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HABITAT PROGRAM

July 22, 2009

Hydraulic Project Approval Appeals Coordinator
WA State Department of Fish & Wildlife
600 Capitol Way North
Olympia, WA 98501-1091

SUBJECT: APPEAL, HYDRAULIC PROJECT APPROVAL PERMIT
CONTROL NO.: 117476-1

Dear Appeals Coordinator,

I would like to appeal and discuss with you our concerns about the City of Bainbridge Island's "Strawberry Plant Shoreline Restoration Project."

The project description you provide differs from the SEPA Environmental Checklist description which has been appealed by "Friends of Cannery Cove", a broad and diverse concerned citizen's group.

Project description:

5,500 cubic yards are planned to be removed, not 3,000. Eliminating all of the paving in this urban park (four blocks from the urban center on the island and from the schools), will mean that there will be no ADA access for people as there presently is and no proper or safe water access except to a 10 foot high tide line for the privilege of trampling the inter-tidal environment, befouling nature and providing people with an unsafe access. Removing the concrete and asphalt paving (the site was a concrete plant for 22 years) will eliminate an opportunity to control what does and doesn't flow into the bay as surface, curbing and drains allow filtration which your permitted plan does not. The same infrastructure and a float and ramp can minimize footprints on the environment forever in this urban park. There is no need to disturb the environment with this excavation in a very low energy estuary (which will take decades from which to recover). The harbor overviews are already there. These earth piers or peninsulas afford the ability to provide a safe ramp and float access as has been present there for over 120 years. The stream mouth restoration is not a restoration at all as historic photos indicate. The plan you approved is arbitrary and has little resemblance to the beach that nature created there over the centuries and which dictated the uses there in recent centuries. It ignores hydrologic features on the landscape identified by many including a DNR archaeologist. The plan was developed without any knowledge of a high capacity, high quality artesian well used by the Island's strawberry cannery, concrete plants, and others since 1936 which will be within 30 to 40 feet of the new City plan proposed shoreline - your permitted plan!

We are in possession of your HPA pages 1 through 6, however it references an April, 2009, 8 page project description which we do not have and have not seen. Can you provide us a copy of that?

I trust you are aware that this is a very historic site with known archaeological resources that have been identified and that there is a high probability and likelihood of others yet to be surveyed in several areas. These should be mentioned and excepted from your Provision #5 as they are not trash, should not be removed in any way, nor touched without special permit. Trash (not archaeological) should be removed from the site all together, no matter what plan evolves.

Provision #6 concerning footbridge, it should be noted that historically, a footbridge was much further up the stream and that today, the City does not hold title to the property it hopes to connect with the bridge.

Concurring with Provision #7, there may also be archaeology on some stream banks. If and when there is a bridge, it should be ADA accessible in determining minimum width (Provision #9).

Provisions #12 and #13 raise questions about siltation not just of the stream, but of the intertidal area and beds. How can you control that with hay bails? Won't the hay bails wash out to sea? The excavations envisioned in your approved plan are extensive - a half acre or more of beach! And this is a very low energy bay that, while it is self flushing and thought to be very clean, compared to the outer harbor, is extremely slow in recovery. Holes from creosote piling we had DNR remove there in February can still be seen on the tide flats. What controls over siltation caused by extensive intertidal excavations and relocation of the new high tide line 100 to 200 feet inland will be possible? How effective can they be? What effect will the siltation have on the shellfish, etc, grown and living in the bay? Why is the excavation necessary in the first place? Why can't the environment be enhanced by positive additions rather than disturbing subtractions? The City geo-tech never looked at options other than wholesale excavation.

Provision #14: Overwater viewing platform is not necessary as they already exist! Use of the earth peninsulas and meadows do not leave any footprints on the environment nor drop anything into local waters. They're north-south aligned already. The platform is a waste of tax payer dollars that could and should assist fisheries projects elsewhere.

The Strawberry Plant Park over water structure does not allow safe water access such as provided by similar state fisheries' grants at neighboring Poulsbo's Oyster Plant Park.

Provision #15 references driving and impact hammering of piling. Marine contractors who have built docks in the inner bay build same without any pile drivers or heavy mechanical impact tools. They quite simply dig piling in by hand in the sand and gravel intertidal beds.

Provision # 16 seems inconsistent with the notion that this is a huge excavation. "Depressions" were not refilled when DNR removed creosote piling in February. And what about additions. For over two decades, barges filled with sand and gravel from Steilicum accidentally spilled their cargo onto the tide flats leaving two large mounds in one area. It has been

suggested that this also be leveled to pre-project and pre-barge beach levels with the added opportunity of using this material to soften or nourish the static (rip rap) revetment a few feet nearby.

Provision #17 causes great concern. High tide water access at this upper end of the estuary at a 10 foot level occurs a minimal (maybe 10%) amount of time. Boaters need a zero tide float to access the water safely and without damaging the tide flats by hauling their small boats through the mud. We can show you films of same. Is it best to leave human foot prints in nature (especially in an urban setting)? Shouldn't we retain the paved, ADA accessible, walkways already present and add to them ramp and float as necessary to accommodate the public as well as the fish? Compare Oyster Plant Park's 5-foot wide gravel trail with their dock, ramp and float beside it. The difference and need in Eagle Harbor's upper estuary is even more extreme and demands other than a trail to the ten-foot high tide line as the only so-called "water access and boat launch"!

Concerning bulkhead and fill, Provisions #18 & #19, again this is a very sensitive and low energy intertidal area and thoughts of excavation are a bad idea, irrespective of the fact that this is the cultural and historic landscape associated with the Island's once world famous strawberry cannery and that it is extremely costly. It is best left alone, re-enforced, and additive enhancement measures considered that do not negatively disturb the environment. What slope ratios would be best here? 1:8? 1:10? 1:12?

The proposed new shoreline will kill a weeping willow tree and maple tree on the western earth peninsula as they will both be to seaward of the proposed plan's new high tide line. The landmark old fir used by eagles, osprey and other birds that is located SW of the existing building near the shoreline, will be killed by saltwater intrusion when the new shoreline will be brought within its root zone according to our local, world renown plant pathologist and arborist, Olaf Ribeiro (who formerly worked for the UN and who is flown all over the world to save such trees as the 1200 year old oak under which the Magna Carta was signed!)

As previously mentioned, water quality is a serious issue with this project if it involves the 5,500 cubic yard excavation proposed. There will be no way to adequately prevent siltation into the bay. It'll take years to recover (and maybe centuries to return to its true natural form from the un-natural arbitrary form proposed.) How can you best "minimize" intertidal siltation?

Provision #23: How is the present situation of this land form a detriment to fish life? How can it be enhanced without affecting water quality?

Project locations - Add: (1) "240 Weaver Road." Have you visited the site?

(2) Driving directions: From Hwy. 305 and Winslow Way intersection (a block north of Island ferry terminal or six miles south of Agate Pass bridge), go west on Winslow Way and take a right anywhere along the street and go north a block to Wyatt Way. On Wyatt Way, go west and down hill a few blocks to Weaver Road at bottom of hill. Go left or south to the water to 240 Weaver and enter Cannery Cove park site between two large first and a strawberry painted boulder.

Winslow Way and a trail along the water to Shepard Way and Weaver Road park entrance.

We are concerned that this project has been driven by the need to spend \$3 million locally, monies given us by the courts as penalties levied against the owners of the local wood preservation company when they closed (EBC funds). We believe there are better sites to clean up, real salt marshes and not neo-fabricated ones. We would like to explore this with you sometime.

We also are concerned that this is proceeding because of general notions of it being good because it is cleaning up an "industrial site", yet the residues of the "industry" at this site were strawberry stems, sand and gravel. Three extensive studies of ground water and soils chemistry (Robinson & Noble, Hart Crowser and Aspect Engineering) in recent years all showed the site to be clean of toxins and at levels lower than normal background levels.

There is little if any background data for the back or inner Eagle Harbor Bay. It is generally assumed to be the same as the outer bay which is false. A former City Councilman and Weyerhaeuser exec privy to their marine scientists and I grew oysters there for, in my case, over 35 years. Current studies conducted by Roats Engineering in 1969 for the Winslow secondary sewerage plant outfall suggest that the inner bay is an outward flushing ecosystem separate from the larger bay. It is shallower, has different salinity, temperature, flora, fauna, currents, drift and energy. Little specific information exists or has driven this project you permitted.

As yours is an "hydraulic permit", I should also mention that our observations and those of other hydrologists, geologists and archaeologists indicate five freshwater hydraulic features in the intertidal beds and on or adjacent to the shorelines. Cannery Creek is the most obvious. It is seriously impacted today with storm water runoff from underground piped waters, impassable culverts and such. It would be nice to do whatever we can with it. Most fisheries specialists have written it off because of its limitations of water quality and fish access. It is a lesser size creek - about half the size - than three others further up the bay. There are two other year-round creeklets or small hydrologic features that run parallel to Cannery Creek. One runs north south central across the site, can be seen on the cove beach where it exposes a very old boat grid that may date to ca. 1890-1917. It may have helped shape the cove over the centuries. There is another on the west property line, a minor artesianing surface anomaly. There is a 150-200 gpm well with artesianing water that is located close to the beach. It is within the existing building. It was established in 1936 for the strawberry cannery (90 gpm + 8 gpm artesian) and later used by pre-stress concrete manufacturer (150-200 gpm w/ 70 psi on 2" pump and no draw down). Later it was used by others and maintained by well-known well driller. It is very close to the City's proposed new shoreline location which gives concern. The fifth freshwater feature runs west-east across the tide flats at low tide and includes all of the water from three streams, each twice as large as Cannery Creek. We have created a hatchery run in one of these streams, Cooper Creek, beside which we resided for 20 years. (Al Cooper made the wooden barrels for the strawberry cannery before becoming Supt. of Winslow's shipyard and restoring the lumber schooner C. A. THAYER for the San Francisco National Maritime Museum.)

We appreciate an opportunity to comment and appeal the project permit. We know our reviews will help make this a better project for all, people and fish. We are all one.

Respectfully,

Gerald
Friends of Cannery Cove
including but not limited to
Bainbridge Is. Historical Society
B. Is. Historic Preservation Commission
B. Is. Japanese American Community
B. Is. Filipino American Community
Tom Swolgaard, Architect, Chairman, BI Park Board
Andy Ravelstad, Architect, Center for Wooden Boats, Friends of the Harbor
Conrad Mahnken, Governor's Fish & Wildlife Commission; retired
director, NOAA Marine Fisheries Research Labs, Manchester, WA
Scott Sprague, commodore, Port Madison Y C; pres., Accumar Corp.
Ed Kushner
Kay Nakao
Ralph Munro, five term WA Secretary of State
Andy & Sallie Maron
Doug Hatfield, fisherman
Dave Berry, Caicos Corp.
Barry Griffin, Griffin Engineering, marine scientist
Dick Wagner, founder / director, Center for Wooden Boats
Paul Svornich, third generation Island fisherman,
S/V OCEAN; long term Harbor Commissioner
Dave Ullin, Harbor Commissioner, traditional craftsman
Richard Labotz, designer;
Chris Otoroski, former PMYC Commodore;
Tom Kane, trustee, Puget Sound Maritime Historical Society, past
president, Puget Sound Steam Boat Society;
Kevin Dwyer, Executive Director, B. Is. Chamber of Commerce;
Kathryn Keve, PhD, artist, photographer;
Wayne & Judy Nakata
Gregg & Jill Onewein
Gerald Elfendahl, Historian;
and many more...

All the best, respectfully,



Gerald