EWP-FPE) and have their primary purpose being wetland and floodplain protection and restoration.

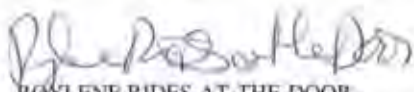
There is no legal authority to "buy back" these easements or alter the terms and conditions of the easement deeds. There is very limited authority to adjust easement boundaries where there is a compelling public interest and where there is no other practical alternative. In all cases, the terms and conditions of the easement deed will dictate what types of activities and land uses may be allowed for the subject property.

The WRP and EWP-FPE easements may ultimately be compatible with the proposed actions. Each individual case will need to be evaluated to determine if there is an adverse effect on the terms and conditions of the easement deed.

There is a serious concern with the proposed actions and the FRPP easements. These easements restrict the landowner from doing anything (or allowing to be done) that will adversely affect the long-term agricultural use of the land under easement. These easements are primarily held by third party land trusts with the federal government reserving the right to enforce the deed in the event the land trust cannot or does not. If a proposed action will alter the ability to use the land under an FRPP easement for agricultural production, the landowner, land trust and the NRCS will have to oppose it. Each individual project will need to be evaluated to see if there are any NRCS program easements on potentially affected properties.

NRCS appreciates the opportunity to comment on the draft study and we hope our comments are helpful.

Best Regards,



ROYLENE RIDES-AT-THE-DOOR
State Conservationist

- cc: Rick Noble, Area Conservationist, NRCS, Olympia
 Larry Johnson, State Conservation Engineer, NRCS, Spokane
 Bonda Habets, State Resource Conservationist, NRCS, Spokane
 Jeff Harlow, Assistant State Conservationist for Programs, NRCS, Spokane
 Tony Sunseri, District Conservationist, NRCS, Mt. Vernon
 Amy Hendershot, District Conservationist, NRCS, Puyallup

M6-1

7.6.1 Response to Comment Letter M6

M6-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the NRCS, City of Everett, Marshland Flood Control District, landowners, and other key stakeholders will be notified to

ensure closer coordination in the future. The comments provided by NRCS will be considered if and when this project is carried forward in the future.

7.7 Comment Letter M7 – Bill Schmidt, Skagit County Farm Bureau



November 21, 2014

Dear managers of the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP),

This letter is to document that the Skagit County Farm Bureau opposes the project and requests an extension of time be added to the comment period. It is incomprehensible that several agencies can take over ten years to present a proposal and expect constructive comments within 30 days.

M7-1

We have seen past projects overlaid with new proposals that negate any benefits gained, increase costs, decrease the agricultural land base and never deal with the true most limiting factors. We have also witnessed past projects that simply have not worked and decreased benefits compared to the pre-existing state of being.

M7-2

Sincerely,

William Schmidt

Skagit County Farm Bureau President

7.7.1 Responses to Comment Letter M7

M7-1: The public comment period for the Draft Feasibility Report and Environmental Impact Statement was extended by 45 days, ending on January 8, 2015.

M7-2: Comment noted.

7.8 Comment Letter M8 - Peter Landry

Peter Landry, P.E., L.E.G.
5825 South 2nd Ave.
Everett, WA 98208

Nov 21st, 2014

To: US Army Corp of Engineers, Attn: Nancy Gleason
CENWS-E-ER
PO Box 3755
Seattle, WA 98124

Regarding: Marshland Tidal Restoration Project included in PSNERP

I am writing and speaking to forcefully oppose the PSNERP restoration project proposal for the west bank of the Snohomish River, from roughly the southern City Limits of Everett north to the neighborhood of Lowell, in Everett. I live in the project area and the whole of my property has been identified as a necessary property for the project. I own property from about 4 feet above sea level, up to about 45 feet above sea-level. I am a civil engineer licensed in Washington State, and I am also a licensed engineering geologist in the State of Washington. I was a Marine Science Technician with the US Coast Guard from 1999-2007, and certified as a CG Pollution Investigator. I am also a scuba diver that was licensed to dive in the Puget Sound at the age of fifteen. I currently participate in Shoreline Processes lectures with the Conservation District program. I speak as a resident, and an expert in fluvial/coastal engineering, and geology, and as a landowner which would be required to sell my property to the government to allow this project to occur. I WILL NEVER VOLUNTARILY SELL THIS PROPERTY TO THE GOVERNMENT. However I have discussed an idea to give the City of Everett one acre of my property as a part of a "Hundred Acre Wood" forest park, which as some support with my neighbors.

I only became aware of this project because I was a Public Works Director at Normandy Park, where the Beaconsfield Project, another PSNERP project was proposed. As only government staff, politicians, and environmental interests are involved in the PSNERP process, I just saw it on the PSNERP documents, when I reviewed them as a CITY OFFICIAL. I found this project out in 2011, and I met with WDFW staff then, told them about the NRCS letter to City of Everett and the serious challenges of cross-valley dikes etc. PSNERP staff have set about this program with great biases, and did not do any reasonable pro-con review of these projects even on a simple prima facie basis, and I think with little consideration but their own employment.

Here are my main forceful negative comments:

- No landowner involvement in conceptual plan.
- Is not compatible with 5 year old Everett Subarea Plan, which went through public process.
- Does not respect the community, nor the well over 100 years of farming tradition.
- Would destroy the largest riparian forest of approx 100 acres on the West bank of the lower Snohomish River which is a forested wetland with mature evergreens of well over on hundred feet.
- Would require the government buy-out of approximately a dozen residences, and loss of numerous farming and livestock enterprises. It doesn't value community agriculture, esp. small scale.
- Would require between a third to a half of a BILLION DOLLARS to build
- Would make the Government responsible for the new railroad bridge, and if subsidence occurs (which it likely will), ongoing government funding for a railroad that currently is entirely the responsibility of Burlington Northern.
- Ignores, or was prepared with ignorance of, the detailed NRCS letter about the poor soils in the area for diking, the difficulties the NRCS had in construction the current system in the 1970's, likely higher than normal costs to build in the area.
- Spent untold tens of thousands of dollars preparing a plan, with no preceding studies, even of secondary review of NRCS records.
- No discussion of flooding consequences with the City, FEMA, and concerned and affected residents.
- Burden of impacts for the entire PSNERP program is based on avoiding high value properties and dense communities on the ACTUAL PUGET SOUND because that is too hard, and would involve many wealthy shoreline landowners, so the program focused on poorer area with low land values.

M8-1

I will now challenge the Ecosystem Restoration Benefits of the Marshland Project.

Stated Project Benefits by PSNERP Staff	Challenge to PSNERP Statement & Likely Negative Environmental Impacts
* Restore productive tidal freshwater wetland habitat that support biodiversity and provide Connectivity between land and sea.	* <u>Flooded area will likely be a huge reed canary grass monoculture, with far less biodiversity after loss of 100 acre mature forested wetland, which is located at elevations of 6-8 ft which would daily experience inundation and die.</u>
* Restore large river delta that provides Valuable nursery habitat for juvenile Salmon, increasing survival, and supporting Puget Sound population recovery.	* <u>Marshland subarea is not a "delta" it is an "upper delta plain" which is "indistinguishable from the lower part of a fluvial valley" (Brenner et al. (1988) *1. Far from the Bay, with no saltwater influence Flooded areas will likely be dominated by matted reed canary grass. These environs tend to have low dissolved oxygen which limits salmonid use.</u>
* Improve Estuary Water Quality.	* <u>The proposed Marshland project will have almost NO effect on Water Quality. Poor water quality in the canal is due primarily to dairies and commercial agriculture far up valley. The low intensity farming in the planned flooded "restored" area has no dairies, nor any large livestock herd. The statement the project will have any significant effect on water quality downstream is a clear misrepresentation of the projects results.</u>
* Increase shoreline area, length, and complexity.	* <u>This statement does not indicate that the Shoreline that is increased is a riverine one. This is NOT Puget Sound. This project does Not have any effect on Puget Sound Shorelines, But it gobbles up a full THIRD of the PSNERP 1.1 BILLION DOLLARS, with a price tag of \$328,000,000.</u>
* Improve resiliency of the shoreline to Respond to changes in environment Rising sea levels, increasing storms.	* <u>This is a ridiculous stated benefit. Climate change is the single most important environmental challenge of our time. There are thousands of homes at risk from sea-level rise in the next 50 years in Puget Sound NOT ONE HOME IS BENEFITED FROM THIS PROJECT. The River Levees are at 20 feet, That is some 7-8 feet above current high tides. Many communities and shores will be Devastated by 2 feet of sea-level rise, help them.</u>

*1. from *Integrative Stratigraphy* (1988) pg 173

M8-1

I will now put forth a clear argument against the Marshland Tidal Restoration Project. The main elements are:

1. Failure of due process during selection, ranking, and scoping process, and without inclusion of any affected or nearby landowners as per PSNERP program guidelines or inclusion and consultation with key government entities such as the Marshland Flood Control District, Snohomish County Public Works, or the Federal Emergency Management Administration. PSNERP even ignored their own policies and guidelines which most projects had detailed public outreach efforts. Whether on purpose or oversight, no public involvement means the project did not follow guidelines during selection and therefore selection is biased.
2. Plan does not conform to City of Everett Marshland Subarea Plan. The Marshland Subarea Plan specifically states that “Agricultural uses will continue outside of restoration areas including commercial agriculture, small scale hobby farming, and personal livestock husbandry” It also states recognizes “existing valuable agricultural use”. The subarea plan also says, The (Marshland) *sic* “subarea plan provides for a combination of restoration, recreation, agricultural, and residential uses within the subarea.” As a “Full Restoration” project does not comply and conform with the fairly recent Marshland Subarea Plan which went through reasonable public process, with both landowner and NRCS, FEMA, Marshland Flood Control District and other government agencies able to provide advice and comment. Also the conceptual plan does not “blend” (ed) restoration “with passive recreation, including open space and trails. (Refer to the included “appendix A” which is page 1 of the Everett Marshland Subarea Plan.)
3. Neglect of Impact to Important Riparian Forest Habitat, would lead to Destruction of largest mature riparian forest in Lower Main (West Bank) Snohomish River. The rich soils in the Marshland area led to early dike construction approximately 125 years ago, and with protection from frequent inundation, a great forest grew from likely small stunted trees (doomed to early toppling and death) to a grand nearly old growth forest over the last 125 years. This forest is both a home for permanent and transitory and migratory wildlife. The proposal to blindly remove all flood control does not recognize the almost total loss of riparian forest in the several square mile area of and surrounding the Marshland area. This narrow restoration vision does not consider what would be lost with the implementation of a “Full Restoration” which a Full Restoration is the only option ranking high enough to qualify for Inclusion in PSNERP. Inclusion of marshland is based on a Full restoration for ranking even though that is not possible under City of Everett Subarea Plan, has no landowner support; therefore one is to find that it is actually not being included as a viable project based on the criteria of the program. There was no assessment and consideration of the value of habitat that would be threatened by the project.
4. What the heck does flooding farms have to do with Puget Sound Restoration.
During the November 5th open house meeting the Government Staff presenters made a long presentation about the state of Puget Sound, the fact most of Puget Sound has altered and armored shoreline, and the need for removal of bulkheads, and restore Puget Sound Environments. Then the projects were explained, and staff explained the large loss in “Delta” habitat, so many of the project focused on “Deltas”. One, While the Marshland is influenced by tidal backwatering of Port Gardner Bay, there is not any saltwater for miles downstream from this project. The Marshland project is 1/3 of the program budget, yet is far from Sound.

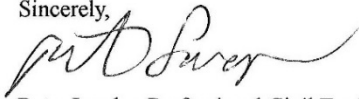
M8-1

5. The Project as conceptualized is not feasible. The project as conceptualized is not feasible because it requires that residents sell their property and leave. Some property owners have homes that are not compatible with this plan as conceived. Other property owners may keep their homes but will lose almost all use of almost all of their property. Aside from that this violates the written intent of the subarea plan, Most land owners will not cooperate with land acquisition. In addition the soils in the Marshland area are very peaty to some depth, and significant technical challenges exist which were not realized at the time of ranking/selection. Also FEMA and Snohomish County Public Works, nor the Marshland Flood Control District were not contacted and consulted as a part of the project scoping and ranking. Such thorough pre-project selection inquiry would have led to staff discovering both FEMA and NRCS letters sent to the City of Everett as a part of the Subarea Plan Process. The conceptual plan has not been examined at all for flood impacts to actual Marshland landowners or even downstream City of Everett areas. (Please see "appendix B" attached which is a 4-page letter from the NRCS concerning dike and flood control structures, difficulty to construct, and poor soils, and recommendation for landowner involvement.) (Please see also "Appendix C which is a simple "flood and drain" analysis showing simple flap gates will not adequately serve the lower Marshland community if the pump station is removed, remember the Marshland subarea plan promises any restoration project will maintain or improve both flood control and drainage system function including post-flood draining and recovery for private landowners in the subarea)
6. Because of the lack of reasonable due process, no outreach to landowners, secret processes designed to block public involvement, and the other process and technical issues mentioned, I, Peter Landry as a key landowner will not cooperate in any way, and in fact am a fervent project opponent, and will work diligently to prevent any restoration project included in PSNERP program from occurring that has these flaws. When I brought up issues years ago I was ignored, and staff has ignored my protests of un-American violations of due process. As a strong environmentalist, I am devastated that the solution to save Puget Sound you guys have decided on, requiring a third of a Billion Dollars has nothing to do with actual Puget Sound, but is to foolishly plan to flood my farming community 10 miles from the salt water. As an environmental professional of some 20 years, it is my finding significant research shows that mosaics of mature natural forests, wetlands, and areas of managed disturbance such as farm fields have higher biodiversity than "so called" restored areas. In Japan areas of wetland, farm forest mosaics are called "Satoyama" and have very high biodiversity, higher than in pure wetland or forest environments alone. This is something you should consider when considering GIANT restoration plans.

M8-1

You should have discussed your ideas with the landowners BEFORE you drew up a plan to get rid of the residents, and the 100 acre wood and its wildlife, and countless people's enjoyment and use of this area. How would you like it if someone from the government put a target on your property and a place you love and said "We think we should do this!, and it means you will need to sell your property to us, and were gonna flood it and who cares about you, or the forest, or community, or the \$\$\$\$\$" Shame on you, you incomprehensibly stupid, wasteful, and inconsiderate Bureaucrats!

Sincerely,



Peter Landry, Professional Civil Engineer, Professional Geologist, USCG (Hon Dis)

Other public comment materials received held by Corps office, but not included here:

- Appendix A: Introduction to the Everett Marshland Subarea Plan, n.d.
- Appendix B: NRCS comments on the City of Everett Marshland Subarea Plan, in a letter to the City of Everett, dated 12/12/2008
- Appendix C: Snohomish County Stream Gage data at Ebey Slough, dated 11/2006
- Qualifications of Commenter
- Public Records printout re: Everett Marshland project, dated 2010

7.8.1 Response to Comment Letter M8

M8-1: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the City of Everett, Marshland Flood Control District, landowners, and other key stakeholders will be notified to ensure closer coordination in the future. The comments provided in your letter will be considered if and when this project is carried forward in the future.

7.9 Comment Letter M9 – Brent Carson, on behalf of the Hadley-Colmenares family



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November 21, 2014

Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, WA 98124-3755

Re: Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) – Beaconsfield Project

Dear Ms. Gleason:

Please accept these comments on the proposed PSNERP Draft Integrated Feasibility Report and Environmental Impact Statement (the “EIS”) prepared by the U.S. Army Corps of Engineers (Army Corps) and Washington Department of Fish and Wildlife (WDFW). We are writing to express our clients’ continued and unwavering opposition to inclusion of the “Beaconsfield Feeder Bluff” project (the “Beaconsfield Project”) in any future restoration programs, including the PSNERP.

Van Ness Feldman LLP represents the Hadley-Colmenares Family¹, who own the property uphill from and protected by the bulkheads and rock revetments (“Armory”) proposed to be removed by the Beaconsfield Project. The Hadley-Colmenares Family legally installed this Armory to protect its property and has legally enforceable easement rights to maintain all of this Armory – not merely that portion of the Armory shown to remain in the EIS.² A map and photo showing all of the Hadley-Colmenares Family’s Armory are enclosed.

The statement made on page 139 of the EIS that the Hadley-Colmenares Family is a “willing landowner” to the proposed Beaconsfield Project is blatantly false. The Hadley-Colmenares Family has consistently expressed its opposition to removal of any of its Armory

¹ The Hadley-Colmenares Family and its ownership interests in the vicinity of the Beaconsfield Project are as follows: Lisa A. Colmenares owns King County Tax Parcel No. 0622049031; Lisa A. Colmenares and Angel I. Colmenares own King County Tax Parcel No. 0617000095; Robert M. Hadley and Poseidon Investment Company own King County Tax Parcel No. 0617000096; and Robert M. Hadley owns King County Tax Parcel No. 0722049002.

² The easements legally protecting the rights of the Hadley-Colmenares Family include, but are not limited to, recorded easements identified by the following King County Auditor File Numbers: 4176420; 4097062; 4064809; 4125038; 4117080; 4064808; 4122785; 4110705; 4114543; 20130805002016; 20130805002042; and 20141015000323.

due to the risks to its property and the risks to life safety. They are unwilling to grant any rights to the Army Corps, WDFW, the City of Normandy Park, or any other agency or organization for such activities. The Hadley-Colmenares Family will not allow its Armory to be removed.

WDFW may recall from previous communication³ that the Hadley-Colmenares Family sued both the City of Normandy Park (the "City") and Forterra when efforts by both were started to fund and implement the Beaconsfield Project and the removal of the Armory. See King County Superior Court Cause No. 11-2-2-862-1 KNT. That lawsuit was ultimately settled in a legally binding Settlement Agreement among the members of the Hadley-Colmenares Family, the City, Forterra and the Washington State Recreation and Conservation Office. A copy of that Settlement Agreement is attached.

In the Settlement Agreement, the City recognized the Hadley-Colmenares Family's easement rights to maintain and repair the Armory now and in the future. Further, the City agreed to eliminate removal of the Armory as an element of any future restoration work at Beaconsfield unless the Hadley-Colmenares Family provided express written consent. The Hadley-Colmenares Family has never provided such consent and, in fact, has consistently maintained its opposition to removal of its Armory. Given the clear and unwavering position of the Hadley-Colmenares Family, and the express terms of the Settlement Agreement, the Army Corps should not misconstrue the October 7, 2014 letter that the Corps received from the City⁴ as supporting removal of the Armory, as any such support would be inconsistent with the City's obligations under the Settlement Agreement.

My clients are deeply concerned that the Beaconsfield Project, with its proposed removal of the Armory, continues to be suggested by any agency and that misrepresentations continue to be made that the Hadley-Colmenares Family are "willing landowners."

The Hadley-Colmenares Family retained GeoEngineers in 2011 to review the plans then proposed by the City and Forterra to remove the Armory. A copy of that report is enclosed. Among its conclusions is the following:

The "science" that has been employed to evaluate the Beaconsfield project feasibility is flawed and is slanted toward a solution (bulkhead removal) that will not produce tangible benefits to nearshore ecology. The studies of the existing conditions of the Hadley home and the impact to the Hadley properties from bulkhead removal are likewise flawed.

In particular, GeoEngineers found that the volume of sediment that is prevented by the Armory is "tiny" (estimated at 530 cubic yards if all Armory was removed) in comparison to the more than one million cubic yards of sediment that currently exists in the shoreline deltas of Des Moines Creek, Normandy Creek and Miller Creek located within this drift cell.

The Hadley-Colmenares Family supports legal and cost-effective efforts to restore the Puget Sound. The Beaconsfield Project meets neither criterion.

³ See June 14, 2011 Letter to Phil Anderson, Director, WDFW (enclosed).

⁴ See October 7, 2014 Letter from City of Normandy Park, Environmental Committee to Colonel John Buck (enclosed)

M9-1

M9-1

The Army Corps and WDFW should remove the Beaconsfield Project from inclusion in the PSNERP and any future restoration proposals.

M9-1

Very Truly Yours,

Van Ness Feldman, LLP



Brent Carson

Enclosures

cc: Theresa Mitchell, Washington Department of Fish and Wildlife
Glenn Akramoff, City of Normandy Park
Client

Other public comment materials received held by Corps office, but not included here:

- King County parcel map of Hadley-Colmenares property, dated 11/20/2014
- Photograph/diagram of shoreline armoring locations along property shoreline, dated 1/18/2013
- Letter from Brent Carson to Phil Anderson (WDFW) re: Beaconsfield on the Sound Project, dated 6/14/2011
- Settlement Agreement, dated 8/21/2012
- Letter from City of Normandy Park to U.S. Army Corps of Engineers re: PSNRP Letter of Support, dated 10/7/2014
- GeoEngineers Technical Review and Assessment, Beaconsfield Bluff Bulkhead Removal Project, dated 6/16/2011

7.9.1 Response to Comment Letter M9

M9-1: See Master Response 1. The Beaconsfield project is no longer included in the recommended plan.

7.10 Comment Letter M10 – Shari Tarantino, Orca Conservancy



November 23, 2014

Sent electronically: nearshore@usace.army.mil

U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, WA 98124-3755
Attn: Nancy C. Gleason

Orca Conservancy hereby submits the following comment in support of the tentative proposal to restore more than 5,000 acres of central and northern Puget Sound shoreline habitat – the Puget Sound Nearshore Ecosystem Restoration Project.

Orca Conservancy is an all-volunteer 501(c)(3) Washington State non-profit organization working on behalf of *Orcinus orca*, the killer whale, and protecting the wild places on which it depends. The organization's urgent attention is on the endangered Southern Resident orcas of Puget Sound. These three pods – J-Pod, K-Pod and L-Pod – were decimated by the depletion of prey resources, the accumulation of marine toxins, and the destruction of salmon spawning and nearshore habitats, the nurseries of the Salish Sea.

Southern Resident killer whales are listed as endangered under both the **U.S. Endangered Species Act (ESA)** and **Canada's Species at Risk Act (SARA)**. New scientific information and analyses about the Southern Resident population and the extent of their reliance on salmon – particularly large Chinook salmon – strongly suggest that Chinook abundance is very important to survival and recovery of the Southern Residents. (NOAA Fisheries, Nov, 2014/http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/effects_fisheries.html). A key physical feature of the southern resident killer whale's critical habitat is that these areas by virtue of their underwater topography funnel salmon into areas where they concentrate before spawning.

The widespread loss of estuarine and nearshore habitats throughout Puget Sound comes at a price. Puget Sound Chinook salmon are just one of many species whose populations have declined to precariously low levels (ESA endangered status) due to a variety of perturbations, including estuarine and coastal development. Juvenile fall Chinook salmon utilize a number of habitats during their migration to the open ocean. One important habitat is the estuary, particularly tidal deltas, which provide a migratory corridor, protection from predators, and opportunity to forage, grow and adapt to seawater. (Beamer, E., A. McBride, C. Greene, R. Henderson, G. Hood, K. Wolf, K. Larsen, C. Rice, and K. Fresh. 2005. Delta and nearshore restoration for the recovery of wild Skagit River Chinook salmon: Linking estuary restoration to wild Chinook salmon populations. Supplement to: Skagit Chinook Recovery Plan, 94 p). Herring and other forage fish are an important prey resource for Chinook salmon and ESA listed marbled murrelets.

Puget Sound has 19 Pacific herring stocks; the populations from all have decreased since 2002. The largest decreases are found in the north Puget Sound area; where said stocks dropped from roughly 12,000 tons of

M10-1

spawning biomass to 4,000 tons in 2004. (Puget Sound Update: Ninth Report of the Puget Sound Ambient Monitoring Program, Puget Sound Action Team, 2007). Pacific Herring are a vital component of the marine ecosystem, and are a key indicator of the overall health of Puget Sound. Healthy stocks of herring would indicate that the food web in Puget Sound is functioning to provide a prey base for fish, seabirds, and marine mammals; that nearshore and open-water habitats are functioning properly; and that fisheries for bait and other products are available for Puget Sound residents. (The Puget Sound Partnership, Action Agenda, 2011).

The habitats forage fish, salmon, and killer whales depend upon have been degraded by both biological and chemical contaminants, and physical damage. The proposed restoration would play a role in mitigating habitat damage from stormwater runoff contaminated with toxic chemicals and pathogens. Industrial activities such as construction, drilling, pile driving; pipe laying and dredging are the most likely sources of physical damage to critical habitat. Shoreline armoring has a strong negative impact on forage fish. Flood control structures negatively impact salmon. Physical structures such as wharves and net pens for aquaculture may displace killer whales. Both the placement of individual structures and the cumulative effect of multiple structures should be assessed against the needs of killer whales in critical habitat. The proposed restoration effort should significantly improve habitat quality for man species of concern.

Lastly, Puget Sound, the second-largest estuary in the United States, is a Pacific Northwest icon. The nearshore habitats are the most productive parts of the Sound -- improved understanding of it is vital to restoration and preservation of the entire Sound. Please revise the draft statement, and submit to Congress, as planned, in the fall of 2015.

Sincerely,



Shari Tarantino
President, Board of Directors,
Orca Conservancy
(216) 630-5177
orcaconservancy@gmail.com

Facebook: <https://www.facebook.com/OrcaConservancy>
Twitter: <https://twitter.com/OrcaConservancy>
Blog: <http://orcaconservancy.wordpress.com/>

7.10.1 Response to Comment Letter M10

M10-1: Thank you for your comment. The Corps will continue to evaluate restoration opportunities across the Puget Sound nearshore. The Final Feasibility Report and Environmental Impact Statement highlights the importance of nearshore restoration to improve habitats for the species you listed in your letter including the Southern Resident killer whale.

M10-1

7.11 Comment Letter M11 – Gary Brandstetter, Marshland Flood Control District

MARSHLAND FLOOD CONTROL DISTRICT

P.O. Box 85 • Snohomish, Washington 98291-0085 • Tele (360) 568-6044 • Fax (360) 568-3785

Sponsoring **MARSHLAND WATERSHED PROJECT**

November 24, 2014

Ms. Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, Washington 98124-3755

Re: PSNERP; Everett Marshland

Dear Ms. Gleason:

Marshland Flood Control District (MFCD) has already submitted a letter dated November 5, 2014 at your November 5, 2014 Public Meeting in Burlington. Please refer to that letter regarding what and who MFCD is; namely, a statutory special purpose district in the State of Washington with three (3) elected officials.

MFCD appreciates that Theresa Mitchell of Washington State Department of Fish and Wildlife (DFW) advised on 11/21/14 that the comment period “has been extended to January 8, 2014” (sic 2015). Nevertheless, MFCD requests that the 45 day comment period (10/10/14 to 11/24/14) be extended at least six (6) months. For one thing, MFCD did not receive its first direct notice of this proposal until an email arrived on 10/13/14, 3 days after the 45 day comment period had already begun. Second, the email only contained a map with 11 dots, one of which was marked “Everett Marshland” with no specific information. Third, MFCD only received more specific information when an NRCS engineer, who had examined web links, called on 10/15/14 to advise that some specifics were available and then forwarded those specifics by email. Fourth, MFCD then forwarded that email to Snohomish County where the head of Public Works said he and his staff knew nothing about this proposal even though it specifically calls for the “removal” of a major County arterial. Likewise, an MFCD member, when he became aware of it, brought it up at a Sustainable Land Strategies (SLS) meeting and was told by members of the Tulalip Tribes that they knew nothing about it.

Under these circumstances, the list of alleged “News Releases By Month” in your 10/8/14 posting – not sent to MFCD until 10/13/14 – has obviously not been effective, worthwhile or adequate notice. Also, extending the comment during the holiday season, is not conducive to informed comment. Property owners whose land is included in a government proposal cannot drop everything else they are doing just to comment on information they should have heard about directly and individually months, if not years ago. Likewise, governmental bodies like Snohomish County and MFCD, which represent those property owners and are also affected –adversely –by the proposal should have received direct and specific notice. It is NOT an appropriate response to say that “Well, we’re asking for your input now (allegedly) 10 years down the line.”

M11-1

Beyond the request for a six (6) month comment extension, MFCD requests that face to face public meetings between Army Corps and DF&W personnel be scheduled with MFCD and its directly affected members.

As far as comments within the previous limited 11/24/14 time frame MFCD offers the following:

- 1) 829 acres is over 13% of MFCD's acreage which pays \$30/acre for operation. A loss of 13% of operating revenues would have a substantial detrimental effect.
- 2) The area proposed is far larger than necessary in order to accomplish even the hoped for beneficial effects for fish habitat. Limiting the proposal to acreage along the most westerly portion of the 829 proposed acres which are directly connected to Woods Creek would avoid any necessity for filling the MFCD flood canal and removal/replacement of the MFCD Pump Station. It would also avoid removal of the Lowell-Snohomish Road, a major County arterial built on top of MFCD's best levee. Both the County Road and Levee were built with federal money from the Federal Hwy Dept and NRCS only 15 years ago. Elimination of these over-reaching portions of the proposal would alone reduce the cost estimates by \$300,000,000.00 or more.
- 3) MFCD has not had any opportunity to consult with scientists regarding this proposal, but at least 3 PhDs at the Burlington Public Meeting, and another who has written a letter to the Editor in the Everett HERALD, have all stated the science supposedly supporting the proposal is either flawed or just plain wrong.

M11-2

Those are the extent of comments MFCD is in a position to make at this time. Further comment would not be based on the ability to actually study the proposal in depth and respond to its membership's comments and questions. Were further comment to be made in this vacuum, it would merely add to the adverse effects on the total failure of the proper notice of the proposal in the first place. If you really hope for property owners to willingly cooperate, more and better contact -- direct contact -- must occur.

Thank you for this limited opportunity to comment, but please extend the comment period by at least six (6) months with at least two (2) face to face public meetings with directly affected property owners in Snohomish.

Yours very truly,



Gary W. Brandstetter
MARSHLAND FLOOD CONTROL DISTRICT Secretary/Manager

GWB/g

c: Marshland Flood Control District Commissioners Don Bailey, Marv Thomas and Tim Stocker

7.11.1 Responses to Comment Letter M11

M11-1: See Master Response 2. The public comment period for the Draft Feasibility Report and Environmental Impact Statement was extended by 45 days. The Final Feasibility Report and Environmental Statement will be released for another 30 day review.

M11-2: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the Marshland Flood Control District, landowners, and other key stakeholders will be notified to ensure closer

coordination in the future. The comments included in your letter will be taken into consideration if and when the project is carried forward in the future.

7.12 Comment Letter M12 - Alex Alexander

Getchell Ranch
November 24, 2014

Ms. Nancy Gleason
U.S. Army Corps Of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, WA 98124

Dear Ms. Gleason:

Please find enclosed a commentary/assessment of the proposal "*Puget Sound Nearshore Ecosystems Restoration Project*" (**PSNERP**). The document of 327 pages was received November 10, and a response was prepared to accommodate the November 24 deadline indicated for public comment. I regret that a more thorough commentary was not possible at this time.


M12-1

The PSNERP interest in Everett and neighboring properties of North Marshland is particularly relevant. It is an area endowed. For myself and others having a lifetime in Ag research and Snohomish Valley residence, the region holds answers to impending water-crises and research questions that its present owners are not prepared to ask.

Further to this, almost everyone notes the extensive *Time-Line* for PSNERP implication (up to several decades). Taken together, the combined evidence of a prehistoric channel at North Marshland, the continuing elevation of floodwater stages, and the river break-in at Norwegian Bay, prefigure the likelihood of Snohomish River taking a hand in PSNERP affairs, with rechanneling activity at the Everett sub-area. In any case, the proposed alternative plan of restored gravitational drainage for a fish-integrated agriculture remains the realistic land-use option for an Everett sub-area venue rearranged by the river.

M12-2

Sincerely,



Alex G. Alexander
3914 52nd St., SE
Everett, WA 98201
(425) 252-7749

[Report is filed in the administrative record at the Seattle District offices]

7.12.1 Responses to Comment Letter M12

M12-1: Comment noted.

M12-2: See Master Response 1. The Everett Marshland project is no longer included in the recommended plan. If and when this project moves forward with Corps involvement, the City of Everett, Marshland Flood Control District, landowners, and other key stakeholders will be notified to ensure closer coordination in the future. The comments included in your letter will be taken into consideration if and when the project is carried forward in the future.

7.13 Comment Letter M13 – Merle Jefferson, Lummi Indian Business Council



November 25, 2014

Colonel John Buck, Seattle District Commander
U.S. Army Corps of Engineers
P.O. Box 3755
Seattle, WA 98124

SUBJECT: Lummi Nation Support for the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) Tentatively Selected Plan

Dear Colonel Buck,

The purpose of this letter is to express the Lummi Nation's continuing support of the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) overall and more specifically the Nooksack River Delta element of the Tentatively Selected Plan (TSP).

As you know, the Lummi Nation is a signatory of the Treaty of Point Elliott and is a federally recognized Indian tribe (75 FR 60810). The Treaty of Point Elliot reserved the inherent rights of the Lummi people to hunt, fish, and gather resources throughout its usual and accustomed grounds and stations necessary to maintain the *Schelangen* ("way of life") of our community and culture and to achieve a moderate living standard from fishing for all of its members for all time. The rulings in *U.S. v. Washington* confirmed these treaty-reserved fishing rights and the role of the Lummi Nation as a natural resource co-manager.

Without the habitat required to produce a sustainable harvestable surplus of salmon and shellfish, the treaty right to harvest salmon and shellfish is meaningless. As a result, the United States has a trust responsibility to protect and restore the habitat required to support the treaty right fisheries. This responsibility includes the protection and restoration of nearshore habitat critical to salmon and shellfish productivity. We have been working with the Corps (Seattle District), U.S. Fish and Wildlife Service, NOAA Fisheries, and the Washington Department of Fish and Wildlife to identify and evaluate elements of the PSNERP for over a decade. These efforts have included significant in-kind contributions of staff and technical resources. The result of this joint effort with our co-managers is the Nooksack River Delta site of the TSP identified in the Draft Feasibility Report/Environmental Impact Statement for PSNERP.

The Lummi Nation recognizes and supports the commitment of PSNERP to identify and address the longstanding issue of nearshore habitat loss and degradation. The Lummi Nation has extensive involvement and investments, both financially and otherwise, in local restoration

M13-1

projects, many of which are identified in the TSP. As identified in the Treaty Rights at Risk initiative, Lummi has highlighted the fact that habitat loss continues at a rate that outpaces current recovery efforts and thereby threatens the future of salmon and tribal treaty rights. As a result, the Lummi Nation has been adamant in our request that the federal government protects and restores salmon and shellfish habitat.

It is our understanding that during the Pre-Construction Engineering and Design (PED) phase of the project that a more detailed analysis will be conducted to further evaluate the feasibility of the various elements of the Nooksack River Delta TSP. In particular the potential impacts of increasing flow in the Lummi River channel on navigation and fishing in the lower Nooksack River and the potential impacts of degraded Nooksack River water quality on Lummi Bay shellfish resources will be evaluated. We look forward to continuing to work with your staff and our co-managers to ensure that the ecosystem restoration benefits of the Nooksack River Delta site are maximized in a manner that improves the ability of the Lummi Nation and its members to exercise our Treaty rights.

Thank you for your attention to this matter. Please do not hesitate to contact me (360-312-2328) if you would like additional information or would like to further discuss this important project.

Sincerely,



Merle Jefferson, Executive Director
Lummi Natural Resources Department

cc: Lynn Wetzler, Project Manager, Seattle District, U.S. Army Corps of Engineers
Nancy C. Gleason, Corps of Engineers
Phil Anderson, Director, WA Dept. of Fish & Wildlife
Theresa Mitchell, Project Manager, WA Dept. of Fish & Wildlife

M13-1

7.13.1 Response to Comment Letter M13

M13-1: As your letter states, the Corps will complete a more detailed analysis during the PED phase to further evaluate the feasibility of the various elements of the Nooksack River Delta project. The Corps will continue to coordinate closely with the Lummi Nation as these evaluations are completed.

7.14 Comment Letter M14 –Scott Schuyler, Upper Skagit Indian Tribe



Upper Skagit Indian Tribe
25944 Community Plaza Way,
Sedro Woolley, WA 98284
Phone (360) 854-7090 Fax (360) 854-7042

January 6, 2015

Attn: Ms. Nancy C. Gleason
U.S. Army Corps of Engineers
CENWS-EN-ER
P.O. Box 3755
Seattle, Washington 98124

RE: Upper Skagit Indian Tribe's comments on the draft FR/EIS for the Puget Sound Nearshore Ecosystem Restoration Project

Dear Ms. Gleason,

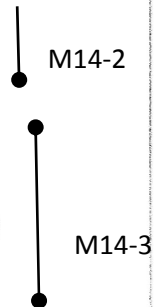
This letter serves as Upper Skagit Indian Tribe's (hereafter "the Tribe") response to the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) draft FR/EIS released by U.S. Army Corps of Engineers (Corps) and Washington Department of Fish and Wildlife (WDFW). The Tribe appreciates the opportunity to comment on this project, including potential benefits to the Tribe's Treaty protected natural resource rights as well as potential conflicts regarding Tribal cultural artifacts. If constructed, the PSNERP project could foster considerable improvements to fish and shellfish habitat within Puget Sound and could support government obligations to protect the Tribe's Treaty rights. The Tribe applauds the partnership between the Corps and WDFW and supports efforts to protect Treaty rights by restoring habitat function at the 11 sites identified in the FR/EIS. The Tribe requests involvement with future decision processes, particularly for the following six projects that directly impact the Tribe's treaty reserved resources: Deepwater Slough, Dugualla Bay, Milltown Island, North Fork Skagit River Delta, Telegraph Slough and Livingston Bay.

M14-1

The Tribe takes this opportunity to identify two specific comments. First, the Telegraph Slough project in the FR/EIS would restore rearing habitat for Skagit Chinook salmon. Accessibility for these fish to Telegraph Slough could be improved by a separate restoration project at McGlenn Island Causeway. It is reasonable to assume that restoration at Telegraph Slough would increase motivation to complete the McGlenn Island Causeway restoration. However, the completion of the McGlenn Island Causeway project has the potential to impact population distribution in Puget Sound and, by extension, fisheries allocations. The Telegraph Slough

M14-2

project should fully assess potential impacts to fishery allocations and negative impacts to Skagit fisheries. Second, the Tribe is concerned about looming effects of climate change on Skagit fish populations and habitat function in Puget Sound. The PSNERP project would reduce detrimental impacts of climate change on nearshore ecosystems; however, the Tribe feels it may be prudent to consider additional efforts to mitigate climate change. Opportunities to maintain functioning nearshore habitat are expected to become increasingly rare in the face of climate-induced sea level rise. By increasing the scope and footprint to include low gradient adjacent upland areas, the PSNERP project could create room for landward encroachment of tidal influences.



The Tribe thanks the Corps and WDFW for their efforts thus far and looks forward to being involved in future efforts to develop the PSNERP project. The scale and breadth of the project represent a rare opportunity to make significant improvements to the currently degraded state of the Tribe's treaty resources. Regarding technical issues specific to the six projects identified above, please contact the Tribe's Habitat Biologist, Rick Hartson, at (360) 854-7049, rickh@upperskagit.com, or the Tribe's Natural Resources Managing Biologist, Jon-Paul Shannahan, at (360) 854-7089, jonpauls@upperskagit.com. Regarding Tribal cultural issues, please contact me, Scott Schuyler, Cultural Specialist, at (360) 854-7009, sschuyler@upperskagit.com.

Sincerely,

Scott Schuyler
Head Natural Resources Department and Tribal Cultural Specialist
Upper Skagit Indian Tribe

7.14.1 Response to Comment Letter M14

M14-1: See Master Response 1 and Master Response 2.

M14-2: See Master Response 1 and Master Response 2. The Telegraph Slough and McGlinn Island Causeway projects are no longer included in the recommended plan. If and when these projects move forward with Corps involvement, the affected Tribes, landowners, and other key stakeholders will be notified to ensure close coordination and impacts analysis.

M14-3: Projections of habitat areas in the nearshore zone depend on a variety of factors including land development and zoning, regulatory permitting and enforcement, mitigation requirements, sea-level change, and climate change. During the next design phase, the potential effects of habitat changes would be thoroughly analyzed and benefits will be maximized in the greatest available project footprint.