

**COMMENTS RECEIVED ON WDFW'S MITIGATED
DETERMINATION OF NON-SIGNIFANCE #11-088:
UNION RIVER ESTUARY RESTORATION**

From: Kris Miller
Sent: Friday, November 18, 2011 2:21 PM
To: SEPADesk2 (DFW)
Subject: Union River estuary restoration

Skokomish Tribe

The Skokomish THPO would like to comment on the environmental checklist that was prepared for this project. It states under number 13. Historic and cultural resources that DFW will continue to work with the tribe and that an extensive archaeological survey will be completed during the final design and permitting. The Skokomish THPO would like to be involved with this and be able to recommend an archaeologist for the survey. As stated in previous conversations with DFW, there are locations on this property that raise a question in our minds. These would be soil sample surveys that were completed and exposed shell layers, they need to be further investigated.

Please keep us updated, as the process moves forward.

Thank you,

Kris Miller
Tribal Historic Preservation Officer
Skokomish Tribe

**RESPONSE TO COMMENT LETTER:
Skokomish Tribe Tribal Historic Preservation**

WDFW looks forward to working with the Skokomish Tribe on identification and protection of cultural resources. We will consult with your office before and during the cultural resource studies.



MASON COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning
Mason County Bldg. I
411 N 5th Street
Shelton WA 98584

Shelton (360) 427-9670
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November 29, 2011

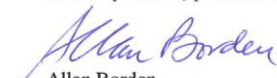
SEPA No. 11088: Union River Estuary Habitat Restoration
Applicant: WA Dept. of Fish & Wildlife

Submitted Comments by Mason County Dept. of Community Development

The SEPA for the proposal presents the extensive studies undertaken and, for the most part, the responses and information included in the SEPA checklist addresses either impacts or features of the proposal that are called out in the criterion. In addition, Mason County Dept. of Community Development brings forth several points of concern:

- a) The GeoEngineers wetland study prepared in 2009 has identified the wetland boundaries and proposed vegetation buffers in the project area. This study was prepared with the current Mason County Resource Ordinance standards. The proposed channel excavations and the adjacent fill of these materials and other sources can be addressed with the project grading permit and associated Mason Environmental Permit.
- b) The proposal explains that the tidal area east of the new setback dike will be created from the excavation of old materials over the native soils. The proposed channel excavations for stormwater capacity will need a drainage report & site plan and stormwater review.
- c) The proposed fill to create deeper soils for farm operations (materials from the noted excavations not placed in the setback dike) should be justified by the PNWSC Conservation Plan that was prepared by the Mason Conservation District in November 2010; or the plan amended to include this fill proposal and show improved or maintained Agricultural Resource Land values.

Thank you for the opportunity and extended time to comment on this proposal. Any further questions, please contact me at (360) 427-9670 ext. 365.


Allan Borden
Senior Planner

**RESPONSE TO COMMENT LETTER:
Mason County Dept. of Community Development**

WDFW will obtain a grading permit and environmental permit from Mason County, addressing buffer and wetland concerns.

WDFW will work with Mason County on stormwater plan review for the drainage work on the Pacific Northwest Salmon Center property.

The farm plan prepared by Mason Conservation District was recently amended to recommend crops for the site after fill from estuary project. The recommendations address amendment of soils and treatment for preparation for plantings. This work will seek to balance the maintenance of the agricultural resources while protecting and enhancing critical fish and wildlife habitat.

November 16, 2011

Bob Zeigler, SEPA/NEPA Coordinator
WDFW Regulatory Services Section
600 Capitol Way North
Olympia, WA 98501-1091

Dear Mr. Zeigler:

Thank you for the opportunity to comment on the mitigated determination of non-significance for the Union River Estuary Restoration project located in Mason County as proposed by Mick Cope, R6 Wildlife and Doris Small, R6 Habitat, Washington State Department of Fish & Wildlife (WDFW). The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

FLOODPLAIN MANAGEMENT: Donovan Gray (360) 407-7253

Reviewing the project plans, it appears there are some structures that will be on the wet side (west) of the new proposed setback levee. They may be subjected to increased risk of flooding once the existing dyke is breached. Take steps to ensure these structures will continue to be protected from a 100 yr flood event.

The community must submit a Letter of Map Revision (LOMR) to FEMA informing them of the dyke breach.

44 cfr 65.3 states: "A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data."

**RESPONSE TO COMMENT LETTER:
Washington Department of Ecology**

Floodplain Management: There are no structures located west of the proposed setback dike. Two outbuildings for hay and equipment storage are located close to Roessel Road, but will not be impacted by the flooded estuarine restoration site. One outbuilding is located on Pacific Northwest Salmon Center property (associated with the caretaker's residence) and the other will likely be east of the setback dike location or will be dismantled. The caretaker residence (and associated outbuildings) is landward of the setback dike location.

WDFW will work with Mason County on submittal of a Letter of Map Revision for FEMA, if required, due to the dike breach.

**SHORELANDS & ENVIRONMENTAL ASSISTANCE: Rick Mraz
(360) 407-6221**

A Section 401 permit from Ecology will be required for this project. To date, we have not received a Joint Aquatic Resource Permit Application (JARPA) for the proposal. Please submit an application, along with all supporting documentation (delineation report, etc.) with the JARPA.

The MDNS discusses improvement of farm fields with spoil placement. Spoil placement in wetlands does not appear to be a necessary component of the restoration. Please provide detailed information regarding the presence of wetlands or other waters of the state that may be affected by spoil placement and why this aspect is necessary.

Drainage improvements also appear to include wetland and waters impacts.

Please provide a detailed discussion of these impacts and how they relate to the restoration elements.

Placement of fill in biological wetlands is not an exempt use under the Mason County Shoreline Master Program (SMP). In fact, it is prohibited in most circumstances. Construction of dikes in shoreline jurisdiction is not an exempt activity under the SMP. Exemptions are ONLY from the requirement for a substantial development permit. Landfill in the conservancy environment is listed as a conditional use. Conditional uses require permitting pursuant to the County SMP. Prohibited uses cannot be authorized.

**RESPONSE TO COMMENT LETTER:
Washington Department of Ecology**

Shorelands and Environmental Assistance:

The JARPA application has not yet been submitted for this project. We will submit a copy to Department of Ecology for review.

Spoils placement in adjacent farm fields significantly reduces the cost of the project. WDFW revised the project description to avoid fill of wetlands associated with Mindy Creek and in the farm fields (see revised spoils disposal graphic).

The existing ditches along the farm fields will be widened and deepened to accommodate additional stormwater. WDFW will work with the regulatory agencies to assure that the resulting wetlands enhance existing wetland conditions for fish and wildlife species.

Existing wetlands within the estuarine restoration site will be modified to tidal wetlands. The setback dike is part of a habitat restoration project and is not a stand-alone feature.

Wetland review will be conducted by the Corps of Engineers, Washington Department of Ecology and Mason County staff during permit review.

WATER QUALITY CONTACT: Stephanie Jackson (360) 407-6294

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Proper disposal of construction debris must be on land in such a manner that debris cannot enter water of the state (e.g., Hood Canal, Union River & Mindy Creek) and stormdrains draining to waters of the state or cause water quality degradation of state waters.

Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing. A permanent vegetative cover should be established on denuded areas at final grade if they are not otherwise permanently stabilized.

Properties adjacent to the site of a land disturbance should be protected from sediment deposition through the use of buffers or other perimeter controls, such as filter fence or sediment basins.

This project may require a construction stormwater permit (also known as National Pollution Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction). This permit is required for projects which meet both of the following conditions:

1.

**RESPONSE TO COMMENT LETTER:
Washington Department of Ecology**

Water Quality:

As a habitat restoration project, using Best Management Practices to avoid sedimentation impacts is part of our construction practices. Erosion control measures will be most evident along the setback dike and existing dike at the bridge construction sites.

The excavation work will take place with the existing dike undisturbed for the majority of the construction. Erosion control measures will also be used, but overall the site should be well contained until connection to tidal waters at the final construction phase.

Experience with estuarine project excavation suggests that best success for final habitat objectives is achieved without planting of vegetative cover in areas subjected to tidal influence. Tidal waters sculpt the final grading to achieve a sediment balance without impacting tidal water turbidity to a high degree. Salt marsh plants re-establish quickly at appropriate elevations.

WDFW will obtain a NPDES permit for stormwater, if required.

One or more acres of soil surface area will be disturbed by construction activities.

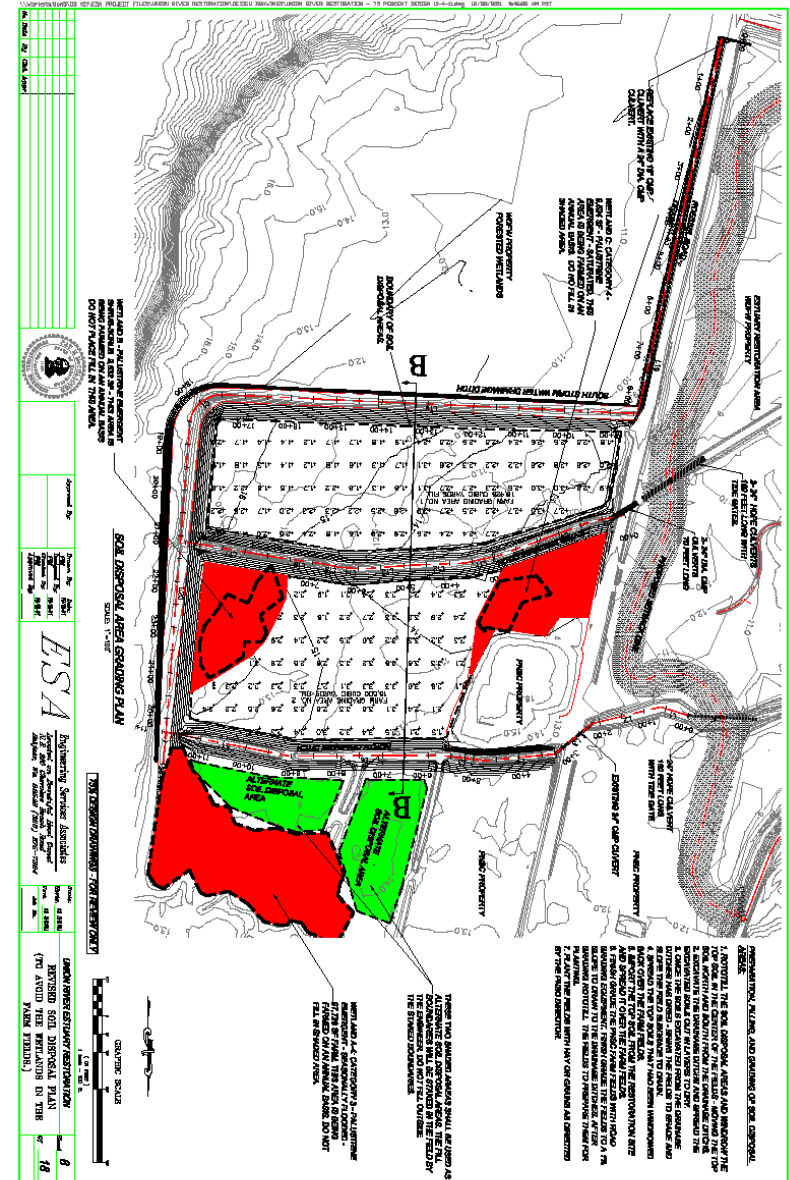
The site already has offsite discharge to waters of the state or storm drains or will have offsite discharge during construction.

An application with instructions can be downloaded from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

SEPA REVIEWER: Sonia Mendoza
Department of Ecology Southwest Regional Office



Email 1: Ken VanBuskirk 11/2/2011

Mr. Zeigler,

My comments are as they have always been.

Mitigated determination of non-significance! Surely you jest. I remain adamantly opposed to the loss of zoned agricultural resource land and existing habitat. This property has cultural significance! Leave it alone. www.dontfloodthefarm.com

This project has not been proven to increase salmon habitat nor is it supported by the community.

The removal of the soil to PNWSC property is of a financial benefit only to PNWSC and the designing engineer. If the project does go forward, (heaven forbid), the soil should be put out for competitive bid to the **public..**

Please include the "Summary of Concerns", <http://www.dontfloodthefarm.com/uploads/Final%20White%20Paper.pdf> , that was presented to the Hood Canal Coordinating Council at their June meeting, in the official record for this project.

Sincerely,

Ken VanBuskirk

Attachment to Ken VanBuskirk's comments 11/2/2011: 1A

Summary of Concerns re:

HCCC 2011 SALMON RECOVERY GRANT PROCESS GUIDE
As Specifically Applied to the **Union River Estuary Restoration Project (URER)**
LACK OF SUPPORTING SCIENCE... CURRENT SCIENCE AND "BEST PRACTICES" ACTUALLY SUPPORT *NOT DOING THIS PROJECT*

Even the name of this project is misleading for it is, quite simply, not a "restoration"...but, rather a "creation". Recent USGS soil samples on file at Mason County show the farm soil to be removed is not man made fill, but rather a geological "uplift" ["Coastlines north of the Tacoma fault rose about 1100 years ago during a large earthquake. Abrupt **uplift up to several meters caused tidal flats at Lynch Cove, North Bay,**

RESPONSE TO COMMENT LETTER:

Ken VanBuskirk 11/2/2011

The difficult balance between protection of existing farmland and restoration of former tidelands beneficial to fish and wildlife resources is discussed in section 8 (l) of the environmental checklist.

The proposed project has been thoroughly reviewed by estuarine restoration biologists and engineers and is supported by science. While the project will have benefits to salmon, the project is primarily an estuarine habitat restoration project with benefits to more than salmon resources. Please see the project description slides 7-13 for more information.

Cost analysis of spoils disposal associated with the project indicates a substantial cost savings by disposal at PNWSC. Typically, it is difficult to find a "buyer" for fill; rather it is a fee paid to the recipient to allow disposal of fill on their property. Preliminary cost analysis suggests that disposal at PNWSC is the least expensive alternative. If a different alternative arises that is cheaper and without environmental constraints, we will investigate using an alternative disposal method. However, we will also need to consider increased traffic and sediment on major roads as a drawback, as well as cost.

and Burley Lagoon to **turn into forested wetlands and freshwater marshes...**
<http://pubs.usgs.gov/of/2003/of03-455/of03-455.pdf>]

Does it not give the HCCC BOD, TAG and HPLC pause when a farm “non-man made, or filled” has to be dug up in order to “restore” it for salmon?

The URER project is a “breach (of dikes) and re-bridge” plan, which is scientifically acknowledged as questionable at best, even undesirable. U. of Washington Professor (of fisheries research) Simonstadt states in a (Dec. 2005) letter to the then Theler Board President *regarding this project*: “...creation of that habitat **in sites that never were that ecosystem is uncertain at best...**” and “...It might be argued that having the trails actually contributes to appreciation of estuarine habitat of salmon...”. And, lastly: “...If I were the SRFB, I would look preferentially at the other sites/proposals where the funds WOULD support full removal of all the dike, filling of borrow ditches..... Perhaps this (Johnson Farm project) just isn't appropriate for a SRFB grant proposal?” This from a scientist who consulted on the construction of the original Theler trail system at their inception, which sit atop the subject dikes.

Puzzling; according to the sponsoring org.'s (HCEG) own scientist—Dan Hannafius, WDFW also questions the project as currently proposed. Nor does Mr. Hannafius believe the project will be funded as designed.

“1. WDFW does not allow “levee breaching”. Hydraulic connectivity for the proposed estuarine habitat could be re-established by constructing an opening in the existing levee of approximately 100 feet. However, this would be considered levee breaching and would not be approved by WDFW or likely funders of the project.”
(cont.)

Restoration scientists as a group prefer that all the existing levees be removed. Their preference is to restore the estuary to native conditions. Tidal and wave energy is critical to the maintenance of sediment transport, tidal flooding, and the movement of large wood debris into and out of the estuary and must be restored to assure the long term success of the project.”

HCEG scientist Dan Hannafius on the URER RCO Grant—Info Packet, slide 12, item 1 and 2 date April 19, 2011.

Why would the HCCC “Lead” a project in which the sponsors own scientist does not believe is functionally sound, nor fundable?

There has been no tidal flow modeling published for review for this project. A normally required scientific study for such a project.

The URER is of unknown benefit to Salmon (particularly without equal increase in upstream spawning grounds [see Simonstadt and Hannafius above].

No study of the 50 acres (33 excavated acres and 17 filled acres) of current natural habitat destroyed during this project.

CLEAR LACK OF PUBLIC PROCESS:

It has been quite difficult learning of, or attending, meetings on the URER Project.

The last public meeting on this project was late 2010. Other than a sandwich board on the edge of HWY 3 with an 8” x 11” message stapled to it, there were no public announcements made for either of the two

RESPONSE TO COMMENT LETTER: Ken VanBuskirk 11/2/2011 Attachment

This document was initially written to address concerns about the process for selection of salmon habitat projects forwarded to the state Salmon Recovery Funding Board for review and approval. WDFW will address the comments relevant to the environmental review.

The proposed project is an estuarine habitat restoration project. The existing dike was built presumably to prevent tidal waters from flooding the fields. Our proposal will return tidal influence to the former marsh and allow natural habitat processes to continue.

Habitat conditions are forever changing. Some events, such as major earthquakes as indicated in the USGS publication, produce large changes in a short time. Other changes are more subtle (e.g. wetlands filling over time). In developing the project proposal, we relied on descriptions and maps of the site in the late 1800's as a historic template, since it best represents conditions without major human intervention.

It is difficult to comment on excerpts from Charles Simenstad's letter. Clearly, full removal of the dike would be the best ecological project but the trail relocation is unacceptable to the community. We selected a strategically placed 300' and 100' opening to obtain a balance of the best that can be achieved ecologically, while still retaining the trails in the existing location.

The proposed project has been thoroughly reviewed by estuarine restoration biologists and engineers and is supported by science. While the project will have benefits to salmon, the project is primarily an estuarine habitat restoration project with benefits to more than salmon resources. Please see the project description slides 7-13 for more information.

public meetings. Note: \$10,000 of the SRFB “study grant” was to be used for public awareness. In spite of what HCSEG mngmt claimed, no newspaper ads were placed for the two meetings last year. One in our group called all three papers and confirmed no ads. Word of mouth brought out over 60 attendees to each meeting on this highly incendiary project in North Mason community. While no formal question was asked, it was evident that about 50 of the attendees were opposed to this project.

While 7 proposals were presented, none included local public input. In fact, the final choice came not from this list of proposals. The public did not even see the final selection.

The Project Partners (defined as “stakeholders” in the July 1, 2010 info packet) meeting sponsored by the HCSEG did not include the general public, even though many asked to be notified of and attend. It is my opinion that there is no greater “stakeholder” on the URER than the public who owns the lands, easements and will pay for the project. Great efforts should be made to include the public, rather than exclude them.

Two meetings were scheduled on short notice, and cancelled, last year, making attendance difficult for local citizens.

The HCCC website did (does) not include either of the July 7 TAG ranking meeting or the July 12 “Citizens Committee” on its “events” link. The Process guide does not mention citizens are allowed to speak at the Citizens meeting, nor the process for doing so.

The HCCC website does not list the names of the TAG or Citizens committees, nor any means of contacting these committees. The 2011 Process Guide lists only the 2010 panel members, also without contact information.

The 2011 Process Guide mentions the HCCC “will advertise for and select participants for the TAG and HPLC, though this “process” was never publicized on the HCCC website. Just how did the HCCC meet this responsibility and what are the requisites for being on either panel?

Referencing the minutes to a public meeting on this project, Mason County DCD Manager Barbara Adkins, in a letter dated Oct. 5, 2010 to HCCC-Brocksmith, HCSEG-Werner, WDFW-Small and RCO-Robinson (c Mason County Commissioners) expresses concerns of possible “violations” of the GMA and Shoreline Management Act of the URER project. She also expresses “apprehensions” with the process as outlined. She asks for a meeting with the above “before moving forward”. Has this meeting taken place?

The project(s) “walk through” dates were never announced on the HCCC website, disallowing any general public involvement or valuable “early input”. Many local citizens wanted to be present during this important step of the process. Perhaps another “public walk through” the URER project would be beneficial?

The 2011 Salmon Recovery Grant Process Guide is printed 3/1/2011. The “Executive Summary” (p. 3) mentions “process” many times, but not once uses the word “Public”. The public/taxpayer/citizen owns the farm and dikes (WDFW) and the valuable Theler Trails easement (North Mason School District--NMSD) and will be asked to pay for all the work and bear the ongoing maintenance and risk liabilities. Truly, the ultimate “stakeholder in this project is the taxpayer/citizen. Yet the current managers of the URER Project sponsor (HCSEG) and Lead Entity (HCCC), by policy, marginalizes the general public at every turn.

Clear proof of the clinical disregard HCCC Director of Habitat Programs and author of the 2011 Salmon Recovery Grant Process Guide, Richard Brocksmith, places on public input, please note App. A on p. 11 of the Guide the timeline of the “public process”: **The TAG and HPLC are to review and score each project prior to the “public meetings” on July 7th and 12th.** In addition, recent postings to the HCCC website indicate projects are pre-loaded in their ranking.

Public meetings were publicized and well attended in general. We took suggestions from attendees to increase publication of meeting times and location, as well as recommendations about aspects of the project design and proposal.

The environmental checklist was circulated per State Environmental Policy Act criteria and posted on the WDFW website. The notification was expanded beyond minimum requirements to include additional recipients, including citizens expressing an interest in the project. A notice of the availability of the checklist and materials was posted within Theler Center and along the trail. It was also published in news stories and announcements in the local Belfair Herald and Kitsap Sun newspaper. The comment period was extended beyond the minimum 14 days to allow additional public comment.

The grant selection process comments from the document were directed to the Hood Canal Coordinating Council and are not relevant to the environmental review.

Just as with the “public meetings” held at the Pacific Northwest Salmon Center/Farm at The Water’s Edge (PNWSC/FATWE) last year, the public has been marginalized into a place of irrelevance. So, while the HCSEG, HCCC admin. And PNWSC infer there is a public process hidden within their “public meetings” please understand the decisions that influence the project are made long before, and with complete disregard, for the general public’s opinions or concerns.

FISCAL IRRESPONSIBILITY/FOOLISHNESS

WDFW paid \$35,000/acre (@ \$1.6 Million total) based on the erroneous presumption that this land could be “developed”. It could not at the time of purchase, nor can it now, since it not within the Belfair UGA. This land also included (at the time of WDFW purchase) public use restrictions and liabilities of a public recreation easement (waterfront Theler Trails system) and future dike protection.

Though the HCCC Director of Habitat Programs states the “restoration” project will restore 33 acres. This is **not true**. The project *will dig up* 33 acres of prime legacy farmland and excess fill on PNWSC property, but, according to the URER—RCO Info packet, only about 8 acres will be functional “low” and/or “medium” habitat, (that which is necessary for effective salmonid feeding grounds. The other 25 will be “high” habitat (custom made into ponds, aviary hammocks and viewing sites) and of little to no use for salmon. Nothing wrong with ponds, bird hammocks and viewing sites... just not what “salmon recovery” funds are for. \$2.5 Million for 8 acres of questionable (re: Simonstadt) habitat functionality?

This project creates a “bow wave” of unaddressed maintenance and liability expenses for decades to come. Currently, the NMSD is responsible for trail maintenance, but cannot use School District funds for such expenses. By agreement, the Theler Community Center picks up these expenses and could never afford to repair a sagging bridge or eroded dike due to this project diverting the Union River down the east side of the dikes. Who will be liable for these ongoing new expenses or damages should another 1,000 year rainstorm occur? Please ensure long term maintenance and repair liabilities are included in this projects costing.

This project is, by design, for the SRFBBoard salmon habitat recovery funds to be use for the specific benefit of the PNWSC/FATWE as opposed to habitat restoration.

As a taxpayer and salmon enthusiast, I object to the funneling of public funds allotted by the State Legislators for Salmon Recovery into the improvements of a government owned private organization. (see Union River-Johnson Dike design app. 2010, p. 3, par. 2.b.; “**Phase IV** will consist of the dike breaching as well as trail improvements and facility upgrades for the PNWSC.” Should SRFBBoard public funds be used to improve facilities for a private organization?

Additionally, it is my understanding the the PNWSC is *owned* by it’s Board of Directors. Should this be the case, this project would then be sponsored by the WDFW to seek public funds to inject up to \$300,000 of cash/value added to a private organization which is owned by current or former WDFW employees. Please look into this potential conflict of interest within the WDFW agency toward the PNWSC/FATWE.

WDFW purchased the land in order to restore it to estuarine habitat.

The difficult balance between protection of existing farmland and restoration of former tidelands beneficial to fish and wildlife resources is discussed in section 8 (l) of the environmental checklist.

See previous discussion of benefits to salmon resources. The project proposal is designed to mimic surrounding estuarine marsh. Much of the surrounding marsh, essential to healthy salmon habitat, is made up of high salt marsh. This habitat provides food sources, organic input and shallow, protected waters at high tide for juvenile salmon. It also provides habitat for birds, invertebrates and small mammals important in estuarine ecosystems. High salt marsh may not seem as “fishy” as tidal channels and low marsh, but it is important as a component of an overall ecosystem that is very important to fish and wildlife resources.

WDFW is working with the North Mason School District, Theler Center and the Hood Canal Salmon Enhancement Group to assure that liability and maintenance issues are addressed through a formal agreement.

WDFW previously looked into the allegations of conflict of interest per your email to the WDFW Commission. These allegations were found to have no basis.

Exorbitant hidden costs:

Note the “fees” being charged by the “sponsoring agency” (HCSEG) in the “info packet”, please:

“Mobilization” -- \$100,000
“Planning, design and permitting-- \$167,000
“erosion control/water quality”-- \$ 10,000
“Supervision” -- \$176,765.96
“Admin, management and monitoring”-- \$296,540
total funds to **HCSEG: \$750,305.96**

Nearly 30% of the entire SRFB grant, if awarded, will go into the HCSEG coffers for “overhead”. These numbers seem horrendous to the taxpayer, duplicitous and excessive for reasonable overhead on this type of project.

Please review these costs prior to allowing this application to go forward.

Note the direct benefits to the PNWSC/FATWE. [Note: Recently the PNWSC has “morphed” into a farm, calling themselves Farm at The Water’s Edge (FATWE)]:

“storm water easement” for six acres: \$100,000
“prep (for dumping), grading and planting” \$ 37,876
“25,500cy of fill” \$204,000
“9,000cy of graded “organic topsoil” cost not delineated
“17 acres of “organic topsoil” graded cost not delineated
total minimum value added to **PNWSC?FATWE: \$341,876**

While there *may* be cost savings by dumping excavated soil on the adjacent (PNWSC/FATWE) property, nearly 13% of the entire Grant will go to improving the PNWSC/FATWE (cash and/or in kind work).

What portion of the grant will be the HCCC’s “cut” of the pie and will the bottom line of this project’s management fees approach 50% of the total cost? Please review the built in largess on this project.

As a taxpayer, it is baffling and frustrating to see nearly 43% of a project’s entire grant go to management fee(s) go to a sponsoring NGO and its sister Private Organization. What about the salmon?

Conflict of Interest

WDFW is (or has been) a co-owner of this project’s primary benefactor- PNWSC/FATWE-- Public funds paid into private organization owned by same public agency.

PNWSC president loaned money to PNWSC/FATWE and is receiving interest payments from PNWSC for the loan.

NMSD owns the Theler Trails easements on the dikes to be breached and rebridged, including the maintenance and depreciation liabilities. The only spokesperson for this treasured public asset is the NMSD Superintendent, David Peterson, who is also on the Board of PNWSC/FATWE, a prime benefactor of this project.

The NMSD and its assignee, the Theler Center in the past has been an coowner of the PNWSC.

HCSEG and PNWSC/FATWE receive 43 % of all URER project funds and/or benefits of this project. These two organizations have many members, volunteers, friends and or beneficiaries sitting on the various HCCC panels

These comments are related to grant funding criteria and contracts. However, the budget items in this document have been revised as project planning has gone forward. WDFW will follow state regulation and policy in compensating adjacent landowners for impacts to their property from this project.

No current or former WDFW employees are on the Pacific Northwest Salmon Center Board at this time. Former employees were on the Board at one time, but have not been for several years now. PNWSC is a non-profit 501(3)(c) organization.

That rank the projects. These overly close relationships motivate these committees to rank projects that may not otherwise scientifically merit support.

SUMMARY AND CONCLUSION:

IF this project is funded and completed, \$2.5 Million dollars will be spent, unfunded long term maintenance and liabilities will be created, 33 acres of a legacy farm will be dug up and hauled away in 4,500 (10yd) dump truck loads, 50 acres of *unstudied* natural habitat will be destroyed, dikes will be breached and bridged in a (scientifically defined) “questionable”/“undesirable” approach to salmon habitat, the sponsoring agency (HCSEG) will flow \$750,000 through it’s purse, the sister organization (PNWSC/FATWE) will have \$341,000 of improvements (and/or cash) put into their private organization all for:

EIGHT ACRES to TEN (not 33) acres of questionable salmon habitat.

That’s \$312,000 per acre (NOT including the \$1.5 million spent by WDFW for original land acquisition).

The double irony of this project is all the above extravagant cost could be avoided, FIVE TIMES the good quality salmon habitat could be created at HALF the cost if the HCCC, HCSEG, WDFW and RCO would simply “grade” the WDFW land west of the Union River, and the NMSD wetlands south of the dikes. All without added liabilities.

The URER project seems to ultimately be a thinly veiled transfer of public funds to an NGO (HCSEG) *and to build a park in and around the PNWSC/FATWE*, a private organization, with only minimal support of salmon. It is projects like the URER why taxpayers are so cynical regarding public funds being expended at this rate with so little, unsupported, return for their dollars.

I ask the HCCC BOD to put an end to this fiscal foolishness, “Lead” more scientifically supported and productive *true* restoration projects by removing the Union River Estuary Restoration project for the 2011 SRFB funding cycle.

Additionally, I respectfully request of the HCCC BOD:

1) Table *all* projects under the HCCC “Lead Entity” for the 2011 SRFB funding cycle due to a “broken” public *process* that has clinically marginalized the general public/taxpayer. If this is not possible, then at least table the URER for clear lack of public input, in spite of the wide requests to the contrary, until further, peer reviewed, scientific analysis and relevant public input is included

2) I request that a “sharp pencil” be *independently* applied to the amount of the requested funds and/or benefits being asked for by the HCCC, HCSEG and PNWSC/FATWE and that these numbers be reviewed and adjusted. \$750,000 in various “fees” for “mobilizing” and “managing” a six month project seems beyond the pale. As does \$100,000 to lease six acres of grassland for a runoff pond. What is the going rate for leasing 6 acres of farmland? Salmon Recovery dollars are precious and few and these fees seem to further diminish their impact on salmon.

3) I request that those with close ties (present and/or past employees, board members, scholarship recipients, volunteers etc.) with any organization receiving funds from a particular project be required to recuse themselves from the ranking of that project, and the project selection process.

I further request that the HCCC undertake communication with the States Attorney General as to the ownership of the PNWSC/FATWE regarding the feasibility of you sponsoring a project that directs funds/financial

The existing WDFW Wildlife Area lands west of the Union River are already in functional condition. To excavate these lands to create additional low marsh and tidal channels would be habitat degradation. We appreciate the offer of an alternative action.

WDFW agrees with the “sharp pencil” approach when looking at project budgets.

Improvements into a private org. (PNWSC/FATWE) which may be owned by current or former (WDFW) public employees.

With the many and various ways funds are trickled into various agency's purses, I suggest a complete in-depth and independent screening for *any* conflict of interest within the HCCC review panels be undertaken every year.

4) In order to increase the public's involvement—and their validity, I respectfully request an individual other than Richard Brocksmith write the Salmon Recovery Process Guide for 2012 and act as Director of Habitat Programs for the HCCC. I've followed the URER project over the past seven years and Mr. Brocksmith has proven his inability, or unwillingness to include the primary stakeholder; the general public. His 2011 Process Guide introduction and the timeline showing projects are scored before the public allowed to speak clearly shows his view of public *process*.

5) Review whether or not it is even appropriate for the HCCC to "Lead" the Union River-Johnson Dike design project to the SRFBoard as: it is not a "restoration" at all, it benefits salmon so little, and is, by design hugely benefits for a private (farm) organization (PNWSC/FATWE).

6) Review if the WDFW, HCCC, HCSEG and PNWSC/FATWE have met with Mason County Planning as requested and, if so, publish the outcome of this meeting on the HCCC website.

7) Ensure a full study of lost habitat on the 50 acres to be destroyed is completed prior to this project being sent up for SRFBoard review. There is an eagles nest in the tallest fir tree on the extreme SW corner of the Theler trails that would be taken down for this project. Additionally, numerous species: deer, geese, foxes, ducks, various birds including swans, and others will be dislocated.

8) Ensure an open advertising campaign for the TAG and HPLC and that all members be independent of the project(s), sponsoring agencies or any entities receiving grant funds. Ensure the "multiple layers of review" (Process Guide p. 4) includes the word "independent". The current panels appear to be "stacked" at this time.

Respectfully submitted by;

Bruce M. Landram

Belfair

Please reference these documents:

2011 Project Process Guide---Brocksmith

2010 Project Application--- (shows involvement of, and benefits to:

PNWSC/FATWE)

2011 Project RCO---Info packet-Hannafious

2010 Union River Project Partner Meeting packet--- (shows public marginalization)

While eagles may occasionally land and roost in the tall tree at the 90 degree turn on the existing dike trail, it is not a nest tree. It is our intention to retain this tree, if possible, during construction (see project design). However, a single large tree growing on a dike in the middle of a salt marsh may be difficult to retain longterm due to windstorms or disease.

Email 2: Phil and Yvonne Wolff 11/13/2011

We support the proposal to breach the dikes to improve salmon and related riparian habitat in the Theler Wetlands area.

This project has been thoroughly discussed in the local community. I am glad WDFW has decided to initiate this project.

It is time to move forward with this proposal.

Phil & Yvonne Wolff

Email 3: Herb Gerhardt 11/14/2011

Subject: Comment on SEPA No. 11088

I have been a resident of Mason County since 1979 and lived in the Belfair Area since that time. I support the removal of the two sections of dikes as long as the existing Theler Trails are not permanently disrupted or changed.

Although I fully support the removal of the dikes in these two area and then restoring them with bridges, I do not support spending the time and money on removing the filled in dirt areas behind the dike. I suggest letting mother nature take its course to restore the wetlands by a natural process over whatever time it takes to accomplish this natural restoration.

Let's move on with this project.

Respectfully yours,

Herb Gerhardt

RESPONSE TO COMMENT LETTER:

Phil and Yvonne Wolff

Thank you for your support.

RESPONSE TO COMMENT LETTER:

Herb Gerhardt

Thank you for your support. It is our intention to leave the existing trails in their current location, using bridges over the two breach locations. There may be temporary trail use detour during the bridge construction, but it will remain open for use throughout the project.

Thank you for your suggestion. At a minimum, the tidal channels will need to be excavated and enough soil removed to construct the setback dike (to avoid importing soil). We have reviewed other estuarine habitat restoration projects in the vicinity, including the Skokomish estuary and Snow-Salmon estuary, and noted improved estuarine function in a shorter time period with removal of the grasses. We also investigated intensive disc-ing and rototill of the site (without soil removal) and found costs to be similar to removal. As this project moves forward, we will continue to investigate options to keep costs down and benefits to ecological processes high.

Email 4: Lloyd Filkins 11/14/2011

Attn: Bob Zeigler

At the outset, if the project is funded with private monies, then please continue. If, however, the funding is from public monies, I am opposed to the project. Given our present economic deficit, 1.8 million spent on non-essential projects is not only extravagant but irresponsible.

If one were to walk onto the dike just past the ½ mile marker and look north, the entire 32 acres is laid out for visual observation. It is relatively small. Turn around and look south and one can see an equal amount of land already a viable estuary. Facing west, one sees another viable estuary double the size of the first two. Even the Salmon Recovery members must be aware that adequate accommodations have already been generously provided.

Belfair State park, also visible from the estuaries, has imposed a parking fee. Low income families and individuals, who could previously enjoy nature despite hardships, are excluded.

Nearby, one of the Sandhill Boys and Girls Clubs is closing, due to lack of funds and there are proposals in Olympia to cut five school days to save monies for the state.

Perhaps you may think I am mixing apples and oranges, due to the different governmental agencies. But in the totality of the situation grounded in local issues, government is government!

Thanks for considering another viewpoint,

Lloyd R. Filkins

**RESPONSE TO COMMENT LETTER:
Lloyd Filkins**

Thank you for your comment. Investment in estuarine recovery is beneficial to public resources, but as you note, the economic climate is difficult. Thank you for sharing your point of view.

Email 5: Dave Tipton 11/15/2011

This a great plan. A lot of hard work has been put into this project. I am 100% in favor of this project!!!!!! A good example of different groups working together for the betterment of our community.

Dave Tipton

Email 6: Bruce M. Landram 11/15/2011

Mr. Zeigler and Ramsey,

I've been following the WDFW, HCCC, HCSEG/PNWSC's efforts on the Union River/Johnson Farm project for nearly six years. I vehemently object to this project being funded for the following reasons:

The "public process" has been in name only with two meetings that were not advertised. Nor were the attending citizens allowed to give meaningful input, as all the "options" were already chosen by the sponsors prior to the meetings.

A serious conflict of interest existed on this project as Mr. David Peterson (NMSD Superintendent) was the only public rep. voice for the Theler Trail System (easement) asset *and* is on the board of directors of the major benefactor of this project: The Pacific Northwest Salmon Center. The citizen/taxpayer of North Mason had no unbiased representation on this project and no influence.

RESPONSE TO COMMENT LETTER:

Dave Tipton

Thank you for your support.

RESPONSE TO COMMENT LETTER:

Bruce Landram

As part of the design process, three public meetings were held.

*SEPA comments are intended for public participation.
Your letter is part of the record.*

There has been little to no science to support this project,
There has been science presented to show that this project, as proposed, is inadequate, 60 acres of land will be either dug up or buried....without an environmental impact study.

Tens of thousands of cubic yards of farmland will be dug up to "restore" farmland to poor level wetlands. This makes no scientific sense. If after dike removal a farm has to be dug up for even a low grade wetland to exist, then it's not a "restoration". If the WDFW and the SRFBoard wanted to maximize benefit to *salmon*, they would invest in reconstructing the WDFW property west of the Union river, thus saving the tremendous expenses of digging up a dike, treasured community asset and building bridges.

The expense / acre is outrageous: When all is said and done, this project will only convert about 8 acres from farmland to wetland--and that will be of the lowest class, for \$4,500,000! Over \$1/2 million / acre...not including the original purchase price. This is fiscal insanity by public agencies and NGOs.

The citizens of the North Mason School District are contractually responsible for maintenance of the Theler Trails. Long term depreciation and repairs are not included in the proposed funding even though bridgework and new erosion points will be created. This is only one subject of expressed concern in which the public has been ignored.

If digging up 400' of dikes and over 30 acres of waterfront farmland, building waterfront bridges and dumping that dirt onto adjacent acreage is

See previous comments related to science to support estuarine habitat restoration as a priority for ecosystem health.

The existing WDFW Wildlife Area lands west of the Union River are already in functional condition. To excavate these lands to create additional low marsh and tidal channels would be habitat degradation.

Comment noted.

WDFW is working with the North Mason School District, Theler Center and the Hood Canal Salmon Enhancement Group to assure that liability and maintenance issues are addressed through a formal agreement.

Comment noted.

not reason for an EIS, then what is?

I formally request this project be tabled until *meaningful* public input with unconflicted public representation can take place. I also request a full EIS be undertaken, prior to funding.

The Union River/Johnson Farm proposal is a picture of a government agency and NGO run amok without accountability. As a taxpayer, I protest the process, project and frivolous and outlandish waste of taxpayer dollars. Please, someone stand up for the taxpayer/citizens and stop this boondoggle now.

Please read the "white paper" I wrote on this project and presented to the BOD of the HCCC. Also, please reference the website "dontfloodthefarm.com" for further information on this project.

Thank you,

Bruce M. Landram

Comment noted.

Comment noted.

The "white paper" to the Hood Canal Coordinating Council Board of Directors was included as part of a previous response. See previous comments.

Email 7: Ken VanBuskirk 11/15/2011

Bob Zeigler
SEPA Responsible Official
Habitat Program
Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, WA 98501-1091

Mr. Zeigler,

Thank you for this opportunity to comment on the Union River Estuary Habitat Restoration Project. I had previously responded to you in short emails. Please accept these additional comments.

I have asked for an extension to the comment period as I felt the general public and Mason County, who is the local jurisdiction and has the lead environmental review on this project, did not have enough notification. I was notified on November 1st and contacted Mason County on November 7th; they were not made aware until I notified them. In addition an article was not published until November 10th in the Belfair Herald and November 11 in the Kitsap Sun. This project is still a very contentious issue in our community and for WDFW to issue a determination of mitigated nonsignificance and not give the public adequate time to comment is not a transparent or open decision making process.

I have briefly reviewed the MDNS, the environmental checklist, the wetland delineation report, and the project power point and would like to point out several inaccuracies.

MDNS-(11-1-11)

- Project is not the final piece in a series of projects. The Beards Cove community development is a 15 acre parcel due southwest of this project.

**RESPONSE TO COMMENT LETTER:
Ken VanBuskirk 11/15/2011**

The comment period was extended by over two weeks for additional opportunity for input. Mason County was notified by email and by voicemail about the comment period on November 1st. The comment period was extended per their request.

Comment noted.

- Hood Canal Coordinating Council’s technical team had concerns when they reviewed this restoration project about salmon access to Mindy Creek. I could find no mention of that in mitigation measures.
ENVIROMENTAL CHECKLIST-(10-31-11)
- A.4-6. Environmental checklist was signed the day before the WDFW issued the MDNS, I believe the agency should do a more thorough review especially when construction is planned to start in several months.
- A.8. 2007 Cultural resource investigation was done for acquisition not restoration.
- A.11 As mentioned above project is not final piece in series of projects.
- B.1.c The 1960 soil survey did not recognize the agricultural activities on the entire site and it should be noted that all the land is “prime farmland”.
- B.1.d The “historic grading and tilling” of this property has not been documented.
- B.1.f Mindy Creek is fish bearing and requires more than a 50’ buffer.
- B.2.a Dust and construction equipment exhaust could impact trail users.
- B.3.a Surface freshwater wetlands currently exist throughout proposed site. Mindy Creek historically flowed through proposed site but was rerouted in late 1980-early 1990’s.
- B.3.c1 and c2. Proposal is to build new stormwater storage areas on PNWSC land. Fails to recognize and mitigate for existence of Highly Critical Aquifer Recharge Area, CARA, which is documented in Belfair sub-area plan of the Mason County Comprehensive Plan.
- 4.b Important to note a total of 47 acres will be disturbed. Wetland report verifies the elevations of fields are lower than observed high tide elevations outside the dike. Why is it proposed to excavate so much?
- 4.d The farm plan prepared for east side of Rossell Road, (PNWSC), did not address the disposal of spoils on farm fields or creation of stormwater ponds.
- 5.a Birds should include geese and ducks.
- 5.b Mammals should include bear, fox, and coyote.
- 5.c Site is not currently used by juvenile salmon

Salmon access to Mindy Creek is not impacted due to the project proposal. Fish access across Roessel Road into the stormwater drainage ditches was discussed during Salmon Recovery Funding Board technical deliberations. WDFW is still working with PNWSC to address this issue.

A 4-6. Comment noted.

A 8. A cultural resource study for this particular proposal is required. The former study was listed as part of documents that were prepared in the past related to this project, per the question.

B 1c. The property is designated as “prime farmland if drained”.

B 1d. Comment noted.

B 1f. Comment noted.

B 2a. Comment noted.

B 3a. See wetland report for documentation of wetlands and streams.

B 3 c1 & c2. The boundary of the CARA in relationship to the restoration site and farm fields is difficult to determine. Since the project will not result in new impervious surface, the impact on the aquifer recharge area is minimized.

4b. See previous comments about excavation for success of estuarine restoration.

4d. Comment noted.

- 8.1. Mason County Comprehensive plan lists project area as long term agricultural resource lands. Historically property has been more than just, “hay fields”. Cattle, pigs, Horses and chickens as well as significant quantities of vegetables. The Belfair State Park project and the Klingel projects were not supported or as publically visible as this project and they have different owners and missions. The PNWSC did not release their farm plan to the public; I had to obtain in a public records request.
- 8.Table 1. Public meetings. Meeting #14 held on 6-9-2011 was not advertised or open to Public. I specifically asked to be kept notified of meeting and was not.
- 10.b. Views in immediate vicinity to dike trail will be altered.
- 13.a. Several sites in close proximity to project area. Native American, shell midden, first railroad in Mason County, town site of Clifton, homestead cemetery, McCreavy’s homestead, “Company farm”.
- 15.a PNWSC operating under a “special use” permit from Mason County. PNWSC already exceeds traffic data submitted for special use permit and this project will further exacerbate that impact.
- 16.a PUD 3 easement for main transmission lines and existing street lighting along west side of Rossel road.

WETLANDS DELINATION REPORT-2007

I did not have adequate time to review this large report. I would like to point out that this report was done when the PNWSC was trying to secure the entire 90 acres. The project description for the east side of property is much different in this 2007 report than what is now currently planned. (*See Limitations, page 39) Restoration of Mindy Creek, buildings, and a new entrance road were mentioned in the 2007 plan. At least **part of the report was written with the intent of identifying the least impacting route of a new road.** Of the 90 acres a full 1/3 were determined to be wetlands, however the impact to wetlands and buffers **were not identified in the report because the location and type of activities were not determined at that time!**

5a, 5b. These animals can be added to the list.

5c. Juvenile salmon are in Union River & Mindy Creek.

8.1. In most recent years, the property was managed for hay and a small number of livestock..

8. Table 1. Comment noted.

10.b. The view will change but not block views from neighboring properties.

13.a. A cultural resource report will be produced as part of the permitting process.

15.a. Traffic impacts expected to be minimal related to this project after construction is complete.

16. a. Comment noted.

Wetlands Report. Wetlands impacts will be reviewed during permitting processes at the federal, state and local level. While the 2007 report was produced for the PNWSC, the locations and categorization of wetlands on the entire 90 acres is relevant to this project. As part of the project, most of the wetlands on the west side of the road will be modified by returning to salt marsh. Freshwater wetlands on the east side will be retained and farmed according to established practices. Drainage ditches will be modified, increasing in size, to provide stormwater storage. In all, former salt marsh will be restored and freshwater wetlands outside of the estuarine restoration site will be avoided or enhanced.

* Limitations, page 39, the report was prepared for the exclusive use of PNWSC. No other party may rely on services unless agreed upon in advance, in writing. The information should not be applied for any purpose or **project except the one originally contemplated**. The current proposal is much different!

Site visits were made in the driest time of year. and the wetland report says that the “drainage ditches” are classified as wetlands however a jurisdictional determination by reviewing agencies will be required to determine the regulatory status. Has Mason County been made aware of this requirement of a jurisdictional determination?

PROJECT POWER POINT-2011

- Key messages and concerns identified by the public in both the 10-6-2010 or the 6-27-2011 meetings have not been adequately addressed.
- Page 9 of the power point describes the Union River watershed as “relatively undeveloped” particularly in the upper watershed. The lower reaches of the river are heavily armored with houses built in the buffer and flood plain. Japanese knotweed infestation is intense. In addition PowerPoint fails to mention that the upper watershed is inaccessible to fish because of the existence of McKenna falls and Casad dam.
- The project appears to be based on an 1883 BLM map. The “salt marsh” designation was not on original map that has been placed on depiction of map in power point. There are virgin growth timber stumps outside the dike that would seem to differ from what the 1883 map depicts. The land at the head of Hood Canal was logged as early as 1859, a full 20 years prior to this 1883 map. Note that the 1883 map also depicts standing orchards on the McCreavy logging camp site.
- Historically Mindy creek was in a different location. I have seen other maps and know from personal knowledge that Mindy creek originally bisected the “restoration” project area.
- Drainage ditches on PNWSC site are proposed to be excavated. Again the reviewing agencies will have to determine regulatory status.

Project description powerpoint comments.

- *Comment noted.*
- *When compared to other watersheds near urban areas, the Union River watershed is relatively undeveloped. More detailed description of Union River watershed is available in several documents, including the Conservation Commission Limiting Factors Analysis, as referenced in the SEPA checklist.*
- *A more detailed description of the 1883 map is available in the Point No Point Treaty Council historical comparison report (Todd et al. 2006), as referenced in the PowerPoint.*
- *Mindy Creek has likely changed location over time due to both natural processes and farming activities.*
- *Comment noted.*

Potential environmental impacts that have not been identified.

- One of the most important potential impacts is to the type II Critical Aquifer Recharge Area identified as part of the Belfair sub-area planning process. This CARA is not addressed or recognized in the environmental checklist or any project documentation!
- As addressed in the 2007 wetlands report one third of the property is designated as wetlands but the impacts to those existing wetlands have not been determined.
- The impact to the community of a net loss of agricultural resource land has not been identified.
- Impacts to Mindy creek and its 150' buffer area are not identified.
- Current area is used by waterfowl for nesting areas. Nesting habitat will be lost if area is excavated and flooded.
- Impacts to public's daily, quiet enjoyment of trail system have not been addressed.

Reasonable alternative.

- A full EIS should be conducted with the "no action" alternative given full consideration. This project is in significant conflict with the Mason County Comprehensive plan and the Belfair sub-area plan approved in 2003. This project should not be given any further consideration until a proper application for an amendment of the plan is reviewed and a decision rendered.

Need for additional and more complete studies.

- Some of the soil studies conducted by ESA on the project area were of a concern to Mason Conservation District employee who did the farm plan for the PNWSC. Soil was not brought onto site. Peer review of soil study should be an additional area to study. The soil survey of 1960 is quite dated and needs updating.

Closer examination and public access to Luttrell's 2007 cultural resources investigation short report. Would like to know if short report mentions projects proximity to original town of Clifton, the "Company Farm", first railroad in Mason County, graveyard, and two documented Native American cultural sites.

Unidentified impact comments

- *See previous comments on CARA*
- *See previous comments on wetlands*
- *The loss of agricultural resource land was identified and discussed in the environmental checklist 8(l) on pages 21 and 22.*
- *Impacts to Mindy Creek, wetlands associated with Mindy Creek and buffers will be avoided to the greatest extent possible. This will be reviewed by federal, state and local regulatory processes during permitting.*
- *Habitat conditions in the estuarine restoration site will change as part of this project. Some nesting areas will be displaced or lost. Other nesting areas may be created by the salt marsh habitat and vegetated uplands.*
- *Potential recreational trail impacts were identified in the environmental checklist 12(a) and 12(b) on page 24.*

WDFW will need several permits and approvals from Mason County to implement this project. The environmental review is intended to inform the permitting decisions.

The soil studies were intended to inform design of the estuarine restoration project and disposal plan. Soil borings were also necessary to determine engineering needs for the replacement bridges. Additional soil tests are likely to be needed for final design. It is important to know what type of soil is present, but the source of the soil horizons is not as relevant.

Typically, cultural resource reports contain sensitive information and are not public documents. The studies are conducted by protocol established by the state and reviewed by the Washington Department of Archeology and Historic Preservation

- More consideration and examination of USGS open file report 03-0455, Earthquake Hazards posed by Tacoma Fault. Available at www.dontfloodthefarm.com
- Completion of Mason County update of the Shoreline Master Program before WDFW's decision is rendered on this project.
- Would also like to suggest that WDFW needs to follow-up on Mason County Comprehensive plan amendment process and procedures.

In conclusion, I feel that determination of non significance was made in error and a full EIS statement should be prepared. The EIS should include full evaluation of all alternatives to include the no action alternative and a cost/benefit analysis. The project is likely to have adverse environmental impacts to existing wetlands and agricultural land on both sides of Rossel road. The land is designated as agricultural resource land in the Mason County comprehensive plan and is in full compliance with GMA goals. A project of this scope and nature should require an amendment to the comprehensive plan before anything else. I have pointed out several inadequacies in provided documents as well as in some I had to obtain in public records requests. I have also demonstrated the need for additional studies and peer review of the science.

In the advent of the agency deciding to proceed with this project I would like information on any appeal process.

Sincerely,

Ken VanBuskirk

See previous comment on the USGS report.

WDFW will work with Mason County on permitting, including Shoreline Management permit, if needed, and compliance with land use planning policies.

Thank you for your comments.

Email 8: Barbara Moore-Lewis 11/16/2011

Mr. Zeigler,

I support the current WDFW plan presented by Doris Small at the Salmon Center a few months back, which detailed the plan to open the dikes and return as much of the original land to estuary function once again. I have read the written information in the Belfair Herald Thursday, Nov. 10, 2011 as well as in the Kitsap Sun this week and support this type of plan with the inclusion of the Theler walking trails if possible.

I believe the farmland currently being used for farm activity on the south side of the road into the Johnson Farm is preserving farmland and the returning of the original function of the land to the water side of the road into the Johnson Farm should be returned to Estuary as much as is possible.

Thank you so much for the chance to comment on this important decision.

Barbara Moore-Lewis

**RESPONSE TO COMMENT LETTER:
Barbara Moore-Lewis**

Thank you for your comments. The Theler Trails will remain in their current location as part of this project.

Email 9: Brad and Jennifer Lambert 11/16/2011

I have reviewed the [WDFW Union River Estuary Restoration](http://wdfw.wa.gov/licensing/sepa/2011/11088dns.pdf) SEPA documents (<http://wdfw.wa.gov/licensing/sepa/2011/11088dns.pdf>). Please add my comments to the public comments.

My wife and I support this wdfw project - to breach the manmade dikes and allow natural water flow over historical saltwater marsh areas. For too long we have diked and blocked natural habitat for wildlife. Please continue with this project. My two kids go to 4H at the Johnson farm and we also enjoy the Thelar trail system, and the farm itself. I also sport fish in Hood Canal and view this a WIN-WIN for wildlife and the farm. The farm area to be flooded has outlived its usefulness as a farm and its time to bring back the rare saltwater marsh habitat that it originally was, for wildlife's sake and for the communities sake. I realize there is some opposition however I have found their concerns to be unfounded in serious reasoning. They just want to keep the farm for the farm's sake. But with this project we can improve/repair habitat and the farm itself. Lets get this done!

Thank you

Brad and Jennifer Lambert

Email 10: Monica Harle 11/16/2011

Hello Bob Zeigler,

I support the current WDFW plan presented by Doris Small at the Salmon Center a few months back, which detailed the plan to open the dikes and return as much of the original land to estuary function once again. I have read the written information in the Belfair Herald Thursday, Nov. 10, 2011 as well as in the Kitsap Sun this week and support this type of plan with the inclusion of the Thelar walking trails if possible.

RESPONSE TO COMMENT LETTER:

Brad and Jennifer Lambert

Thank you for your support for restoring former tidelands as estuarine habitat.

RESPONSE TO COMMENT LETTER:

Monica Harle

Thank you for your comments.

I believe the farmland currently being used for farm activity on the south side of the road into the Johnson Farm is preserving farmland and the returning of the original function of the land to the water side of the road into the Johnson Farm should be returned to Estuary as much as is possible.

Thank you,

Monica Harle

Email 11: Mark Ogle 11/16/2011

WDFW, what is going to be the impact on waterfowl hunting area just south of this project where lots of us hunters use the river mouth and mud flats for very good waterfowl hunting.

Mark A. Ogle

Email 12/13: Rick Sheridan 11/15/2011 & 11/16/2011

I found it interesting that no mention of effect on waterfowl was mentioned in this article.

WDFW procured this property with the primary reason being waterfowl enhancement and access for public. Four permanent waterfowl blinds were put in.

What is WDFW going to do to provide the same access that is currently

RESPONSE TO COMMENT LETTER:

Mark Ogle

Waterfowl hunting should not be impacted by this project. The estuarine restoration site is currently posted to restrict hunting. Due to the proximity of Theler Trails, it is unlikely that the restoration site would be suitable for hunting. See response below.

RESPONSE TO COMMENT LETTER:

Rick Sheridan

See response above. WDFW anticipates the location of the blinds and hunting areas to remain as currently available. The restoration project will not increase or decrease the availability of waterfowl hunting lands. However, the estuarine restoration site will increase habitat available to waterfowl.

available, and the primary reason they procured this property in the first place. Are the blinds going to be transferred to another location? Will hunting be allowed in this location? Currently it is only allowed in the established blinds. Will it go back to a free hunt area, since it will be tidal marshes?

An additional comment in looking at this issue.

If waterfowl hunting is not continued to be allowed in this area, would it not be a violation of the public trust doctrine?

Waters - Public Access - Public Trust Doctrine - Violation - Test. The State does not violate its responsibility under the public trust doctrine unless it gives up its right of control over the *jus publicum* and, in doing so, it fails to promote or substantially impairs the interests of the public in the *jus publicum*.

Not allowing waterfowl hunting on an area that WDFW paid 1.6 Million dollars for with the primary interested stated by WDFW at the time to be waterfowl enhancement and public access would that not substantially impair the interests of the public?

See response above. Due to the proximity of Theler Trails, it is unlikely that the restoration site would be suitable for hunting.

Email 14: Ken VanBuskirk 11/21/2011

Bob, please add these additional comments/questions regarding this project.

Was a copy of the SEPA documents for this project sent to Mason Conservation District?

Page 4 of the farm plan that Mason Conservation District developed for PNWSC suggests that digging be avoided in the area proposed to be excavated because of a high probability of finding cultural resources.

http://www.pnwsalmoncenter.org/Documents/PNWSC_Farm_Plan.pdf

How can an excavation of this magnitude not be subject to an EIS?

thank you

Ken VanBuskirk

Email 15: Tina Kirk 11/28/2011

To: Habitat Program (DFW)

Subject: #11-088 MDNS Union River Restoration Project

I vehemently object to this project and have expressed my opposition in emails over the past few years. I also attended the one public "hearing" I was able to make in July 2010 and felt my opinions fell on deaf ears. It has been impossible to make the few public hearings held these past couple years, because my Belfair residence is not my primary residence, and traveling from Mill Creek to make meetings being held on weekday evenings in Belfair is just not possible, thus virtually silencing my voice. This concerns me gravely, since 3/4 of my neighbors along the south shore on

RESPONSE TO COMMENT LETTER:

Ken VanBuskirk 11/21/2011

Mason Conservation District was not on the mailing list for SEPA distribution for this project. WDFW discussed this project proposal with Mason Conservation District staff on several occasions before and during the review process.

A cultural resource study is required before this project proposal is constructed as part of permitting requirements.

RESPONSE TO COMMENT LETTER:

Tina Kirk

WDFW distributed information during public meetings, but also on the Habitat Work Schedule website and invited comments for those that could not attend in person. Information about the project proposal has also appeared in local newspapers several times, including contact information.

Hwy 106 are part-time residents and also find attending the public hearings virtually impossible. How many other voices are being silenced because of this?

My concerns include:

1) There is no science to support this project. It is highly questionable the area can successfully support salmon habitat given that it is mid to high wetland area. Also, your own studies indicate that this project actually would be a salmon habitat creation, not a restoration as was originally proposed. Spending millions of dollars to **restore** salmon habitat is a *very different* proposal from one that **creates** a salmon habitat!

2) The breaching of the Theler trail levee/dike system leaves a myriad of unanswered questions as to the ultimate fate of the wetland trails, not the least of which is a complete loss of the use of the current trail system. Also in question is the conflict of interest created by the superintendent of the North Mason School District being a board member of the NGOs engaged with this project.

3) If the trail system is somehow retained, either by breaching and bridging or by re-design/re-routing, it remains a mystery as to what the cost would be to maintain the trail and who would be responsible for the expense and maintenance of the breach accommodations - the state? the North Mason School District? the residents of Mason County? the residents of Belfair?

4) We have only economic theory and projection, lacking anything resembling a reasonably substantive "cost-benefits" analysis of the economic benefits to be gained from this project. Would tourism to the area be positively impacted? How much would the fishing and shellfish industry benefit?

5) This trail system is the only one of its kind in Mason County used often and regularly by many local residents. Additionally, the wetlands attract many users and

See previous discussion of benefits to salmon resources. The project proposal is designed to mimic surrounding estuarine marsh. Much of the surrounding marsh, essential to healthy salmon habitat, is made up of high salt marsh. This habitat provides food sources, organic input and shallow, protected waters at high tide for juvenile salmon. It also provides habitat for birds, invertebrates and small mammals important in estuarine ecosystems. High salt marsh may not seem as "fishy" as tidal channels and low marsh, but it is important as a component of an overall ecosystem that is very important to fish and wildlife resources.

See previous discussions of marsh restoration vs. marsh creation. The proposed project is an estuarine habitat restoration project. The existing dike was built presumably to prevent tidal waters from flooding the fields. Our proposal will return tidal influence to the former marsh and allow natural habitat processes to continue.

It is our intention to leave the existing trails in their current location per community input, using bridges over the two breach locations. There may be temporary trail use detour during the bridge construction, but it will remain open for use throughout the project and into the future.

WDFW is working with the North Mason School District, Theler Center and the Hood Canal Salmon Enhancement Group to assure that liability and maintenance issues are addressed through a formal agreement.

The trail system will remain as part of this project. The project will increase wetland acreage associated with the trails.

visitors from outside the immediate area. Where will the users go when they lose access to these priceless wetlands?

If one takes the time to talk with users of the wetland, especially those who use it often and regularly, one hears the same declaration: DO NOT DO ANYTHING TO COMPROMISE THE TRAILS AND DO NOT MIS-APPROPRIATE TAX DOLLARS ON A CREATION PROJECT BEING MASCARADED AS A RECLAMATION PROJECT. If you truly want valuable, authentic, and genuine citizen comment on this project, spend a few hours walking the trails and talking with the people you encounter there.

Respectfully,

Christina "Tina" Herald Kirk

It is evident that trail users and the community love the wetlands and trails. It is due to this overwhelming community support that the project design retains the trails in the current location, using bridges over proposed dike breaches.