August 31, 2016

Heather Wright, Senior Planner
Department of Planning & Community Development
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

Subject: Comments on Land Use Application – Wysong/Ziemba Dock Replacement PLN50280SSDP

Heather,

I would like to state that the expected issuance of a Determination of Non-significance (DNS) by the City of Bainbridge Island is premature and not supported by a review of the current documents provided in support of the application. I have prepared specific item-by-item, page-by-page comments on some of the application materials and those comments are attached and discussed further below.

I have a Master of Science degree in Wildlife and Fisheries Science and am currently a practicing wildlife biologist with over 30 years of experience in preparing biological assessments, environmental impact statements, and environmental assessments that have addressed potential impacts to wildlife species and habitat from a variety of proposed projects. I have also prepared numerous natural resources management plans, wildlife habitat assessments, and conducted surveys for a variety of terrestrial and marine wildlife species including federally and state-listed threatened and endangered species, federal candidate species, state and U.S. Forest Service sensitive species, and avian species listed under the Migratory Bird Treaty Act. My work has taken place on federal, state, and private lands across 40 states and 5 countries and across a wide range of habitats.

I have been an active member of The Wildlife Society (TWS) for 25 years. TWS is recognized nationally and internationally as the preeminent scientific body addressing wildlife issues. I have been a TWS Certified Wildlife Biologist since 2000. A Certified Wildlife Biologist is "an individual with the educational background and demonstrated expertise in the art and science of applying the principles of ecology to the conservation and management of wildlife and its habitats, and is judged able to represent the profession as an ethical practitioner."

My wife and I have lived on W Day Road since 2002 and are very familiar with the Manzanita Bay project area. We drive by an average of 4-5 times per day and throughout the year often take the short walk from our house to the beach area at the end of Dock Street to watch bald eagles, seabirds, and marvel at the incredible views of the Olympic Mountains to the west. The proximity of the relatively unspoiled Manzanita Bay with its abundant wildlife, including a pair of nesting bald eagles, and its natural beauty were some of the reasons we chose to purchase a property on W Day Road.

Attached are my comments on the subject land use action regarding the replacement of an existing 83-ft dock with a new joint use 240-ft dock on Manzanita Bay. As stated above, the expected issuance of a DNS by the City is premature and not supported by a review of the current documents provided in support of the application. Copies of the following documents were obtained from the City on August 30, 2016 and are the basis for the attached comments:

- City of Bainbridge Island Environmental (SEPA) Checklist; prepared by Leann McDonald, Shoreline Solutions and dated July 7, 2016.
- Site Specific Impact Analysis and Mitigation Plan, prepared by Christy Christensen, C3 Habitat Corp., Gig Harbor, WA, dated July 5, 2016.

Overall, the above documents are grossly inadequate and do not provide any real site-specific description of the baseline environment or a reasonable analysis of the potential impacts. They are totally insufficient with respect to a description of the current baseline environment and fail to provide even a cursory review of readily available information, either via federal or state websites or by having a reasonably informed biologist that is familiar with the wildlife and habitats of Bainbridge Island provide a summary of what is known or could be expected from the project area. They are almost generic documents that could be repackaged and applied to just about any proposed dock project on Bainbridge Island. To completely ignore or overlook the presence of federally designated Critical Habitat for three federally listed threatened or endangered species, occurrence of Essential Fish Habitat for three species, and the known occurrence of a bald eagle nest site 0.5 mile from the project site is problematic. As a professional wildlife biologist, when I reviewed the two documents listed above, I was completely taken aback at their lack of thoroughness and due diligence. In addition, the noise impacts from pile driving are dismissed or not addressed with any sort of detail or analysis. While the impact analysis and mitigation report attempts to address in-water noise impacts to fish, there is nothing regarding in-air noise impacts to wildlife and people, particularly those along the shoreline of Manzanita Bay, but also those living further away that are very likely to hear the pile driving.

I would like to reiterate that the current application and associated documents do not support a DNS finding by the City of Bainbridge Island. I request that an additional review be conducted, with the preparation of a new and more thorough and complete impact analysis and mitigation plan. This plan and a revised application should then be offered for public review and comment.

While I am not inherently against docks or development in general, the proposed replacement of an 83-ft dock with a dock 3x the size within the confines of a relatively small bay is inappropriate. The sheer size of the dock would not fit the character and nature of the bay, nor its historical and current use. While I understand the desire of the applicants to be able to enjoy their large boats, and there is the issue of low tides in the bay, I have another proposal for the City and the applicants to consider. Remove the current 83-ft dock and replace it with a modern dock of the same length and install the proposed mooring buoy. The applicants could then moor their boat(s) to the buoy and use a dinghy or similar small boat to access the boat from the smaller dock during low tides. It just means a bit of planning and coordination with the tides. This option would only impact the applicants, whereas the 240-ft dock would impact all residents and visitors.

Thank you for your consideration of my comments. If you have any questions or would like further information, please do not hesitate to contact me. I would also like to be informed of any changes or developments with respect to this land use action.

Sincerely,

Rick Spaulding
6765 NE Day Rd.
Bainbridge Island
kisariley@gmail.com

Attachment: Spaulding Comments on Proposed Wysong/Ziemba Dock Replacement PLN50280SSDP

Submitted by:
Rick Spaulding
Certified Wildlife Biologist
6765 NE Day Rd. Bainbridge Island

Comments on the *SEPA Checklist*
(stamped by City of Bainbridge Island – Jul 07 2016, Planning and Community Development)

1) Page 3, Item 10 (Government Approvals or Permits): the checklist acknowledges the need to obtain permits from the U.S. Army Corps of Engineers (USACE) in accordance with Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. In addition, the checklist also acknowledges the associated requirement to conduct Endangered Species Act (ESA) section 7 consultations with NOAA Fisheries or the National Marine Fisheries Service (NMFS) given the proposed action has a Federal nexus (i.e., permit from the USACE). However, the checklist then fails to discuss under Item 5b (Animals, Threatened and Endangered Species) all species listed under the ESA, associated critical habitat for those listed species, and Essential Fish Habitat (EFH) that occur within the project area and that require consultation with NMFS. Further details are provided below under Item 5b.
2) Page 8, Item 5b (Animals): the list of species known to occur on or near the site is seriously lacking and illustrates a lack of knowledge of the area. How is one to assess the professionalism of an environmental review checklist when they provide a list of general species like "hawk", "eagle", and "songbirds?" It appears that either the preparer of this document does not know the wildlife of the area or did not feel it necessary to at least provide an actual common name for the species that occur in the area and thought it sufficient to speak in generalities. The list of species provided could be for a project in every state bordering the Pacific Ocean from Alaska to California. For example, red-tailed hawk and maybe just one or two examples of songbirds: perhaps something as simple as the American robin or spotted towhee, probably the most common species in the area. Yes, "bald eagles have been observed in Hidden Cove." They are frequently observed in Manzanita Bay given there is a nest site at Arrow Point 0.5 mile to the west of the project site. Why is this not mentioned? Manzanita Bay also hosts numerous wintering seabirds including large numbers of western grebes, common goldeneyes, and buffleheads. It is obvious from the lack of specificity in this checklist that it was prepared at a very superficial level with no knowledge of the area and without any desire to provide a site-specific assessment.
3) Page 8, Item 5b (Animals – Threatened and Endangered Species): The only federally listed species mentioned in this section are chinook and marbled murrelet. Note that the bald eagle was removed from the list of federally threatened and endangered species in 2007. The bald eagle is still listed and offered protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. However, my main concern is the lack of research and an understanding of the regional baseline environment. With just a basic knowledge of the area and some routine research on the NMFS West Coast Region website (http://www.westcoast.fisheries.noaa.gov/) any reasonable biologist would have found that the following federally listed resources occur within the waters of Manzanita Bay:
    a. Puget Sound Chinook Salmon Critical Habitat (http://www.westcoast.fisheries.noaa.gov/publications/gis_maps/maps/salmon_steelhead/critical_habitat/chin/chinook_pug.pdf) – map attached.
    b. Puget Sound Rockfish Critical Habitat (http://www.westcoast.fisheries.noaa.gov/publications/gis_maps/gis_data/other/rockfish/final8_25_14.pdf) – map attached.

c. Southern Resident Killer Whale Critical Habitat (http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/killer_whales/SRKW-CH-Map.jpg) – map attached.
d. Coho Salmon EFH – map attached.
e. Chinook Salmon EFH – map attached.
f. Puget Sound Pink Salmon EFH – map attached
All EFH maps and information can be found here:
http://www.westcoast.fisheries.noaa.gov/maps_data/essential_fish_habitat.html.

Detailed maps showing the extent of these Critical Habitat and EFH areas within Manzanita Bay project area can be prepared by using the Critical Habitat and EFH mapper located here: http://response.restoration.noaa.gov/maps-and-spatial-data/environmental-response-management-application-erma/pacific-northwest-erma.html.

In addition, all the Federal Register notices describing the details of each Critical Habitat designation can be found here:
http://www.westcoast.fisheries.noaa.gov/habitat/critical_habitat/critical_habitat_on_the_wc.html.

In accordance with ESA section 7, at a minimum, informal consultation with NMFS should be conducted to address potential effects of the proposed project on the designated Critical Habitats listed above. In addition, in accordance with Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), consultation should be conducted with the NMFS regarding potential adverse effects of the proposed project on the previously listed EFH.

4) Page 10, Item 7b (Environmental Health – Noise): This section fails to even mention the fact that pile driving will be part of the construction activities. Not only does impact pile driving potentially disturb wildlife and fish, but what about human receptors/neighbors? How can one prepare a SEPA checklist and fail to mention the greatest noise source associated with the project?
5) Page 12, Item 10b (Aesthetics – Alteration of Views): How can one say that installing a 240-ft long dock in a small bay that currently only contains docks that are less than 100 ft long, "will not impact the water views?" Constructing a dock of that size within a currently relatively pristine bay with no such surface features, would be very obvious and would change the entire character and viewshed of the bay, not only for the residents in the nearby properties, but for anyone driving along the bay and enjoying the incredible view of the Olympic Mountains to the west. The proposed dock would be a finger on the bay that would be forever a blight on the views and beauty of the bay.
6) Page 13, Item 12b (Recreation – Displacement of Recreational Uses): "No existing recreational uses would be displaced. The proposed project would enhance the opportunities for both residents…" So the current recreational opportunities of residents and visitors to enjoy the view of the bay, wildlife, and western mountains would not be displaced by the addition of a 240-ft long dock placed right in the center of the bay? It's nice that the dock would "enhance the opportunities for both residents" but the bay is not their backyard or property, it is a communal resource that is enjoyed by many more people than the residents of two houses that moved there recently. Where is the aspect of being a neighbor fit in with the proposal to construct a dock that will benefit only a few and not the community, particularly given the significant aesthetic impacts to the viewshed?

Comments on the *Site Specific Impact Analysis and Mitigation Plan*
(stamped by City of Bainbridge Island – Jul 07 2016, Planning and Community Development)

1) Page 2, Project Description, When: It states that construction would occur during the "open work window of July 16 to January 15 of any year to prevent impacts to migrating salmonids." How did the applicant arrive at this work window? Based on the current USACE work windows for Tidal Reference Area 5 (attached), the salmon work window is July 2 – March 2. In addition, the forage species work window for Pacific herring (which the document acknowledges is within the project area) is May 1 – January 14. [*Note*: it is assumed based on current U.S. Fish and Wildlife Service regional data that bull trout are unlikely to occur within Manzanita Bay.] Given work windows must be combined and the approved work window will be the common days between all approved work windows, the work window when combining the salmon and herring work windows would be July 2 – January 14. During the review of the application file at City Hall, it was written on the application that work is expected to begin in February 2017. That would not be possible as that would occur after the closure of the work window on Jan 14.
2) Page 5, Baseline Environmental Conditions (State Listed Species and State Candidate Species): The conclusion statement for this section is: "None of these species were found or inventoried in the action area." This is patently wrong and absurd, again showing the lack of thorough environmental review and due diligence in determining the baseline environment of the project area. Based on the attached 2013 Priority Habitat and Species (PHS) for Kitsap County (http://wdfw.wa.gov/conservation/phs/list/), a number of species are known to occur within the project area:
    a. Pacific Herring (State Candidate; Federal Species of Concern [SOC]) – also noted in the WDFW PHS map and Forage Fish Spawning map (see page 3, items 4 and 5).
    b. Chinook Salmon (State Candidate; Federally Threatened) – see comment 3 on the SEPA Checklist.
    c. Note numerous other State Candidate and federally listed or SOC fish species with the potential to occur. I do not see any indication that a fish survey was conducted within the project area that would provide any support to the statement: "None of these species were found or inventoried in the action area"; only an Eelgrass/Macroalgae Habitat Survey was conducted.
    d. Common Loon (State Sensitive), Western Grebe (State Candidate), – based on over 14 years of living on Day Road and visiting this bay hundreds of times throughout all seasons, loons and grebes are commonly observed during fall, winter, and spring within Manzanita Bay.
    e. Bald Eagle (State Sensitive; Federal SOC) – while the SEPA Checklist at least acknowledged the presence of bald eagles in the area, the checklist and this impact analysis and mitigation plan failed to acknowledge the presence of a bald eagle nesting site at Arrow Point, approximately 0.5 mile west of the dock project site. Why wasn't this noted during the review of the WDFW PHS Report and associated maps? In addition, the location of the nest area is easily determined by using the PHS mapper on the WDFW website: http://apps.wdfw.wa.gov/phsontheweb/. Having lived on W Day Road for 14+ years, we are very familiar with the nesting bald eagles of Manzanita Bay and have frequently observed them foraging in Manzanita Bay, in the exact area of the proposed dock footprint.

3) Page 7, Impacts of Site Development, Item 3 – Construction Activity: Citing Feist et al. (1992), a 24-yr old document, to address potential in-water noise impacts from pile driving to salmonids is questionable. Science has come a long way in 24 years in terms of understanding underwater noise transmission of pile driving sounds, and the associated potential impacts to salmonids. I would suggest you review the referenced materials from the WA State Dept. of Transportation and the Biological Assessment Guidelines regarding noise impacts and marine construction activities. Another example of either using outdated materials from an older application, or just not being informed of the current state of knowledge with respect to in-water noise and impacts to fish and wildlife.

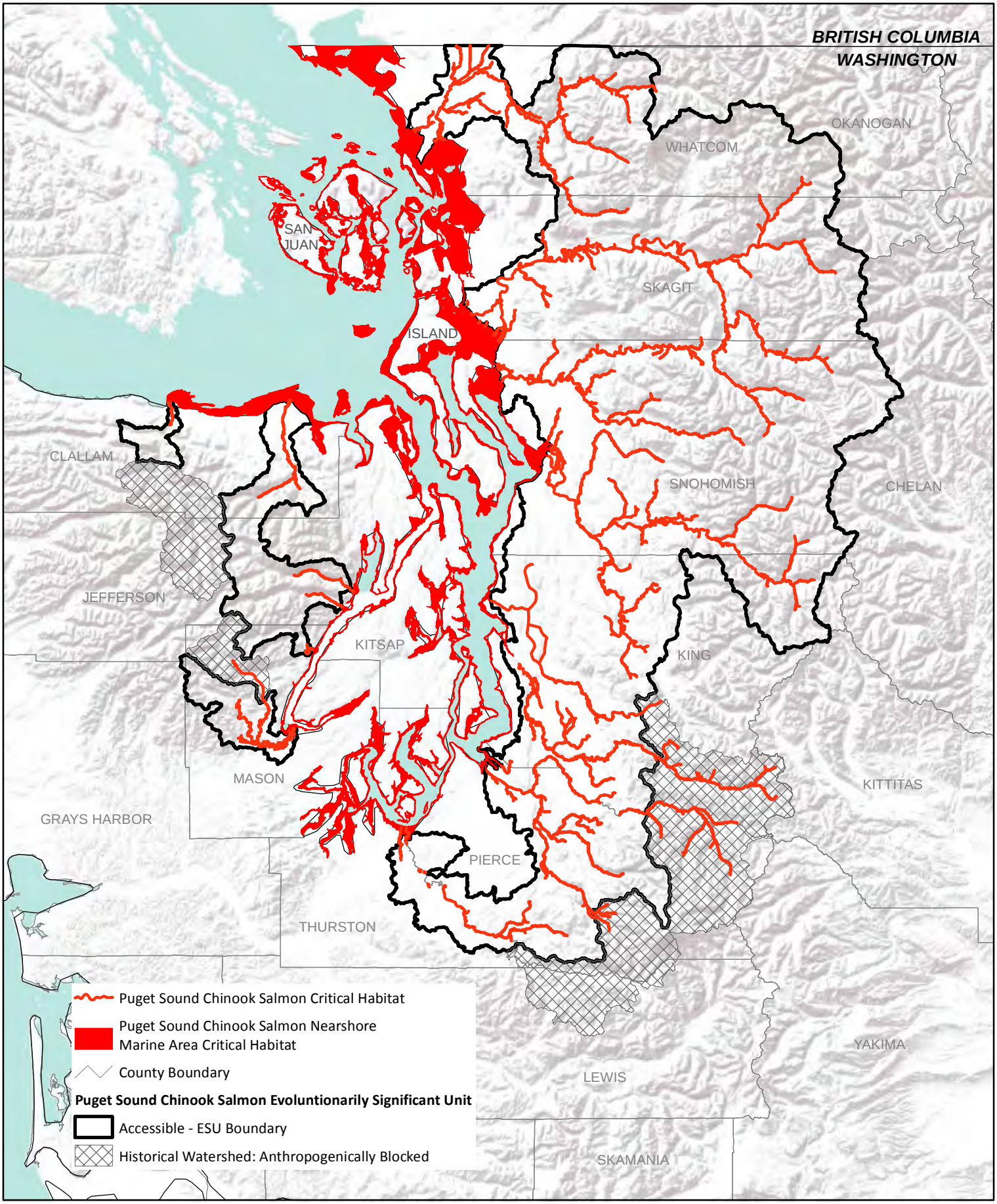
   This section attempts to address noise impacts to salmonids and one wildlife species, the marbled murrelet. Being a USFWS Certified Observer for Implementation of the Marbled Murrelet Marine Monitoring Protocol during pile driving operations in Puget Sound, I can say with confidence that the probability of a marbled murrelet occurring within Manzanita Bay is approaching 0. So it is baffling why only this one wildlife species is addressed here. And it is addressed with regards to its nesting habitat with no mention that it is a diving bird that could potentially be exposed to both in-air and underwater sound from pile driving. Where is the discussion of potential impacts to other wildlife species on or in the vicinity of Manzanita Bay? Most importantly, the occurrence of a known bald eagle nest site 0.5 mile from the project site.

4) Page 9, Summary: First paragraph states that the mitigation plan meets the requirements of Bainbridge SMP by "eliminating 1,161 square feet of in and overwater surface…" That is the square footage of the **proposed** project. In addition, I do not understand how you can get credit for the removal of quarry spalls, portion of a bulkhead, and rocks from the beach as "in water and overwater structures." While those features may be inundated at high tide, the removal of those items should not result in a net benefit of 642 ft^2. Overall, the project will result in a net increase of 560 ft^2 of overwater structures.

   Second paragraph states that the work window identified by the USACE will help to avoid any sound impacts to migrating salmonids." What about noise impacts to wildlife, including bald eagles, and the human residents in the vicinity of Manzanita Bay? Absolutely nothing specific has been provided in this "Site Specific Analysis" to address in-water and in-air noise levels, and the potential impacts to fish, wildlife, and people. There is no mention of what the noise levels will be and how many strikes per day during impact pile driving of 24, 10-inch steel piles.

NOAA FISHERIES

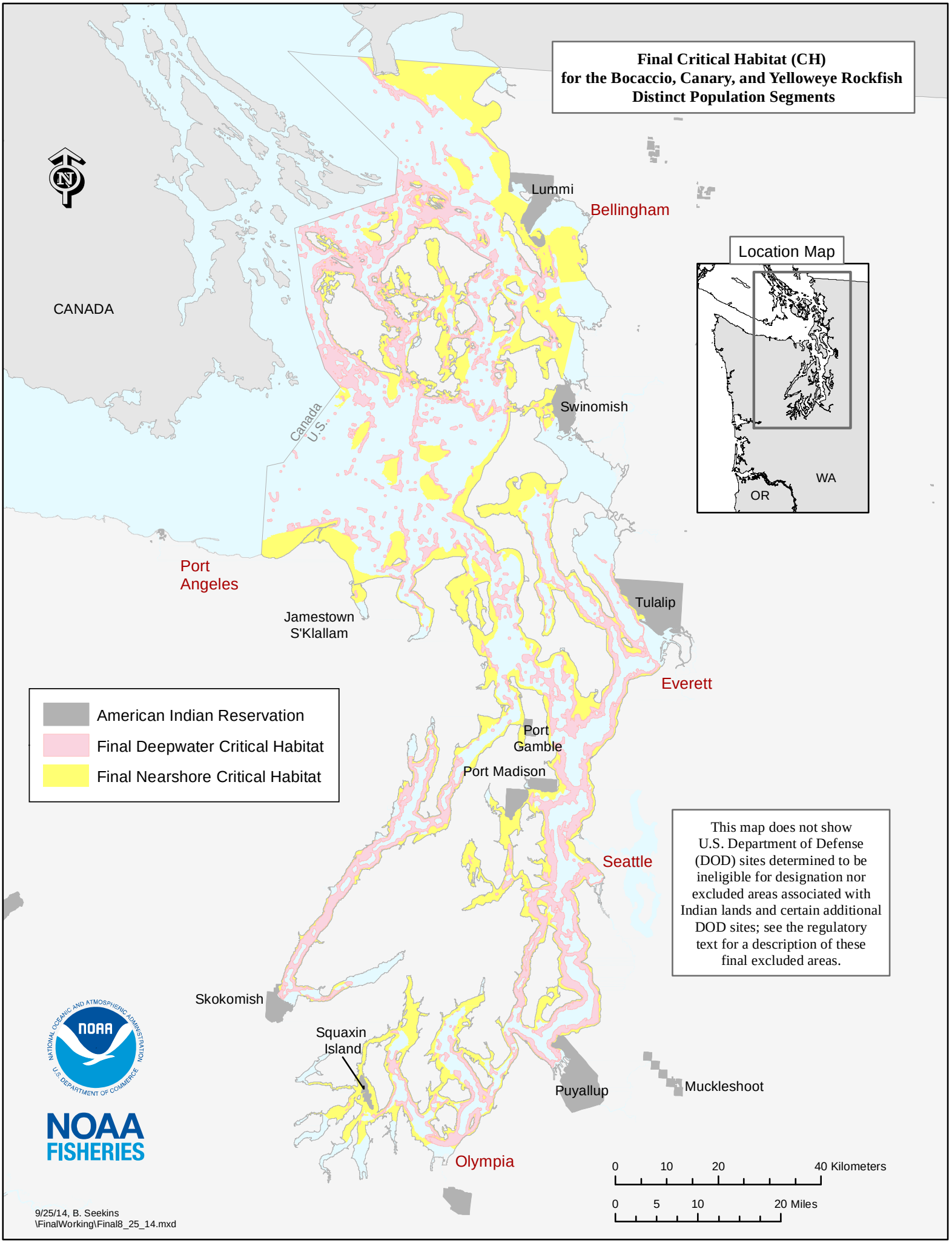
Critical Habitat
Puget Sound Chinook Salmon



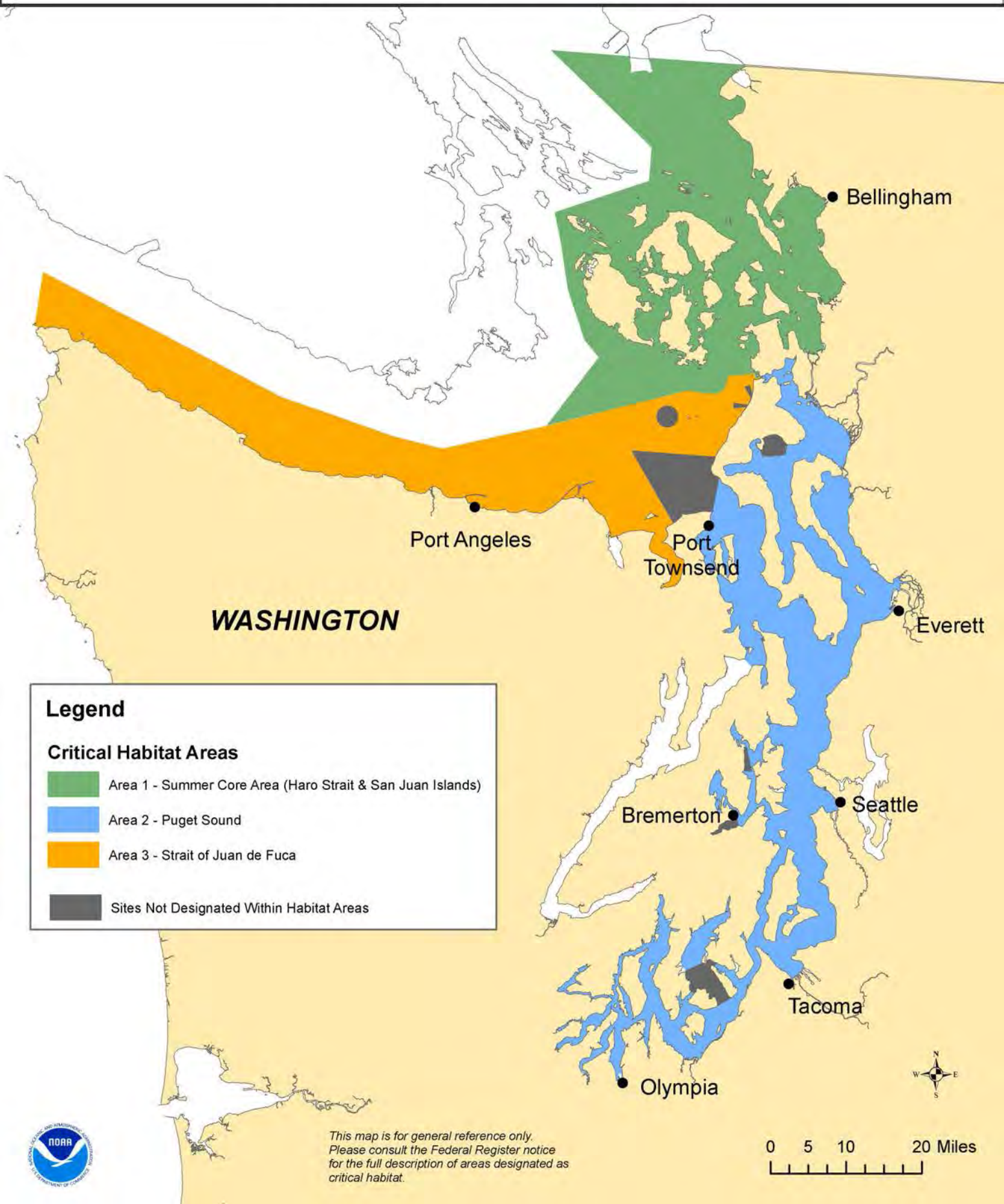
0 50 Miles

See Federal Register Notice for detailed description of critical habitat (70 FR 52630)

DOC-NOAA Fisheries-West Coast Region


Final Critical Habitat (CH)
for the Bocaccio, Canary, and Yelloweye Rockfish
Distinct Population Segments
CANADA
Lummi
Bellingham
Location Map
WA
OR
Swinomish
Canada
U.S.
Port
Angeles
Jamestown
S'Klallam
Tulalip
Everett
American Indian Reservation
Final Deepwater Critical Habitat
Final Nearshore Critical Habitat
Port
Gamble
Port Madison
Seattle
This map does not show U.S. Department of Defense (DOD) sites determined to be ineligible for designation nor excluded areas associated with Indian lands and certain additional DOD sites; see the regulatory text for a description of these final excluded areas.
Skokomish
Squaxin
Island
Puyallup
Muckleshoot
Olympia
NOAA
FISHERIES
0 10 20 40 Kilometers
0 5 10 20 Miles
9/25/14, B. Seekins
\FinalWorking\Final8_25_14.mxd

Designated Critical Habitat for Southern Resident Killer Whales
November 2006
NOAA Fisheries, Northwest Region



This map is for general reference only. Please consult the Federal Register notice for the full description of areas designated as critical habitat.

APPENDIX A
TO THE
PACIFIC COAST SALMON
FISHERY MANAGEMENT PLAN

As Modified by Amendment 18 to
the Pacific Coast Salmon Plan

IDENTIFICATION AND DESCRIPTION OF ESSENTIAL FISH HABITAT, ADVERSE IMPACTS, AND RECOMMENDED CONSERVATION MEASURES FOR SALMON

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97221-1384
(503) 820-2280

http://www.pcouncil.org

September 2014

3. ESSENTIAL FISH HABITAT DESCRIPTIONS

The following essential habitat and life-history descriptions were developed for the three species of Pacific salmon managed under the Pacific Coast Salmon FMP: Chinook salmon, coho salmon, and Puget Sound pink salmon.

3.1 GEOGRAPHIC EXTENT OF SALMON EFH

The geographic extent of salmon freshwater EFH is described as all water bodies currently or historically occupied by Council-managed salmon within the USGS 4th field hydrologic units (HU) identified in Table 1. The extent of current salmon freshwater and estuarine distribution was determined using two online databases: Streamnet.org for distribution in Washington, Oregon, and Idaho, and Calfish.org for distribution in California. Because current data do not represent the full historical extent of salmon distribution, the online databases were supplemented with historical data identified by the Council (PFMC 1999) to identify a number of 4th field HUs that were historically, but are not currently, occupied by salmon (Table 2) and are not above the dams listed in Table 1.

Both StreamNet and Calfish are small-scale, regional databases that incorporate data from various sources. They are suitable for portraying the overall distribution of salmon and have some utility for determining presence on the majority of specific stream reaches. Various life stages (migration, spawning and rearing, and rearing only) are delimited in the distribution data as well.

As described in Chapter 1, the formation and modification of stream channels and habitats is a dynamic process. Habitat available and utilized by salmon changes frequently in response to floods, landslides, woody debris inputs, sediment delivery, and other natural events (Sullivan et al. 1987; Naiman et al. 1992; Reeves et al. 1995). To expect the distribution of salmon within a stream, watershed, province, or region to remain static over time is unrealistic. Therefore, current information on salmon distribution is useful for determining which watersheds salmon inhabit, but not necessarily for identifying specific stream reaches and habitats utilized by the species. As such, the Council used an inclusive, watershed-based description of EFH using USGS 4th field HUs. This watershed-based approach is consistent with other Pacific salmon habitat conservation and recovery efforts such as those implemented under the ESA.

In the estuarine and marine areas, salmon EFH extends from the nearshore and tidal submerged environments within state territorial waters out to the full extent of the EEZ (370.4 km) offshore of Washington, Oregon, and California north of Point Conception. Foreign waters off Canada, while still salmon habitat, are not included in salmon EFH, because they are outside United States jurisdiction. Pacific Coast salmon EFH also includes the marine areas off Alaska designated as salmon EFH by the NPFMC.

3.2 ESSENTIAL FISH HABITAT DESCRIPTION FOR CHINOOK SALMON (*Oncorhynchus tshawytscha*)

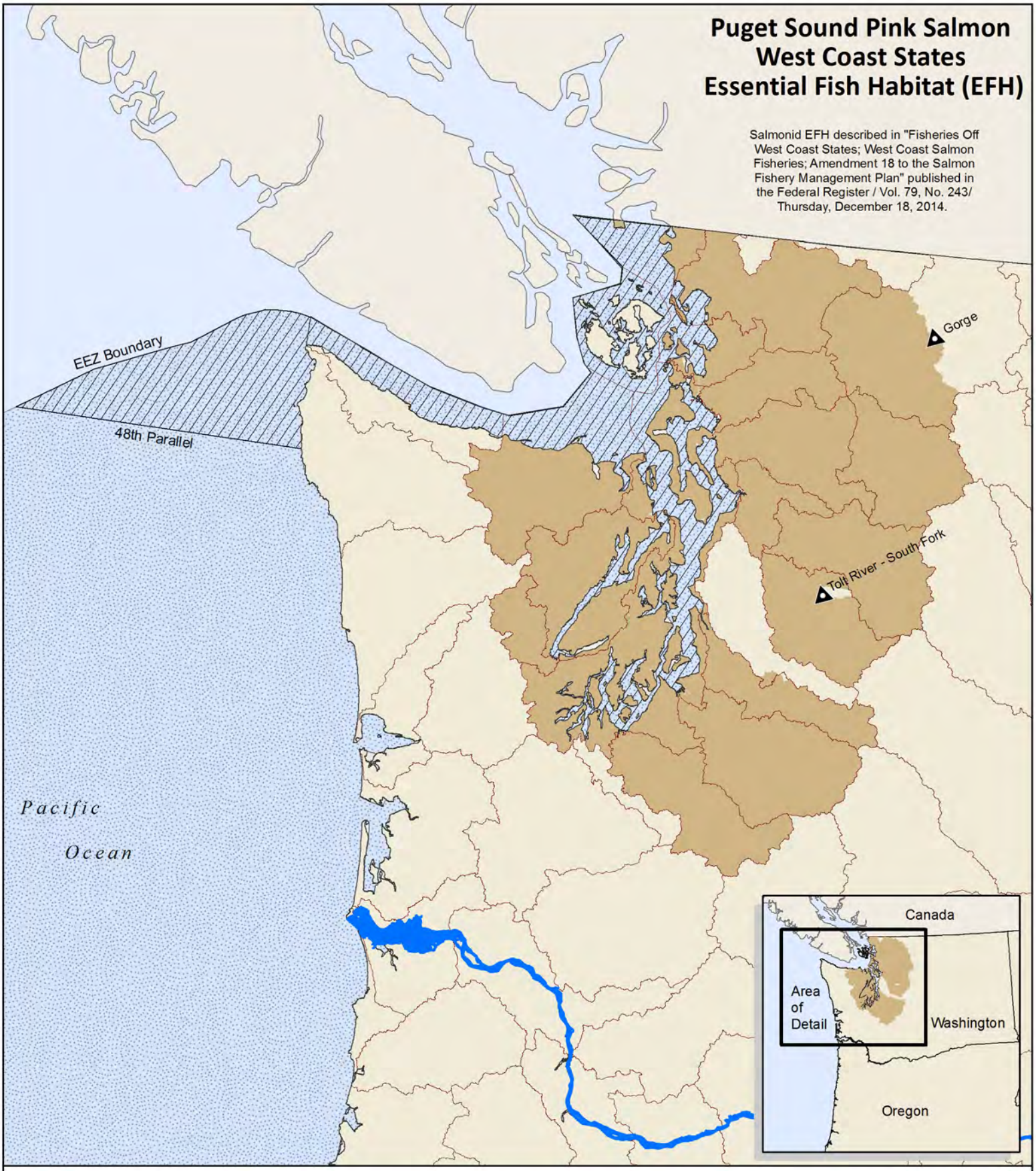
3.2.1 General Distribution and Life History

The following is an overview of Chinook salmon life-history and habitat use as a basis for identifying EFH for Chinook salmon. More comprehensive reviews of Chinook salmon life-history can be found in Allen and Hassler (1986), Nicholas and Hankin (1988), Healey (1991), Myers et al. (1998), and Quinn (2005). This description serves as a general description of Chinook salmon life-history for Washington, Oregon, Idaho, and California and is not specific to any region, stock, or population.

Chinook salmon, also called king, spring, or tyee salmon, is the least abundant and largest of the Pacific salmon (Netboy 1958). They are distinguished from other species of Pacific salmon by their large size, the

Puget Sound Pink Salmon West Coast States Essential Fish Habitat (EFH)

Salmonid EFH described in "Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Salmon Fishery Management Plan" published in the Federal Register / Vol. 79, No. 243/ Thursday, December 18, 2014.



Impassable Dam
Natural Barrier
Puget Sound Pink Salmon EFH (2014)
Puget Sound Pink Salmon Marine EFH (2014)
Marine Salmon EFH (2014)
4th Field Hydrologic Unit (HU)

NOAA FISHERIES

10 0 10 20 30 40 50 Miles

10 0 10 20 30 40 50 Kilometers

12/2014, C. Gavette Pink_EFH_2014.mxd

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
WEST COAST REGION
777 Sonoma Ave., Room 325
SANTA ROSA, CALIFORNIA 95404

Chinook Salmon West Coast States Essential Fish Habitat (EFH)

Salmonid EFH described in "Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Salmon Fishery Management Plan" published in the Federal Register / Vol. 79, No. 243/ Thursday, December 18, 2014.

Impassable Dam
Natural Barrier
Chinook Salmon EFH (2014)
Marine Salmon EFH (2014)
4th Field Hydrologic Unit (HU)

NOAA FISHERIES

50 0 50 100 150 200 250 Miles

50 0 50 100 150 200 250 Kilometers

12/2014, C. Gavette Chinook_EFH_2014.mxd

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
WEST COAST REGION
777 Sonoma Ave., Room 325
SANTA ROSA, CALIFORNIA 95404

Coho Salmon
Essential Fish Habitat (EFH)
in the
Pacific Northwest

Legend

- **Salmon EFH Dams, Indicate Upstream Extent of EFH HUCs**

Coho EFH

- HUCs (Hydrologic Units) are not EFH
- EFH except where dams indicate upstream extent
- **State Boundaries**

The final rule of "Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 14; Essential Fish Habitat Descriptions for Pacific Salmon" was published in the Federal Register, Vol. 73, No. 200, Wednesday, October 15, 2008. It codifies the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon Fishery Management Plan (FMP), including Chinook, coho, and pink salmon.

2/10/10, B. Seekins
c:/EFH_Salmon/EFHsalmonFinalCohoPNW12_08.mxd

APPROVED WORK WINDOWS FOR FISH PROTECTION FOR

ALL MARINE/ESTUARINE AREAS

***excluding* THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

BY TIDAL REFERENCE AREA

14 August 2012

(1) The general work window is given by Tidal Reference Area. Figure 2 is a map of the tidal reference areas.

(2) For marine/estuarine areas in the mouth of the Columbia River (Baker Bay) refer to Columbia River watercourse approved work windows in Table 2.

(3) The work windows are given by tidal reference area and species.

a. Bull trout: For Coastal/Puget Sound bull trout, refer to bull trout work window.
b. Salmon: For Puget Sound chinook salmon, Hood Canal chum salmon, or Ozette Lake chinook salmon, refer to the "salmon" restriction for the appropriate Tidal Reference Area.
c. Forage species: If forage fish are present in the project area, then the work window is for that species applies.

(4) It is likely that several work windows may apply for a specific project. The work windows must be combined. The approved work window will be the common days between all approved work windows. For example, if the project is in Hammersley Inlet in Tidal Reference Area 1 and Pacific Sand Lance are present, the work windows would be:

Salmon Work Window	July 2 – March 2
Bull Trout Work Window	July 16 – February 15
Pacific Sand Lance	March 2 – October 14

Taking the days that the approved work windows have in common, the time the project could be constructed is July 16 – October 14.

(5) For forage fish work windows that state "closed year round". Work may occur if the restriction is released for a short period of time (typically two weeks) after the Washington State Department of Fish and Wildife (WDFW) Habitat Biologist has confirmed that not forage fish are spawning on the beach.

(6) To determine whether your project lies within areas for work windows for "forage species," contact the Corps.

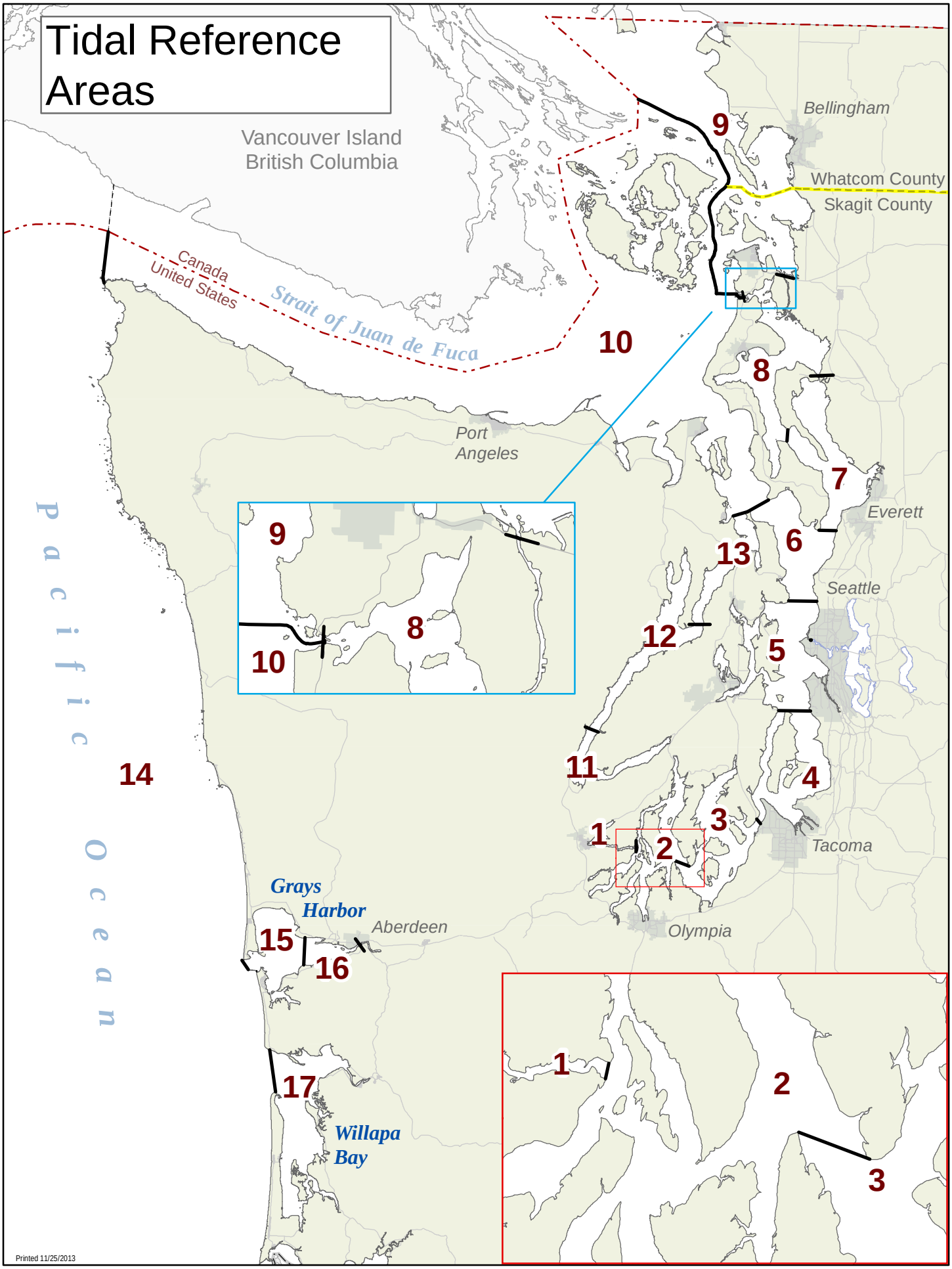
(7) Work within two hundred feet landward of the State's ordinary high water line in waters of the U.S. listed as "submit application" or "closed" is not authorized by the Washington State

Department of Fish and Wildlife (WDFW). Site review and a specific written authorization (and State HPA) are required for these waters.

(8) These “approved work windows” are based on best available information as of the date of the Services’ concurrence with this informal consultation. They may be amended or deleted in the future as new information is obtained. The Corps will use the most current version of these windows when the authorizing projects for which conformance with the ESA is in part based on the windows in this programmatic consultation.

TABLE D-3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS
***Excluding* THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	FORAGE SPECIES WORK WINDOWS	
Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley inlet westerly of a line projected from Hungerford Point to Arcadia	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance	------ April 1 – January 14 March 2 – October 14
Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance	April 1 – June 30 April 1 – January 14 March 2 – October 14
Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance	May 1 – September 30 April 1 – January 14 March 2 – October 14
Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.	July 2 – March 2 Commencement Bay only: Aug. 16 – March 15	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance	April 15 – September 30 April 15 – January 14 March 2 – October 14
Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line projected true east from Point Jefferson at 47° 45' N. latitude across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.	July 2 – March 2	July 16 – February 15* *Duwamish Waterway - Oct 1- Feb 15	Surf Smelt - Eagle Harbor - Sinclair Inlet Pacific Herring Pacific Sand Lance	April 1 – August 31 Year round Year round May 1 – January 14 March 2 – October 14


Tidal Reference Areas
Vancouver Island
British Columbia
Canada
United States
Strait of Juan de Fuca
Pacific Ocean
Bellingham
Whatcom County
Skagit County
Port Angeles
Everett
Seattle
Tacoma
Olympia
Aberdeen
Grays Harbor
Willapa Bay
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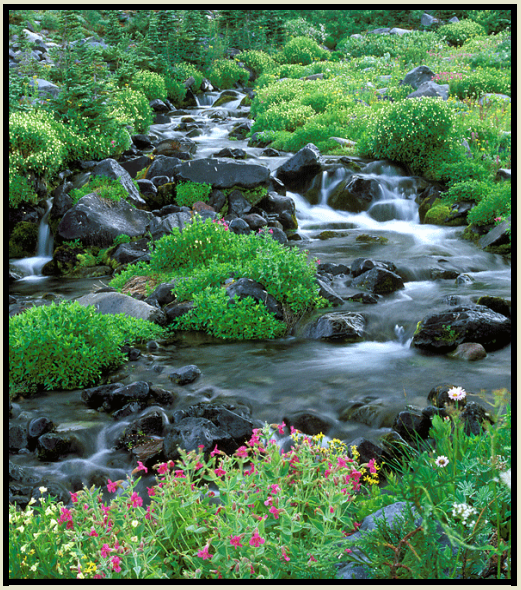
Printed 11/25/2013

STATE OF WASHINGTON August 2008 **(Updated 4/2014)**

Priority Habitats and Species List



Washington Department of
FISH AND WILDLIFE

	Species/ Habitats	State Status	Federal Status
Habitats	Biodiversity Areas & Corridors		
	Herbaceous Balds		
	Old-Growth/Mature Forest		
	Oregon White Oak Woodlands		
	Riparian		
	Freshwater Wetlands & Fresh Deepwater		
	Instream		
	Puget Sound Nearshore		
	Caves		
	Cliffs		
	Snags and Logs		
	Talus		
Fishes	Pacific Lamprey		Species of Concern
	River Lamprey	Candidate	Species of Concern
	White Sturgeon		
	Pacific Herring	Candidate	Species of Concern
	Longfin Smelt		
	Surfsmelt		
	Bull Trout/ Dolly Varden	Candidate *	Threatened *
	Chinook Salmon	Candidate	Threatened (Upper Columbia Spring run is Endangered)
	Chum Salmon	Candidiate	Threatened
	Coastal Res./ Searun Cutthroat		Species of Concern
	Coho		Threatened – Lower Columbia Species of Concern – Puget Sound
	Pink Salmon		
	Rainbow Trout/ Steelhead/ Inland Redband Trout	Candidiate **	Threatened **
	Pacific Cod	Candidiate	Species of Concern
	Pacific Hake	Candidiate	Species of Concern
	Walleye Pollock	Candidiate	Species of Concern
	Black Rockfish	Candidiate	
	Bocaccio Rockfish	Candidiate	Endangered
	Brown Rockfish	Candidiate	Species of Concern
	Copper Rockfish	Candidiate	Species of Concern
	Greenstriped Rockfish	Candidiate	
	Quillback Rockfish	Candidiate	Species of Concern
	Redstripe Rockfish	Candidiate	
	Tiger Rockfish	Candidiate	
	Yellowtail Rockfish	Candidiate	
	Lingcod		
	Pacific Sand Lance		
	English Sole		
	Rock Sole		

**** Important Note ****

These are the species and habitats identified for Kitsap County. This list of species and habitats was developed using the distributior maps found in the Priority Habitat and Species (PHS) List (see http://wdfw.wa.gov/conservation/phs/). Species distribution maps depict counties where each priority species is known to occur as well as other counties where habitat primarily associated with the species exists. Two assumptions were made when developing distribution maps for each species:

1) There is a high likelihood a species is present in a county, even if it has not been directly observed, if the habitat with which it is primarily associated exists.

2) Over time, species can naturally change their distribution and move to new counties where usable habitat exists.

Distribution maps in the PHS List were developed using the best information available. As new information becomes available, knowı distribution for some species may expand or contract. WDFW will periodically review and update the the distribution maps in PHS list.

WDFW 2013 PHS List for Kitsap County:
http://wdfw.wa.gov/conservation/phs/list/.

Amphibians	Western Toad	Candidate	Species of Concern
Reptiles	Pacific Pond Turtle (also known as Western Pond Turtle)	Endangered	Species of Concern
Birds	Common Loon	Sensitive	
	Common Murre	Candidate	
	Marbled Murrelet	Threatened	Threatened
	Tufted Puffin	Candidate	Species of Concern
	Western grebe	Candidate	
	W WA nonbreeding concentrations of: Loons, Grebes, Cormorants, Fulmar, Shearwaters, Storm-petrels, Alcids		
	W WA breeding concentrations of: Cormorants, Storm-petrels, Terns, Alcids		
	Great Blue Heron		
	Brant		
	Cavity-nesting ducks: Wood Duck, Barrow's Goldeneye, Common Goldeneye, Bufflehead, Hooded Merganser		
	Western Washington nonbreeding concentrations of: Barrow's Goldeneye, Common Goldeneye, Bufflehead		
	Harlequin Duck		
	Trumpeter Swan		
	Waterfowl Concentrations		
	Bald Eagle	Sensitive	Species of Concern
	Peregrine Falcon	Sensitive	Species of Concern
	Mountain Quail		
	Sooty Grouse		
	W WA nonbreeding concentrations of: Charadriidae, Scolopacidae, Phalaropodidae		
	Band-tailed Pigeon		
	Yellow-billed Cuckoo	Candidate	Candidate
	Vaux's Swift	Candidate	
	Pileated Woodpecker	Candidate	
	Purple Martin	Candidate	
Mammals	Dall's Porpoise		
	Humpback Whale	Endangered	Endangered
	Gray Whale	Sensitive	
	Sperm Whale	Endangered	Endangered
	Harbor Seal		
	Orca (Killer Whale)	Endangered	Endangered
	Pacific Harbor Porpoise	Candidate	
	California Sea Lion		
	Steller (Northern) Sea Lion	Threatened	Threatened
	Roosting Concentrations of: Big-brown Bat, Myotis bats, Pallid Bat		
	Townsend's Big-eared Bat	Candidate	Species of Concern
	Keen's Long-eared Bat (formerly Keen's Myotis)	Candidate	
	Columbian Black-tailed Deer		
Invertebrates	Pinto (Northern) Abalone	Candidate	Species of Concern
	Geoduck		
	Butter Clam		
	Native Littleneck Clam		
	Manila Clam		
	Olympia Oyster	Candidate	
	Pacific Oyster		
	Dungeness Crab		
	Pandalid shrimp (Pandalidae)		
	Puget Blue	Candidate	

* Bull Trout only
** Steelhead only