



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Law Office of Stephanie Johnson O'Day
c/o Stephanie Johnson O'Day
Francine Shaw
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October 30, 2015

Re: Orca Dreams Dock MDNS withdrawal

Stephanie and Francine,

On October 28, 2015, the Department of Community Development (DCD) withdrew the mitigated determination of nonsignificance we issued on September 23, 2015 for the Orca Dreams LLC dock proposal, PSJ000-14-0008. The withdrawal is based on numerous public comments that raise issues of probable significant environmental impacts. All the comment letters were forwarded to your office upon receipt in this office.

The Washington Department of Fish and Wildlife noted in a letter dated June 15, 2015, attached:

The site plan for this project shows eelgrass at the seaward extent of the proposed structure. The Washington Department of Fish and Wildlife (WDFW) considers eelgrass a priority habitat as it provides refuge and feeding opportunities for out-migrating juvenile salmon and other marine fish species. Thus, eelgrass is amongst the most critical habitat to preserve. The movement of up to six vessels into and out of this new moorage structure, while navigating around the rock outcroppings especially during low tide series will likely result in prop scour that will negatively impact the growth and long-term viability of this eelgrass bed. WDFW has a no-net-loss policy for eelgrass, and while eelgrass has been identified within the project area, there is no monitoring or mitigation plan submitted with the review documents.

The preliminary eelgrass/macro algae habitat survey prepared by Wells Construction dated August 24, 2014, shows a small patch of eelgrass approximately 220' offshore; luminaria and ulva from 60' to approximately 200'; and ulva beyond 200'. Unfortunately, the map of the dive survey did not superimpose the proposed dock location, so it is difficult to evaluate impacts to habitat.

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The proposed dock appears to be in fairly shallow water, so prop wash could have an impact on underlying vegetation. Those impacts need to be identified and mitigation measures proposed.

In the same letter WDFW also points out that in their Priority Habitat and Species data base, pinto abalone (*Haliotis kamtschatkana*) is listed as present within the project area and all along the southwestern shore of San Juan Island. According to WDFW, priority species require protective measures for their survival. They have identified construction of the pier, with the driving of piles and shoreline pier connection, as likely to cause an increase in siltation within the nearshore area that may impact abalone. The critical areas regulations in SJCC Chapter 18.35 require you to show the project will result in no net loss of ecological functions associated with critical saltwater habitat.

There is a question about whether any part of the proposed dock will be located on University of Washington land. A survey showing the lateral boundaries of the second class tidelands needs to be mapped to answer that question.

There is inadequate justification for three sets of beach access structures. There is virtually no information about the amount of vegetation removal that any of the beach access structures would require. If it turns out that vegetation will need to be removed to build the structures, that should be evaluated as part of the environmental review.

The long-term impact of the increased amount of boat traffic in this area should be evaluated. The potential for up to 736 trips in and out of the dock over a six month period every year at the mouth of False Bay, as opposed to the amount of traffic in the Strait of Juan de Fuca could have serious environmental impacts, but this issue has not been addressed. The letter from Dr. Megan Dethier, Associated Director for Academics and the Environment at the University of Washington Friday Harbor Labs, dated October 1, 2015, attached, lists five type of potentially negative impacts:

- a. Impacts to eelgrass.
- b. Impacts to kelp and other large plants.
- c. Impacts to the pocket beach.
- d. Impacts to the marine reserve.
- e. Future impacts from a need to protect or repair the infrastructure.

These long-term impacts need to be addressed.

While every effort will be made to prevent petroleum product spills if the dock gets built, there has been no study of dispersal patterns into False Bay should accidental spills occur. Petroleum products would be carried into False Bay on an incoming tide, but may not be completely removed on the outgoing tide. A study to understand that pattern should be undertaken.

The environmental checklist states that the ramp and float will be removed and stored on an upland site from October through May each year to prevent damage caused by extreme wind and wave action that this site experiences during the stormy season. However, as recently at August 2015, this site was exposed to an extreme storm. How would the dock and boats tied to it have been protected from sudden storms like that? Where in the upland do you plan to store the ramp and float? Will additional clearing and grading be required?

Upon submittal of a revised checklist and additional information, DCD will conduct additional SEPA review and issue another SEPA determination.

Due to the SEPA withdrawal, DCD has postponed the public hearing originally scheduled for November 19, 2015.

Please contact Julie Thompson if you have questions. She can be reached at Juliet@sanjuanco.com or 370 7588.

Sincerely,

Sam Gibboney, Director