

From: [Tim Hamilton](#)
To: [Jennings, Jonathan \(ECY\)](#)
Cc: boernersteve@gmail.com; [Director \(DFW\)](#); [Commission \(DFW\)](#); [Phillips, Larry C \(DFW\)](#); [Davis, Jeffrey P \(DFW\)](#); [Lubliner, Nathan \(ECY\)](#); [Warren, Ron R \(DFW\)](#); [Bellon, Maia \(ECY\)](#); [Herring, Chad J \(DFW\)](#)
Subject: Re: Comments on DOE Draft Proposal to Renew Eelgrass Spray Permit
Date: Sunday, November 3, 2019 1:00:43 PM
Attachments: [Advocacy opposition.pdf](#)

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Mr. Jennings- Attached in a PDF file are the comments of the Twin Harbors Fish & Wildlife Advocacy regarding renewal of the permit for spraying eel grass in Willapa Bay. Please place the document onto the record of the process. Upon completion of the process, we further request Ecology address the concerns contained in our opposition letter.

Respectfully,

Tim Hamilton
President, THFWA



Twin Harbors Fish & Wildlife Advocacy

PO Box 179
McCleary, WA 9855
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November 3, 2019

via: email in PDF format

Jonathan Jennings
Department of Ecology
Olympia, WA 98504

Re: Draft Zostera Japonica Management Permit on Commercial Clam Beds in Willapa Bay General Permit.

Dear Mr. Jennings:

The Twin Harbors Fish & Wildlife Advocacy provides the following comments on the referenced permit in Willapa Bay as a supplement to testimony in the recent hearing held in South Bend. The Advocacy opposes approval of this permit and believes the record shows Ecology has the ability and obligation to deny the permit.

The Advocacy has studied Willapa Bay extensively over the last seven years, primarily in regards to salmon run recovery. We have interacted in the development of the Willapa Bay Salmon Management Policy adopted by the Fish & Wildlife Commission and subsequent management considerations. Approval of this permit by the Department of Ecology would undermine the effort invested in salmon recovery in Willapa Bay and assisting the endangered Orca. Approval by Ecology would also constitute an action contrary to numerous policies adopted by the Fish & Wildlife Commission.

The importance of herring to salmon and other species that share the ecosystem is well recognized by the not only the state of Washington but other state and federal entities involved in fish and wildlife management. In Washington state, the Fish & Wildlife Commission adopted the *Forage Fish Management Policy, Goals and Plan (C-3012)* which states “*It shall be the policy of the department to maintain healthy populations of forage fish species and individual stocks of forage fish while assuring the integrity of the ecosystem and habitat upon which marine resources depend. If insufficient information exists or the condition of the resource is poor, a conservative approach to fisheries will be taken. Fishery management plans will consider the role of forage fish in the marine ecosystem and the need to supply sufficient quantities of forage fish for ecosystem needs. A precautionary approach to resource management shall be utilized. The department shall consider the best scientific information available.*”

Policy C-3012 specifically addresses the importance of herring spawning habitat with the following instruction to the Department of Fish & Wildlife:

- *Document and protect spawning habitat of forage fish species.*

During the hearing in South Bend, the issue of the importance of herring to salmon was raised.

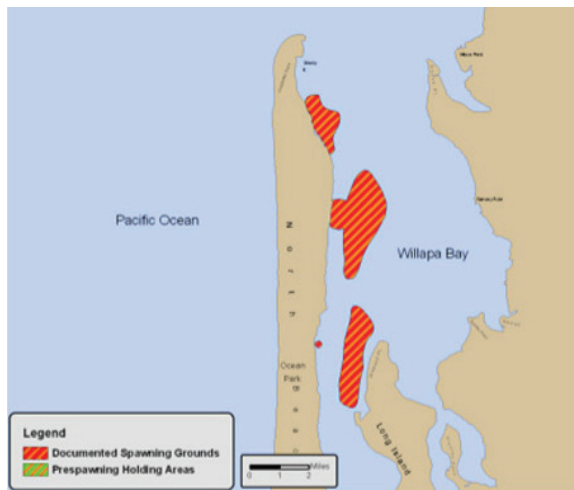


Figure 1

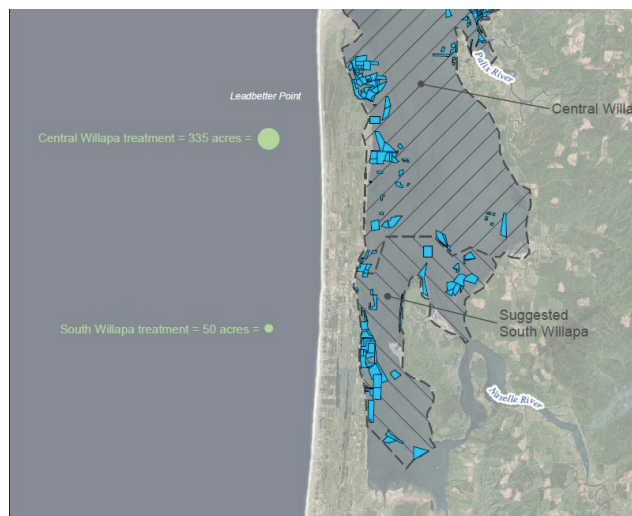


Figure 2

Contrary to testimony from a supporter of the permit, the documented locations of herring spawning grounds in Willapa Bay are well known to WDFW and WDOE (Figure 1). These locations are eligible for spraying under the requested permit (Figure 2)

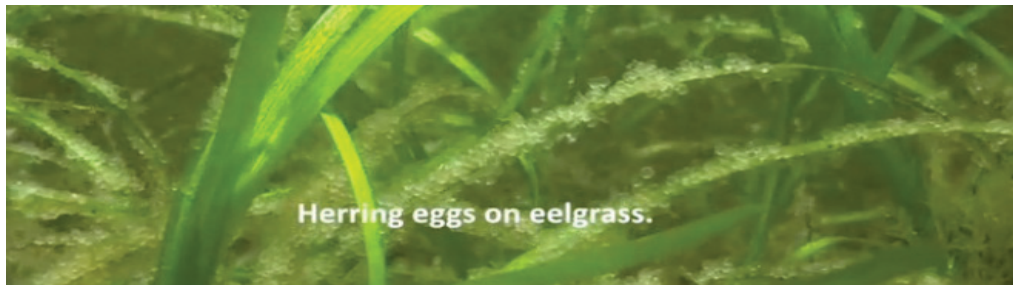
DOE position on the impact on herring production in the bay is fatally flawed. Ecology relies upon the timing of the spraying to lessen negative impacts on herring. The major problem is the removal of the habitat not the actual chemical used to kill the vegetation coming into contact with the spawning fish.

Further, the recognized value of Ecology issuing the permit to the a commercial clam grower is to allow a conversion of critical habitat into a commercial clam bed. This is accomplished by first spraying the area to remove eel grass. The second step is apply a “frosting” of gravel and crushed oyster shells over the mud to firm up the area for planting clams. Once the clams reach appropriate age, the crop is harvested for sale in commerce. Then, the site is once again sprayed to remove any vegetation that had restarted and the cycle starts again. Simply put, the permit allows commercial clam growers a means to convert critical habitat within the marine ecosystem in Willapa Bay into a “parking lot for clams”.

It is important to note that the clam grower is required to have permission from the U.S. Army Corp of Engineers to conduct a “frosting” in Willapa Bay. As Ecology is aware, the federal court has recently ruled that previously issued permits for this activity did not take into consideration the accumulative effect of those activities. As a result, it is questionable that the clam grower in Willapa Bay could have the ability to “frost” in the future. Renewing the permit at this point could be limited to conversion of critical marine habitat results into barren mud flats.

While it is reasonable for Ecology to look through the eyes of those who would commercially benefit from renewal of the permit, such should not rise to the level of sympathy. Willapa Bay is already dominated by commercial shell growers. The production of shellfish has increased to the point where the industry is utilizing a “fattening up” strategy to move oysters from the south

up to the north end of the bay. The dominance of the bay's nutrients by commercial shellfish growers has been well documented by numerous in-depth studies well know to Ecology and the clam growers. It is also important to note that salmon production in the south hatcheries are experiencing similar drops in productivity that are likely tied directly to the lack of nutrients that are the foundation of the salmon food chain. Renewal of this permit to further increase shellfish production will likely present greater obstacles for the recovery of salmon runs in Willapa Bay.



Ecology should carefully review the previously mentioned court ruling and likewise consider the accumulative effects on the fish and wildlife reliant upon the ecosystem in Willapa Bay.

“Follow the bouncing ball” is a worthwhile exercise. Herring are reliant upon habitat in its spawning beds. Juvenile salmon consume herring eggs and larvae when using the eel grass for cover in the bay. The adult herring provide a major source of diet for adult salmon in the open ocean. The endangered Orca pod off the WA coast are reliant upon Chinook salmon for survival, including those coming out of the Willapa. The taxpayers of Washington are investing tens of millions in trying to get additional Chinook out to save the Orcas. Renewal of the permit will be deemed contrary to law, contrary to public policy regarding fish and wildlife, and disrespectful to the taxpayers and others who are investing so heavily in the wellbeing of the environment of the state.

Denial of the permit renewal is clearly within the authority of Ecology. Those seeking renewal of the permit do not have an entitlement to increased profitability at the expense of the ecosystem and others in the public who appreciate and utilize Willapa Bay. The Advocacy further believes it is unlikely Ecology would be considering renewing this permit if Willapa Bay was part of Puget Sound. That leaves the question; “*Does Ecology believe Willapa Bay is in the state of Washington?*”

Respectfully,

Three handwritten signatures in blue ink. From left to right: Tim Hamilton, Art Holman, and Ron Schweitzer. Each signature is written in a cursive, flowing style.

Tim Hamilton
President

Art Holman
Vice-President

Ron Schweitzer
Secretary/Treasurer

Cc: Members of the WDFW Commission, via email