



State of Washington
Department of Fish and Wildlife

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Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

November 22, 2017

San Juan County and Community Development
Julie Thompson
PO Box 947
Friday Harbor, Washington 98250

Dear Ms. Thompson:

SUBJECT: REQUEST FOR COMMENTS ORCA DREAMS LLCPSJ000-17-0003

On October 18, 2017, I received information for the project described above. The Washington Department of Fish and Wildlife (WDFW) has reviewed the application name and file #: Orca Dreams LLC PSJ000-17-0003, dated September 6, 2017 and has the following comments.

The project site is located within a pocket beach on the southwest side of San Juan Island. The site is unique with a rich diversity of flora and fauna. In a previous letter to San Juan County Community Development & Planning, dated October 5, 2015, WDFW expressed concern regarding project impacts to critical habitat that supports juvenile Chinook salmon and pinto abalone (*Haliotis kamtschatkana*). Puget Sound Chinook salmon are listed as threatened under the Endangered Species Act, and the National Oceanic and Atmospheric Administration lists pinto abalone as a "Species of Concern". WDFW has designated pinto abalone as a "Candidate Species" and a "Species of Greatest Conservation Need". There is no discussion in the SEPA checklist or the MDNS issued for this project regarding project impacts to pinto abalone and their habitat.

The Biological Assessment (BA) prepared for this project entitled, *Orca Dreams LLC*, and dated February 24, 2017, identifies pink encrusting coralline algae, *Lithothamnion* spp. as being present within the project area and notes that pinto abalone are associated with this type of habitat. A WDFW approved survey for pinto abalone needs to be completed to determine the presence or absence of this species within the project area. Without a proper survey of the project area, WDFW has no way to evaluate potential impacts to this species. If a survey determines that pinto abalone are present, then a monitoring and mitigation plan needs to be developed that will achieve no net loss for this species. The Washington Administrative Code (WAC) defines mitigation requirements for hydraulic projects (WAC 220-660-080), as sequentially avoiding impacts, minimizing and rectifying unavoidable impacts, and compensating for remaining impacts. This mitigation must achieve no net loss.

WAC 220-660-350 covers seagrass/macroalgae habitat surveys. A set of interim guidelines has been developed entitled, *Eelgrass/Macroalgae Habitat Interim Survey Guidelines*, for eelgrass

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and macroalgae habitat surveys. The guidelines contain protocols for both preliminary and advanced surveys to help evaluate potential impacts to these habitats at project sites. The present eelgrass and macroalgae surveys conducted for this project as identified within the BA do not meet the standards of this code. Eelgrass and macroalgae surveys must be completed between June 1 and October 1 to accurately map the full extent of seagrass and macroalgae (kelp) distribution. Neither of these surveys were conducted within this timeframe and a new survey will need to be conducted following WDFW survey guidelines to properly evaluate potential project impacts. If the preliminary survey shows the project can be located and built without impacting eelgrass and kelp beds, the preliminary survey will meet the needs for mapping the project area. However, if the project footprint potentially impacts existing eelgrass or kelp beds an advanced survey will be required to quantify the extent of impact, and a monitoring and mitigation plan developed to ensure no net loss.

WAC 220-660-380 pertains to the construction of a new residential pier, ramp, and float in saltwater. Over-water and in-water structures can alter physical processes that create or maintain habitat that supports fish life. These processes include light regime, hydrology, substrate conditions, and water quality. Light reduction or shading is the main impact of these structures to fish life at critical life stages by affecting survival of aquatic plants. Aquatic plants provide food, breeding areas, and protective nurseries for fish life. The code, updated July 1, 2015, is based upon the best available science and incorporates rules that are designed to reduce the impacts of these structures. As part of the hydraulic review process, the proposed structure will be carefully evaluated to see that it meets the requirements of this code.

Regarding the proposed desalination system WDFW would like to have a better understanding of potential impacts the concentrated brine solution may have on adjacent invertebrate fauna and macroalgae species at the outfall location. WDFW requests that an analysis be performed or data provided discussing any potential impacts to invertebrate species and macroalgae, and show at what distance from the outfall the concentrated brine is diluted to background levels.

Thank you for the opportunity to review this project proposal and to provide the above comments. If you have any questions, please call me at 360-466-4345 ext.251.

Sincerely,



Doug Thompson
Habitat Biologist