From:	Steve Hampton
То:	Public Comments
Subject:	Short Farm comment from Admiralty Audubon
Date:	Saturday, February 17, 2024 4:38:11 PM

Thank you for involving the public in your planning process.

The flooded pastures of Short Farm are currently one of the largest seasonal freshwater wetlands in eastern Jefferson County. The peat soil attests to the historic seasonal wetland that has existed there for millenia. Each winter (October thru May), the flooded areas host several thousand waterfowl, making it one of the largest concentrations of ducks, geese, and swans on the Olympic Peninsula. Over a hundred Trumpeter Swans typically winter there as well, which is one of the largest local concentrations of that species.

Duck hunters, bird watchers, and nature photographers greatly enjoy and appreciate public access to portions of the property. Over a hundred bird species have been documented there in recent years: https://ebird.org/barchart?r=L21974906&yr=all&m=

Admiralty Audubon strongly supports maintaining the waterfowl habitat and public access.

Thank you,

Steve Hampton, Conservation Chair, Admiralty Audubon Society

From:	Dennis Shields
То:	Public Comments; Bruce Cell
Subject:	9.5 percent return on Shorts Farm purchase
Date:	Sunday, February 18, 2024 1:56:00 PM

Dear Port Commissioners,

I own 16 acres fronting West Valley Road across from Shorts Farm and I have a question to direct to the Farm Steering Committee (FSC):

In reviewing the agenda for this coming meeting on Shorts Farm on February 21 one of the "goals" is a 9.5 percent return on the Port's investment. Is this \$400,000 or the purchase price of \$1,400,000? It seems misleading to me to use the lower number. The full \$1.4 million was Washington state taxpayer money and not some gift that fell out of the sky. A fair accounting will use the larger number.

So, based on the \$1.4 million number the Port is looking to receive \$133,000 annually in the very near future? From who? During the farm walk through last week it appeared to me that Roger and Sandy Short will be paying, in the future, \$12,000 rent annually. Where's the other \$121,000 going to come from?

Seeing that \$1,400,000 has been sunk into this project, and many, many dollars more are most likely necessary to make this property viable for agriculture and for fish it is hard for me to see any return to the Port ever approaching 9.5 percent. Not to mention the annual costs to maintain the property against flooding, pollution control, etc., honor the stipulations in the conservation easement, floodplain setbacks, impervious surface limitations, and on and on.

I'll be interested to hear how the FSC answers this question.

Thank you Dennis Shields 2036 W. Valley Rd. Chimacum, WA 98325

From:	katharine lee
To:	Public Comments
Subject:	Comments Regarding Waters/Wetlands on Short Farm property
Date:	Monday, February 19, 2024 11:42:21 AM
Attachments:	Short Farm Wetland Documentation 021924.pdf
Subject: Date: Attachments:	Comments Regarding Waters/Wetlands on Short Farm property Monday, February 19, 2024 11:42:21 AM Short Farm Wetland Documentation 021924.pdf

Please see the attached report we have prepared to help the Port better understand the presence, condition, regulatory status and future management of the waters/wetlands on the Short Farm Property. Thank you.

Dr. Lyndon C. Lee Katharine Lee

Observations on the Presence, Condition, Regulatory Status, and Future Management of Waters/Wetlands on the Short Farm Property

Prepared by:

Lyndon C. Lee, Ph.D. & Senior Professional Wetland Scientist Principal Ecologist & President L.C. Lee & Associates, Inc. Email: lyndon@lcleeinc.com Web: lcleeinc.com

Katharine Lee, M.S. & retired Professional Wetland Scientist email: katharine38@gmail.com

February 19, 2024

I. Introduction

As residents of Jefferson County and Professional Wetland Scientists with decades of experience we are concerned by the lack of information and discussion regarding the presence, extent, functioning, and importance of Waters of the U.S. (WOTUS) including wetlands on the Port's recently acquired Short Farm Property. We want to highlight the fact that these waters and wetlands are regulated under U.S. Federal, Washington state, and Jefferson County levels of jurisdiction (Table 1). Alone and in combination, these regulations guide what can and cannot be done on the property in the contexts of either on-going "normal farming" operations or efforts to restore the structure and functioning of the existing waters and wetland ecosystems. These regulations are described in detail below. The existence of these regulations is important to note and understand as the Port goes through the various public interest review processes that will be necessary to make management and operations decisions on the Short Farm property. We hope that the following narrative and accompanying information helps to inform the planning process.

II. Background

A. Waters of the U.S, Including Wetlands are present on the Port's Short Farm Property

The current definitions for WOTUS are given at 40 CFR 120 and 33 CFR 328. Within the WOTUS definitions, wetlands are defined as:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

The U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers have developed a set of criteria that use indicators of hydrology, soils and vegetation to identify and delineate the boundaries of wetlands (Environmental Laboratory, 1987; USACE, 2010). In Washington State, it is mandatory to use the Corps 1987 Wetland Delineation Manual and the appropriate Regional Supplements (e.g. USACE, 2010) to identify and delineate wetlands that potentially fall within federal jurisdiction.

To our knowledge there is no current wetland delineation of the Short Farm property. In lieu of a current delineation, the extent of wetlands can be approximated using existing wetland mapping. For example, the National Wetland Inventory (USFWS) and the Jefferson County Critical Areas maps both show the areal extent of wetlands covering over 65 percent of the property (Figures 1 and 2). Future activities on the property that require permits from regulatory agencies may trigger the need for a formal wetland delineation by certified Professional Wetland Scientists.

B. The mapped waters and wetlands on the Short Farm Property are protected under federal, state, and local laws and regulations.

There is a common misconception that farming, ranching and silvicultural activities in wetlands are not regulated. While there are special exemptions and conditions that apply to wetlands in agricultural, ranch or forest settings, so-called "normal" farming, ranching and silvicultural activities within them are still regulated and protected. Specifically, section 404(f)(1)(A) of the Clean Water Act generally exempts "normal farming, silviculture, and ranching activities" from the requirement to obtain a Section 404 permit. 33 U.S.C. § 1344(f)(1)(A). Section 404(f)(2) limits the scope of this exemption (Normal Farming Exemption, Clean Water Act Section 404(f)(1)(A), 33 U.S.C. § 1344(f)(1)(A)). It is important to note that an exemption is not a lack of regulation.

With respect to establishment of jurisdiction, current and historic U.S. Geological Survey (USGS) maps and the Washington State Forest Practices Map show the main stem of Chimacum Creek as a perennial tributary to the Traditional Navigable Waters (TNWs) of Port Townsend Bay and Puget Sound (Figure 3). Our observations of conditions in the Chimacum Creek ecosystem over the past 30 years corroborate both the USGS and

Washington State mapping. Using current definitions of WOTUS, this means that wetlands that are adjacent to/abutting Chimacum Creek and that have a direct surface hydrologic connection to the creek are also wetlands regulated by the Clean Water Act. These same wetlands are also regulated at Washington State and Jefferson County levels of jurisdiction.

C. The waters and wetlands on the Short Farm property are unique and ecologically important.

Most of the wetlands that occur within the floodplain of Chimacum Creek are peat-based fen ecosystems ¹ that abut and have direct surface water connections to the main channel system of Chimacum Creek. For example, modal soils mapped by the Natural Resources Conservation Service (NRCS) in the vicinity of the Short Farm listed as Semiahmoo Mucks and as peat soils or "histosols" they are "hydric" by definition (Figures 4 & 5).² These peat soils and the wetland ecosystems they support are very old, having formed within the Chimacum Creek valley system starting approximately 8,000 - 10,000 years ago during the late Pleistocene/early Holocene (present day) periods. Attachment A is a description of the Chimacum Valley peat deposits. Peat soils like Semiahmoo Mucks form very slowly (e.g. 2 mm accretion/year if undrained). In addition, they are quite sensitive to alterations in the patterns of water flow and circulation that occur within them. When drained, these soils tend to oxidize quite quickly (i.e. losses of 5->10 cm/year) and thus can contribute a large amount of greenhouse gasses (e.g. carbon dioxide) to the atmosphere. Rapid losses of peat soils via drainage also leads to the collapse of the physical, chemical, and biological structure and functioning of the wetland ecosystems and the services they support. Much is made of the fact that the Semiahmoo Muck soil mapped over much of the Short Farm property is listed by the NRCS as an "agricultural soil of statewide importance" but only "if drained". At the time these designations were made, wetlands were considered an inconvenience, and the emphasis was on draining wetlands to promote agriculture. Today, and nationwide, we recognize the rarity and importance of peat soils and the wetland ecosystems that they support. At a time when we are trying to slow climate change and the continued high rate of wetland losses due to conversions to agriculture, the preservation of peat soils should be a high priority. See Attachment B for the Washington State Department of Ecology statement regarding wetlands and climate change. Simply put, in western Washington, peat soils

¹A fen is a freshwater, peat-forming wetland fed usually by surface and/or groundwater, having a water chemistry that generally is alkaline to weakly acidic, and is characterized by reeds, grasses, sedges, and wildflowers. Fens are different from bogs, which are strongly acidic, fed primarily by rainwater (ombrotrophic) and often dominated by *Sphagnum* mosses.

² Generally, in the Puget Sound Lowlands, soils that occur in wetlands that are not hydric by definition (e.g. histosols) or that are not effectively drained only need to be saturated within 12 in. of the soil surface for two weeks during the growing season, which usually extends from mid-February through November.

and the fen wetland ecosystems that they support are irreplaceable resources that are recognized as being of special ecological concern (*Hruby 2014; Sheldon et. al. 2005*).

D. The Short Farm wetlands exist as part of a large and complex combination of riverine, slope and depressional wetland "hydrogeomorphic" (HGM) classes (Brinson, 1993) that exhibit moderate to high ecosystem functioning

The complex of HGM wetland classes at the Short Farm are physically and functionally linked to one another and downstream to the lower reaches of Chimacum Creek, the Chimacum Creek estuary, and the Traditional Navigable Waters (TNWs) of Port Townsend Bay and Puget Sound. While they are somewhat degraded because of past land uses such as logging, mining, and agriculture, the Short Farm wetlands still perform a suite of hydrologic, biogeochemical, plant community, and faunal support/habitat functions that are important. This is because the combination of these ecosystem functions work to maintain the physical, chemical and biological integrity of the downstream waters. For example, maintenance of an intact suite of ecosystem functions goes directly to maintenance of water quality, effective carbon sequestration, maintenance of plant communities, food and cover resources, and the vertical and horizontal structure of habitats that are important to a range of aquatic, semi aquatic, and wetland dependent animal species. It is our opinion that if properly executed, the Washington State rating for the Center Valley wetland complex would be at least Category II. Category II wetlands perform most wetland functions relatively well or perform one group of functions very well and the other two moderately well.

III. Current Lack of Documentation Regarding Waters/ Wetlands

The Port of Port Townsend's webpage pertaining to the Short Farm (https://portofpt.com/shorts-family-farm/) has links to a number of documents with information about the property. Our review of these documents revealed a surprising lack of any in-depth discussion of waters and wetlands. It is surprising to us because of the overriding role waters and wetlands play in how this property can be used. There is a brief mention of mapped wetlands in the Phase I Site Assessment of the property (https://portofpt.com/wp-content/uploads/ADESA-Phase-I-Environmental-Site-Assesment-Short-Family-Farm-Report-12-13-2022.pdf). The Jefferson Land Trust "Baseline Existing Conditions" report from 2016 makes very little mention of wetlands except to note that the historical condition was likely forested wetland. (https://portofpt.com/wp-content/uploads/ShortsFamilyFarmCE_BaselineConditionsReport.pdf).

The Conservation Easement developed by The Jefferson Land Trust (<u>https://portofpt.com/wp-content/uploads/Conservation-easement.pdf</u>) does not discuss or

highlight the regulatory status of the agricultural wetlands on the property and the associated limitations of activities that can take place within the "normal farming" exemptions articulated in the Clean Water Act Section 404 (f) (1) exemptions. Section 5.2.4 of the Easement references a Highly Erodible Lands (HEL) Certification by the NRCS and states that one did not exist at the time the Easement was drafted. NRCS Form NRCS-CPA-026 (Highly Erodible Land and Wetland Conservation Determination) is a joint form that addresses both HEL and wetlands and yet no mention is made of wetlands in this section.

The Conservation Easement Stewardship Plan (<u>https://portofpt.com/wp-content/uploads/ShortsFamilyFarmCE_StewardshipPlan_20161215_signed.pdf</u>) has a section titled "Wetland Habitat" on Page 6 that describes six open water ponds, one of which is a constructed manure lagoon, one is a stock pond and at least three were created by mining peat in mapped wetlands. The plan recommends management of vegetation to prevent encroachment of cattails and rushes and to allow the open water conditions to persist. The implication is that these ponds are the only recognized wetlands on the property and that open water is the preferred habitat condition. There is no mention of other wetlands on the property despite much of the property being mapped as wetlands.

IV. Regulatory Framework

Table 1 lists the relevant federal, state and Jefferson County regulations pertaining to waters/wetlands that could impact uses of the Short Farm Property. A discussion of each of these levels of jurisdiction and regulations follows.

Level of Jurisdiction	Act or Regulation	Agency Responsible	Trigger
Federal	Clean Water Act Section 404	Corps of Engineers, EPA	Mapped wetlands
Federal	Food Security Act	NRCS	Agricultural use of mapped wetlands
Federal	Threatened & Endangered Species Act	Corps of Engineers	Potential for listed species in Chimacum Creek
Federal	National Flood Insurance Program	Federal Emergency Management Agency	Mapped floodplains
State	Water Quality Clean Water Act Section 401	WA Dept of Ecology	Listing on 303d list of impaired waterbodies
State	Hydraulic Projects Approval	WA Dept of Fish & Wildlife	Required for any in- water work
Jefferson County	Unified Development Code – Critical Areas Section 18.22, Articles VI and VII	Jefferson County Dept of Land Use and Development	Mapped Critical Areas Fish & Wildlife Habitat Conservation Areas Wetlands
Jefferson County	Unified Development Code – Critical Areas Section 18.22, Article VIII	Jefferson County Dept of Land Use and Development	Agricultural Lands Designation

Table 1. Laws and Regulations Pertaining to	Waters/Wetlands	and Faunal	Habitats on
the Short Farm Property			

A. Federal Regulations

1. Clean Water Act, Section 404

The U.S. Federal Clean Water Act establishes the structure for regulating discharges of pollutants into the nation's waters. Section 404 regulates the discharge of dredged or fill materials into all waters, including wetlands.

As introduced in section II, B in this report, under Section 404 (f) (1) "normal farming" activities are allowed within areas such as the Short Farm wetlands. However, certain activities such as earthwork, ditching, filling, draining, mechanical clearing of vegetation, permanent road construction, and redistribution of fill materials that result in loss of waters/wetland area, accretion of the bottom elevations of waters/wetlands, or in significant and discernable alterations of the patterns of water flow and circulation do not necessarily fall under the agricultural, silvicultural, and ranching exemptions given in section 404(f)(1) and (f) (2) of the Clean Water Act. See Attachment C for guidance from the US Army Corps of Engineers on Section 404 Exemptions.

2. Food Security Act of 1985

The Food Security Act or "Swampbusters" allowed for the continuation of farming in areas designated as wetlands that were actively being farmed at the time of the Act. Farmers are allowed to continue farming as they had been doing prior to the act, but any new activities that result in further degradation of wetlands are not allowed. Examples would include construction of new ditches or drainage features, filling, or clearing woody vegetation. The Natural Resource Conservation Service (NRCS) has the responsibility for administering the Act and works with farmers to bring their lands under the umbrella of the act either through a designation of "Prior Converted" (no longer a wetland) or "Farmed Wetland" if the property still meets wetland criteria. Despite past land uses, the Short Farm wetlands still meet wetland criteria. Attachment D is the NRCS definition of "farmed wetlands." Under the farmed wetland program, the NRCS develops a plan with the farmer that allows for continued farming but also prevents further degradation of wetlands. Any change in use such as a change from pasture to row crops would require approval. Attachment D also includes NRCS provisions for wetland conservation. We have been unable to determine whether NRCS has established a wetland determination or designation on the property.

3. Endangered Species Act

There are currently no federally listed threatened or endangered species identified on the property. The Coho salmon present in Chimacum Creek are a candidate for listing.

4. National Flood Insurance Program

FEMA maps the 100-year floodplain of Chimacum Creek as covering much of the property (Figure 6). Activities conducted in an active floodplain are reviewed to ensure that they don't result in additional flooding.

B. Washington State

1. CWA Section 401 – Water Quality Certification

The Washington State Water Quality Assessment shows Chimacum Creek in the vicinity of the Short Farm as exceeding the water quality standards for both temperature and fecal coliform bacteria (Figure 7)

2. Hydraulic Projects Approval (HPA)

An HPA is required from Washington State Department of Fish & Wildlife (WDFW) to conduct work in state waters that support fish. Any in-water work in either Chimacum Creek or Naylor Creek would require an HPA permit. Our research indicates an HPA was applied for and granted in 2020 for the removal of invasive aquatic vegetation. The permit is valid through 2025. WDFW sets conditions in the permit that must be met during in-stream work. These HPA Permit conditions are part of the public record that pertains to the Short Family Farm property. The Jefferson Land Trust Stewardship Plan encourages continued dredging of the creek under the existing HPA. Despite being permitted, weed control removals need to be done using best available science and associated best management practices (BMPs). Such control measures are not and should not be construed as blanket permission to straighten and simplify the Chimacum Creek channel system or alter it in ways that sets it up to be a water conveyance system that lacks structural and functional complexity. Restoration and maintenance of a complex channel system in Chimacum Creek is important to the range of faunal species that depend on it and its associated wetlands for food and cover resources and for growth and completion of essential parts of their life cycles such as reproduction.

C. Jefferson County

1. Wetlands

Jefferson County has jurisdiction over all wetlands in the County that meet the Wetland definition in Section 18.22.710 of the Jefferson County Code. The County has mapped at least 65 percent of the Short Farm property as meeting this definition. Wetlands are classified using the WA State Rating System for Western Washington (Hruby 2014) and buffers are assigned based on the wetland rating and the level of impact proposed. Permits must be obtained from the county for any work in wetlands or wetland buffers. The Conservation Easement identifies three buildable envelopes on the property. We see no reference to County approval of these building envelopes. For the county to determine whether wetland buffers extend into these areas they would first need to identify the wetland boundary and then rate the wetland. If this information exists it should be made available to the Port. If on the other hand, the county did not participate in setting these building envelopes then any new development within the designated building envelopes would be subject to review by the County to determine if the activity is occurring in a wetland buffer and whether the activity should be allowed, precluded or compensatory mitigation required.

2. Habitat Conservation Areas

Chimacum Creek and Naylor Creek are identified under the county Critical Areas Code as Habitat Conservation Areas because of the presence of fish. A 150-foot buffer extends outward from the ordinary high-water mark of the streams. There are limitations on what can occur within these buffers.

3. Agricultural Lands

Jefferson County allows farmers with Critical Areas to either take a "Prescriptive Approach" which follows standard buffer widths, or a "Performance" based approach which allows farmers to work with a resource agency or independently to develop a management plan that provides protection of the resources. If the "Performance" approach is taken there are requirements for monitoring and adaptive management. Since the Prescriptive Approach would result in only a fraction of the total land being available for agriculture, the Port will likely opt for the performance-based approach. NRCS or the Jefferson Conservation District could assist with developing a plan that meets county requirements.

Given the various levels of regulatory jurisdiction, we strongly recommend bringing the federal, state and county regulatory agencies and their technical staff into the discussion early in the planning process. Consultations with Jefferson County, NRCS, WDFW and others will help establish a framework that assures that all plans meet regulatory requirements and use best available science to plan future land use management and associated operations.

V. Opportunities

A. The Short Farm Waters and Wetlands Have a Large Upside Potential to Respond to Ecosystem Restoration Measures

The fact that nearly all the Short Farm Property has been logged, mined or farmed in the past does not necessarily mean that farming is the best use moving forward. Clearly, the wettest portions of this property are ill suited to agriculture. Figure 8 shows the WA State Ecological Assessment for the wetlands on the Short Farm Property. The wetlands are rated in fair to poor condition. In this light, we recognize that the Short Farm waters and wetlands have a large upside potential to respond to well designed and executed ecosystem restoration measures. At the Short Farm, the Port has a unique opportunity to restore a relatively large and important portion of the Chimacum Creek ecosystem and

make meaningful ecological improvements to water quality, hydrologic functioning, and fish and wildlife habitat within the Center Valley and the Chimacum Creek watershed. Within the Short Farm reach of Chimacum Creek, the valley bottom is important habitat for both resident and migratory birds and several other classes of faunal species. Protection of the valuable peat soils and the fen wetlands that they support would protect water quality in an already impaired system, prevent significant losses of carbon, and help offset climate change. In a well devised plan, agricultural uses on the balance of the wetlands and uplands on the property could occur under the umbrella of the regulations pertaining to farmed wetlands and under a plan approved by all the relevant agencies that includes regular monitoring and adaptive management. Of course, any program of integrated management on the Short Farm presents great opportunities for education and public outreach.

B. Possible Obstacles to Restoration

There are a number of factors that may make restoration of the waters/wetlands on this property difficult. These include but are not limited to the dominance of reed canary grass (*Phalaris arundinacea*), the low longitudinal gradient of the Chimacum Creek channel system, the difficulties associated with working in saturated peat soils, and the scale and potential costs of restoration. The collective successes of wetland scientists and managers in restoring equally challenging stream and wetland ecosystems throughout the Puget Sound Lowlands over the past three decades show that these challenges are not insurmountable. However, we observe that the biggest hurdle to approaching restoration involves language in the Jefferson Land Trust Conservation Easement that precludes activities unrelated to agriculture. Section 3.1 of the Easement would -

"prevent any use of, or activity on, the Property that will impair or interfere with its agricultural values, character, use or utility."

And any preservation or protection of waters/wetlands must be -

"consistent with the primary purpose of protecting the agricultural soils, agricultural viability, and agricultural productivity of the Property in perpetuity."

If there is an option to revise or amend the easement to allow for smart combinations of farming and ecosystem restoration, this should be pursued.

VI. Summary

In summary we would like to emphasize the following:

- There are extensive waters of the U.S, including wetlands on the Short Farm Property covering over 65% of the property.
- Activities within the Short Farm Property waters and wetlands are regulated at the federal, state, and local levels of jurisdiction.
- These wetlands are unique and rare in Western Washington because of -
 - The underlying deep peat deposits, and
 - The fact that they are part of a large and complex waters and wetland ecosystem that extends the length of Center Valley and is perennially connected to Chimacum Creek and to downstream Traditional Navigable Waters. Despite the decades of impacts, the wetlands still perform valuable functions.
- While exemptions exist for continued farming activities within the Short Farm waters and wetlands, these activities are still regulated. Agricultural activities in waters and wetlands must be conducted within the conditions of the exemptions and in some cases, under plans approved by the regulatory agencies. These practices and plans need to be guided by best available science and the use of current best management practices.
- In addition to encouraging farming, the Port has a rare opportunity on the Short Farm property to conduct meaningful restoration on significant portions of Chimacum Creek and its associated wetlands. If these restorations are well designed and executed, they will greatly improve water quality, and hydrologic, plant community, and faunal support/habitat ecosystem functions.



Figure 1. US Fish & Wildlife Service National Wetlands Inventory

Accessed online at: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper



Figure 2. Jefferson County, WA Mapped Wetlands

Accessed online at: <u>https://gisweb.jeffcowa.us/LandRecords/</u>



Figure 3. WA State Forest Practices Act Map

Accessed online at: https://fpamt.dnr.wa.gov/2d-view#activity?-13671690,-13664395,6102153,6106586

Figure 4a. NRCS Soils Map



Accessed online at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Figure 4b. NRCS Soils Map Legend

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AIC	Alderwood gravelly sandy loam, 0 to 15 percent slopes	5.7	2.2%
AID	Alderwood gravelly sandy loam, 15 to 30 percent slopes	1.6	0.6%
ChD	Cassolary-Everett complex, 15 to 30 percent slopes	0.0	0.0%
EvC	Everett gravelly sandy loam, 0 to 15 percent slopes	34.8	13.4%
KsD	Kitsap gravelly loam, 15 to 30 percent slopes	15.1	5.8%
KtD	Kitsap silt loam, 15 to 30 percent slopes	2.5	1.0%
Se	Semiahmoo muck	132.3	51.0%
Sh	Semiahmoo muck, moderately shallow variant	32.0	12.3%
SnC	Sinclair gravelly sandy loam, 0 to 15 percent slopes	5.3	2.0%
So	Snohomish silty clay loam	9.2	3.6%
StB	Swantown gravelly sandy loam, 0 to 8 percent slopes	16.1	6.2%
SuB	Swantown gravelly loam, 0 to 8 percent slopes	4.7	1.8%
Th	Tisch silt loam	0.0	0.0%
Totals for Area of Interest		259.6	100.0%

Note: Percentages are approximations only. Hydric soils are highlighted in yellow and total approximately 170 acres or 67 percent of the property.



Figure 5. Jefferson County Hydric Soil Map

Accessed online at: https://gisweb.jeffcowa.us/LandRecords/



Figure 6. Mapped FEMA Floodplain From Jefferson County Critical Areas Maps

Accessed online at: : <u>https://gisweb.jeffcowa.us/LandRecords/</u>



Figure 7. WA Dept of Ecology Map of Impaired Waterbodies





Accessed online at:

https://experience.arcgis.com/experience/174566100f2a47bebe56db3f0f78b5d9/page/Ecological-Integrity-Assessment-Data/?views=EIA-View

Attachment A

From: PEAT RESOURCES OF WASHINGTON

By GEORGE B. RIGG 1958

Department of Conservation, DIVISION OF MINES AND GEOLOGY, Bulletin No. 44

Chapter IV. Jefferson County Deposits. Page 67.

In general, the surface of this part of the county consists of glacial drift and shows a rolling topography. The elevation at Chimacum is 250 feet above sea level. The peat area consists of two arms, each of which is elongated and irregular in shape (map, fig. 33). The west arm is over 6 miles long and contains three "islands" of hard land. The east arm is only slightly shorter and contains one "island." Chimacum Creek flows north through the entire length of the west arm to the tidewater of Port Townsend Bay. A branch of this stream originates not far from the southern end of the east arm and flows north through the peat to join the main stream north of the peat area. The two branches of this creek carry off the surface water during the comparatively dry summer season, but during the winter and spring there is some flooding, and strong currents are developed. The peat area is so flat that the drainage provided by the two branches of the creek and their small tributaries is inadequate. In spite of the drainage ditches which have been dug, the soil still contains so much water that this is a limiting factor in agricultural utilization. Considerable portions of this area are in agricultural utilization. Considerable portions of this peat area are utilized for pasture and for the production of oats and hay. Some of the area is waste land, which is covered in some parts by woody growth and in others by herbaceous plants. The woody growth is composed mainly of willows, hardhack, young alder trees, and some small shrubs. The herbaceous o's growth in some parts of the area consists of swamp species such as sedges, rushes, dock, and even skunk cabbage, while in other places the characteristic vegetation consists of bracken fern, thistles, scouring rush, and some grasses. The strata in the peat (fig. 33) are fibrous peat, sedimentary peat, wood peat, muck, diatomite and pumicite. The depression in which the peat lies was formed by the action of water and ice during glaciation in Pleistocene time. When drainage to the north was cut off by the blocking of the channel by debris deposited by the retreating ice front, the depression filled with water. The 24 borings in the four profiles in this peat area indicate that the bottom of the depression was very irregular and consisted mostly of sand and gravel with some clay. The layer of pumicite shown in the profiles varies in thickness from 1/16 inch to 1 inch. When this pumicite fell, part of the area now covered by peat was a lake, and the pumicite which fell on the surface of the lake sank to the bottom; it is now both overlain and underlain by peat. The amount of pumicite in this peat area is of course too small to modify the character of the peat to any appreciable extent. Field determinations of pH indicate that the acidity of the peat in profiles A and B, which are in the east arm of the area, is within the usual range of acidity of peat in western Washington. The acidity in profiles C and D, which are in the west arm, is low, being comparatively close to neutral. Six determinations in profiles A and B on samples taken at depths ranging from 1 foot to 29 feet show an average pH of 5.0. The minimum (4.2) occurs at the !-foot depth, and the maximum (5.5) occurs at 25 and 29 feet. Three determinations in profiles C and D, two of which are on samples taken at a depth of 6 feet and one at 43 feet, show an average pH of 6.4. The last of these has a pH of 6.5; the other two are 6.5 and 6.2. This peat area is in a region of relatively low precipitation. The average annual precipitation at Port Townsend over a period of 40 years is 17.38 inches. At Chimacum over a period of 12 years it is 21.75 inches

Attachment B

WA Dept of Ecology: Wetlands and Climate Change

"Most of the carbon stored in wetlands is in the soil, where carbon cycling and microbial processes take a long time to develop. For example, the organic soil in peatlands can take thousands of years to develop- it can take up to 250 years for just one inch of peat to accumulate.² Disturbance of those systems can result in loss of the carbon stored in those soils to the atmosphere.³ It is estimated that oxidation of disturbed organic soil contributes a substantial amount of CO2 to the atmosphere.¹ Undisturbed wetlands store nearly twice as much carbon as wetlands disturbed by human activities.⁴ Warmer temperatures and changes in precipitation can also increase the loss of carbon stored in wetland soils.¹ The combination of wetland disturbance from human activities and changes in climate may have greater impacts on wetland functions than either stressor would alone.¹"

https://ecology.wa.gov/water-shorelines/wetlands/tools-resources/wetlands-climate-change

Attachment C

U.S. Army Corps of Engineers Guidance on

Clean Water Act Section 404 Exemptions

Certain activities are exempt from Clean Water Act Section 404 permit requirements (<u>33CFR 323.4</u>). Because the requirements associated with exemptions are very complicated, do <u>not</u> attempt to determine by yourself if a proposed activity is exempt. To avoid a potential violation, contact us to help you determine if your project is exempt <u>before</u> you perform any work. If we determine that your project is exempt, we will provide you written documentation verifying that the work is exempt. The following activities are designated as exempt and do not require a Section 404 permit unless one of the triggers discussed below are met:

- Normal farming, silviculture, or ranching practices that are part of an established, ongoing
 operation. Practices that are not considered normal, such as deep ripping are not exempt and
 require a permit. Activities conducted for new operations also require a permit. For example, a
 landowner would need a permit to construct a fish farming pond on land that had not previously
 been used for fish farming.
- Maintenance of structures, such as dikes, dams, levees, breakwaters, causeways, or bridge abutments (maintenance does not include modifications to the character, scope, or size of the original fill design).
- Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage
- Construction of temporary sedimentation basins on a construction site that does not involve the placement of fill material in protected waters.
- Construction or maintenance of farm or forest roads, or temporary roads for moving mining equipment, as long as such roads comply with <u>best management practices</u> and detailed requirements set forth in the regulations.

These activities described above will <u>not</u> be exempt and <u>will</u> require a Section 404 permit if <u>either</u> of the following apply:

1) The discharge contains a toxic pollutant.

2) The purpose of the activity is to convert waters into a new use where the flow or circulation of water may be impaired or the reach of such waters reduced. The water's flow or circulation is presumed to be impaired if the discharge will cause significant discernable alterations to flow circulation. This includes the construction of structures designed to drain or otherwise significantly modify wetlands and other protected waters.

There are no exemptions in Section 10 waters (i.e., navigable and tidal waters). For a complete list of Section 10 navigable waters in Washington State click <u>here</u>. https://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/Permit-Guidebook/Exemptions/

Clean Water Act Section 404(f) Exemptions

Section 404(f) of the Clean Water Act_provides a list of activities exempt from regulation. If an activity involves the discharge of dredged or fill material into waters of the U.S. and falls within one of these activity categories, a Department of the Army Permit is not required (see Exceptions). These exemptions do not apply to any activity within a navigable water of the U.S. which requires a permit under Section 10 of the Rivers and Harbors Act of 1899.

Normal Farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, and harvesting.

- includes: plowing, seeding, cultivating, minor drainage and harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices
- MUST be a part of an established (on-going) farming, silviculture, or ranching operation. An operation is no longer established when the area on which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrologic regime are necessary to resume operations.
- For example, if a property has been used for cattle grazing, the exemption does not apply if future activities would involve planting crops for food; similarly, if the current use of a property is for growing corn, the exemption does not apply if future activities would involve conversion to an orchard or vineyards.
- If the activity does not occur within waters of the U.S., or if it does not involve a discharge of fill material, the activity does not require a Department of the Army permit, whether or not it is part of an established farming, silviculture, or ranching operation.

https://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Section-404-Exemptions/

Attachment D

NRCS Definition of Farmed Wetland

"The regulations for the wetland conservation (WC) provisions of the Food Security Act of 1985, as amended, are provided in Title 7 of the Code of Federal Regulations (CFR) part 12, "Highly Erodible Land and Wetland Conservation." The regulations' broad definition of "wetland determination" describe a farmed wetland (FW) as including the following criteria. First, a FW is a wetland that prior to December 23, 1985, was manipulated and used to produce an agricultural commodity at least once before December 23, 1985. Second, FWs are wetlands that on December 23, 1985, did not support woody vegetation, and met the following hydrologic criteria: If not a playa, pocosin, or pothole, experienced inundation for 15 consecutive days or more during the growing season or 10 percent of the growing season, whichever is less, in most years (50-percent chance or more)."

https://www.nrcs.usda.gov/sites/default/files/2023-06/Hydrology_Indicators_Response to Comments 06052023 0.pdf

NRCS Wetland Conservation Provisions

The Food Security Act's wetland conservation provisions are designed to preserve the values, acreage, and functions of the Nation's wetlands. A wetland is an area that is inundated or saturated by surface or ground water at a duration to support plants adapted to grow in water. A wetland also has a predominance of hydric, or wet, soils. In general, producers may farm these areas when conditions permit but may not convert the wetland through removal of water or trees. Producers also cannot plant an agricultural commodity on a wetland previously converted by someone else.

Program participants who know or believe wetlands subject to the conservation provisions exist on their property may farm these areas when conditions permit but may not convert the wetland through draining, filling low spots, or clearing woody vegetation.

In situations where drainage was constructed in or near a wetland before December 23, 1985, the drainage may be maintained to the scope and effect of the drainage as originally constructed. Any additional drainage which would increase production, or allow the wetland to be farmed in additional years would be a potential violation of the provisions

If avoidance of certified wetland is not possible, program participants may elect to:

- Mitigate the wetland by compensating for the lost values, functions and acreage through wetland creation, restoration or enhancement within the same watershed. Mitigation sites may be created or restored on-farm, on another's land, or on land held by a mitigation bank.
- Request a minimal effect determination from NRCS. If the planned activity has minimal or insignificant effect on wetlands, the alteration would not require mitigation.

If a wetland was converted after December 23, 1985 it cannot be used for commodity crop production in order to retain USDA program eligibility. A converted wetland is not subject to the wetland conservation provision if it is planted to an non-agricultural commodity, a crop which does not involve annual tilling of the soil (such as an apple orchard or grape vineyard).

If wetland drainage activities are not subject to the 1985 Food Security Act, they could be subject to the Clean Water Act or other State or local regulations. Producers should contact the local Army Corps of Engineers office to determine if a Section 404 Clean Water Act Permit is needed or their state or local agency offices to determine if any regulations apply.

 $\underline{https://www.nrcs.usda.gov/getting-assistance/financial-help/conservation-compliance-forwetlands}$

References

Brinson, M.M. 1993. A Hydrogeomorphic Classification for Wetlands. Technical Report WRP-DE-4. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MS.

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. U.S. Army Engineers Waterways Experiment Station, Vicksburg, Miss. Technical Report Y-87-1. 207 p.

Hruby, T. (2014). Washington State Wetland Rating System for Western Washington: 2014 Update. (Publication #14-06-029). Olympia, WA: Washington Department of Ecology.

Jefferson County, WA. 2024. GIS System Parcel Map Viewer. Accessed online at https://gisweb.jeffcowa.us/LandRecords/

Jefferson County, WA. 2024. Unified Development Code Section 18.22 Critical Areas. Accessed online at:

https://www.codepublishing.com/WA/JeffersonCounty/#!/JeffersonCounty18/JeffersonCounty18 22.html#18.22

Port of Port Townsend website. Short's Family Farm. Documents pertaining to the property. Accessed online at: <u>https://portofpt.com/shorts-family-farm/</u>

Natural Resources Conservation. Conservation Compliance on Wetlands. Accessed online on 2/2024 at: <u>https://www.nrcs.usda.gov/getting-assistance/financial-help/conservation-compliance-for-wetlands</u>

Natural Resources Conservation District. Web Soil Survey. Accessed online at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Rigg, George B. Peat Resources of Washington. Bulletin # 44. Department of Conservation. Division of Mines and Geology.

https://www.dnr.wa.gov/publications/ger_b44_peat_reasources_wa_1.pdf

Sheldon, D., T. Hruby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale. March 2005. Wetlands in Washington State - Volume 1: A Synthesis of the Science. Washington State Department of Ecology. Publication #05-06-006. Olympia, WA.

United States Army Corps of Engineers (USACE). 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0). Wetland Regulatory Assistance Program ERDC/EL TR-10-3).

U.S. Army Corps of Engineers Permit Guidebook. Accessed online at: <u>https://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/Permit-Guidebook/Exemptions/</u>

US Fish & Wildlife Service. National Wetland Inventory. Wetland Mapper. Accessed online on 2/2024 at https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

Washington State Department of Ecology. Water Quality Assessment 303(d)list of Impaired Waters. Accessed online on 2/2024 at: <u>https://apps.ecology.wa.gov/waterqualityatlas/wqa/map</u>

Washington State Department of Ecology. Wetlands and Climate Change. Accessed online at: https://ecology.wa.gov/water-shorelines/wetlands/tools-resources/wetlands-climate-change

Washington Department of Fish & Wildlife. Hydraulic Projects Approval mapping. Accessed online at <u>https://wdfw.maps.arcgis.com/apps/MapJournal/</u>

Washington State Department of Natural Resources. Forest Practices Application Mapping Tool. Accessed online on 2/2024 at: <u>https://fpamt.dnr.wa.gov/2d-view#activity?-13704260,-13639288,6088279,6123746</u>

From:Jackie CanterburyTo:Public CommentsSubject:Short"s Farm Public commentsDate:Wednesday, February 21, 2024 9:26:13 AMAttachments:Short Farm.pdf

Please accept these comments on behalf of Jackie Canterbury about the future of the Short's Farm.

--Dr. Jackie Canterbury 1640 E. Marrowstone Rd. Nordland, Washington 98358 jackie.canterbury@gmail.com 307-763-1953

COMMENTS ON THE SHORT FARM PROPERTY AND IMPLICATIONS FOR MIGRATORY AND RESIDENT BIRDS, BIRDING, AND HABITAT CONSIDERATIONS

Prepared by:

Jackie Canterbury, PhD Ornithology/Physiology Nordland, WA 98358 Email: jackie.canterbury@gmail.com

February 20, 2024

I. Introduction

As a resident of Jefferson County and professional ornithologist and educator with years of experience, I am very concerned that Trumpeter Swans, resident and migratory birds, and wetlands were not duly considered in your analyses of the Short Farm property. I do thank-you for the time spent on your current analysis and your consideration of resident comments.

II. Trumpeter Swans

Short's Farm is a very important stop-over site for Trumpeter Swans, Tundra Swans, and other migratory birds. More than half of all North American Trumpeter Swans nest, breed, or winter in our coastal region. In 2015, there were about 26,800 Trumpeter Swans. Most of these swans winter into western Washington and southern British Columbia. Washington state is a critical swan stopover or winter site and Short's Farm is one of those critical areas providing the habitat and necessary food resources during winter. The stopover sites are critical because they enable birds to gain the necessary energy reserves for the long flight north. They migrate north each spring and the majority breed in Alaska, the remaining in western Yukon and northwestern British Columbia (Northwest Swan Conservation Association, 2024)

The Trumpeter Swan is identified as a *Priority Species* under WDFW's <u>Priority Habitat and</u> <u>Species Program</u>.

> "Priority species require protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance."

The word recreational importance is noted here. When Short's Farm was for sale, myself and others hoped it would be purchased by the Trumpeter Swan Society to protect and preserve this population of swans. Now it falls to this body. To my knowledge there has been no mention of the critical importance of the Short Farm for Trumpeter Swans, Tundra Swans or migratory birds.

III. Peatland and Climate Change

Short's Farm has significant wetlands with deep peat deposits. These wetlands are unique and rare in Western Washington because of these underlying deep peat deposits, and are part of a large wetland in the Center Valley (K. Lee, personal communication, February 20, 2024). These peatlands have their own design and character but form a diverse landscape and are slow in formation. The alteration and destruction of peatlands has been historically fast. I am sure other parties have written about their significance. I will address the correlation between peatlands and climate change.

Peatlands were formed by waters that have contact with mineral soils flowing from higher ground. They often are deep and support reeds and marsh grasses. Peatlands form a major store of soil carbon(C) by accumulating it for thousands of years beneath the surface, and in the case of the Short Farm into the very deep deposits. In contrast, grasses, shrubs, and trees die and the CO_2 is immediately released into the atmosphere. However, peatlands do not decay as long as left alone; peatlands essentially hold CO_2 and methane. But peatlands that were drained and plowed continue to release CO_2 into our atmosphere, contributing to the imbalance (Proulx, 2022, Strack, 2008). And peatlands that are tilled now will shift the C balance that has continued for millennia.

The maintenance of stores of C in peatlands should be a consideration and a priority when deciding the future management of the Short's Farm. Agriculture, forestry, and the removal of peat are described as sources of peatland loss and all contributors to global climate change.

IV. Conclusion

In conclusion I would like to thank-you for your continued efforts to develop a comprehensive plan that preserves and protects this peat landscape and the waters that are embedded within it.

I end stressing the importance of the non-consumptive use of the land by birders and naturalists. My idea for the land would be to create an upland viewing platform where people could view the swans, waterfowl, and migratory and resident birds. I quote from my favorite birding source: *The Demographics of Birding*, 2016, a review of birding conducted by the USFWS.

"In 2016, there were 45 million birdwatchers (birders), 16 years of age and older, in the United States – about 18 percent of the population." With the trip and equipment expenditures for birding of \$38,178,525.000. Birding is an important component of the recreational opportunities in Washington state.

Current research into the cognitive value of birding is also entering the forefront in neuroscience. Bird watching and listening is good for the brain. All the issues mentioned leads one to the importance of protecting land for the future and offering opportunities to get out into nature

References

Birding in the United States: A Demographic and Economic Analysis Addendum to the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation Report 2016-2 U.S. Fish & Wildlife Service. https://digitalmedia.fws.gov/digital/collection/document/id/2252/

Bridgham, S. D., Pastor, J., Dewey, B., Weltzin, J. F., & Updegraff, K. (2008). Rapid carbon response of peatlands to climate change. Ecology, 89(11), pp.3041-3048.

Northwest Swan Conservation Association. 2024. https://nwswans.org/

Proulx, Annie. 2022. Fen, Bog & Swamp; A Short History of Peatland Destruction and Its Role In the Climate Crisis. Thorndike Press. 291pp.

Strack, Maria. Peatlands and Climate Change. 2008. Publisher, International Peat Society. ISBN, 9529940114, 9789529940110. Length, 223 pp.