

To: Port of Port Townsend
From: Karen Sullivan and James Heumann, Port tenants
Date: September 21, 2020

Subject: Concerns about proposed commercial aquaculture operations in Point Hudson Marina

We are writing to express our concerns about the proposal to establish oyster aquaculture operations at the Point Hudson Marina. It was surprising to see this potentially controversial item listed so ambiguously on the Port's agenda for the September 23 meeting: "Jamestown S'Klallam presentation: FLUPSY and upland use at Point Hudson."

How many of the Port's constituents would know that a FLUPSY is a Floating Upweller System, and how many would recognize it as an in-water aquaculture project? Use of a cute, innocuous-sounding acronym with reference only to upland activity requires readers to know what a FLUPSY is, downplays its potential impacts, and fails to acknowledge potential public interest. Without public scrutiny, project approval would fail standards of fairness, impartiality, and prevention of conflicts of interest. The Jamestown S'Klallam Tribe said it is working with the Port; now the Port needs to work with the public.

Our concerns include environmental, financial, social, procedural and legal compliance issues. We believe these and other questions and concerns must be fully answered before the Port can approve such a project.

1. Size and impact of floats/barges: Currently, an oyster spat-raising operation by the project proponent exists at the John Wayne Marina. These "floats," which are also called barges, are not "small" as is claimed in news accounts. A Google Earth screen capture shows their placement and size at that marina. They are much larger than any of the surrounding boats.



X John Wayne Marina



2. Noise/smell: The paddlewheel in the right photo above is the mechanism for producing upwelling in these barges. We are concerned about levels of noise and/or smells from operations in close quarters with marina tenants.

3. Wooden Boat Festival: Point Hudson is a small and very popular harbor destination, not to mention the home of the Wooden Boat Festival, so the impact of one or more FLUPSYs on available slip space as well as on the Wooden Boat Festival is likely to be disproportionately large. It also raises more questions:

Would these barges remain in place during the Wooden Boat Festival?

If so, how would matters of public safety and liability be handled with the large crowds we get at the festival?

What would be the financial and/or other impacts to the festival of lost berthing space? Have festival organizers been consulted?

4. Marina/tenant concerns:

What is the cost-benefit of reducing slip space for boats whose owners patronize local businesses, for the sake of a commercial tenant whose operations do not benefit and may even harm the local community?

What hazard and liability assessments have been done for scenarios in which a storm breaches the weakened Point Hudson jetty and large waves enter the marina? What protections are proposed or in place for potential damages? Could the Port be sued for damages by the project operators?

How often is the spat harvested? It is our understanding that large semi-trucks are needed in order to deliver the oyster seed and to transport the harvested product. What disruptions can be expected to the marina's docks and/or parking or walking access? Where does the Port propose to park these trucks in a marina already squeezed for space?

It's our understanding that the tanks are brightly lighted 24/7. How could this not impact marina tenants and Northwest Maritime Center activities? Residents of Quilcene Bay have complained about glaring night lights from an oyster operation that have driven herons and eagles from their roosting trees.

5. Spat or adult oysters? Another concern is the wording in the Peninsula Daily News article, "When the oysters are mature enough, they will be relocated to another facility." That facility is not named. But because the article also states the oysters would be sold in the proposed Point Hudson commercial store and bar, it means they could be raising the oysters here and not relocating them. We are concerned about the possibility of commercial feed being used if the latter scenario

is accurate. Ecosystem effects of raising oysters to maturity, including using commercial feed in such an enclosed space as Point Hudson harbor, would be far more impactful.

6. Consultation with agencies: With the slip-filling size of these semi-permanent barges comes additional shading of the seabed, something that for dock construction triggers permits. Being semi-permanent as opposed to the smaller transient vessels, barge-sized shading impacts to the seabed would be more like those of docks. Permits generate consultation with state or federal agencies. Consultation with either one triggers a public process such as an Environmental Assessment or Environmental Impact Statement under State or Federal environmental policy laws. Federal funding also triggers this, and according to the Tribe's 2017 Report to Tribal Citizens, federal funding was used to purchase FLUPSYs. In cases where the federal nexus is present, the Bureau of Indian Affairs is obligated to prepare an Environmental Impact Statement or an Environmental Assessment. A public process with adequate comment periods would be proper and necessary.

7. EIS or EA required: Given the wide array of concerns along with the federal nexus mentioned above, it would appear that this project cannot be said to have no significant or cumulative impact on the quality of the human environment; therefore, it would require an Environmental Impact Statement or Environmental Assessment under the National Environmental Policy Act (NEPA).

8. Discharge of waste into water: Washing the tanks after spat is harvested would discharge waste materials into marina waters. This is a "discharge into waters of the United States," meaning that whether or not it falls into the category of point- or nonpoint source pollution, it would trigger the need for a permit and monitoring under the Clean Water Act.

9. Historic Preservation conflict: In February 2020, the Port met with representatives from the Washington Trust for Historic Preservation to discuss preservation of the historic Point Hudson Marina and its surrounding buildings. The purpose of a partnership agreement between the two agencies was to "...work together to maintain Point Hudson's historic waterfront character." How do commercial aquaculture operations fit into such plans for a seaport city with a National Historic designation that is world-renowned for its traditional maritime character? Is it worth it for the Port to make such a radical change in community-established purposes for Point Hudson?

10. National Historic Preservation Act issues: In keeping with the aforementioned concern, there should be a formal consultation under authority of the National Historic Preservation Act.

11. Leased building purpose: What is the nature of the proposed leased building operations beyond an "oyster bar," and would it include any processing operations

and/or storage of equipment, live product, chemicals, hazardous materials, or would it house non-food-bar related activities? We are concerned that if chemicals are to be stored on premises and were spilled, that potential environmental non-compliance issues could shut down neighboring business such as Sea Marine.

12. Partners with Cooke Aquaculture: The Jamestown S’Klallam Tribe is in business partnership with Cooke Aquaculture, whose operations have been problematic to the environment and the subject of state shutdowns and litigation. We are concerned about the possibility of the Jamestown S’Klallam Tribe running or expanding its aquaculture operations at Point Hudson in concert with a company whose stewardship for the environment has been questionable.

13. Oyster aquaculture not harmless: The negative effects of oyster aquaculture, including the raising of seed or spat, are well known. Oyster spat operations pull nutrients from the water including nitrogen; nutrient removal can have a detrimental effect on eelgrass beds. Port Townsend uses buoy markers to discourage anchoring in its eelgrass beds. We are concerned about harm to these ecologically important eelgrass beds.

14. Paying bills on time? Conversations with the marina manager at John Wayne reveal that the Tribe has sometimes delayed payment for moorage as much as six or more months. This seems like a high risk for little benefit.

Thank you for your attention to these matters. We write because we care about maintaining the traditional maritime values of Point Hudson and the health of our marine environment. We cannot see how the proposed project would be compatible with either.

Sincerely,

Karen Sullivan and Jim Heumann