

SEPA Center
P.O. Box 47015
Olympia, WA 98504-7015
Via e-mail transmission: sepacenter@dnr.wa.gov

November 18, 2016

RE: SEPA File No. 16-110401 Concerning the Cherry Point Aquatic Reserve Gateway Cutout

To whom it may concern:

Thank you for the opportunity to comment on Washington State Department of Natural Resources' decision to add an addendum to the 2010 Aquatic Reserve documents to include the 45-acre Gateway cutout. The Northwest Straits Chapter of the Surfrider Foundation agrees with the SEPA Determination of Nonsignificance for this proposal in boundary change for the Cherry Point Aquatic Reserve.

The Northwest Straits Chapter of the Surfrider Foundation is located in Whatcom County, Washington and was founded locally in 1999. Through protecting the world's oceans, waves, and beaches, Surfrider aims to protect the important places and access to them along our coastlines and oceans so that future generations may continue their enjoyment and resources.

The purpose of this letter is to express agreement that the State-Owned Aquatic Lands (SOAL) within the Gateway cutout should be designated as part of the existing Cherry Point Aquatic Reserve (CPAR). By modifying the existing boundaries of the CPAR to include the Gateway cutout, which is located entirely within the CPAR slightly south of Cherry Point, these unique and significant cultural and environmental values and services can continue to be protected. Below are some of the major points why Surfrider believes that this Aquatic Reserve boundary change is valuable.

Recreation: The uniqueness of Cherry Point brings a lot of recreation to the area, including beach walkers, shellfish harvesters, fishers, kayakers, swimmers, stand up paddle boarders, birders, recreational boaters, and more, which could all be impacted if Cherry Point as a whole isn't properly protected. The *Economic Contribution of Outdoor Recreation to Whatcom County, Washington* report prepared by Earth Economics reported that \$132 million dollars are spent each year in Whatcom County on water recreational activities, indicating that water recreation is very important locally.

The Legislature gave DNR guidance for general management of aquatic lands for a balance of public benefits under the Revised Code of Washington (RCW) 79.105.030, including ensuring environmental protection and encouraging direct public use and access. By allowing the Gateway cutout to continue to exist, the Cherry Point Aquatic Reserve remains at risk to whatever industry may propose a wharf and trestle at the location.

Inclusion of the 45-acre cutout is essential to ensure long term protection of the CPAR, honor treaty rights, and better ensure direct public use and access will be preserved. The public commonly visits the adjacent shoreline to the cutout for boat launch use for fishing and other recreational uses. This public access would be at risk if a pier were to be built in the cutout.

Ecosystem Services: The cutout provides important habitat area for state and tribal crab and salmon fisheries. By continuing to exclude this cutout from the CPAR, this site is left vulnerable to potentially unknown industries that may significantly impact this aquatic area. A pier could physically alter longshore currents and other ecosystem processes vital to preserving the unique and diverse habitat maintained by wave action and the substrate present along the shoreline that equate to the unique diversity of the site.

The cutout contains habitats important to Dungeness crab, flatfish, salmonids, migratory and resident seabirds, marine mammals, and forage fish. These are culturally, economically, and environmentally significant resources in the area that could be impacted if the cutout is left out of the CPAR.

The Gateway cutout is located over the nearshore end of a unique bathymetric trench, which is the deepest water close to shore in the Cherry Point Reach and Aquatic Reserve. Observations from a historic herring spawn-on-kelp fishery have shown this area to be a likely natural corridor and holding area for pre-spawner herring to move from offshore waters to inshore spawning grounds. A pier could be the final devastation to the already dwindling and iconic Cherry Point herring.

Treaty Rights: The CPAR and the Gateway cutout “is of profound cultural and spiritual significance” to Lummi Nation and other tribal nations. It is important that tribal treaty-protected fishing rights are respected and by including this cutout, these rights will be upheld. Cherry Point is located within the usual and accustomed areas of several federally recognized tribes, including the Lummi, Nooksack, Swinomish, Suquamish, and Tulalip Tribes. In the CPAR management plan, it states that DNR is obligated to conduct government-to-government consultations with all federally recognized tribes and ensure that impacts to tribal treaty rights are avoided and/or minimized and any unavoidable impacts are mitigated to the satisfaction of the affected tribal governments. The management plan also states that the federal government is obligated to protect the long-term interests of tribes by limiting permits that impact cultural objectives of tribes. The DNR proposal to include the 45-acre Gateway cutout upon Lummi Nation’s request is consistent with this and upholds the State Centennial Accord.

Thank you for considering this comment in reference to SEPA file number 16-110401.

Sincerely,

Eleanor Hines
Chapter Chair
Northwest Straits Chapter
Surfrider Foundation