SMITH & LOWNEY
PLLC
ATTORNEYS AT LAW

June 10, 2025

Via Email and U.S. Mail
Tom Cappa, SEPA Responsible Official
City of Westport
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Westport, WA 98595
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Laurie Connelly, Chair
Holly Williams, Vice Chair
Ali Raad, Secretary
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Washington State Parks and Recreation Commission
P.O. Box 42650
Olympia, WA 98504-2650
Commission@parks.wa.gov

Re. Comments on Draft Environmental Impact Statement for Westport Golf Links Proposal at Westport Light State Park

Dear Mr. Cappa:

On behalf of Friends of Grays Harbor (FOGH) and myself, I submit the following comments on the Draft Environmental Impact Statement (DEIS) for the proposed Westport Golf Links project within Westport Light State Park (WLSP). We appreciate the opportunity to provide input on this significant proposal and urge the City of Westport and the Washington State Parks and Recreation Commission to ensure full compliance with the State Environmental Policy Act (SEPA) and other applicable legal and policy standards.

As a preliminary matter, we question whether the City of Westport is an appropriate entity to lead this SEPA process, given that the City seeks to sell land to facilitate this project. Many parties

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asked for a 60-day extension of the comment deadline, given the complexity and volume of DEIS materials. However, the City only extended the comment period for a short time, suggesting bias. Therefore, what steps have the City taken to ensure that its proprietary interest in selling land does not interfere with the SEPA process?

These questions are intended to flag issues for further analysis in the Final EIS and should not be construed as an exhaustive list of our concerns.

1. Alternatives Analysis

- Why does the DEIS fail to consider a broader range of reasonable alternatives that would avoid or minimize wetland and buffer impacts?
- Why was a "no wetland fill" alternative not analyzed, particularly given that both the City of Westport and former developers determined that a golf course could be designed for this site without filling wetlands?
- Why hasn't Parks considered an alternative that complies with the mitigation requirements of the prior shoreline permit and global settlement agreement, instead of using "no action" as the only baseline?
- Why hasn't Parks analyzed an alternative that uses more or different upland areas, including land outside the state park that is part of the proposal, to reduce impacts to wetlands and buffer areas, and to minimize development in erosion zones?
- Why hasn't Parks considered other on-site alternatives to reduce wetland and buffer requirements, such as limiting the short course to 9 holes (which is common), or moving the driving range to the uplands as the parties previously agreed to in settling litigation over the prior Links proposal?
- Given that the project includes a rezone and non-project actions by the Parks Commission, and is proposed to proceed as a government concession, why does the DEIS invoke the "private project" limitation in WAC 197-11-440(5)(d) to exclude offsite or different-use alternatives?
- Why has the DEIS painted such a poor picture of the state of the Westport Light State Park without converting it into a luxury golf course resort?
- Why hasn't the DEIS considered a reasonable alternative in which Parks invests in Westport Light State Park as it does other parks, with a reasonable long-term investments into public access, environmental preservation, and control of invasive species?
- Given that Parks typically makes reasonable long-term investments into public access, environmental preservation, and control of invasive species in state parks, why is the assumption made that this will not happen at WLSP?

2. Coastal Erosion and Climate Resilience

- How does the DEIS evaluate the risks posed by erosion, sea level rise, and climate change to long-term park infrastructure and public access?
- How is it consistent with Parks policies to allow permanent infrastructure to be sited within the 25-year erosion area, particularly when the DEIS admits erosion cannot be prevented and only slowed?
- How is it consistent with the Parks policy to retreat in the face of coastal erosion?

- What is the justification for relying on buried woody material to slow erosion, and what are the long-term maintenance, cost, and relocation plans for holes like Hole 15 that are within the erosion zone?
- How would locating a shuttle path and dune trail realignment so close to the coast affect dune stability and public safety over time?
- How does this project address government concerns that increasing public access to the shoreline in this area could destabilize the dunes and accelerate coastal erosion in this area?
- Why does the DEIS rely on the limited lifespan of the irrigation system (25 years) as a justification for placing facilities in erosion zones, when other project elements (like the clubhouse and putting green) are expected to last 50+ years?
- Why does the DEIS have so much optimism that the Corps will use beach nourishment to slow erosion in this area, especially given that the Federal Government recently rejected the proposal for beach nourishment in this area, and the Trump administration has imposed cuts of more crucial public efforts in the area (tsunami protection, flood control, etc.)?
- How can the DEIS assume current levels of erosion in the future, given the various actions have been taken to slow erosion in this area and the uncertainty that such actions will continue, for the reasons stated above?
- If the DEIS instead assumes that current erosion continues without continuation of past or rejected erosion control measures, what would be the impact over the 50-75 year lifespan of the project?
- The golf course proponents have argued that even though the Corps has rejected beach nourishment in this area, that calculus may change if there is more infrastructure and amenities at risk. If this argument holds, doesn't that suggest that we should escalate construction in erosion and flood zones everywhere, to encourage greater investment into control? When does that end?

3. Wetlands and Buffers

- How does the DEIS quantify, disclose, and assess direct and indirect impacts to wetlands and wetland buffers?
- What wetland categories are affected by the project, and how are impacts from fill, grading, and de-vegetation (for line-of-sight and buffer averaging) described and accounted for?
- What legal and scientific basis supports the proposed use of "non-standard buffer widths," and how many acres of buffer averaging are proposed under Alternative 2?
- Are the 113 acres of buffer impacts inclusive of borrow pit activities and construction access?
- How does the project comply with local and state buffer protection requirements, and where does the DEIS discuss how those standards are being applied?
- Why does the DEIS fail to analyze the multiple legal restrictions on wetland fill, including the SMP, critical areas ordinance, Army Corps covenant, and settlement agreement?
- How will the balls be kept out of the wetlands?

4. Borrow Pit and Mitigation Credibility

- What assurances exist that the mitigation plan—particularly the use of borrow pits and upland conversion—will adequately compensate for wetland loss?

- How certain is it that upland conversion in the borrow area will result in functional wetland creation, and what time horizon is estimated for full establishment?
- What steps will be taken to avoid disturbing adjacent wetlands during excavation, and how will construction equipment access and staging be managed to prevent buffer impacts?
- Why does the DEIS allow credit for preserving wetlands that are already protected by existing legal instruments?
- How will excavation and construction and heavy vehicle movement within the interdunal wetland system avoid undermining the landscape's core ecological structure?

5. Rare Vegetation and Lichen Habitat and Vegetation Management

- How are the impacts to rare vegetation communities, including lichen-rich swamp forests, identified and mitigated?
- Where are the rare lichen populations located in relation to the development footprint, and how were buffers of 60–150 feet determined?
- Did the survey cover all relevant habitat areas, and what field protocol is proposed for identifying and protecting lichen populations during construction?
- How does grading or vegetation removal for safety or sightlines affect these rare plant communities?
- How can the DEIS assume that the absence of a golf course will result in the park being overtaken with Scot's Broom, when that plant is only taking over the disturbed upland areas, it does not exist in wetlands, and the State already has a legal obligation to control it?
- How can the DEIS assume a benefit from reducing shore pines, given that they are native species and their numbers are maturing at a rate typical of accreted land?
- How would Parks address the increased wildfire risks posed by the proposed reduction of shore pine and the resulting increase in flammable materials on the site?

6. Pesticide and Fertilizer Use

- What are the risks posed by pesticide and fertilizer use in proximity to inundated wetlands?
- What is the distance between application areas and Category 1 wetlands, and what best practices are proposed to prevent runoff during the rainy season (October–May)?
- What measures are proposed to monitor and limit exposure of wildlife to chemicals, and are buffers enforced between application zones and sensitive habitats?
- What evidence is provided that the pesticide management plan has undergone environmental review or reflects practices proven effective in dune and interdunal ecosystems?

7. Wildlife and Special Status Species

- How does the DEIS account for the project's cumulative and direct impacts to wildlife habitat, birds, and sensitive species?
- How will the project mitigate for the loss of 162 acres of habitat, including 50–60 acres of high-value wet areas used by reptiles, amphibians, and birds?
- How does the DEIS address cumulative habitat loss from indirect fragmentation, edge effects, and bisecting trail networks?
- How does the DEIS address the risk of pesticide exposure to rufous hummingbirds, bald eagles, flycatchers, and other species using roosting and foraging habitat?

8. Land Use Consistency

- How does the proposed action align with existing laws and agreements governing use of public land?
- Why doesn't the DEIS analyze consistency with the Ocean Resources Management Act (ORMA) and its permitting requirements?
- How is the project consistent with ORMA?
- How does the proposal comply with the prior Shoreline Substantial Development Permit, critical areas ordinance, and conservation covenants on the site?
- What justification is offered for expanding the Recreation Concession Area (RCA) from 34 to 196 acres despite longstanding commitments to wetland conservation?
- How can a luxury resort that excludes the public from all of the uplands on the site be consistent with the Recreation and Conservation Office (RCO) and Parks' concessions policy?
- Why has the DEIS failed to acknowledge that the entire interdunal wetland system is protected by the Seashore Conservation Area?
- How is the construction of a luxury golf course in the interdunal wetlands and on the shoreline consistent with the SMA, SMMP, and Seashore Conservation Area?

9. Financial Solvency and Enforcement

- Does Parks even know who is behind this project?
- What assurances does the DEIS provide that the developer will remain solvent and fulfill long-term mitigation and restoration obligations?
- Given that the last golf course developer abandoned restoration obligations after going bankrupt, what financial guarantees are in place to ensure that this does not happen again?
- How will Parks ensure performance of long-term mitigation and operations, especially if the golf course is not economically viable—as Parks' own appraisal has previously suggested?
- How can the DEIS assume financial viability based upon year-round Golf when that is clearly unrealistic as much of the land is underwater, and nobody would pay top greens fees to wade through deep ponds to play golf in coastal winter weather? The prior golf course developers acknowledged this and what has changed?
- How can the DEIS assume financial viability when Parks own appraiser found it non-viable and the past developers could not make it work?

10. Cumulative Impacts

- How does the DEIS evaluate cumulative impacts of setting legal and policy precedents for parkland use and wetland protection?
- If State Parks can devote the entire upland portion of a state park to a private concessionaire, what precedent does that set for public access and use of state lands?
- If Parks can fill wetlands acquired for conservation, what implications does that have for the integrity of the state's wetland acquisition and protection programs?
- If Parks can sidestep existing conservation easements or mitigation obligations, what impact does that have on public trust in land use planning and SEPA compliance?

11. Safety

- How will the path be right in the line of the play of the golf course? While the DEIS gives lip service to ensuring safety, is this really possible without established trees or nets and with the public path being adjacent to the fairways?

12. Changed circumstances

- How has the environment or project changed such that you would ignore the previous comments and environmental research opposing the Links project, including the following attached comments:
    - Department of Ecology appeal of the Links permit;
    - Department of Fish & Wildlife's comments on the Links permit;
    - EPA's comments on the Links permit and its ARNI designation; and
    - Parks Commission's comments against the Links project?
- How can the Parks Commission support this project now, or even greenlight this environmental review process, given that the Parks Commission previously opposed a less impactful golf course project that had fewer wetland impacts, did not impact Category 1 wetlands, was not on Parks lands, and was not in the Seashore Conservation Area?

We urge the City and Parks Commission to provide full responses to each of the above questions and to revise the DEIS accordingly. Thank you for your consideration.

Sincerely,

SMITH & LOWNEY, PLLC

By: *Knoll Lowney*
Knoll Lowney
2317 E. John St, Seattle, WA 98112
Attorney for FOGH

Attachments

SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Appellant, v. CITY OF WESTPORT and MOX CHEHALIS, L.L.C., Respondents.	SHB No. 01-023 NOTICE OF APPEAL

I. APPEALING PARTY

The State of Washington, Department of Ecology (Ecology) by and through its attorneys Christine O. Gregoire, Attorney General, and Thomas J. Young, Assistant Attorney General, appeals the City of Westport's grant of a substantial development permit, dated August 9, 2001, to Mox Chehalis, L.L.C. for construction of a project known as the Links at Half Moon Bay. A copy of the permit, permit data sheet, permit application, and Planning Commission Findings and Conclusions are attached hereto.

II. FACTS SUPPORTING APPEAL

1. The property that is the subject of this appeal is located in the City of Westport, Washington in Section 1, Township 16 North Range 12 West. The property is bounded by the

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Pacific Ocean on the west, Half Moon Bay and the Westport Marina District on the north, Forrest Street on the east and Washington State Parks property on the south.

2. Portions of the property are located within 200 feet of the ordinary high water mark of Half Moon Bay and the Pacific Ocean and portions are located within the 100 year floodplain of Grays Harbor. The property also contains numerous high quality wetlands that are in hydraulic continuity with the Pacific Ocean. The Pacific Ocean and Half Moon Bay are shorelines of statewide significance.

3. The City of Westport's permit data sheet describes the project as:

> Development of a destination resort consisting of a 200 room luxury hotel with a footprint of 40,000 square feet, a second 200 room budget hotel with a footprint of 40,000 square feet, a convention center with a footprint of 31,000 square feet, an 18 hole Scottish Links style golf course with clubhouse and maintenance facilities, and up to 400 condominium units in 40 – 10 unit buildings with a footprint of 2,800 each.

Permit data sheet, p. 2.

4. According to the Final Environmental Impact Statement (FEIS), the project will impact over 30 acres of wetlands on the site, including 12 acres of fill, 16 acres of "mowing", 4.5 acres of excavation and 2 acres of temporary construction impacts.

5. The wetlands on the site are rare, high quality, inter-dunal wetlands that provide habitat for birds, amphibians, small mammals and invertebrates. The applicant's conceptual wetland mitigation plan describes the habitat values of the wetlands as follows:

> Wetlands at the site generally provide better than average functions relative to biological support. Complex vegetative structure, connectivity, diverse habitat types, and a low cover of invasive species contribute to the increased function of the on-site wetlands to contribute to biological support. Generally, biological support functions increase from west to east with the area contributing the highest value being the forested wetland areas in the eastern portion of the site.

Conceptual Wetland Mitigation Plan, p. 12. In addition, the wetlands constitute a recharge area for underground aquifers.

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6. According to Ecology's Coastal Erosion Study, the ocean beaches in the vicinity of the project are eroding. The project involves construction of structures located close to the beach and future erosion control measures likely will be necessary to protect them.

7. The property is designated urban under the City of Westport Shoreline Master Program (SMP). Wetland fill within the urban environment is generally prohibited, with three exceptions allowed under a conditional use permit. The SMP also states:

> Other in-water landfills and landfills waterward of the line of ordinary high water or the edge of the associated wetland shall not be permitted unless the landfill is both necessary for a water dependent use and the proposed fill sites are not within the marsh south of the existing airport.

SMP, Section 17.32.055.

8. The SMP defines shoreline jurisdiction to include the 100 year flood plain in the area of the project. SMP, Section 17.32.020.

9. On or about July 25, 2001, the City of Westport Planning Commission issued its decision approving a shoreline substantial development permit and conditional use permit for the project. The permit includes 17 conditions, including the requirement that the applicant submit a final Natural Resources Management Plan, a final golf course layout, a final Wetland Mitigation Plan, a final Stormwater Treatment Plan, and a plan to notify future owners and residents within the project of possible future erosion.

III. GROUNDS FOR APPEAL

1. The project description in the permit and the analysis of environmental impacts in the accompanying documents are too vague to permit meaningful review. For example, the exact location and number of structures is uncertain, as the FEIS indicates:

> Phase 1 will include the development of one hotel structure with an estimated 200 to 400 rooms. The range of room capacity is due to the fact that there may only be one hotel structure, versus two separate structures for the final build-out. The applicant is keeping the option available to determine later whether or not one structure containing all the proposed room capacity is more feasible than two separate structures that would provide the estimated full room capacity of 400. In addition, Phase 1 contains the convention center. Again, the convention center may be designed within the hotel complex or may be situated adjacent to the hotel on a separate building pad. This will also be determined

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during the design and permitting processes. Phase 1 will also include the construction of the 18-hole golf course and associated clubhouse and maintenance facilities.

FEIS, p. 3-1.

2. The impacts to the on-site wetlands are not fully described. The mitigation plan and stormwater management proposals contain insufficient detail. The amount of impervious surface is unclear. The ordinary high water mark of Half Moon Bay on the site plans, which was determined without input from Ecology, appears to be erroneous.

3. The stormwater management proposal is inadequate. No formal stormwater management plan has yet been submitted. The applicant proposes to construct stormwater detention ponds in the wetlands area but it is unclear how these ponds will function because the ground is saturated to the surface in many areas where the ponds are proposed. The applicant apparently proposes to use the surrounding wetlands as stormwater detention, which is unacceptable under SMP 17.32.065(2) and 17.32.050(13)(H).

4. The mitigation plan is inadequate. Claimed mitigation appears to include stormwater management ponds that cannot properly be claimed as mitigation. The proposed mitigation is inadequate to ensure preservation of wetlands functions and values in violation of SMP 17.32.065(5). The scope of the project and the impact on wetlands appears far greater than will be compensated for under the applicant's proposed mitigation plan. Details regarding the applicant's clearing and grading plans and planting plans have not been provided. The proposed use is not a water dependent use and consequently upland alternatives should be evaluated to avoid or minimize impacts to wetlands.

5. The SMP requires 100 foot buffers around Class A wetlands and 50 foot buffers around Class B wetlands. SMP, Section 17.32.065. Most of the wetlands on the site are Class A or B, yet no buffers are required in many instances. Inadequate buffers are provided for existing wetlands and wetlands claimed as mitigation. The permit allows buffer averaging although compliance with the conditions in SMP 17.32.065(5)(A) has not been demonstrated.

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6. The project generally is inconsistent with the policies and provisions of the Shoreline Management Act and the SMP. The project will cause severe impacts to the inter-dunal wetlands system in the vicinity without a corresponding public benefit. The project likely will require erosion protection measures in the future, the impacts of which have not been described or taken into account.

7. Use of pesticides and herbicides on the site may impair water quality. The applicant relies on certification by Audubon International to reduce pollution from herbicides and pesticides, but this certification has not yet been obtained.

8. The project will block currently unimpeded views of the ocean. Many citizens commented during the SEPA process that the site is used for passive recreation and aesthetic enjoyment. The project will limit public access to the inter-dunal area without providing any significant new opportunities for access, in violation of SMP 17.32.060.

IV. RELIEF REQUESTED

Ecology requests that the substantial development permit issued to Mox Chehalis, L.L.C. for the Links at Half Moon Bay project described above be vacated and the application returned to the City of Westport for reconsideration.

DATED this 4 day of September, 2001.

CHRISTINE O. GREGOIRE
Attorney General

THOMAS J. YOUNG
WSBA # 17366
Assistant Attorney General

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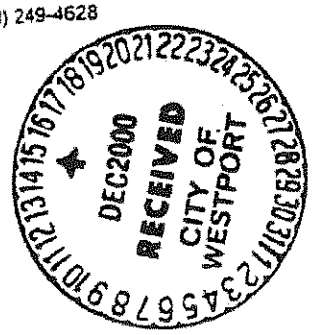

December 8, 2000

City of Westport
ATTENTION: Randy D. Lewis
Post Office Box 505
Westport, Washington 98595

Dear Mr. Lewis:

SUBJECT: **Draft Environmental Impact Statement; Mox Chehalis L.L.C. Proponent, "Links at Half Moon Bay" Westport Golf and Hotel Destination Resort Project, Pacific Ocean, Half Moon Bay, and Westhaven Cove, Section 01, Township 16 North, Range 12 West, Grays Harbor County, WRIA 22.MARI**

The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced Draft Environmental Impact Statement (EIS) document received on November 8, 2000, and offers the following comments at this time. Other comments may be offered as the project progresses.

The project is proposed to be located in one of the more critical areas, in terms of erosion, wetlands, and habitat value, on the Washington Coast. WDFW is very concerned that the project area may not be suitable for this development because of the following issues; erosion, flooding, wetland impacts, impacts to fish and wildlife habitat, and impacts to water quality.

EROSION AND FLOOD ISSUES

1 This site is located in an area of recent and ongoing erosion that has only been held at bay by massive multi-million dollar interventions by the Federal government. The Coastal Erosion Study, jointly conducted by the USGS and DOE, has identified the mechanism by which this erosion is occurring - the continued export of sand via the ebb jet caused by the Grays Harbor Jetty system. This study has also identified an ongoing and a predictable event, the subduction of the Washington Coast, that occurs regularly in approximately 300 year intervals and last occurred in 1701. This event results in a sudden drop in beach elevation of over six feet, followed 20 minutes later by a tidal wave of over 30 feet which destroys everything in its path. The likelihood that this event will occur within the life span of this project is virtually 100%, making developments of this type in this area ill-advised at best. Furthermore, the Corps of Engineers in their 1997 Long Term Solution to South Jetty and Half Moon Bay Erosion, has identified that even with their coastal erosion methods now in place, that the shoreline may continue to recede between 3,500 and 5,000 feet over the next 50 years. Most of this development is proposed to

1 occur in this predicted erosion area. Any development is therefore at great risk from erosion that will inevitably occur during the life of the project.

2 Development in this area will inevitably result in proposals to control erosion. However, there are no practical means to bulkhead or stabilize the ocean; such projects constructed in the past usually fail, and always cause massive damage to and losses of adjacent shoreline areas and shoreline habitat. Of particular concern to WDFW are the upper intertidal areas of the Pacific Ocean beaches fronting the project, which are the most southerly known surf smelt spawning beds in the State. Any erosion control, or any unnatural materials that get on the beach due to erosion, will cause unacceptable loss of these spawning beds. This loss will translate into lowered production for fish and wildlife that utilize these baitfish as a critical forage base. These include a multitude of ESA listed species that frequent the area, including many species of salmonids from Washington, Oregon, and California, and including the brown pelican and marbled murrelet. Of additional concern are the razor clam beds in the lower intertidal area. The beds in the Grayland management unit, where this project is located, are the most productive and frequently harvested in the state. Razor clamming is big business, WDFW sells over a million licenses annually for this activity. This leads directly to economic benefits for the local area. Discharge of contaminants onto the beach from erosion or other causes may eliminate this area from productivity.

3 The potential for flooding is also relatively high. The whole project is located in a 100 year floodplain, and a portion is also located in an area where flooding is propagated by wave action (pg. 3-4). On Page 3-11, mitigation approaches to flood hazards are said to be addressed in Section 11.0, however no mitigation for flooding is mentioned in section 11.0 at all.

4 Another significant issue that is not addressed, is the relationship of the portion of the development north of the Westhaven Park road to the erosion protection berm that was installed recently by the COE to protect the Westport sewage treatment plant. The closest development is proposed to occur at 200 ft. from the shoreline (pg. 3-13) and is located in this area, yet the erosion control project is not mentioned. The beach in this area is within Grays Harbor and is critical habitat for migrating juvenile salmonids, including ESA listed species, and as a result the mitigation agreement for the installation of this berm, which is built of sand with a stone core, specifies that sand will be maintained on the beach and face of the structure so that stone is never exposed during critical resource utilization periods, specifically juvenile salmonid outmigration. To facilitate this, a sand storage area is located landward of the berm, that can be accessed and utilized to nourish the beach in this event. This is where condominiums and convention centers are proposed to be installed. This appears to be a problem for the operation of this component of mitigation for the berm project.

By far the best way to avoid these impacts is to predict in advance where erosion of developments will destroy habitat, and avoid developing such areas. The above-referenced studies provide the tools to make this prediction, and their advice should be heeded. Moving the
5 development out of the way of erosion, before any of it impacts the beach, is the only other feasible means of protecting critical habitats, and is the most cost effective after avoidance. Existing developments adjacent to and within the project area, specifically the Westhaven Park restrooms and parking area, and the Westhaven to Westport Light State Park Trail, are designed to be relocated in the event of erosion. The restroom and parking have already been relocated once. The proposed relocation of the pedestrian walkway closer to the ocean will only hasten it's removal and loss. An agreement that removal will be the method of dealing with erosion, as we have with State Parks developments, along with a bond sufficient to accomplish complete removal and restoration, will be necessary given the private nature of this development, could be a component of project mitigation. However, given the inevitability of erosion, avoidance seems
6 the most prudent measure.

WETLAND ISSUES

The site is predominantly wetlands. It contains much more than a number of isolated wetlands as stated on pg. ES-1. It is the largest block of undeveloped single ownership interdunal wetlands in the Westport area. These wetlands are not only critical habitat themselves, but are performing
7 the critical function of infiltration and biofiltration of untreated storm water from adjacent developments. This property, the vast majority (73%) of which is interdunal and early successional forested wetlands, drains into the extensive saltmarsh bordering the City of Westport, which is a tributary itself to the Elk River estuarine system. This system supports an abundant spawning population of herring, which spawn on saltmarsh vegetation and eelgrass, and which are extremely sensitive to water quality impacts. For example, as little as 5 parts per billion of polycyclic aromatic hydrocarbons (a common automobile exhaust byproduct) causes death to herring eggs. This species of baitfish comprises critical forage for pacific salmonids, among them the ESA listed Bull Trout found in adjacent Grays Harbor. Juvenile salmonids also utilize saltmarshes as critical habitat for rearing, feeding, and escape from predators. Macro invertebrates growing in this saltmarsh estuary are important food sources for fish including salmon, and could well be adversely impacted by contaminants, such as fertilizers, herbicides, and pesticides, even at very low levels, escaping from the project area. In addition, shellfish health concerns should be considered for areas where harvesting occurs, as there is significant aquaculture production in this portion of the Elk River estuary that this project drains into. Ecosystem health and not just human health should be evaluated, and toxicity studies should also be completed. Chronic impacts to aquatic life criteria should be used as an indication of impact in addition to the LC50. Methods of sampling and testing similar to those used by the USGS in the Puget Sound should be incorporated to assess the risk to these species, perhaps utilizing those found in "Occurrence of Pesticides in Streams and Ground Water in the Puget Sound Basin,

7 Washington, and British Columbia, 1996-98," by Gilbert C. Bortleson, and James C. Ebbert, the US Geological Survey, Water Resources Division, 1201 Pacific Avenue, Suite 600, Tacoma, Washington 98402. Any activity that has the potential to contaminate or otherwise impact this critical habitat needs to be avoided.

8 Unfortunately, the project proposes fill of 12 wetland acres, and mowing/maintenance of an additional 18 acres. This is a significant impact in a limited area. WDFW does not feel that the mitigation proposed in the DEIS to cover the wetland impacts is sufficient, especially since the project has not shown that it has avoided all wetland impacts and is impacting wetlands as a last resort. The first step in wetland mitigation is complete avoidance. The project does propose to excavate approximately 40 acres of uplands and convert them to wetlands, but such projects conducted in the past are notoriously prone to close to 100% failure. We do not consider this type of mitigation feasible, and would instead request that the project proposal be redesigned so that wetland fill is unnecessary.

STORM WATER, SURFACE WATER, AND GROUNDWATER

9 Presently, the wetlands on this site, and many of the uplands, are serving as the defacto stormwater detention, infiltration, and treatment system for the City of Westport. This is because the city was developed with very few if any stormwater treatment systems, and because much of the city is built on filled wetlands. Furthermore, the topography prevents city drainage during high tide - the outfall for the project area is tide gated to prevent the area from flooding. This is an imperfect solution - the area is frequently flooded anyway when waves produced by severe winter storms inundate the area, and the area simply does not drain at high tide, but there is at present sufficient undeveloped wetland acreage to accommodate the surge from most events. Even so, we have been approached by the City with proposals to maintain the wetland-bisecting ditch that was installed years ago in the native saltmarsh meadow just downstream from this development. The diverse and well vegetated nature of the wetland complex also acts to remove pollutants, through uptake into both emergent and perennial vegetation which covers much of the site.

The project as proposed would radically change all this; the fill of wetlands would remove detention and treatment area, the installation of impervious surfaces and underdraining of the greens and other frequently flooded golf course areas would dramatically decrease infiltration and increase peak flows into the remaining wetlands, and even if area was excavated sufficient to accommodate the additional flow, this area would be large dysfunctional for stormwater treatment due to lack of wetland vegetation. There are not any real workable proposals in the project plan to treat any storm water. The mentioned 25 foot grass filter strips are inadequate for treatment at least 100 feet of grass is necessary to remove pollutants and 200 feet is optimal. The other proposal is to excavate a stormwater detention pond of unspecified size. Where are these

stormwater treatment systems going to be installed, assuming that they will be gravity fed? With most of the uplands occupied by either developments or the proposed wetland creation, these will
9 have to go in existing wetlands, which completely negates their net value for treatment and detention. The only solution that is sure to address these concerns is a manufactured stormwater collection and treatment system. Essentially a tertiary treatment facility with a vacuum collection system and subtidal outfall would be the treatment system of choice. This is admittedly an extreme measure, but the only one that has a chance of maintaining water quality.

This is likely to be necessary because of the large amounts of chemicals and nutrients that will be added to the environment as a result of having to keep the non-native and highly sensitive grasses preferred for golfing green and healthy in this difficult environment. Certainly an attempt will be
10 made to develop BMPs for minimizing chemical use, but emergencies and accidents happen. Moreover, a byproduct of converting this area into lush grass fields with high food value will be the attraction of potentially thousands of Canada geese. These birds produce approximately 2 pounds each of feces per day, a nutrient and coliform input that will be added to the already overloaded system. Control of these geese in an urban setting will not be possible, as hunting
11 within the city limits is not likely to be allowed, and wintering populations will likely contain significant numbers of endangered Dusky Canadas, which will need to be protected from all but selective control methods.

There are additional risks to wetlands proposed to be protected on site from upsetting the delicate hydraulic balance that has evolved in this area. Huge amounts of groundwater are proposed to be pumped from the area for irrigation. This will have an effect on the water table likely to severely
12 depress it in the summer. This will inevitably cause adjacent wetlands to dry up too quickly, impacting fish, wildlife, and wetland ecosystems health and functions. When these wetlands are then subjected to peak storm flows they will become essentially too wet too soon and too often. Wetland ecosystems are delicate, and annual water fluctuations that exceed natural parameters destroy their hydrology and their ability to grow wetland vegetation.

The resulting scenario does not benefit fish and wildlife. Wetland ecosystems on site will be compromised and damaged. Stormwater will be imperfectly detained and treated, leading to contaminated discharge to the adjacent saltmarsh wetlands. These discharges will likely occur during the winter storm season, when herring eggs are in the saltmarsh (January 15 through March 15) and when juvenile salmonids are migrating (as early as February 15). The loss of these fish will lead both directly and indirectly to a take under ESA.

DEFICIENCIES IN THE EIS

13 This EIS has some major problems in the presentation of impacts. Throughout the EIS, the "No Action" alternative analysis of which is required under SEPA is portrayed as being more impacting than the preferred alternative. Postulating that things like unrestricted commercial or residential development will be automatically authorized if the area is not developed into a golf course. This is not a "No Action", and all of these activities would be regulated under the Clean Water Act so that no net loss of wetlands occurred. 73% of the project is automatically undevelopable as a result. Other "No Actions" include logging, even though there is no commercially harvestable timber and the area is not forest land, and grazing, even though the area is within the city limits and is not farm land. These are not "No Actions". Also, frequent reference is made to the desirability of a maintained golf course, which would be free of scotch broom, blackberry, gorse, and other invasive species. The statement is made that these species
14 will overtake the natural wetlands if not maintained. These are upland species, and are not growing in the wetlands today for that reason. These plants will not grow in the wetland in the future as a result of "No Action". Moreover, the area of uplands where these plants could grow is dominated by native species adapted to difficult interdunal conditions. What is out there today is the expected condition under "No Action", and should be described and referenced as such in the EIS.

15 There are admittedly present impacts. There are undeveloped jeep trails throughout the property (not "roads" as indicated in the EIS) and other uses that are unauthorized and dangerous. For example, garbage dumping, campfires, party areas, ORV race courses, and spills from ruptured fuel systems that have developed in the project area due to lack of development or interest by the present owner. These activities have not yet led to environmental or human emergencies, but are likely to if the people accessing the area in this way are left to their own devices. Rather than wait for these to happen, and suffer the expense of legal repercussions, the owner should post the area and block vehicular access.

16 There are additional impacts to present uses not identified or mitigated in the EIS. Westhaven State Park and the Westport Light State Park are the most frequently visited ocean beaches in the State of Washington. Visitors to these sites are interested primarily in the natural environment and the recreational amenities it offers, particularly fish and shellfish harvest opportunities and wildlife viewing in a relatively undisturbed setting. WDFW cooperates closely with WSPRC and local jurisdictions to provide the best sustainable utilization of and access to these resources. This project, by adding another approximately 4 to 5 thousand visitor trips per day to a facility that will both directly and indirectly reduce the fish and wildlife habitat and populations that present visitors enjoy, will impact and correspondingly interfere with and reduce present use. The present waterfront trail connecting the two State Parks and built with IAC money will be initially relocated and eventually eliminated, if not directly by erosion then indirectly by

displacement of the fish and wildlife in their natural habitats that visitors presently enjoy. This displaces visitors, likely as many as would be attracted by the development. A net loss of public use and enjoyment may well be the result. Public uses are required to take precedence over
16 private under SEPA, and this should be especially appropriate in this case, as the property is presently in public ownership.

Thank you for the opportunity to provide this information. If you have any questions, please contact me at (360) 249-4628 Ext. 231

Sincerely,

Key McMurry

Key McMurry
Area Habitat Biologist

KM:km: Links to Half Moon Bay, Westport, Comments on Draft EIS

cc: Greg Hueckel, WDFW
Dan Wrye, WDFW
Sue Patnude, WDFW
Bob Burkle, WDFW
Steve Keller, WDFW
Dan Ayres, WDFW
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Fred Seavey, USFWS Olympia
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Bill Jolly, WSPRC Olympia

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

AUG 5 2004

Reply To
Attn Of: ECO-083

Colonel Debra M. Lewis, District Engineer
Seattle District, Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755
(Attn: Jim Green, Project Manager)

RE: Public Notice 200301009, Mox Chehalis, LLC (Links at Half Moon Bay), June15 - July 15, 2004, extended to August 5, 2004.

Dear Colonel Lewis:

This letter is in response to the referenced public notice, which proposes direct impacts from placement of fill material into 9.98 acres of adjacent interdunal wetlands, indirect impacts to 14.63 acres of wetlands from vegetation clearing, and 0.27 acres of impact from excavation. An additional 13.93 acres of direct wetland buffer losses are identified on the public notice. The 14.63 acres of impacts from vegetation clearing and excavation are called "non-jurisdictional" activities. The purpose of the proposed work is to construct a destination resort that would include hotels, a conference center, an 18-hole golf course, condominiums, and supporting commercial development.

The U.S. Environmental Protection Agency (EPA) has significant concerns about this project proposal. EPA has three main areas of concern: (1) impacts to *Aquatic Resources of National Importance* (ARNI), (2) compliance with the Clean Water Act (CWA) Section 404(b)(1) guidelines, and (3) the need for a federal environmental impact statement (EIS) under the National Environmental Policy Act (NEPA). It is EPA's goal to work with the Corps, the applicant and resource agencies to address these issues.

Impacts to Aquatic Resources of National Importance

The wetlands at this 350 acre site represent a diverse habitat mosaic of interdunal emergent, scrub-shrub, and forest wetlands of over 150 acres, which are adjacent to the Pacific Ocean and Grays Harbor. The site is situated in the coastal zone at Half Moon Bay, on "Point Chehalis" at Half Moon Bay, Pacific Ocean's coast and on the southwestern arm of Grays Harbor. This area has been the subject of ongoing coastal erosion (refer to EPA August 21, 2003, comment letter on Public Notice CENWS-OD-TS-NS-21). The site contains some of the last contiguous interdunal wetland habitat in this area and is located at the nexus of two key migratory flyways, critical for the support of a number of migratory birds. Grays Harbor lies

within one of eleven *Globally Important Bird Areas* designated in Washington State, and is one of fourteen internationally significant North American sites within the *Western Hemisphere Shorebird Reserve Network.*

These interdunal wetlands are not only important as habitat and refuge for numerous migratory bird species, but also support a number of mammals, amphibians, and fish. The wetlands are hydrologically connected to Grays Harbor by way of a system of drainage canals. This system provides overwintering and refuge habitat for coho (*Onchorynchus keta*), of which the Lower Colubia River population is a candidate species. The interdunal wetlands also provide important groundwater recharge functions, contributing to the maintenance of the City of Westport's sole source drinking water supply. Based on the importance of these coastal interdunal wetland ecosystems, and their associated functions and values, EPA has concluded that the proposed project poses a substantial and unacceptable risk to *Aquatic Resources of National Importance* (ARNI). The bases for impacts to an ARNI are detailed in Enclosure 1.

404(b)(1) Guidelines Compliance Issues

EPA can not conclude that this project complies with the CWA Section 404 (b)(1) guidelines as currently proposed. This determination is based on our analysis of the project relative to environmental criteria established at 40 CFR Part 230.10(a-d). EPA believes that (a) insufficient information has been provided to demonstrate that there are no practicable, less environmentally damaging alternatives to achieve the purpose(s) of this non-water dependent project, (b) the project will contribute to adverse impacts on water quality, (c) the project poses significant adverse impacts to the aquatic environment, and (d) the proposed compensatory mitigation does not adequately replace the lost functions and values of impacts to the interdunal wetlands. Please refer to Enclosure 1 for our detailed comments and concerns regarding 404(b)(1) Guidelines' compliance.

Need for Federal Environmental Impact Statement (EIS)

Prior to making a decision on this permit, EPA recommends that a full NEPA EIS be developed to fully scope and evaluate the purpose and need for this project relative to its impacts to the human environment. We believe this project poses significant environmental impacts, and is the subject of significant controversy. Issues of concern to the public include (but are not limited to):

- Restriction of access to the coastal zone and privatization of public use areas
- Privatization of the road currently leased by the Army Corps of Engineers to Westhaven State Park
- Fragmentation and degradation of ecologically important interdunal wetlands
- Development that will lead to increased shoreline armoring in a highly active coastal zone
- Impacts to water quality and groundwater recharge
- Impacts to local fisheries and shellfish industries
- Impacts to local and statewide recreational users (including surfers, birders, naturalists, etc.)

- Impacts to cultural resources and traditional use areas

Accordingly, EPA strongly recommends that the Corps fully evaluate this project through a full NEPA EIS process.

Summary

EPA is formally notifying the Corps -- pursuant to Section IV, paragraph 3(a) of the 1992 CWA Section 404(q) Memorandum of Agreement between our agencies--that the proposed project may result in substantial and unacceptable impacts to *Aquatic Resources of National Importance*, that significant impacts are likely to occur that warrant the preparation of a federal EIS, and that the project is not in compliance with the CWA Section 404(b)(1) Guidelines. EPA recommends that the Corps not issue a permit for the project as proposed. For further coordination on this project, please feel free to contact me or have your staff contact Ms. Linda Storm, Wetland Ecologist, at (206) 553-6384 or storm.linda@epa.gov.

Sincerely,

Michelle Pirzadeh, Director
Office of Ecosystems and Communities

Enclosure

cc: Mox Chehalis, LLC
Economic & Engineering Services, Inc.
Nancy Brennan-Dubbs, USFWS
Matt Lungenberg/Tom Hooper, NMFS
Roman Iyer, Chehalis Confederated Tribes
Guy McMinds, Quinault Tribe
Perry Lund, Ecology
Key McMurray, Montesano, WDFW
Craig Zora, WDNR
Susanna Boyer, WDPR

Detailed Bases for Considering Interdunal Wetlands at Point Chehalis as *Aquatic Resources of National Importance* (ARNI)

I. Washington Coast Interdunal Wetlands: Functions and Values

Interdunal Wetlands Significance

The wetlands at this 350 acre site represent a diverse habitat mosaic of interdunal emergent, scrub-shrub, and forest wetlands of over 150 acres. Interdunal wetlands form in the "deflation plains" and swales of coastal dunes. These dunes form as the result of interaction between sand, wind, water and plants. The dune system immediately behind the ocean beach is very dynamic and can change from storm to storm (Wiedemann 1984). As one moves away from the ocean coast to the interior, later successional stage plant communities of interdunal wetland complexes are represented. Together these interdunal wetland complexes provide a unique opportunity to understand the successional stages and dynamic processes of interdunal wetland complex development (Kumler 1969).

Location of Statewide, National and International Significance

The wetlands at the proposed project site are diverse in terms of their habitat structure and associated functions as a result of these ecological processes. The project site contains some of the last contiguous interdunal wetland habitat in the Point Chehalis area. The Washington Department of Ecology's Revised Western Washington Rating System identifies all interdunal wetlands greater than 1-acre as Category II wetlands, because of the critical habitat they provide (April 2004:10) . The site is nested between two State Parks (Westport Light State Park and Westhaven State Park). The site is also within two key migratory flyways along the Pacific Ocean and at the mouth of the Chehalis River at Grays Harbor. The Grays Harbor area is recognized as one of eleven ***Globally Important Bird Areas*** designated in Washington State, and is one of fourteen internationally significant North American sites within the ***Western Hemisphere Shorebird Reserve Network.***

Wildlife Habitat

These interdunal wetlands provide important habitat and refuge for a number of species, including elk, deer, bear, small mammals (river otter, mink, beaver and muskrat), breeding amphibians, and numerous resident and migratory bird species. Resident birds include (but are not limited to) great blue heron, mallard, wood duck, American coot, and common snipe. Raptors that use the area include osprey, bald eagle, northern harrier and others. Grebes, several species of duck, and tundra swans are just a few of the birds that use the ponded wetland habitats through the winter months. The federally threatened western snowy plover (*Charadrius alexandrinus nivosus*) may also use this habitat for nesting and the Corps has determined that this project is

likely to affect this species.

Over-wintering and Rearing Habitat for Coho

The interdunal wetlands at the project site are hydrologically connected to Grays Harbor by way of a drainage canal that discharges into Firecracker Point. Data collected by the Washington State Department of Fish and Wildlife (Economic Engineering Services, Inc 2003:Attachment 5, Figure 1), indicate that the canals connecting this system to Grays Harbor provide access for coho (*Onchorynchus keta*), part of the Southwest Washington runs and possibly related to the Lower Columbia candidate population. Fish access to over-wintering and refuge habitat is important for coho productivity. Seasonal ponding in these coastal depression plain, interdunal wetland complexes provides important over-wintering and rearing habitat opportunities. These wetlands also provide important groundwater recharge functions (Thomas 1995).

Groundwater Recharge & Drinking Water Supplies

Groundwater levels rise with precipitation through the winter and the aquifer is recharged, maintaining the City of Westport's drinking water supply. Though detailed data on the hydrodynamics of this site have not be adequately modeled to date, a study prepared by the U.S. Geological Society (Thomas 1995) provides important insights about how such interdunal wetland systems function. This report addresses how ground-water flows in the Long Beach Peninsula system, what the relationships are between precipitation cycles and ground-water levels (recharge), the influences of tidal waters, and other factors. Water quality in the Long Beach Peninsula interdunal wetland systems are addressed relative to the maintenance of aquifer drinking water supplies.

Interndunal Wetlands as Aquatic Resource of National Importance

The U.S. EPA is concerned with this project's direct, secondary and indirect impacts to this highly sensitive, interdunal wetland complex and its associated aquatic resource and water quality functions. This development is likely to cause significant adverse impacts to these aquatic resources and contribute to cumulative adverse impacts on water quality, groundwater recharge, fish and wildlife habitat support functions, and native plant communities. Based on the importance of these coastal interdunal wetland ecosystems, and their associated functions and values, EPA concludes that the proposed project poses a substantial and unacceptable risk to *Aquatic Resources of National Importance* (ARNI).

II. Project Does Not Comply with Clean Water Act (CWA) Section 404(b)(1) Guidelines

EPA is further concerned that this project does not comply with the Section 404(b)(1) Guidelines for the following reasons.

A. Alternatives Analysis [40 CFR Part 230.10(a)]

Project Scope

The August 2003 State Environmental Policy Act (SEPA), Environmental Impact Statement (EIS) Addendum to the Draft and Final EIS for "The Links at Half Moon Bay" project addresses revisions to the original project's scope (Economic and Engineering Services, Inc. 2003). Our understanding is that work originally proposed has been somewhat reduced by eliminating 200 of the originally proposed 400 condominiums. The project would be constructed in two phases. Proposed work for Phase 1 includes "the construction of a luxury hotel with 200 rooms and a conference center, some commercial/retail development (no more than 4,000 square feet), an 18-hole golf course and all associated appurtenances (including shelters/restrooms, cart paths, bridges, club house, golf maintenance building, and driving range)" (Economic and Engineering Services, Inc. 2003:2). Phase 1 would also include utility and transportation infrastructure improvements (not described on the public notice). Phase 2 work would involve development of a second hotel with an additional 200 rooms, additional commercial/retail development (of an unspecified footprint), and 200 condominium units. Together both phases would take from 7-12 years to construct (Economic and Engineering Services, Inc. 2003:3).

EPA is concerned that the details and aquatic resource impacts of both phases of work, including road widening, "infrastructure improvements" and the additional unspecified footprint of "commercial/retail" development of Phase 2 work, are not fully accounted for on the Corps public notice. For example required culverts and fill to widen roads, install utility lines, and any structures that would be used to re-route or draw water for irrigation should be evaluated as part of the impacts considered. The location and extent of impervious surface of all development should be evaluated in terms both direct and indirect effects, including coastal erosion, changes in hydrological routing and dispersal, water quality, and habitat fragmentation.

Need for Detailed Alternatives Analysis

Pursuant to the Section 404(b)(1) guidelines at 40 CFR Part 230.10(a) no permit shall be issued for non-water dependent activities if there are less environmentally damaging, practicable alternatives available to meet the overall project purpose. The project is non-water dependent and insufficient information is provided to conclude that there are no other less environmentally damaging, practicable alternatives to meet (a) the overall project purpose, and (b) achieve each of the various independent basic project purposes that are combined to create the overall project as desired by the applicant.

To determine the scope of practicable, less environmentally damaging alternatives to minimize project impacts, we recommend the Corps address the following questions in its detailed alternatives analysis:

(1) Are there other off-site less environmentally damaging, practicable alternatives that could

meet the overall project purpose, that would have less environmentally damaging impacts on aquatic resources?
(2) Are there ways to further minimize the on-site impacts to aquatic resources and the coastal zone by further modifying this project proposal? For example
(3) Could condominiums already owned/operated by the applicant meet the need for condominiums identified in this project?
(4) If a demonstrated need exists for new condominiums as part of this project, are there alternative sites available, outside of the sensitive coastal zone, where they could be located?
(5) What is the existing hotel space in or near Westport and could this meet some of the hotel needs desired by this project applicant or would one hotel not suffice to meet such need?
(6) How will this development be economically viable year round?
(7) EPA understands that there are other golf courses proposed in the Grays Harbor area. Would these other sites offer a less environmentally damaging practicable alternative?

In terms of the geographic scope of the alternatives analysis for this project, there is not a justification provided for why the project must be located within a certain distance of *two* major cities, or that it must be located near the coast to achieve the project purpose. Could the project be located within some distance of one large city, or some combination of other cities, such as Seattle and Vancouver, B.C.? What is the basis for the 3-hour driving distance in terms of defining the scope of locations for this project? Based on these unanswered questions, we do not see that all potential less environmentally damaging alternatives have been evaluated.

We would like to see a thorough and complete evaluation of all possible off-site alternatives and on-site reconfigurations that would be less environmentally damaging to the aquatic environment and the coastal zone, but be a viable project.

B. Water Quality and Endangered Species Issues [40 CFR Part 230.10(b)]

Water Quality Impacts: Pesticides, Herbicides, Fertilizers, Stormwater and Wastewater Management

Pursuant to the Section 404(b)(1) Guidelines no discharge of dredge or fill material shall be permitted if the project will cause or contribute to violations of applicable state water quality standards. Because Grays Harbor is on the State's 303(d) list and already exceeds state water quality standards, projects which could contribute to additional water quality problems should not be permitted. Interrupting interdunal hydrologic maintenance processes and inputs of herbicides, pesticides and fungicides associated with golf course maintenance, new septic systems or discharges from sewage treatment plants, all pose additional adverse impacts to water quality. Change in the quality of water and infiltration rates to groundwater also pose impacts to groundwater and should be evaluated in terms of the potential to impact aquatic life on-site and discharge to the City of Westport's drinking water supply.

Details of the proposed work (number of condominiums, new roads, parking areas, footprint of development structures, stormwater management, wastewater treatment, use of pesticides, fertilizers and other chemicals to manage the golf course and their effects on adjacent wetlands and ground water quality) have not been fully addressed on the public notice. To evaluate the total impacts of the overall project these details and their associated direct and indirect impacts should be fully evaluated.

Endangered Species

The 404(b)(1) Guidelines state that no project shall be permitted if it will jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act. As noted on the public notice, a number of federally listed species are associated with the area (including bald eagle, marbled murrelet, brown pelican, western snowy plover, bull trout, and Oregon silverspot butterfly). We understand from our review of the Corps' files that the Corps has determined the western snowy plover (*Charadrius alexandrinus nivosus*) is likely to be adversely affected by this project, and that there may be an adverse effect on the coastal/Puget Sound bull trout (*Salvelinus confluentus*). The project has the potential to adversely effect both nectar and larval stage plant species used by the Oregon silverspot (*Speyeria zerene hippolyta*). In addition to concerns with impacts to these species, EPA is concerned about impacts to the coho salmon run that utilizes this area. The public notice did not mention the potential to impact coho salmon. However, coho have been collected from the drainage canal that connects the site to Grays Harbor (pers. comm. Key McMurray, WDFW, 2004).

C. Significant Adverse Impacts [40 CFR Part 230.10(c)]

EPA considers the direct and indirect impacts to 24.84 acres of interdunal wetlands and the associated net 13.93 acres of wetland buffers to be significant. Combined with changes in water quality, wetland hydroperiod, habitat fragmentation and edge effects from ongoing management of this golf course and proposed associated development, the overall impacts to wetlands and waters of the U.S. go far beyond the simple footprint of fill.

EPA believes that the direct, indirect and cumulative impacts of this project pose significant adverse impacts to aquatic life, wetlands, migratory birds, groundwater recharge functions, and other functions and values supported by the 150 acres of wetlands on this 350 acre site. We strongly recommend that the Corps evaluate all potential direct, indirect and secondary impacts from this overall project to inform their Section 404 permit decision. For example, more detailed baseline data on winter ponding should be collected to adequately assess the impacts that this project will have on the hydroperiod, groundwater recharge, and the diversity of uses of these habitats during different seasons (including over-wintering fish and wildlife).

Need to Address Indirect and Secondary Impacts from Changes in Hydroperiod and Water Budget

EPA believes that the effects of filling and clearing 24.84 acres of wetlands, removal and alteration of wetland buffers, combined with irrigation of golf greens, construction of pathways and fairways, and the cumulative effects of long-term vegetation management with pesticides, herbicides and fertilizers will add to the overall impacts to wetlands and aquatic life support functions of the 107 acres of "preservation" wetlands. Degradation to both on-site and off-site wetlands that could result from changes in hydrology, water quality, and land-use practices should be fully evaluated (and have not been fully evaluated in the SEPA EIS or it's 2003 Addendum). EPA considers the 107 acres of on-site wetlands/uplands to be *at risk* to degradation from the proposed 18-hole golf course and other adjacent land-uses.

Because there is insufficient information on the hydrologic processes of these wetlands we are unable to evaluate the full extent of hydrological alteration that will result from site construction and long term site management. To more fully evaluate the impacts of hydroperiod changes, baseline data on winter ponding (in terms of timing, depths, extent, and rates of groundwater recharge) is needed. This information should then be compared to the proposed use of water for golf course and landscaping irrigation and for hotel, condominium, and other commercial/retail developments' water supplies. A detailed water budget should be provided of current conditions and then compared to modeled post project conditions to fully analyze the impacts of the development.

Incomplete Baseline Data & Under Representation of Severity of Impacts

During our site visit on June 29, 2004, several plant species were observed in the emergent wetland communities that are not reported on the species list for the site in either the June 2003 Delineation Report or the Mitigation Plan, prepared by Ecological Land Services, Inc. These species are important because they add to the diversity of these systems. These species include: *Botrychium multifidum* (grape fern), *Juncus falcatus* (sickle leaved rush), *Plectritus macrocera* (sea blush), *Platanthera dilatata* (an orchid commonly called "bog candle"), and possibly *Zizania aquatica* (Indian rice or wild rice). We believe the wetland consultant's incorrectly identified *Juncus falcatus* as *Juncus ensifolius* as a dominant wetland plant on site. Though grape fern, sea blush and the bog candle were not dominant species, they were present and should have been inventoried, because native plant diversity is an important indicator of the quality of the site.

EPA is further concerned that the full extent of impacts to wetlands and their associated buffers have been under represented by the applicant. This is due to several factors. First, rather than evaluating all the wetlands as one contiguous mosaic, the applicant divided up the site into two separate systems. This resulted in rating the emergent wetland mosaic on the west side of the site as all Category III, and the wetlands in the central and eastern portion of the site as Category II. Ecological Land Services, Inc. (2003) indicates that the basis for this division was that the western most wetlands are a mosaic of "isolated" wetlands with more upland dunal components.

They state that these emergent systems are less "valuable" than the central and eastern forested systems. EPA disagrees with these conclusions.

Aerial photographs show that during winter months water ponds on the site and there is hydrologic exchange between the western, central and eastern wetlands. These systems are, therefore, not technically "isolated." Though they represent an earlier successional stage of interdunal wetland communities, these emergent wetlands compliment the ecological functions and values of the overall interdunal wetland mosaic. The western emergent wetland/upland system adds to the overall habitat complexity and biological diversity of the site. Thus, they should be considered as part of the whole system and evaluated as such, rather than separately. EPA considers the whole system as one complex mosaic. Rated as one, all of the wetlands within this system would rate as a Category II under both the old and revised Western Washington Rating System.

Second the buffer requirements for Category III wetlands is 50 feet, whereas the buffer width for Category II wetlands is 100 feet. Rating the western wetlands separately and ranking them as Category III, reduces the significance of impacts to these wetlands and their associated buffers. If the whole system had been evaluated together, all of the wetlands would have been rated as Category II and the local jurisdictions' buffer requirements for all of these wetlands would be 100 feet. By reducing the rating on some wetlands and the required buffer footprint, the full extent of impacts to wetlands and their associated buffers are not fully considered. We feel this approach significantly under represents both the functions and associated values of the interdunal wetlands complex. The western emergent wetlands should be evaluated in the context of the whole interdunal system, because they add to the structural, species, and functional diversity of the overall mosaic of wetlands.

EPA is further concerned about the potential severity of impacts to aquatic resources caused by changes in hydrology and water quality due to golf course maintenance and stormwater management. Identification of the seasonal ponding and hydroperiod of these wetlands and on-site streams, creeks and/or drainage canals that connect these wetlands to Grays Harbor and to wetlands beyond the property perimeter should be considered in the overall impact analysis. Changes in water quality, groundwater recharge, hydroperiod alteration and fish and wildlife support functions should be evaluated. Drainage features (including streams and canals) should be identified as waters of the U.S. and any alteration or modification to them, including culvert placement, weirs, etc. should be identified as additional work in waters of the U.S. and their impacts evaluated in the context of this 404 permit application. The effects of these impacts should be evaluated to assess impacts to local economies, including fish and shellfish industries, passive recreationalists and wildlife enthusiasts (see *Need for Full NEPA EIS* below).

D. Adequacy of Proposed Compensatory Mitigation [40 CFR Part 230.10(d)]

The applicant proposes the following as a package of compensatory mitigation of wetland replacement habitat:

On-Site ~ *4.30 acres of created interdunal wetlands (from existing uplands)
*0.91 acres of wetland restoration (by removal of dirt road across site)
*107 acres of wetland/upland "preservation"

Off-Site~ *7.0 acres of estuarine restoration at Firecracker Point, Grays Harbor at Westport
*14.0 acres of out of county, off-site sphagnum bog (5acres) and forested peat wetland (9 acres) "Seastrand Bog" preservation, Pacific County
*18.00 acres of wetland preservation in the 30.0 acre off-site interdunal wetland/upland complex at Mar Vista, Grayland, Pacific County

Upland Enhancement & Buffers

On-Site *22.32 acres of Upland Restoration
* 1.13 wetland Buffer "enhancement" at condos by buffer averaging (?)

Off-Site * 2.90 upland buffer enhancement (but stated as not counted toward total mitigation acreage), Firecracker Point
* 5.00 interdunal Upland Restoration & Invasive Plant Control (Mar Vista)

The total area of wetland mitigation includes 151 acres of preservation (minus some unspecified amount of upland at the 107 acre on-site wetland complex), and 12.21 acres of wetland creation and restoration (of which only 5.21 acres is on-site).

EPA does not generally accept preservation alone as mitigation. It is only under very rare circumstances that preservation is considered an appropriate compensatory mitigation tool. These rare circumstances are generally in cases where (a) the impacts are minimal, (b) where there are no other options to avoid, minimize, or compensate impacts through other means (restoration, creation, rehabilitation, enhancement), and (c) the wetlands to be preserved are clearly at risk and of high value. To demonstrate that wetlands proposed as preservation are at risk it should be clear that they would be under imminent threat of development or alteration and that no other mechanisms exist to protect them (local, state or federal laws, etc). When preservation is accepted, the ratios are very high (20:1). If a 20:1 acreage ratio were applied here the total wetland preservation credit would be something less than 7.5:1 in this case.

EPA has a number of concerns with the proposed compensatory mitigation. These include:

(1) The majority of the proposed mitigation is in the form of "preservation" and lies significantly outside of the project impact area (e.g., is not within Grays Harbor, or Grays Harbor County and is 10 miles away), thereby resulting in a net loss of wetlands in the basin in which the impacts would occur;

(2) Much of the proposed mitigation is out of kind, resulting in a net loss of important interdunal wetland habitat;

(3) The Firecracker Point estuarine restoration, while feasible, is in conflict with future construction & location of commercial and industrial development (e.g., a fish processing plant, ferry dock, etc.), posing long term risks to the protection and viability of this site; and

(4) The proposed on-site creation that would involve scalping down existing upland dunes, which may adversely affect adjacent wetlands because the upland dune topography helps to facilitate the seasonal ponding, routing and dispersal of water to wetlands adjacent to them. We are concerned that modifying the topography could further impact the wetlands dependent on the dune microtopography. Therefore, it is not clear that this proposed on-site mitigation would really off-set impacts to the loss of interdunal wetlands.

In essence only 12.21 acres of this total package is *direct* compensation for wetland habitat and functional losses in the form of creation or restoration. Of this 12.21 acres, the on-site, in-kind work could cause or contribute to additional impacts to the interdunal habitat in our view. The 7.0 acres of off-site, out-of-kind estuarine restoration doesn't replace lost functions and values of the interdunal wetlands. As a result we see there would be an overall ***net loss*** of wetland functions and values as a result of this project, just based on the impacts that have been quantified. When the additional indirect and secondary effects are evaluated, more impact to wetland functions and values would need to be considered in terms of adequately mitigating them.

The combined off-site wetland preservation doesn't offset these impacts, because the sites are located outside of the area of direct impact. The sphagnum bog, while meeting the "preservation criteria" of a high quality wetland, is not at risk as far as we know and it is completely out-of-kind in terms of compensating the functions and values of the impact area. The 30 acre interdunal wetland/upland area at Mar Vista, while potentially similar in habitat type and functions, is a narrow east-west patch of habitat. The preservation benefits of this narrow swath in terms of compensation values is not easily quantified. The on-site preservation may protect some areas of valuable interdunal wetland habitat, but there needs to be an assessment of the indirect and secondary impacts to this 107 acres of interdunal wetland/upland complex in order to conclude that these wetlands should not also be considered part of the indirect impacts for which compensatory mitigation would be required once all means to avoid and minimize impacts were demonstrated.

Based on these concerns (and our detailed analysis of the mitigation plan's performance standards and monitoring requirements) we do not believe the proposed mitigation meets the 404(b)(1) Guideline requirements.

III. Need for Full and Complete NEPA EIS

EPA is concerned about locating the proposed condominiums, hotels and convention center, and "other commercial amenities" to go with the proposed golf course in a severe erosion prone area. While these activities may not involve direct filling in waters of the U.S., the cumulative adverse impacts of locating this development in the coastal zone must be fully evaluated. EPA is concerned about the domino effect of increased shoreline armoring that will occur in attempt to protect these developments from the natural processes of shoreline erosion that occur in this dynamic coastal zone. As we know, the blowout that occurred after protective blocks were placed without a permit in 2003 exemplifies the domino effects that shoreline armoring can have in such a dynamic coastal environment, leading to increased and accelerated erosion in other areas. We strongly recommend that the "domino" effects of placing such development in this sensitive and erosion prone area be evaluated under a full and complete NEPA EIS.

Additional reasons why EPA believes that a full and complete NEPA EIS is warranted, include the need to fully evaluate the purpose and need for this project, to provide a complete economic analysis in terms of costs and benefits to local economies (including impacts to local shellfish industries, passive recreation and existing tourism). Other issues that need to be fully evaluated include the traditional cultural resource uses and cultural resources potential of the Point Chehalis area (see comments below), environmental justice and public access issues, and impacts to water quality, water quantity, and cumulative impacts of the project. Such analyses should include addressing alternatives that could minimize adverse impacts to the aquatic and human environment. Again, a comparison of the different proposed golf course projects in the Grays Harbor area, for example, could help to determine which of them would have the least adverse impact on the environment.

Cultural Resources Potential and Point Chehalis as a Traditional Use Area

The Grays Harbor area has been and remains a place of great importance to Native Americans. Activities of importance include fishing, hunting, gathering plant materials and shellfish, habitation, travel, trade, and social ceremonial and religious uses (James and Martino 1986). Today both the Quinault and Chehalis tribes manage tribal fisheries on fish stocks that rear in the Grays Harbor estuary and use the Chehalis and other rivers to spawn. A Chehalis village site was located where Westport is today (James and Martino 1986). The place name for the village is c xils, c xil s (which means "sand"), the name Euroamerican settlers gave to the Chehalis river and the Chehalis people. The interdunal area at Half Moon Bay and southward along the Pacific Coast where the proposed project would be located, was traditionally used by native peoples as an area for temporary camps, hunting and gathering.

The site has the potential for cultural resources or remains to be disturbed during construction. The Corps public notice indicates that there is a known historic property in the vicinity of the proposed project, but that it does not occur in the permit area. An historic properties investigation was conducted within the permit area (Corps Public Notice p. 2), but the public notice states that no sites were determined to be eligible for listing on the National Register of Historic Places within the permit area. It should be documented how the eligibility determination was made and whether the tribes were directly consulted in the process of making this determination. It should also be noted if the James and Martino reference was referenced in the historic properties investigation report. In considering whether to issue a permit for this project, we request that a full and complete NEPA EIS address all potential impacts to cultural resources and traditional use areas and that the Tribes be consulted with to determine the extent of impact.

Conclusion

In conclusion, the U.S. EPA has determined that this project poses unacceptable adverse impacts to Aquatic Resources of National Importance and the project does not comply with the Section 404(b)(1) Guidelines at this time. Due to the significance of impacts posed by this project, EPA recommends that a NEPA EIS be developed to address its full impacts as addressed above. EPA recommends that the Corps not issue a permit for this project as currently proposed.

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STATE OF WASHINGTON
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December 14, 2000

City of Westport, Washington
Westport City Hall
506 Montesano Street
PO Box 505
Westport, WA 98595

SUBJECT: Draft Environmental Impact Statement "Links at Half Moon Bay"

Dear Mr. Lewis:

Thank you for the opportunity to review the proposal for "Links at Half Moon Bay, Westport Golf and Hotel Destination Resort." Westport Light State Park[1] is Washington State Parks' most frequented day use facility with beach access. Visitors enjoy a diverse and unique wetland dune habitat in a secluded area in northwest Westport. Washington State Parks supports appropriate economic development, but we have concerns about the location and impacts of the proposed project. Primary concerns are:

- Maintaining public access to the beaches, including those at Half Moon Bay
- Maintaining public use and enjoyment of Westport Light State Park and Westhaven State Park
- Maintaining public use and enjoyment of the Jetty Access Road
- Maintaining the walkway between the two state parks (Westport Light State Park and Westhaven State Park)
- Conserving the unique and diverse habitat and associated wildlife for visitors to enjoy

The Pedestrian Walkway

The relocation of the pedestrian walkway that presently extends from Westport Light State Park and Westhaven State Park is a major concern.

1 - Moving the walkway closer to the beach increases the possibility for erosion especially given the unstable nature of the area. Because shoreline buffer would be lost, relocating the walkway is an unacceptable proposal.

2 - Relocating the walkway would also significantly change the atmosphere and view of the trail, as it would have a panoramic view of the "two golf course holes that will have a panoramic view of the Pacific Ocean (ES-4)."

3 - Relocating the walkway would have a greater impact on the dunes.

[1] Westport Light State Park is the official name of the park (not Lighthouse State Park).

- If any of the trail realignment takes place on Washington State Parks property, State Parks will need to review the plans and provide approval prior to any work. This is in accordance with condition B of the **Term Use Agreement** that was issued by Washington State Parks to the City of Westport for the development and operation of the trail across Westport Light and Westhaven State Parks. 4
- State Parks administers the seashore conservation area, which includes the tidelands between the 2 parks (the beach area between extreme low & ordinary high tide). State Parks is charged by law to protect this area for public use in its natural condition (RCW 79A.05.600). If any development is to occur on this property, a land use authorization/agreement will need to be obtained from State Parks. 5
- The **Term Use Agreement** Amendment added a condition (K) that the City shall install a 6-inch water main adjacent to the trail to serve Westhaven State Park. This water line needs to be taken into account. 6
- If the City received an IAC Grant for this trail, realignment would require mitigation. The City may need to work with the IAC if it is changing alignment or anything else from the scope of work of the grant. 7
- In addition, the statement on page 11-12 is misleading: "The existing pedestrian walkway along the Pacific Ocean between Westhaven State Park and Westport Light State Park will likely be relocated closer to the ocean during construction." Where will it be located after construction? 8

Ecological footprint

This project proposal contains condominiums, a hotel, and other associated commercial retail spaces, which the proposal rightfully calls "structures with large footprints (3-12)."

- This project would have a serious impact on the wetlands and other critical habitat areas, which Washington State Parks has an interest in protecting. 9
- No Action Alternative: given the vast area of wetlands, it is unreasonable to conclude that the No Action Alternative would lead to the, "construction of structures with large footprints (e.g., condominium, office complex, amusement park)... (3-12)," at least not to a great extent. The golf holes are strategically placed between wetland areas. Condominiums and other developments of this nature would not be able to avoid major impact and/or destruction of wetland areas and as such would be regulated strictly and/or disallowed by regulating agencies such as the Department of Ecology. 10
- Further, the No Action Alternative contains a specious argument that, "...the homeowner could allow livestock to graze in the wetland areas...(5-4)". The project site is located in a tourist commercial zone within the city limits where range farming is not allowed. 11
- Concerning timber, it is doubtful that any marketable timber exists on the property, or that the landowner would "apply for a Class III Forest Practices Application (FPA)... (5-4)." 12

Visitor Access to the Jetty Access Road

4227 more trips a day on the Westhaven State Park entrance road (Jetty Access Road) is significant (10-9). A portion of the Jetty Access Road is granted to Washington State Parks under easement, and a portion of the road is owned and maintained by Washington State Parks (see attached maps, Exhibit A and B).

- Permission to access the Jetty Access Road in Westhaven State Park would need to be obtained. Please contact our Lands Program for more information: (360) 902-8650, Karl Jacobs. 13

- Permission to access the portion of the road that is under easement would need to be obtained from the underlying landowner. Washington State Parks should have an opportunity to review and approve development plans to ensure there will be no interference with park use. Clause 6 of the road easement states that the grantor, "...reserves to itself rights of way for all purposes across, over, and/or under the right-of-way hereby granted; provided, however, that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the grantee of said right-of-way..." (Exhibit A). 13
- If local development regulations do not already call for such improvements, appropriate road upgrades would also need to be made to mitigate the impact of increased road use. These should include sidewalks, walking paths, and bike trails, so that the public may continue to enjoy the road. Additional traffic on the road would make it extremely difficult, if not impossible, for people to participate in certain recreational activities such as jogging, biking, or walking pets. The existing road has narrow shoulders and could not safely accommodate both a major increase in traffic and continued recreational use. An increase in outside traffic would also cause more traffic-related incidents and create more litter, both inside and outside of the park. 14
- Any significant increase in operational and maintenance costs due to visitors to the Links at Half Moon Bay should be mitigated, or paid for by the owner. 15
- What does the project proposal mean by entrance, "through local streets on the north end of the site (10-9)?" Does this mean that the Jetty Access Road does not need to be used? A clear distinction between the two routes needs to be made on a map. Does this access refer to just the hotel, or to both the "luxury hotel" and the "future development site?" 16

Noise Levels

The proposal states that, "based on the criteria established by the EPA, noise level increases in the vicinity of the Jetty Access Road would be considered a serious impact."

- A significant increase in noise level will seriously interfere with recreation, use and enjoyment of both Westhaven State Park and the Jetty Access Road.
- This would undermine Clause 6 of the aforementioned road easement and could not be allowed. 17
- Measures, such as buffers, etc., should be taken to minimize impact to recreational activities.

Increased Maintenance/Increased Number of Visitors

18 The number of visitors to the Links would also increase the number of visitors to the park. How much will traffic and usage increase in Westhaven State Park and Westport Light State Park (estimated daily increase)? These visitors would be using the restrooms, parking in the parking lot, and would create a need for more maintenance. The area would also need to be patrolled more often. Does the Park have the capacity to accommodate such a high volume of visitors? These questions need to be answered.

Public Access and Parking

- This project proposal contains condominiums, a hotel, and other associated commercial retail spaces and the golf course. These types of developments, as stated in the proposal, "would likely impact open space recreational opportunities along the sandy beach at Half Moon Bay...(3-12)." The beach at Half Moon Bay is highly sheltered and protected from the wind of the coast. As such, it is heavily used by the public for picnicing, beach combing, 19

19 and other activities. Westhaven State Park is a very popular area that offers a diversity of habitat. It is a dynamic area that experiences high winds and waves, and it is used year-round by surfers. Public access to recreational areas in and adjacent to the park should be maintained.

20 - Parking will also become limited. Of the additional 4,227 trips per day on the Jetty Access Road, how many of these will follow the road to the end and park at the state park? The proposal states, "Visitors to the resort are expected to take advantage of the existing network of parks and recreational opportunities currently available in the Westport area (11-11)." The parking area at Westhaven State Park currently may not have the capacity to accommodate all of these visitors.

Aesthetics

21 - Measures should be taken to create buffers and preserve the aesthetics of the area.
- The placement of condos adjacent to Westhaven State Park, two one-half million gallon water storage tanks, and an extensive golf course would drastically change the aesthetics of the park areas. Visitors to both State Parks presently enjoy the aesthetics of a secluded dunal wilderness area.

22 - Also, it is unclear whether the condos that are mentioned are the same ones that are identified as part of phase 2, or if they are a future development as noted on the foldout map located in the Executive Summary at the front of the EIS?

Sewage and Water Quantity

23 - Westport State Park is served by the City of Westport's sewage system. Is the system able to accommodate this new development?

24 - Both parks are served by the City of Westport's water system. Is the water system able to accommodate this new development?

Water and Soil Quality

25 - Both Westport Light State Park and Westhaven State Park are served by the City of Westport water supply. The quality of that water needs to be protected.

26 - There is at least one existing well on the site, which could be adversely impacted by the development (4-3).

27 - With the development of a golf course, this area will likely become inundated with Canada Geese. This will make it extremely difficult to control nutrient and fecal coliform levels. Measures should be taken to control Canada Geese and to monitor fecal coliform counts.

28 - The Natural Resources Management Plan (Appendix A) should be revised, and adhering to it should be a requirement. It is noted that, "the potential always exists for golf course maintenance activities to produce impacts to air quality through the irresponsible use and application (spraying) of chemicals to maintain proper tee boxes, fairways, and greens. (2-3)" Irresponsible use of chemicals could cause irreparable damage not only to air quality but also to water and soil quality. Strict consequences (monetary) for not following the Natural Resources Management Plan should be devised. Responsible management of the natural resources should be enforced.

29 - The use of outflow pipes would need to be regulated by WDFW and would probably not be allowed because of salt-water invertebrate communities.

30 - The contamination of water and soil by golf course usage and maintenance is a major concern because of the porosity of the soil type, the shallow depth to ground water and the expectation of chemical use. It is noted in Section 3-2 that the ground water is

"occasionally encountered at or near ground surface." If the surface is polluted with fertilizers, pesticides, and hydrocarbons, there is a high potential for ground water
30 contamination by those pollutants. In addition, the soil (sand) is highly porous, which could mean that the aquifer is highly susceptible to contamination even when there is no ground water present at the surface. Thus, aquifer sensitivity should be evaluated.

31 ▪ An Integrated Pest Management plan should be established to limit any impact in an aquifer sensitive area, OR

▪ The golf course could be managed without the use of chemicals: a green golf course.

▪ Water from these wetlands discharges into the Elk River Estuary, where large numbers of herring spawn. This species plays an important role in salmon recovery. Thus, it is
32 important that water from these wetlands be free from quantities of pesticides that could adversely affect the herring or their food source. Water quantity may also affect the estuary and should be evaluated.

33 ▪ Swales are not a very effective means of water treatment.

▪ Evaluating irrigation rates and chemical usage is not a form of mitigation (4-20). Reducing
34 and/or eliminating irrigation rates and chemical usage is.

Monitoring

▪ Monitoring the application of chemicals is an important part of natural resource management. Methods of sampling and testing similar to those used by the USGS in the
35 Puget Sound could be incorporated. An excellent reference is the, "OCCURRENCE OF PESTICIDES IN STREAMS AND GROUND WATER IN THE PUGET SOUND BASIN, WASHINGTON, AND BRITISH COLUMBIA, 1996-98," by Gilbert C. Bortleson, and James C. Ebbert, the U.S. Geological Survey, Water Resources Division, 1201 Pacific Avenue, Suite 600, Tacoma, Washington 98402.

▪ In order to achieve an accurate representation of impact, surface water and ground water samples should be collected when pesticide application is the highest and when runoff and/or recharge is likely to be highest, (e.g., during a rainfall event that corresponds to high chemical application for that season).

▪ More than one sample should be taken in each season.

▪ Samples should be collected in areas that are highly susceptible to (or likely to have) contamination.

▪ More than three pesticides (insecticides/herbicides/fungicides) should be quantified, and those that are the most persistent should be given special attention.

▪ Ecosystem health, not just human health, should be evaluated; thus, toxicity studies should
36 also be completed. The chronic aquatic life criteria should be used as an indication of impact in addition to the LC_{50}. Macroinvertebrates are important food sources for fish including salmon.

37 ▪ Shellfish health should be considered for areas where harvesting occurs.

Dunal Wetland Preservation

38 Visitors to Westport Light State Park and Westhaven State Park enjoy the unique wildlife, vegetation and habitat of the dunal wetlands. These wetlands have more value because they are rare in the state of Washington. There is concern that the long-term effects of a golf course on dunal wetlands cannot be known or predicted. Methods that have been used to limit the impact of golf courses on other types of wetlands may not be effective in a dunal wetland

38 area. Can it be proven that the function and maintenance of the golf course will not result in a loss of these valuable wetlands over time?

Wetland Mitigation

39 This project proposal calls for impact to over 30 acres of wetlands (5-7). Yet there is no clear mitigation plan indicating that the loss of those wetland values and functions could truly be mitigated. In this plan, forested wetlands would be destroyed and emergent wetlands created in place. Emergent wetlands have very different functions than forested wetlands, and forested wetlands are extremely difficult to replace.

- Mitigation measures must be in kind, if the function and value of the wetlands is to be preserved. A clear plan should be drafted to include an analysis of existing wetland values and functions, and an analysis of values and functions under the preferred alternative. The plan should be sure to include all of the wetland areas and connecting channels associated with those wetlands.
- The created wetlands would need to be monitored for efficacy to assure that those functions are being performed and that those values are being preserved. Action would need to be taken if the mitigation was not effective.

40 - "Mowed wetland" grasses are mentioned. Mowing the grasses would reduce available food sources for birds (5-7), and would reduce the ability of the wetland to perform certain functions.

41 - The proposal states that "individual sand dunes will be moved and/or rearranged to construct greens and limited fairways (3-11)." Topography plays an important role in wetlands. The effect of these topographic changes on the wetlands should be evaluated.

42 - Increased water and irrigation into the system may alter the size or characteristics of the wetland area. How will the plant communities change?

43 - No Action Alternative: The argument that invasive species such as scotch broom, Himalayan blackberry, evergreen blackberry and gorse could invade the site is not substantial. Most of the area is wetland. These species do not grow under wet conditions and would not take over any of the wetland areas.

Critical Habitat

44 Washington State Parks' staff is interested in protecting wildlife resources on its property. The area contains habitat that could be used by snowy plover and habitat that could be used for surf smelt spawning; thus, the area should be surveyed before any action is to occur. There are currently snowy plover nesting just 10 miles south of the property. The project area is also adjacent to Washington's southernmost surf smelt spawning beds. Because these beds produce baitfish, they play a vital role in salmon recovery and need to be protected. Washington State Parks controls the tidelands between the two parks and is concerned about the loss of potential snowy plover and surf-smelt habitats. Any development plans in this area should demonstrate that there would be no significant loss of habitat necessary for these species.

Public Awareness

45 Is it possible to use the "bridge crossings" to create an interpretive trail, which would enhance golfers' appreciation of the wetland areas and educate golfers about the environmental impacts of their sport? (Appendix A, pg.11).

Feasibility

46 ▪ Is there a demand for the golf course?

47 ▪ What about erosion? The shoreline in this area is predicted by the Corps of Engineers to recede 3500 to 5000 feet in the next half-century (1997 Long Term Solution to South Jetty and Half Moon Bay). Further, erosion control methods usually have adverse impacts on habitat. It would be best to not to develop near any areas that are predicted to erode.

48 ▪ What about flooding? As the proposal states, "The potential for flood hazards are relatively high (3-4).

49 ▪ It is not unlikely that an earthquake could cause liquefaction to some extent (3-9).

Urban Sprawl

50 Commercial businesses associated with the golf course would compete with shopping areas in downtown Westport and may decrease the town revenue. Retail locations would be spread between the golf course and the downtown, instead of being centrally located in downtown Westport.

Public Safety

51 The golf course, if built, may attract large populations of tourists. Emergency procedures should be prepared for handling such a large volume of people in the event of a natural catastrophe such as a Tsunami or flooding event.

Thank you for your attention to these concerns. If you have any questions, you may contact Alana Hess or William C. Jolly in Environmental Programs, Washington State Parks: (360) 902-8639, or (360) 902-8641, respectively.

Sincerely,

Suzanna Bräuer
WCC Environmental Specialist

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Pat Neilson, Park Ranger, Twin Harbors State Park
William C. Jolly, Environmental Program Manager, Washington State Parks
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