



August 18, 2016

Ms. Karen Urelius  
U.S. Army Corps of Engineers  
Regulatory Branch, ATTN: Karen Urelius  
P.O. Box 3755  
Seattle, Washington 98124-3755

Re: Coalition Comments NWP48 Shellfish Aquaculture Regional Conditions

Dear Ms. Urelius,

Our Coalition would like to take this opportunity to provide the following comments on Regional Conditions for Shellfish Aquaculture regarding the NWP48:

1. We previously provided extensive comments with supporting documentation for the NWP48 regarding shellfish aquaculture. Our comments and supporting documentation can be viewed on the following links:

- a. Comment Letter:

<http://coalitiontoprotectpugetsoundhabitat.org/wp-content/uploads/2016/08/Coalition-NWP48-2017-Comments-F1-COE-2015-0017-RIN-0710-AA73-4.pdf>

- b. Drop Box Attachments:

<https://www.dropbox.com/sh/48vsguegsuovshg/AADqHuucmPZLIZyk8cANUANAa?dl=0>

- c. Attached to this Comment Letter:

Army Corps authorized permit for the Arcadia geoduck operation in Totten Inlet (Pages 1-231)

Washington Department of Health (WDOH) Commercial Shellfish Harvest Maps

1. Washington State shellfish aquaculture has no state environmental permit, so it is paramount that the Army Corps regulations/regional conditions protect public trust aquatic resources. Industry routinely shows a long spreadsheet that indicates various agencies paperwork that is required, but NONE of the permits involve serious environmental review and NONE have performed a cumulative impacts analysis. NONE of the Counties monitor shellfish aquaculture sites for permit

violations and NONE of the Counties enforce even the few reporting permit requirements.

2. Washington State shellfish aquaculture has already experienced massive expansion along Puget Sound and Willapa Bay/Grays Harbor, yet industry clamors for more. You will see in our Drop Box attachments, just a few of the aerial pictures that clearly document the massive netting that covers significant areas of the shoreline in the majority of the bays and coves. Not only does this netting interfere with the natural breeding, feeding and refuge for many aquatic species, it is made of High Density Polyethylene that adsorbs persistent organic pollutants and without question results in microplastics everywhere it is used—poison pills for aquatic life. We have not seen any limits on the use of plastics by this industry in our public waters which has been called for by leading marine plastic experts like Charles Moore and the 5 Gyres Institute. We have reviewed state policies in California, Oregon and Chesapeake Bay, and have found no other state that allows such massive amounts of plastics in public trust waters.

Even in the Corps conditions for permits like the Arcadia permit that is attached (see pages 31-34), there is no limit on the amount of plastics placed in public waters and no limits on the type of degrading/polluting plastics. Walking the beaches collecting these plastics weeks/months later do not mitigate for the continuous microplastics generated from the site or the degrading marine debris that ends up in the deeper water. In addition, our organization is constantly contacted about the aquaculture marine debris that is found on beaches throughout Washington that have no identifying markers, even though it is supposed to be a condition of the permits the Corps issues.

Since Washington State is not protecting our non-listed and listed species, it is clearly the responsibility of the Corps of Engineers to step in and protect these species. If the NWP48 regulations do not adequately address these polluting plastics, then the Regional Conditions should.

3. The typical aquaculture permit like the Acadia Corps permit we attached, does not even address the massive amount of aquaculture gear that continues to be allowed in public trust marine waters that takes away the the rights of citizens to safe and unrestricted navigation. If the NWP48 permit does not protect the rights of citizens, then the Regional Conditions should.
4. Attached you will also find examples of the WDOH maps that document the number of commercial shellfish harvest sites in Puget Sound and Willapa Bay. These are not just approved sites, but all commercial shellfish harvest sites where a harvest certificate has been requested. In reviewing the specific sites depicted by the purple markers, it is clear that the industry is harvesting at a great deal more sites than the 38,000 acres that the Corps has issued authorizations for. Yes, these

maps also include tribal harvest, but we examined the data and tribal harvests are a minimal amount compared to the massive number of aquaculture planting and harvesting sites. It should also be noted that the number of acres of approved Washington State shellfish harvesting areas (shown in green) have increased dramatically over the recent years. Industry's complaining that they are being restricted certainly flies in the face of the data on these maps.

It is our understanding that the WDOH does not require a Corp permit when issuing the harvest certificates and this procedure must be examined and rectified with State and Federal Agencies.

5. When cumulative impacts are accurately analyzed and aquatic species protected, all of these sites must be considered when determining the cumulative impacts of planting and harvesting of shellfish in the State of Washington. There is no question that both planting and harvesting cause adverse impacts. The current Corps Regional Conditions like those shown on the Acadia permit pages 31-34 do not adequately address the numerous adverse impacts. In addition, even when National Marine Fisheries Service (NMFS) only required that the canopy nets be minimized due to the adverse impacts (pages 54-58), the grower complained (pages 64-68), the Corps gave in and did not even support this important NMFS requirement (pages 50-51). We are sure that an adequate cumulative impacts analysis will show that new shellfish aquaculture permits should be severely limited and that many areas should be reconsidered for restoration if recovery goals are to be met.
6. We respect the job that the Seattle District does in trying to manage the shellfish aquaculture permitting process, but it is apparent that they are grossly understaffed. There is no doubt that monitoring and reporting is a key part of this permit process and more personnel are needed if our aquatic species are going to be protected.

Sincerely,  
Laura Hendricks  
Director, Coalition To Protect Puget Sound and Puget Sound Habitat  
(253) 509-4987.