



Twin Harbors Fish & Wildlife Advocacy

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October 31, 2017

Derek Rockett
Water Quality Program
Washington State Department of Ecology
Southwest Regional Office
PO Box 47775
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RE: Draft SEIS, Burrowing Shrimp Control (Willapa Bay & Grays Harbor)

Mr. Rockett:

The Twin Harbors Fish & Wildlife Advocacy (Advocacy) is a non-profit organization based in Washington State. The purpose of the Advocacy is *“Provide education, science, and other efforts that encourage the public, regulatory agencies and private businesses to manage or utilize fish, wildlife and other natural resources in a fashion that insures the sustainable of those resources on into the future for the benefit of future generations.”* (www.thfwa.org).

The Advocacy opposes adoption of the Draft Supplemental Environmental Statement as currently written. The document is plagued with numerous inadequacies and uncertainties. The draft is also excessively reliant upon the work product of an individual who openly admits to being biased on behalf of WGHOGA and its members.

As an example, the document does not adequately review the economic impacts on small businesses. WDOE is fully aware that media reports on spraying in Willapa Bay and Grays Harbor resulted in a “backlash” of negative reactions from the public at a level high enough the applicants withdrew their previous permit. Boycotts of shellfish from Twin Harbors immediately surfaced. The “Brand Value” of Willapa Bay was significantly impacted. Adoption of this flawed document will further damage those shellfish growers on the coast and elsewhere in the state and at the same time, diminish WDOE’s public support by once again creating the only area of the nation wherein shellfish beds are allowed to be treated with insecticides.

During the recent hearing in Lacey, WDOE staff could not identify any independent analysis of the economic impacts or adequately explain how the analysis was conducted. Apparently, the economic analysis was limited and focused on input from the applicant and those members who desire to use the spraying permit. This limited view does not adequately consider the impacts on those shell fish growers that do not spray their beds. They will undoubtedly be impacted by the loss of brand value and face marketing difficulties due to fact they just happen to grow in Willapa Bay and Grays Harbor. Then, since the product is exported out of the state, consumers elsewhere will likely not be able to determine between coastal shellfish and Puget Sound shellfish creating a potential of economic harm to shell fish growers throughout the state.

The document also builds from the original EIS. Both the EIS and the Draft SEIS are a classic “house of card” resting on a foundation reliant upon commentary, data, and research conducted by one primary participant who has shown a history of bias.

A review by the Washington State Executive Ethics Board of a complaint filed against Mr. Kim Patten has resulted in an ethics citation for activities related to WGHOGA's pursuit of spraying permits in Willapa Bay¹. In his written response to questioning by the Board², Mr. Patten refers to WGHOGA and its members as his "clients". Individual members of WGHOGA are referenced as "friends". When reviewed in entirety, Mr. Patten's comments leaves a clear impression that he considered getting approval of spraying applications as his own personal goal.

In addition, the Ethics Board noted that Mr. Patten crossed the line into an area of financial conflict of interest when he entered into a contract with a member of WGHOGA (Brian Sheldon) to harvest the clams on Patten's own clam beds. Further, Mr. Patten submitted communications and comments wherein he identifies himself as a commercial shellfish grower using stationary and his title as an employee of Washington State University.

Mr. Patten's relationship with WGHOGA and its members has long been a matter of concern for members of the public involved in WDOE processes. Previous permits were plagued by WGHOGA members refusing to allow state staff access to plots for the required follow up testing. Then, Mr. Patten was allowed to access to conduct the testing unsupervised. This type of behavior does not pass the "smell test". Clearly, Mr. Patten is WGHOGA's "go to guy".

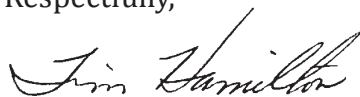
Another example is Mr. Patten securing an extension of permission from the EPA in April 2013 to test spraying imidacloprid against burrowing shrimp³. Local citizens allege that the conditions expressed in the permit were not followed. The Advocacy's review of the permit found the allegations had merit.

Simply put, even if he's an outstanding researcher worthy of praise, Mr. Patten has acted as an aggressive proponent of these permits rather than a fact finder and researcher. As a result, all of the work product produce by Mr. Patten is tainted due to his actions and expressions of bias. Further, all of the work product identified in the draft SEIS produced by others that either relied upon input from Mr. Patten or, data collection or testing conducted by Mr. Patten, is likewise tainted. As a result, the original EIS and the SEIS are both fatally flawed. Neither should be used to support granting of any spraying activity in Willapa Bay or Grays Harbor. The EIS and SEIS should be redrafted without reliance upon Mr. Patten's work product.

Finally, WDFW had not provided comments at the point of the meeting in Lacey. Proponents of the permit have apparently claimed fish runs, etc. are not a problem worth recognizing in Willapa Bay. Having studied the Bay fisheries and worked with WDFW for over 5 years, the Advocacy strongly disputes such commentary.

The decline in coastal fish runs is widely known and spawner escapement goals are routinely missed creating a risk of ESA intervention. Such is already the designation for Green Sturgeon who's diet is reliant upon burrowing shrimp. In 2015 the WDFW Commission adopted the Willapa Bay Salmon Management Plan to recover runs while avoiding ESA designation of a local salmon stock. (<http://wdfw.wa.gov/commission/policies/c3622.html>). Without a full assessment of the potential impact on fish and wildlife, the draft SEIS is once again fatally flawed.

Respectfully,



Tim Hamilton
President

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- 1 Ethics Board Findings_Patten_Redacted.pdf (Attached)
 - 2 Patten Response to complaint.pdf (Attached)
 - 3 EPA Approval 2013.pdf (Attached)