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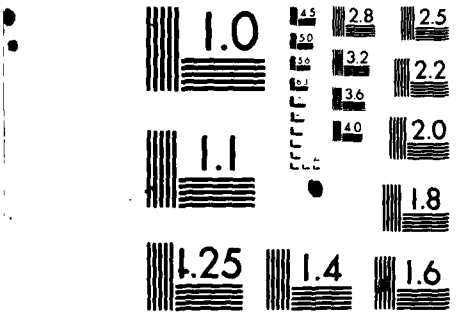

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US Army Corps
of Engineers
Seattle District

Weyerhaeuser Export Facility at DuPont

Final Environmental Impact Statement

Volume III

SECURITY CLASSIFICATION OF THIS PAGE (When Data Entered)

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Volume I: Main Report
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19. KEY WORDS (Continue on reverse side if necessary and identify by block number)

DUPONT	ENVIRONMENTAL IMPACT STATEMENTS	EXPORTS
NISQUALLY REACH	SHIPPING	
PUGET SOUND	DOCKS	
WASHINGTON (STATE)	FACILITIES	

20. ABSTRACT (Continue on reverse side if necessary and identify by block number)

Weyerhaeuser Company proposes to construct and operate a 250-acre export facility within the City of DuPont to ship forest products from manufacturing and wood operations in Western Washington to offshore markets. In 1976, Weyerhaeuser purchased a 3,200-acre site for this purpose. The E. I. DuPont de Nemours and Company used this site for the manufacture and ocean shipping of commercial explosives since 1909.

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Construction and operation of the proposed export facility would have a variety of adverse and beneficial impacts. In general, impacts on the physical environment would be adverse, whereas impacts on the socioeconomic environment would be both beneficial and adverse. Many adverse impacts would be mitigated. Volume III contains Appendices R-T of the main report.

Final Environmental Impact Statement

WEYERHAEUSER EXPORT FACILITY
AT DUPONT

VOLUME III

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SEATTLE DISTRICT, CORPS OF ENGINEERS
DEPARTMENT OF THE ARMY

1982

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OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE THE

UNITED STATES ARMY CORPS OF ENGINEERS

DOCKET No. _____

In the Matter of PUBLIC WORKSHOP ON PROPOSED WEYERHAEUSER EXPORT FACILITY AT DUPONT, WASHINGTON

Place Tacoma, Washington

Date September 11, 1979

Pages 1 - 146

Cascade Reporting Company
820 SECURITIES BUILDING
SEATTLE, WASHINGTON 98101

OFFICIAL REPORTERS

(206) 622-3548

BEFORE THE UNITED STATES ARMY CORPS OF ENGINEERS

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In the Matter of:

PUBLIC WORKSHOP ON PROPOSED WEYERHAEUSER EXPORT FACILITY AT DUPONT, WASHINGTON

- - - - - - - - - - - - - - - - - - -

Bicentennial Pavilion
1313 Market Street
Tacoma, Washington
September 11, 1979

Pursuant to notice, the above mentioned matter came on for discussion at 1:00 o'clock p.m.

BEFORE:

DR. STEVEN DICE, Chairman, Chief, Environmental Resources Section, United States Army Corps of Engineers.

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PROCEEDINGS

CHAIRMAN DICE: Good evening, my name is Steven Dice, I am Chief of the Environmental Resources Section of the Seattle District, U. S. Army Corps of Engineers. I would like to welcome you to the Public Workshop, on the Federal Environmental Impact Statement, proposed Weyerhaeuser Export Facility, at DuPont, Washington.

The purpose of this workshop is to solicit your views, and we would like to have you assist us in preparing the final EIS, and evaluating the decision on the permit application.

We have selected our Workshop Format, reasonably informal hopefully, specifically so that we can foster a little better discussion, hopefully with the group, that won't get too large, and will accommodate us, and permit the audience to question the Corps, question the Weyerhaeuser representatives, and question the technical experts who provide information for the EIS.

As background, I would like to explain that whenever someone proposes a construction project, on navigable waters in the United States, they first must obtain a Section 10 permit from the Corps of Engineers. The details of the proposed construction are advertised broadly by the Corps for thirty days, and comments solicited from Agencies and organizations and private citizens. If there

are no objections, and the work is within legal limits the permit is granted. If objections arise, negotiations between the applicant and the objector may reach an agreeable compromise. If a compromise cannot be reached, the Corps may have to use its judgment whether to grant a permit, or depending upon the circumstances, it may have have to be negotiated with the Regional, or even the Washington D. C. level of the Corps of Engineers, or their Agencies.

If the Corps judges that it needs specific information on this project impact before it can properly evaluate and make a decision on a permit proposal, it will require the applicant to provide it, usually with an independent third party consultant. If the proposal is judged to be a major Federal action, in issuing a permit, or it would have significant impact upon the quality of the human environment, we would prepare and coordinate a Federal EIS, under the regulations associated with the National Environmental Policy.

We would do this before we would decide whether or not to issue a permit on the application. This is exactly where we are in the case of the proposed Weyerhaeuser Company Export Facility. Weyerhaeuser Company's first public notice, issued by the Corps, for this permit application, was released in August of 1978, and it was revised

in July, of this year, and again on the 4th of September. The draft EIS was filed with the BPA on July 26th, the formal review period for anyone wishing to comment on this project of the EIS, will be held open to receive written comments until the 28th of September.

When you entered the Pavilion, you should have received, or had an opportunity to fill out a Registration Card, such as this. Filling out this card accomplishes two purposes, one is which you are on the mailing list to receive final EIS, and secondly, we are using it as an indicator of who desires to speak today, and what order they will speak, based on the order of signing in. If you don't have one of these and you would like to register please hold up your hand, and we will have one brought to you right now.

Should you change your mind at any point, feel free to go back and get a card.

Now, I would like to introduce the people with me today, and indicate the subject areas that they are preparing to discuss with you.

At the front table, and generally prepared to give some presentation, and cover general issues, to my far left, Stephen Wright, of the Regulatory Branch of the Corps of Engineers, and he is to discuss in all aspects of the permit process, and its specific association with

this proposal.

To my immediate left is Phil White, Project Manager for the DuPont Project, for Weyerhaeuser Company. He shortly will give you a presentation on this Project, and can and will respond to questions of the basic project itself.

To my right is Steve Fusco. Steve is the project manager of the URS Co., he is project manager for this proposal, and under his guidance a great deal of input for the EIS has been prepared, as well as the basic baseline background environmental studies program. He will respond to programs on the URS studies and findings for social issues of transportation, aesthetics, culture, sources, or noise.

In the front row in front of me we have a number of technical people, who can and will respond to questions should we not have the best information at the front table here. Steve Martin, I would like these people to stand so you can see who they are, Steve Martin Fisheries biologist, with the Corps of Engineers, will respond to questions on the Federal EIS, and Mike Redfield, the Attorney with the office of Counsel, Seattle District Corps of Engineers, will speak to questions on the permit processing, the EIS processing, and regulations, and we follow on it.

Bill Lucas, Oceanographer, Navigation Coastal Products Section, Corps of Engineers, speak to questions of navigation, and this type of things. If any questions about the public affairs, the advertising, and the media, JoAnn Sjulson, of the Corps, is out at the registration table. She can answer questions on that.

For the Weyerhaeuser Company I would like to introduce Bob Anderson, he is the Manager of Planning Environmental Affairs for Weyerhaeuser, covered much of the background of the project, and questions of policy.

And Rudy Thut, for Weyerhaeuser. Rudy will cover questions on the baseline studies and coordination of them, and Lee Robinette , is familiar with much of the basic background, and presently operating the projector. He is with the Weyerhaeuser Corporation.

Tony Melchiors is here. Tony can cover many aspects of the biology as investigated by Weyerhaeuser, and Jack Beaver, will be along a little later, and Jack will and can cover aspects of conceptual design and construction, that is basic for this design, and Jan Pauw, moderator for Weyerhaeuser, can discuss legal aspects of what they are pursuing, and in fact, Dick Lucas, Vice President of Weyerhaeuser, can answer questions on policy.

There are a number of technical consultants we have asked to be with us here today, that have prepared many of the basics environmental studies, and accordingly,

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Michael Storie, Mathematical Scienes of the Northwest will answer questions on fuel spills, prediction of fuel spills; and Glen Ledbetter of the Oceanographic Institute of Washington will answer questions on navigational risks, should they arise; and Kurt Fresh, University of Washington Fisheries Research Institute, and Charles Simonstad, of the University of Washington, both will cover questions on fishery resources and impacts, thereof. And Grant Bailey, biologist with the URS Co., can respond to questions on biology and water quality, at the basic investigation, handled by URS Co.

So you see we have a wide variety of technical experts for the Corps, Weyerhaeuser, and some consulting people who can and will attempt to indicate our views and our involvement and acknowledgment of this proposal.

After a short description of the proposed export facility, and the environmental studies supporting the EIS, I'll explain the details and the background, how we will run the actual workshop.

Phil, would you give us a discussion of the proposed Weyerhaeuser facility?

MR. WHITE: Good afternoon. Today I would like to present some slides and information about Weyerhaeuser's proposed export facility at DuPont. First I'd like to summarize briefly what the DuPont project is, and a few

things it is not.

Our DuPont project is, first and foremost, a modern high-technology, highly efficient export facility. It is designed to ship up to two million tons yearly of clean, renewable forest products to competitive world markets of the next century.

The facility is designed to, and will, increase our ability to export manufactured forest products from Weyerhaeuser operations throughout Western Washington. Thus it is an important step toward eventually reducing our dependency on raw material exports, and instead building world markets for lumber, plywood, pulp, paper, and a wide range of other manufactured goods.

The export center will be located on 250 acres of a 3,200 acre industrially zoned site we purchased from DuPont Company in 1976. That site was intensively used for 70 years for the production and shipment of explosives - and before that, for sawmilling, commercial farming, a slaughterhouse, and a wide range of other commercial activity.

Our new export facility will include road and rail access; storage, warehousing and staging areas; and a new 1,300 foot dock. The project includes no manufacturing; nor do we have any further plans for the site, beyond the proposed export center that is the subject

of this hearing.

Economically, the project will benefit the people of Washington directly through increased jobs, tax revenues and trade. Over the long term, it will benefit them through increased investments in this state's forest industry - a concept I will return to in a few moments.

Environmentally, the project - back by nearly four years of scientific studies, research, and planning - will have no significant impact on the site, the area, the Nisqually Delta, Puget Sound, or the fish and wildlife resources they support. The project will include every appropriate safeguard against any accidental environmental damage.

In this project, we at Weyerhaeuser believe we have gone well beyond the letter of environmental law to its spirit and its intent - indeed, to the very spirit of true conservation, with its emphasis on sound, long-range planning, for a wise and balanced use of resources.

I would now like next to dispel a few persistent myths about our DuPont project, to tell you what it is not.

First the facility is not on the Nisqually Delta, as some have claimed. It is not even on lands contiguous to it. The nearest structure, the dock, will be in the deep water of the Nisqually Reach, 1.6 miles from the vegetative area of the Nisqually Delta proper. It will

be 0.7 miles from the old log-raft jetty now owned by the U. S. Fish and Wildlife Service, and more than half a mile from the nearest tidelands owned by the Wildlife Refuge.

Most of our development will be on the uplands north of Sequalitchew Creek, nearly half a mile farther from the Delta. We are totally separated from the Delta by the Burlington Northern mainline along Puget Sound, and by various farm and residential properties.

The second myth I would like to dispel is the politically emotional claim that this is just another log export dock. It is not.

The log export issue has been deliberately injected into debate over this proposal, in order to provide some opponents with a broader avenue for attack. The truth is that there is no valid relationship between log exports as a political issue and the DuPont project.

In the short term, the DuPont facility will neither increase nor decrease Weyerhaeuser Company's log exports. We will reroute some export log shipments from existing Weyerhaeuser docks through this facility, but DuPont is in no way designed or intended to increase, enhance, or even maintain, either our log export volumes, or our capacity to ship them.

In fact, the reverse is true. As a marketing tool

to increase our exports of manufactured products over the coming decades, DuPont will help us reduce our raw material exports. That is exactly what log export critics have been demanding of us for year, and it is ironic to see those demands twisted into opposition to this project.

The third myth about the DuPont facility is that it would lead to a loss of jobs. Again, this is an injected issue, and just the reverse is true.

The new facility itself will mean the creation of more than 100 new full time jobs. Successful market development in the future, based on DuPont, will mean increased incentives and ability to invest in manufacturing and forest management, with the jobs they represent. It will also mean a general increase in offshore trade. This will help maintain shipping and longshore jobs, even though each ton of product may be handled more efficiently, by fewer people.

Incidentally, we plan to handle no third party cargo at DuPont. This will be a Weyerhaeuser export facility. It represents no competition for any public port, and will draw no business away from public facilities.

Having summarized our DuPont proposal, let me explain why we believe the project is necessary and worthwhile - not just for Weyerhaeuser but for a sizable

segment of the industry of the people of Washington State.

Could I have the lights turned down, please, for the slides?

(SLIDES SHOWN)

We have to start with a brief look at market forces. Northwest forest products have always been shipped outside this region, starting with lumber for the California gold rush.

(SLIDE SHOWN)

In the past, the major population centers of the East Coast and Midwest were the main markets. But the Northwest's share of these markets has been declining in the face of rising transportation costs and increased competition from Canada and the South.

(SLIDE SHOWN)

In the Northeast, for example, what was once a 50% market share for Northwest wood products has dropped to about 7%, and is expected to decline to near zero in the 1980's.

(SLIDE SHOWN)

As Washington forest producers, we have only one clear choice to ensure future vitality, expand product exports. Trade is the key to growth and prosperity for Pacific Northwest industries, and for Washington State.

(SLIDE SHOWN)

In offshore markets, the Northwest can be fully competitive. We have some of the world's most productive forest soils, and tremendous opportunities for exports of wood and other products derived from renewable resources. In addition, if we express distance to market in terms of transportation costs, Tokyo is as close to us as Chicago, and Europe as close as New York. It makes a great deal of economic sense to go after those markets.

(SLIDE SHOWN)

Weyerhaeuser has already begun a major effort to serve world forest products markets, which are expected to double in size between 1970 and 2000. This freighter is taking on wood products at our dock at Longview, Washington. Most freighters, operated under traditional systems, spend up to half their time in port, or going from port to port, to pick up or discharge cargo. That leaves only half the time for the payload run - between us and the customer.

(SLIDE SHOWN)

This is true for even our most modern ships, like this one, which is one of six special ships we have under long-term charter for our European trade. As with most freighters, it is only about 50% productive - and it costs us about $20,000 a day whether it is headed toward Europe or sitting at dockside.

(SLIDE SHOWN)

Thus, for several years, since the mid 1960's, in fact, we've known that in addition to traditional trade methods, we also need a more efficient export system that can take larger vessels, put together large shipments for rapid loading, and involve a single stop at each end of a shipping run. Instead of half its time, the ship would spend perhaps 90% of its time moving between us and the customer - with a tremendous savings in overall cost.

(SLIDE SHOWN)

We figure such a system might handle up to 20% of Washington State exports, the 20% suitable for single shiploads of multiple product lines. If we could find, here in Washington, a suitable site for such a system, we would not only be ready for export growth in forest products - we would be in a position to create it. Beginning in the early 1970's, we made a comparative evaluation of 29 potential export facility sites, both public and private, located along the Columbia River and in Puget Sound. Only three sites met our major criteria of deepwater access, available acreage, zoning, road and rail access, etc.

(SLIDE SHOWN)

Only one was ideal. That was DuPont. It matched our

selection criteria almost perfectly. As this map shows, it is geographically central to our woods and mills in Western Washington. It contains more than enough land to build a suitable terminal. It is well isolated, and buffered from nearby land uses. It is adjacent to deep water, and contains flat, open terrain for ease of construction. It has nearby access to I-5 and major rail lines. And it is industrially zoned, with a long-established history of industrial use. That included ocean shipping, with vessels of up to 600 feet in length calling regularly at the DuPont wharf.

(SLIDE SHOWN)

One attraction of the DuPont site was its size. The site encompasses nearly five square miles. This photo shows it outlined in orange, in relation to the Nisqually Delta, and other adjacent properties. The site is almost competely surrounded by Fort Lewis.

We do not own any waterfront land, incidentally, just some tidelands along the northern stretch of the shore.

(SLIDE SHOWN)

This photo shows the western boundary of our property, and the main complex of the DuPont Company explosives plant. The DuPont powder wharf is near the top of the photo. The southern tip of our new dock will be about

where that wharf is, and our dock will be closer in toward shore. The structure you see in the foreground is the old log-raft jetty, now owned by the Fish and Wildlife Service.

(SLIDE SHOWN)

Here's another shot of the DuPont Co. wharf. The deep blue of the water beyond it indicates the most important aspect of this site to Weyerhaeuser; the quality of its access to very deep water.

At DuPont, along the northern shore, bottom contours are almost as steep as those of the bluff above. Our dock will have 70 to 80 foot depth at its face, with no dredging. Even the largest of forest products ships we envision would never have to approach the dock in less than 50 feet of water, above a frim, graveled ocean floor.

(SLIDE SHOWN)

This photo looks eastward, across the face of the Delta. Our southernmost land is Hoffman Hill, the dark green hill beyond the Nisqually Delta. Our proposed dock site is too far north to be visible in this photograph. What you see sticking out into the water at the upper left is the Fish and Wildlife Service Jetty.

(SLIDE SHOWN)

This is a diagram of the DuPont site, and our pro-

ject. Road and rail access come in from the South, the terminal area is centered north of Sequalitchew Creek. A road goes down the creek canyon to the dock.

(SLIDE SHOWN)

To help us visualize the project better during our planning, we've been using a large scale model of the site. In this picture of it, you can see the access road coming in from the right; the upland terminal; the road down Sequalitchew Canyon; and the dock. The buildings within the terminal represent warehouses, maintenance shops and offices, and a mechanical, dry-process log debarker. The two different shades of blue in the water denote the 60 foot depth line.

(SLIDE SHOWN)

As one basis for the EIS we are here to discuss, and for the SEPA EIS adopted earlier this year by the City of DuPont and the Department of Ecology, between 1977 and the early part of this year, we funded some $1.2 million worth of major environmental baseline research, in 17 subject areas. For the DuPont site, the Delta, the Reach and other locations, our consultants looked closely at existing conditions for air quality, water quality, fish and wildlife, shipping and navigation, the area's economy, and other factors. This slide lists the main study objectives.

The last of these objectives, incidentally, will be met only after the facility is built. We will be able to know, and not just guess, any impacts of our operation. That's important, because only known impacts can be handled. Speculative impacts, based on skepticism or assumptions, cannot be.

(SLIDE SHOWN)

This is one of the maps we used in another set of studies - land use planning for the site. We looked at topography, soils, vegetation, water flow and many other factors. This told us which areas within the 3,200 acres were most suitable as the site for the export facility.

(SLIDE SHOWN)

There were three, shown here in orange. DuPont Company used the one at the lower left. Our export terminal will go within the large suitable area to the north. The land use planning cost us about $500,000.

I'm going to put up another slide of the area now, this time with our project outlined on it, and close my remarks with a few summary statements.

(SLIDE SHOWN)

What all the studies, planning, and the project itself represent, above all, is a tangible expression of Weyerhaeuser's conviction about future market trends for

forest products grown and manufactured in the Northwest. As I said earlier, we believe that the DuPont facility will not just make us ready for growth in product exports, it will let us create that growth.

Modern, efficient facilities such as DuPont will increasingly be needed as highways to a world that needs our products. If we, as a region dependent on international trade, are to increase our ability to reach world markets of the next century, new export facilities such as this, in both the public and private sectors, are required.

We have the know how to build these facilities directly on deep water, and to leave the shallow, intertidal, estaurine areas to their appropriate uses.

We have laws in place to ensure that the construction of such facilities is done carefully and soundly, with full concern for potential environmental impacts.

Our DuPont project has and will follow both the letters and the spirit of that law, and of the unwritten natural laws that underlie it.

We recognize that people have real and legitimate concerns for protecting the Nisqually Delta, and for promoting a clean environment in and near that valuable resource.

Weyerhaeuser Company management shares these feelings.

We believe the approach we have taken at DuPont has led to a facility that will protect the Delta and its resources, while providing benefits of true statewide significance, not only for today, or for a single company, but in year to come, and for the people and economy of Washington State.

Thank you.

CHAIRMAN DICE: Thank you, Phil. I would like to ask Steve Fusco to give you a brief background on the environmental studies background, and provide the underlying departmental data for the EIS, Steve.

MR. FUSCO; Thank you, Steve. URS has been involved with the DuPont Export facility for some time. URS was selected by the City of DuPont, and approved by the Corps of Engineers, with the concerns of Federal and State Agencies, to help develop both the SEPA and NEPA Environmental Impact Statements almost three years ago, in January, 1977. This EIS has prove to be the most complex and thorough EIS that URS has completed. We've completed over three hundred. We did several things for this EIS which were not typical of most. We developed a work plan before starting the EIS, we instituted a quality assurance program, while baseline data was being collected, and a thorough public participation program was designed. I will explain each of these efforts

briefly. And we have some slides.

(SLIDES SHOWN)

In the spring of 1977 we circulated a work plan. The work plan outlined procedures, scope, and issues of the EIS. It was disseminated to the public, environmental groups and federal, state, and local agencies before any other work began. Comments and additional concerns were incorporated in successive revisions. Eventually, a work plan acceptable to all parties was developed. This work plan specified concerns that would be addressed and outlined baseline studies and modeling that would be conducted.

The quality assurance program operated during the collection of baseline data for the EIS. Fifteen baseline studies were conducted by Weyerhaeuser and seven subconsultants as shown, (slide shown), not to - well, what I've done, I 've listed the studies and the controls on that slide, together, with data on aspects of the environment, ranging from air and water quality, and biology, to navigational risk. URS' inter-disciplinary staff assigned to the project reviewed the scope of work and methodology of each study before it was implemented. We monitored the progress of the studies in the field. (Slide shown). Maximum participation by federal, state and local agencies and environmental groups were actively

sought in both phases of the quality assurance work. A special form was developed for agency personnel to comment on the studies. (Slide Shown). A special from was developed for agency personnel to comment on the studies. Meetings were held before, during, and after the baseline studies to review plans, progress and findings, and to receive comments so that necessary changes in the studies could be made. The baseline contractors provided information for the existing conditions chapter of the EIS. Only three studies, the navigational risk, the noise study, and the socio-economic study provided impact assessment for the effects of the project information. The URS interdisciplinary team assessed impacts for all other environmental categories. (Slide shown).

This one shows, as well as the last one, I guess, it identifies my team that was involved in leading this impact statement, The 16 member team assigned to this project is shown. I was overall project manager, Sylvia Burgess was my assistant, and Grant Bailey managed the Quality Assurance Program for the inventory analysis.

The public participation program involved the public at a much earlier state than is typical for the EIS process. Concerned citizens were involved in development of the work plan and in the quality assurance program. Mettings with representatives of environmental groups and

agencies continued throughout preparation of the EIS.

To ensure the concerns of the public were addressed, residents of the immediate area and of the Thurston-Pierce County region were surveyed. The survey, conducted under URS direction, by the League of Women Voters in August, 1977, was designed to learn how much the general public knew about the project and what effects they felt it would have on their community. Many of those contacted believed that the proposed facility would have no effect. But those who expected effects, many more were eager to gain additional jobs and a boost to the local economy and were concerned about adverse environmental impacts.

Under the supervision of the City of DuPont, the draft EIS meeting SEPA requirements was published in August, 1978. (Slide shown). All concerns identified in the public participation process were addressed, to prepare the document, each of the sixteen URS staff analyzed and sumarrized the voluminous baseline data reports, to develop a concise EIS that would be a useful tool for decision makers. Numerous comments and questions on the DEIS from the public hearing, and letters were addressed in the SEPA final EIS published in February, 1979.

The Corps then began their EIS process. They distributed their draft of the EIS in July, 1979, using much

of the information and responses to comments from the SEPA final EIS. Major differences in the final SEPA EIS and the draft NEPA EIS are as following: The NEPA EIS had to be reorganized into the required corps format; special endangered species studies are being performed for the NEPA EIS, on the bald eagle and other birds; The EIS identified the discussions between Weyerhaeuser, the Fish and Wildlife Service, DuPont, and the Corps are taking place to discuss the best possible buffer between the Nisqually Delta properties the Weyerhaeuser activity on their site, and Weyerhaeuser's commitment to environmental protection was expressed especially as interested in the Nisqually Delta.

The impacts that would result from development of the proposed project are less severe than many feared. Many of the adverse effects could be reduced or avoided with appropriate mitigating measures. Analysis of navigational risk of oil spills proved to be quite low, any spill larger than 100 gallons would be one in 118 years. Unless such a spill occurred, there would be little effect on the Nisqually Refgue. The terrestrial ecology of the project site would be significantly effected - 169 acres of wildlife habitat would be eliminated, road kills would increase a barrier to animal movement would be created with development of the earth road.

Pollutants from the terminal area may enter the groundwater, however, no drinking water supplies would be affected, and no standards violations are expected. Other impacts to water quality and quantity include increased erosion potential along Sequalitchew Creek and on the flats, possible decreases in the quantity and quality of water in Sequalitchew Creek and increased turbidity in the intertidal and subtidal areas of the Nisqually Reach during dock construction. Intermittent noise levels loud enough to interfere with outdoor speech on Anderson Island are likely while piles are being driven. Fringe areas of 1843 Fort Nisqually site and burial sites may be disturbed by construction. The dock and shipping activity would be seen during the daytime and nighttime when lighted from Anderson Island and adjacent properties along the shoreline.

A number of beneficial impacts were identified by the EIS. DuPont's assessed valuation would be increased, making possible a decrease in property tax rates. The costs to both the City of DuPont and Pierce County jurisdiction is not great because Weyerhaeuser Company will construct its own access roads, and provide its own security system. Increased costs to the City would be related to streets, roads, and fire protection. Road maintenance would be the major increased cost to Pierce County. Public revenues

would exceed expected costs by over $300,000 per year. Increased revenues to both the city, $190,000 and the state $1.7 million, would occur during construction. As many as 300 construction workers would be employed during the two year period, and 47 to 91 new permanent jobs would be created.

All alternatives considered during development of plans for the project are discussed in the EIS. Fleven alternative sites on Puget Sound were evaluated before Dupont was chosen.

Three potential industrial areas on the DuPont site were consider. Eight rail and eight road access routes, six dock access designs, and six facility designs are also discussed. In addition, several alternative uses of the site were evaluated in the EIS.

We look forward to receiving comments on this NEPA draft EIS. We ask you to address these comments before we prepare the final EIS.

CHAIRMAN DICE: Thank you. The registration cards that I spoke of earlier have been used to compile a list of people desiring to speak. I intended to have an elected official speak first, but unless somebody has come in that didn't register, to my knowledge we do not have any, other than that I intend to call speakers in the order in which they registered, with no particular

preference. One person for another.

The way I would like to run this, is when your name is called, please come to the microphone nearest you, it is important that you give your name, and any affiliation, organization you may represent, so that our record will be complete.

In front of me here, you see Mr. Allan Johnson taking official record, making a record of what is being said, and I would like to insure that everyone's words get properly recorded, and your identity as well. I have a fairly large number of speakers, I anticipate that it is possible that we can handle this number without too many interruptions this afternoon, but I would ask that you confine your speaking to a five minute period, so that we can be sure that everyone gets a chance to speak, in case some people have a time problem. At the end of the five minute period, per person, who desire to speak, I'll open it up, and will ask for hands raised, and we will continue the discussion for the balance of the workshop. At the sound of the bell, Doris, would you give an indication of what the bell sounds like, when you hear this bell sound, that's an indication that your five minutes from the start of talking is up, and I will ask that you complete the statement as rapidly as possible, and be seated. It is entirely possible that a number of persons

will be another opportunity to speak later, after everyone has had their chance.

But to start off with I would like to confine it to five minutes.

Now, as I said we are trying to have this be a bit more informal, than some hearings, and as such should you decide to use some of your time to ask questions, rather than just make a statement or comments, this is quite legitimate, we would like to direct the questions to any of the people I introduced earlier, that's fine, if you have a general question we will try to identify who's in the best position to answer. And if it happens that we cannot give you an immediate answer to your question, you most certainly will get that answer later. If anyone has any written comments they would like to submit today, either being generated by this Workshop, or comments that you had planned to present to us for the EIS, would you leave them either at the front desk, up here, or with the registration desk, we will be sure they get included in the official record, and officially responded to in detail by the EIS. I might also remind you before we go any further, in case you didn't notice, behind the partitions in the back part of this room, there are two tables with draft Environmental Impact Statements, copies of the Council Environmental Quality Regulations, for NEBA,

some general reference material that might be of interest to you, and you can look at that any time,you are certainly welcome to it.

The first name I have listed to speak is Kenneth Braget, if you'll come to the microphone, please.

MR. BRAGET: Good afternoon, gentlemen, friends, and neighbors. My name is Ken Braget, and I represent the Braget Dairy Farm, which is located in Pierce County, north of I-5, and adjacent to the DuPont project. I am a graduate of Washington State College. I have a Bachelor of Science in Agriculture and Dairy Production, with other minors in veterinary medicine, farm management, agriculture engineering, and agricultural economics, and all of the sciences. I also have been named in a petition, asked for by Dr. Gordon E. Alpone, as the responsible person, on site of the Nisqually Delta, when he petitioned the Natural Landmark Area. I also am the son of Mr. and Mrs. Walter Braget, and heir to a substantial portion of that green scene, which is the basis for the creation of the Shoreline Management Act. I probably wear more hats, in unofficial status, than anyone in this room today.

I probably have more concern for the environment than anyone in this room today. I probably have spent as an individual, and as a family of several generations, more in not creating a natural scene, but creating man

made wonder of nature, which is the most concerned environmental area, as listed in the Shoreline Management Act, as state was significance number one, as related to the Waco project. What I am saying, I've got more concern here, personally, than any single one here, except possibly the Waco Corporation, as a whole.

Under the Shoreline Management Act, I am probably the most affected individual, and the one who stands to lose the most, of any single individual in the State of Washington, and I have the greatest responsibility granted to me by the President of the United States of America, the Governor of the State of Washington, the United States Migratory Bird Conservation Commission, and several Congressmen and Senators, who have also responded in our behalf.

I would say that because of the land area that I manage, not only in agriculture, the prime agriculture area, the oldest in the history of this area of the State, i.e., Hudson Bay Company, Puget Sound Agricultural Co., including the acquisition by private owners, it is probably one of the most talked about, zealously sought after, to get onto, not for agricultural reasons, but for the amenities of the natural environment. The recreation or the hunting, in respect to the hunting, ladies and gentlemen, that area is privately hunted and has been since

before the State had it's game department. I am the game manager and the land manager, for all the private farms and several of the gun clubs, who foot the bill for some of that high quality game management that goes on down there, and they are some of the most responsible, substantial, influential people in this state.

Now the Shoreline Management Act was created because of the concern over that area. I say the Shoreline Management Act was created to protect hunting, and fishing, and clamming, in the name of statewide significant areas, those particular people who own those private beaches, shorelines, lakefronts, riverbeds, rather river banks, and bay fronts, where all the good recreation is at - namely, the clamming, the hunting and the fishing, have a special clout now, hanging over their titles. That clout has to do with, they must go through a permit system, the very same one that Weyerhaeuser is going through now, because of the Shoreline Management Act.

Now all the commissions and agencies, first -- well, have had sixteen years to catch up and have equal time, all the opponents of the Waco project. So I am going to start right off by taking a few more minutes, unless you physically move me off this stage, because I have to go put my dairyman's hat on in a few minutes, and get to milking. While we have been milking in the past, the

very people who invented the Shoreline Management Act, have been correlating and conspiring to put together the greatest speeches of what they are going to do with private property under the Shoreline Management Act, that you ever heard. Now it is time for private property owners to stand up and take a few minutes, so I am asking that Weyerhaeuser Company, and the Corps of Engineers, give me a few more minutes.

CHAIRMAN DICE: Try to be as precise as you can.

MR. BRAGET: I have to sandwich the baseline through. First I will address myself to the EIS. When I first met the project manager, Mr. White, I created a very bad impression, because I said the draft was incomplete, and I am sorry to say, it still is. Nowhere in that draft does it tell about the political aspects of this Waco project, there is a gigantic race on Government Agencies to confiscate the private properties to meet the DuPont project, namely Fish and Wildlife Service, in conjunction with the environmental groups, this does not address the environment, in fact the statement -- well, I will say this, environmentally I am not concerned about this project, as I am politically. That's where the danger lies, so that is not addressed to the impact statement, as far as noise, I would like to suggest that there is considerable truck noise at Exit 116, which would be the

turn off the highway, onto Fort Lewis, north of the behind the weigh scales, and cross over the freeway to project area. Something should be done about that truck noise. We live right on the hill facing that Exit and I can tell you, that the trucks accelerating from south of the weigh scale, the noise is tremendous and it is going to get worse. Trucks making a U-turn there, and proceeding back northbound, on U. S. Army, then down to the DuPont project. Now under mitigation in the draft, I say that Weyerhaeuser Company should do something to reduce this political race to compensate private properties before Weyerhaeuser gets their permits.

Now, I just heard a statement from Mr. White, that there will be no significant impact on the flats, or the Delta, so what I am going to say to you, Mr. White, project manager, is what guarantee will you give those property owners that there will be no significant impact politically, as well as environmentally? I would like an answer, not at this time, I would like to go on.

What is the latest cost of all the EIS data, I would like an answer in figures right now? Is it exceeding $2.0 million?

MR. WHITE: The total findings cost is close to $3.0 million.

Q. What is the time slot or construction of the access

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road, do you have any idea when that road would be constructed, through U. S. Army northbound, and a bridge built over I-5?

A. No. We don't.

CHAIRMAN DICE: Mr. Braget, I recognize that you feel very strongly about this, and I have enough cards here to cover a couple of hours. I am sure there are other people who would like to present their viewpoints.

MR. BRAGET: I wanted to get this important point cleared up while I am here today. This body here is going to speak pro or con, I am not going to speak pro or con, I am going to take the stand against -- I am not going to take the stand against Weyerhaeuser, first of all I don't think that they are the damage doer, the Corps of Engineers has granted a permit to the Department of Fish and Wildlife Service, to put up five miles of super dikes down in the Nisqually flats. They are going to channelize the Nisqually River, and McAllister Creek, so that it will be in the future able to withstand any type of flooding problem. The State DOT is also in the process of putting in an application for a permit to put in a project and build another earthen dam #2, across that whole flat, Pierce and Thurston County. The Army Corps of Engineers has already granted the Fish and Wildlife their permit, they are exempt from the Shoreline

Management Act, however, the State DOT has said any State, city or county, private individual, they are not exempt, and I just came from a hearing this morning, where the state claims I just stopped them, stopped another $600,000 worth because I objected to a new land fill type highway improvement down there, which would cause a new flood pattern, which will wash out in the future, in a significant flood overtopping the banks, all lands heretofore have been protected reasonably well by the existing diking, in all of the past history.

Now, due to new upgrading of Army Corps of Engineers projects, being granted, namely the Fish and Wildlife Service, due to the potential upgrading of the State DOT, with this new type of cost effective land fill versus bridge construction, the state says it is going to cost $6.0 million more dollars, if they have to grandfather out the highway the way it was built in 1936. In 1936 it caused no significant flooding for us, and since their building of the 1968 highway, there is a new flood pattern there, and they don't admit to it, and they will not allow a study, and they only allow studies to be used that were prior to the building of those lanes southbound, and they keep saying there will be no significant damage to upstream or downstream land owners. Well, I can tell you now, that they are wrong, and I can refer to pictures that

you have had here on the screen today, where the Brown farm was entirely under water, because the dikes that were good enough prior to State DOT, 1968, suddenly couldn't withstand new flood patterns brought down by the construction of I-5. Now they are going to worse than that, damage even more so by constructing a northbound light type of dam, three openings in it, one the main river channel, one a little 200 foot opening over by the Brown farm gate, and 400 foot opening right in the Braget's farm fields.

In other words with the Brown farm having the super dike, with the State putting in a super dam, two of them across the flats, and pouring the whole overflow across into Pierce County, Pierce County becomes the single and only scapegoat to pass all of the flood waters over topping the Nisqually River.

That makes the landowners, and his associated neighbors, private duck clubs, will bear the brunt and be the scapegoat to allow all the government projects to apply. Under the Shoreline Management Act --

CHAIRMAN DICE: Mr. Braget, you are taking a good deal more time.

MR. BRAGET: Yes. And it's very important, and you people have your jobs today, due to the planning commissions and the Audobohn Society, and the Nisqually

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Delta View Association, none of these existed until they were afraid Braget's farm would be sold out to the Port of Tacoma, or some other development, so I say I need a few more minutes, I need sixteen years to catch up now, to lay a base line for the true history of what is going on there, if government projects are allowed to fly under the Shoreline Management Act, or the Corps of Engineers permit, then in all of what is fair, when the private land owners are forced into entrapment if they need to upgrade and they got to go through the same public hearings and need all the same permits, I need a guarantee from the Corps today, are you going to grant them the same as you have to the Department of Interior.

CHAIRMAN DICE: I will guarantee you one thing, I will guarantee that any comments that you submit to me in writing, that I can interpret and understand, I will assure you that the EIS will treat them thoroughly, just as carefully as I can see done. The EIS will be completed under my direction, the final EIS will address each and every issue submitted to us, and I can assure you anything you have to say will be treated, and I certainly encourage you to mention some things that I was not aware of.

MR. BRAGET: Absolutely, I have the wear the hat of all the experts, whether they are testifying for government agencies, or private agencies or company agencies.

CHAIRMAN DICE: I'll have to cut you off, I have to give the other people their time, if you can stay, I hope you can, you can stay and when the other people finish, we will give them a chance first.

MR. BRAGET: Well, I wanted to get my first shot in and see how it turned out.

CHAIRMAN DICE: Yes. Please give us written comment about any of your concerns, and they will be addressed. You can meet with me separately, I will personally meet with you, or with other people, if you like, and we will talk to you at length. Right now I do have to deal with the rest of the meeting.

MR. BRAGET: Now, ladies and gentlemen, that's the attitude that has been going on for the last sixteen years, they make certain very few special type land owners are scapegoats for government projects to fly. Remember I am not saying for or against Weyerhaeuser, I am talking about private enterprise, private property rights, and the Shoreline Management Act, they have been so damaged and downgraded that private property owners don't have today what they had sixteen years ago, when the Fish and Wildlife service said, we don't want the Nisqually, it is not significant, and it is too valuable for us. It is the most significant area in the Shoreline Management Act, and they are committed wholly to run out there and try to

confiscate everything for less than 10¢ on the dollar.

CHAIRMAN DICE: Will Tom Echert, the next speaker come to the microphone please? Now, Ken, I'm very serious, that you will give us comments, we will address them in whatever depth you like, if you have as many concerns as you do, as Mr. Braget has, we will meet personally with you, if you like, but I have to get on with the meeting right now, and give everyone a chance. Tom Echert?

MR. ECHERT: My name is Tom Echert, I live at 88 Salmon Beach, and that is just south, adjacent to Point Defiance Park, and on the Narrows. I have received for presentation here, for reading a letter from Mr. Richard A. Turner, who also lives on Salmon Beach, located at 64 Salmon Beach, and I wish to first of all read this letter and then I shall make additional comments, as soon as this letter is in the record.

"To the Army Corps of Engineers - Gentlemen: I am one of 200 residents in a community of Puget Sound known as Salmon Beach. Salmon Beach has been recognized by the State Register of Historic Places, and Cabin #97 has been placed on a National List of Historic Places, because of the unique, original character of the community. Part of that uniqueness is that it was built entirely of pilings over the water - at high tide the water goes completely under our homes. I am writing you today because I feel

that there is a potential and serious hazard from increased large ship traffic - a hazard to myself, my family, and this historic community, as well as other over water communities on the south side. The Weyerhaeuser Log Export Facility proposes to increase the size of its log ships to almost twice their present size. The Tacoma Narrows is aptly named, it is quite narrow, all the south Sound must funnel through it, waters here are swift and treacherous, having lived here for eighteen years, I know that one of the many hazards we must be continually aware of is the wake of passing log ships, fully loaded and outbound. These homes gradually evolved at the turn of the century, they were not constructed with a wake of super ships in mind. At present the wake caused by log ships passing through the Narrows, at high tide, has already, on occasion, caused damage. Certainly an issue before the fact, the larger proposed ships could cause disaster. I am opposed to this export facility proposal because despite proper speed limitations, and hull designs, and tug escorts, and skilled pilots, this proposed industrial port would cause ship traffic on the Narrows that is cause increased ship traffic on the Narrows, and that in itself presents a hazard to my family and community"

In addition to the letter itself, he has enclosed a photograph of his residence, at high tide, and it shows

and will be reflected in this document, a foot below his residence, is a foot below the water level. The comments that I wish to make are concerned with the residence that we are located at, but you have also a pleasure shipping, fishing craft located off the point, the Point Defiance area, where it is a constant fished in area, and the waking conditions of the larger ships, the proposed larger ships, is obviously a concern that should be addressed.

My final concern is about the distribution of the final economic impact statement. I have experienced in the past that the statute calls for full distribution of the full environmental impact statement, and not restricted distribution of the final impact statement.

CHAIRMAN DICE: My office distributes every single impact statement we've prepared, equally, throughout the -- to anyone that requests them. Anyone who is on a standard list for distribution, state, federal, or local, and at this workshop tonight, anyone who signs up on the list will receive a final EIS.

MR. ECHERT: I appreciate that sir, because some agencies, and personal involved facilities, they have not made that distribution. Thank you.

CHAIRMAN DICE: Now I 'll call people in pairs so they will know who is on next. The next speaker will be Hugh Wild, of the Port of Tacoma, and Carl Hupman

will follow him.

MR. WILD: I am Hugh Wild, Director of Industrial Development, for the Port of Tacoma. As most of you know the Port of Tacoma is a publicly owned, municipal corporation, governed by the laws of the State of Washington, and responsible to the citizen's affairs of Pierce County. Since 1939 when the State authorized the Port to develop land areas for new industrial purposes, the Port has worked quite hard to provide property for industrial firms.

After considerable analysis and review, we have determined that we are unable to accommodate Weyerhaeuser's proposed export terminal, at our Commencement Bay facility.

First, too much land would have to be dedicated to this single purpose use, and the Port does not possess a continguous tract of sufficient size and construction of such a project on Port property, would require very uneconomic use of various parcels that we do have surrounding the various waterways in the Port of Tacoma.

Second, the Port's policy is to diversify the commodities it handles so that the Community will not be economically dependent upon a single industry, vulnerable to the cylical changes, or depressed periods in traffic, such as we all experienced with the Boeing situation. For this reason the Port has made a strenuous and really successful effort in recent years, to attract containers and automobile

and other traffic, in addition to the considerable wood products industry that we have shipping into our Port at this time, as well as the Weyerhaeuser's home here, we have a Weyerhaeuser wood shipment facility on our Port at this time, and the rest of the remaining few precious acres to devote to another terminus of forest products would really be inconsistent with the policy.

And third, the Port is encouraging labor intensive industrial clients to locate on these lands which would be uses of our waterborn commerce operations. Our attempt is to attract diversified tenants with high employment needs continuing that these few remaining acres not be developed at this time for a single unit, such as forest products of Weyerhaueser shipping would be inconsistent with this policy.

We do recognize the need for Weyerhaeuser to develop their own export terminal at the DuPont site, and we fully support them in that endeavor. The Port would also like to state that we strongiy oppose the use of the Weyerhaeuser - DuPont site for off loading of imported cargo, if they were to back haul from wherever they send their products to.

Finally, the Port views the DuPont Weyerhaeuser terminal as a supplement to the Port of Tacoma, rather than competitive with it. The Terminal will handle and

export the commodity for which the Port facilities are not available, but the same vessel returning, bringing in cargo, which it will discharge at the Port of Tacoma. It is our understanding that Weyerhaeuser Terminal is to be for export of forest products and will be really unsuitable for off letting containers, etc. We think this will be a great opportunity to increase the employment of the tax base and the waterborn commerce and the sectional economic benefit to our community.

Thank you.

CHAIRMAN DICE: Thank you. Mr. Carl Hupman is next, and Mike Bailey would be next.

MR. HUPMAN: My name is Carl B. Hupman, I am self employed as a Consulting Forester, and have some 40 years background in experience and education in the profession of Forestry and affiliated entities, as per the attached resume.

The remarks following are my own, and are not representative of any organization or company, public or private, business or government entity. I have received no recompense, nor will I, for these comments. I make them only as an interested participant, student, and observer of my environment and fellowman.

I have followed the development of plans regarding the subject since its inception through the various

media involved (Tacoma New Tribune, Suburban Times) TV news, Chanels 4, 5, 7, 11, and 13, and made a short comment related to the subject during the public hearings at Lakes High School, and was in attendance during most of the same.

I have reviewed the Final Environmental Impact Statement of February, 1979, for the Weyerhaeuser Export Facility at DuPont, a copy of which was sent to me on loan, under the direction of the Mayor of DuPont.

I wish to address the subject in composite, and in total. I find the Environmental Statement to be thorough, and concise, and faces or discusses the issues, both for and against the project. There has been no attempt to *hide or divert attention* from issues that could be detrimental or a deterrent to the project.

The acquistion of the Lone Star property is considered to be most fortunate. This makes possible the location of the dock facility approximately 90 degrees to the original proposal, which from a safety and operational point reduces obstruction of the channel, and makes it easier for tugs to position ships to dockside. The tide and current movements are much less with the Lone Star location, as to tide moving cross beam, rather than broadside. From a nautical and navigational viewpoint, based on experience, as indicated by the resume and background, the problem of the turning radius of ships, maneuvering in the area, will be very much diminished.

Mr. Chairman, I have approximately two minutes of commendation, rather than condemnation, which I can delete from the prepared statement, which I will delete at your discretion, and can.

CHAIRMAN DICE: Just try to hold it to five, is all I ask.

MR. HUPMAN: Then I'll delete this, this refers to remarks of commendation, rather than condemnation, of the people and officials of DuPont, and the DuPont family corporation, to the Weyerhaeuser Company, which is based upon nineteen years of experience as a neighbor and working with them, in legal, operational, and administrative research capabilities, and also professional, so I would delete approximately two minutes, I do request that these be considered as part of my statement, because it is a sincere and honest expression of the way I feel.

Paramount consideration in the present situation is the grasp, conception, or understanding of the real meaning of the words environmental or ecology. One is free of biased or unfounded prejudice. The practice of forest management in this country is based on a knowledge of environmental and ecological principles, thus a professional forester's perception of the words is not a recent

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discovery or distortion. It's a tragedy that the considerable portions of understanding the words, "environment" or "ecology," as almost profane words. And properly are used as epithets resulting in controversy and misunderstanding. A partial comprehensive of the words is set forth in attached supplemental statement. The ecology group working is providing for a review. It is a paradox that the current dilemma of misunderstanding is caused by the inability to comprehend the true meaning of the very words that could create understanding, and perception of the issues at hand.

As an example, and I would ask permission to do this, I have two pages --

CHAIRMAN DICE: Please try to summarize them.

MR. HUPMAN: Very well. Environmental economic principles makes us feel a sense of oneness with this earth, and gives us a sense of stewardship, with this earth. I state categorically, and unequivocally that the Weyerhaeuser Company have acknowledged the forest soils and use of same that is unmatched by any other agency public or private. This applies to forest products, constructive and wise use of our materials, essential for peace, rather than war. The terrain is a way of life, it must be a way of life, or there will be no life worth living, and I've been through combat and I know what I am

talking about.

Finally, as mentioned above, the plans and activities of the Weyerhaeuser Company are dedicated and made for the future, as individual's in our respective professions we must have faith and believe not only in ourselves, but we must prepare for the future generations, some as yet unborn. To those, who, in a pledge of allegiance to the flag, of this Nation, grant the existence of a Supreme Being, or to those who grant only a brief in the brotherhood of man, there can be no other calling, as individuals representing an entity committed to solving and settling the problems created by the vagaries of man, earth, and nature, this is the Corps of Engineers. I urge you to take a positive position relative to the subject at hand. I recommend that the necessary approval, permits, etc., be granted to the Weyerhaeuser Company, for the development of an export facility at DuPont.

To paraphrase the astronaut, Neil Armstrong, in relation to his first step on the moon, if humankind is to survive on Earth, or experience a satisfactory standard or quality of life, the above is only one of many steps that must be taken and made, many of them urgently needed. Thank you for your time and attention.

CHAIRMAN DICE: Thank you. Mike McCulley, of Tacoma Audobon, and following him will be Earl Engman.

MR. MCALLEY: My name is Mike McAlley, I am from the Audobon Society of Tacoma, we stand generally opposed to this project, because we feel that the residents of Puget Sound and the State will suffer a deficit, if this project is completed.

There are several specific objections I have, and as I understand it the Corps rules almost require Section 3201 that this permit be denied. They must consider the overriding interest, and as I indicated, the EIS pretty well demonstrates there would be a net public loss. For one thing the public needs should be taken into accord, even though the Tacoma Port is in favor of it, there is a public need to protect south sound from the development and pollution and all sorts of impacts, and as a need for recreation in south sound, and I include recreation and fishing in this. There is also a need for commercial fishing in south sound, and I dont' think that these have been adequately discussed in the EIS, I think there was enough information there to indicate that this will be a dead loss, for the residents of south sound. The rules also require consideration of a cumulative effect, not just for this project, but past and probable projects that will also be in the area. There is evidence right now that there is impact in the Nisqually area, from the effect of I-5, the railroad, and recreation. I would like

to know from the cast of experts that is here today, what additional contamination can be expected to enter the area, and what additional impact that would be, and I notice in the statement that this had been considered, and it would be no adverse impact, and I would like to know what additional impact there would be to what already exists. I am referring to the previous study that indicated a wake of vehicles higher than Puget Sound and would have a higher level of industry. The contamination because of the slow flushing act, the problem of hydrological studies, has been spoken to in the EIS, but I am not sure adequately, as far as contaminants that do not float on the surface. And I would like to know from some expert what the likely drift is, of the contaminants that run off the slope, that does not float on the surface, as would an oil spill. Consider a can of pop, for example, somebody drops a can of pop off the dock, the can might go in one direction, but the pop enters the water, might go completely some place else, if it gets into sub-surface current.

There is also the effect on shoreline residents, as Tom Echert mentioned, Salmon Beach is one primary area. I don't think the effects of the project on areas far removed from the site have been adequately dealt with, and there would be substantial effect, if we do

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have ships going through areas that are popular for recreational purposes, and if I could have some answers to any of those questions right now, I would appreciate it.

CHAIRMAN DICE: Grant Bailey, of URS, could you say anything about the situation on the water quality of additional contaminants?

MR. BAILEY: Now your remarks starting out with the water quality and contamination, in addition to those that are coming in from I-5. We looked at -- a lot of the analysis we did was a comparative type of analysis we tried to keep things as relative as possible, there will be some contaminants entering Puget Sound from the Weyerhaeuser facility, we stated so in the EIS. It was our conclusion, after looking at what they might be from the road runoff and that type of thing, that the contaminants would be at a low level, that they wouldn't come up with any significant impact to Puget Sound.

Some of the contaminants we mentioned are listed in the summary of findings, in the EIS, which includes copper and zinc, and the tribunal tin, some of the modern repellants, and these would last a long time. Then petroleum products, any kind of operational facility, there are going to be petroleum products used, there will be some coming off the trucks, and down the road. I would like to be able

to respond to you, though, a little more directly, your question was sort of general, and so is my response so far. If there is anything -- well, what more would you like as far as --

Q. Well, how much more time should we use discussing this or should we do this elsewhere?

A. Whatever you want to do.

CHAIRMAN DICE: I prefer to not leave it without a bit of discussion on every topic. Can you be more specific as to the water quality?

Q. (By Mr. McAlley) If you have low level runoff, low levels of waste, you are talking about a long lived waste, you are talking about, now these enter the water and get trapped, in a deep pool, which certainly exists in the area, and when the water doesn't move very much, you are going to get a buildup over time, and these low level contaminants, and that could adversely affect the biological community in the Nisqually area. How far off am I?

A. Well, we listed the potential concentration that would come down the road, also those from the ship. The way we handled the ship analysis, was looking a marina that would have an anti-foulant deck, and exposure to water, including marinas throughout the United States, Puget Sound, studies that

were done without anti-foulant buildups, such as copper and zinc, and zinc from anodes, incidentally, and looked at what kind of buildup they would be in marinas, which have extremely low stream rate.

The studies we looked at, and their reference, indicate that there was no chronic buildup of anti-foulants, even in marinas as highly populated as the Shilshole, for instance.

So we didn't find copper in the areas like that but we 've got boats there 24 hours a day, 7 days a week, year in and year out, here we are talking about one ship coming in irregularly, not going to be there for 24 hours a day,

Q. I am not as concerned about the ship as I am about runoff from the site, itself.

A. The road runoff, we've done quite a bit of that work ourselves, and other studies, and some of our analysis of runoff, water runoff, and that type of thing, and looked at the potential concentration, of such contaminants as lead, cadmium and copper, that are commonly in road runoffs, and foulants, and found through, as well as simple analysis, because there was no indication of a serious conclusion that required more in depth analysis, the concentrations would be fairly low to begin with, and once

they enter Puget Sound, those would be even further diluted, to the point where they would be almost harmless.

Now, one thing that helps in this regard is the fact that there will be a storm water collection system on the site, not all the storm water off the parking lots and the facility is going to go down the creek and into the Sound, it's going to be collected and settled. That measure, is a mitigating measure, it's a practical operation type of device. It did reduce, even further, the runoff into Puget Sound, and it is our opinion, we did it with the model, that the ions of copper that go into Puget Sound and go through the food change, and back and forth, we didn't get into that much detail, because we felt the initial analysis that we went through, that there wasn't going to be a major concern in that area, we spent our time after we looked at it.

Q. I guess that is where we disagree.. Thank you.

CHAIRMAN DICE: Please submit any questions to us that you do not feel are adequately treated, as things can follow up in the final EIS. There was a question also raised here, I believe, which you inquired what would happen to materials spilled off the dock, the

question of drift, Mike Storie, did you work through that at all? Would you give us a direct answer?

MR. STORIE: My name is Mike Storie, and I work with the computer center of Mathematical Sciences. We did a spill modelling a hypothetical possible spill in the vicinity of the water, or the wharf, and doing this type of work we took current information from a number of sources, one of course is the NOAA information that is a readily available time table and charts, and other quite important interesting source, is the hydraulic model at the University of Washington. It is similar to the one at the Pacific Science Center, and open to the public, but it is considerably more refined. And I urge you all to go take a look at one of those, it might help to dispel the notion that Puget Sound is a stagnant pond. Quite literally, if you look at the time lapse motion pictures of that model in action, the Nisqually Delta, you put a drop of dye in it, somewhat like a washing machine in action.

Of ccurse, it is sped up, but in point of fact, water in the Nisqually Delta, is a network or outflow of about a tenth of a knot - of course the tide ebbs and flows, as it does all over, and causes quite a tidal current. This is caused due mainly to the topography of the area, because the water can't go around the top

side of Anderson Island. This water in turn gets mixed quite thoroughly with the very strong currents coming through the Tacoma Narrows.

So, the calculations that we did, at CHUM, indicated that this water in the Nisqually River, itself, will change on the order of every eight days - now this is in addition to any runoff into the river. You brought up another point about what happens to something that sinks, that is heavier than water.

I have the results of the hydrological models, carried out by CHUM, which consisted of anchoring current meters at various depths, at a great number of points in the region, and they were left there for quite a long time. In general, as one would expect, the currents at the bottom were deeper in the water, and slower than on the surface, of course you don't have the wind effect down there, but in general, they go the same direction there certainly is some differences due to bottom geometry, but the area is flushed out. Now as to saying something specifically spilled off the dock, that sinks exactly where it would go, I would be happy to sit down with you and look at some of the maps we've got, it's a very complicated subject.

CHAIRMAN DICE: Thank you. The next speaker is Carl Engman, from the Tacoma Poggie Club, and

Richard Anderson, be prepared to follow him, please.

MR. ENGMAN: Thank you. My name is Earl Engman, and today I am speaking for the Tacoma Poggie Club, officially oriental sportsmen's club, that has been in existence for almost forty years, here in Tacoma. Besides that I have been the Committee Chairman for the Washington State Sportsmen's Council for eighteen years. Very active participating in state, national and international sport fishing activities, on commissions and advisory capacity.

Also, I was employed by the DuPont Company for 28 years, in the maintenance department.

I would like to give you a little background on DuPont and the operation. It was built in 1971, and its operation about 1910, and the purpose of manufacturing explosives for the development of our then very young state. Stump removal, we had mining, and etc. And they continued this on up until 1977, when the DuPont Company decided to get out of the explosives, that was made with nitroglycerin. The Company manufactured sulphuric acid for a number of years, they went out of that business and imported from a sulphur chemical starting in about 1954. And all the time they did manufacture nitric acid, strong highly concentrated nitric acid, which was mixed with the sulphuric acid, and it in turn mixed with

glycerin, which put the Du in DuPont, for nitroglycerin. They manufactured large quantities of dynamite, I don't think even the company knows how much, or how many hundreds of thousands of tons of dynamite was manufactured on that facility,

The dynamite was exported by rail cars, or shipped by rail cars, by truck, and by the use of the present ocean dock. Many thousands of tons of dynamite had gone over the ocean dock, in the number of years, that they were in existence.

Also ingredients sodium nitrate, and nitrate of soda, and sulphur, were brought in over the dock, and after World War I and after World War II, large quantities of unused explosives was brought in to be reprocessed, or shipped through Fort Lewis, to other Army Ordnance facilities.

Now, as a sport fishing representative, and I consider myself an expert, the impact by the Weyerhaeuser facility, on that particular location, would be practically nil. As anyone can see that has visited the site, the concentration of sport fishing is over off the end of Lyle Point, on Anderson Island. This is where the concentration of salmon are, consequently a concentration of the sport fishing. In the number of years that I worked for DuPont I had an opportunity to help supervise

the landing of ships. I can only recall one incident where the pilot thought he was going to try to go up Sequalitchew Creek to cut off the end of the wharf, that was in 1950, in the early 20's, a small launch, loaded with black powder, exploded out in the Narrows somewhere, or caught fire, other than that there was no significance in environmental impact on the site.

And I believe that a large chemical company, like DuPont manufacturing nitric and sulphuric acids, and nitroglycerin, certainly was much more dangerous than what Weyerhaeuser's facility will be.

Thank you.

CHAIRMAN DICE: Thank you. Mr. Richard Anderson, of the Anderson Island Park and Recreation District. Captain Dewey Soriano will be prepared to be next.

MR. ANDERSON: Gentlemen, I speak for the Anderson Island Park and Recreation District, and represent the interest of property owners and residents on that island. You will be receiving written statements from our Park Board, as well as letters from Anderson Island residents. I have interests in other aspects of this proposed facility, but I am not really qualified to speak for anything but the interests of the property owners of Anderson Island. I have been identified by the study as the most severely impacted of all communities.

Incidentally, I own 500 feet of beach front on East Oral Bay, facing this proposed facility, and I can see the dock out of my window. I am one of about fifty people who can say this, I think that there are several important philosophic questions which occur, when concerning the impact of the Weyerhaeuser proposal.

The first of these, is, do those who own property in this area, have a right to continue enjoying peace and quiet, and natural beauty, which are an integral part of our way of life, not to mention property values.

The second is, does the Weyerhaeuser Company have the right to develop the property that they own as they see fit?

As I see it, the answer lies somewhere in between these two streams. I hope that I am not that wrong in understanding that the Corps of Engineers observes the role of protecting the rights and freedom of both parties in this matter, as well as protecting the public interest in the long range sense.

It is my hope that the Corps will be able to mediate between private citizens, who are affected, such as those on Anderson Island, and Weyerhaeuser Company, since there has been no response from the Weyerhauser or from DuPont to input from people of our island, other than thank you letters. I would like to address what I feel are the

chief deficiencies in the various impact studies, as have been prepared for this proposal.

The first of these relates to the risk of collisions and oil spills casualties. These are perhaps the most dramatic of all potential impacts, yet no attempt was made to determine what level of risk is acceptable. The only study of risks that I have ever seen, was published in an article, entitled "How safe is safe enough"? By John C. Star, of the University of California. Dr. Star studied many types of activities and categorized them as either voluntary or involuntary, skiing and jogging are good examples of the voluntary activities, while riding in an elevator, or sitting in a building such as this, are good examples of involuntary activities.

Star found that people would tolerate risks at approximately ten to the minus six per year, or one in a million every year, per voluntary activities, and ten to the minus seven, or one in ten million per year, for involuntary activities. Now the people of Anderson Island are obviously, and in other areas, are being exposed involuntarily to the risks associated with this proposal. And while one in ten million may not be the number, I think that is important and relevant to establish some means of quantifying the risks, and establishing what

is acceptable risks.

A brief study of the EIS indicates that it is virtually impossible to make a realistic estimate of the risks of oil spills and collisions for this facility. I don't question the model, but the studies indicate that one spill will occur in 118 or 127 years, and one casualty in about 25 years, and these numbers are based on 28 port calls per years. It is already implied in the EIS that there may be as many as 40 port calls per year, and I have understood that Weyerhaeuser Company does not feel obligated to dwell on the number of calls.

I think it is easily apparent that the risks go up as the number of calls increase. The effect of oil spills and collisions on the property value on Anderson Island and in this area, do not really need to be discussed.

I would like to address the question of noise. The study indicates that Anderson Island will be subjected to noise approximately triple that of the ambient conditions. This part I read carefully, because quiet is an absolute essential ingredient to our way of life. In the interests of time I will speak to the most glaring deficiencies that I found in the noise study. This is the assumption that noise is reduced by six decibels, with every doubling of distance. I have repeatedly

pointed out, in my comments, in other studies, that this does not apply over water, but my comments have been ignored. I have sat on the beach at Anderson Island and heard people talking on the present site at DuPont. It doesn't take much to imagine what a fleet of logging trucks, or log movers will sound like. There are actually five sources of noise, from this facility. Given any particular type of vehicle operated on the dock or on the canyon there is the noise itself, the reflected noise from the bank at DuPont, the noise reflected from the water, from the clouds, and reflected back from the property on Anderson Island. I would like to respectfully request that the Corps of Engineers required full scale noise tests be conducted, using noise sources at DuPont, and receivers at various places on Anderson Island, or barring this I offer to conduct these tests myself, at my own expense, and ask that the Weyerhaeuser Company grant permission to use their docks.

Glare is another problem that has been ignored without any alternative being proposed. This only affects a handful of people, and I ask that the Court require a sincere evaluation of the glare before this permit is requested. I believe that most serious long term impact has been neglected. I'll strike most of this but it

seems to me the most inconceivable that the Weyerhaeuser Company would be able to resist temptation to come tell people that they will save our precious energey and they will serve the best interests of the public, by locating their new pulp mill, sawmill and plywood mill on this property, because it is the shortest distance for shipment, and I honestly feel that this should be studied by the Corps, and that Weyerhaeuser has an obligation to be more candid with the public about the future plans for this facility.

Granted that they have no definite plans now, but I think they should be a matter of discussion, this impact should be included. I ask you to consider the possibility of granting a conditional permit, based on the factors that I have outlined, not only for Anderson Island's sake, but in light of the fact that the proposed facility will be mostly surrounded by wildlife refuges, in other words the Nisqually Refuge and two refuges on Anderson Island, the most probable one at McNeil. I'll strike the rest of my testimony, but I have four questions.

What is an acceptable risk, will this question be addressed in a sense of oil spills and casualties, is the Weyerhaeuser Company willing to publicly commit themselves to limits on the use of this facility, will

further noise and glare studies be made, or may I have permission to trespass on Weyerhaeuser property to make such a test? Do you have time to address those questions?

CHAIRMAN DICE: Let's attempt to go over them very quickly. Bob Anderson would you like to speak to the last one, as to whether or not you'd be supportive of additional tests, that the public citizens might wish to pursue?

MR. ANDERSON: Yes, we would be.

CHAIRMAN DICE: They indicated that they would be supportive of additional testing. You asked the question about Weyerhaeuser being more candid about their future plans - I believe the words were, and have you read the present Environmental Impact Statement?

MR. ANDERSON: Yes, I have.

CHAIRMAN DICE: Additional material has been put in there, beyond what was in the previous ones, because of the desire by the Corps of Engineers to pursue this very subject. Would Weyerhaeuser like to speak on that?

MR. WHITE: I think our intentions have been right, but more clear than the Federal EIS simply a line has to be drawn between plans and speculation. Our plans were for the export facility, and the other

proposal is speculation. I think it is rather pertinent to talk about the effects, or the environmental effects of the speculative facility, since we cannot identify what it is, or what its characteristics are. And we do know, that if we ever did propose another facility for this site, we would have to start this whole process from square one, and everybody would have their fair shot, at what we plan to do, we cannot fabricate plans that we don't have.

MR. ANDERSON: Do you think it is possible that the Weyerhaeuser Company could promise and not say that we have to stop here, we are going to save a lot of energy by having our pulp mill here, isn't that hard to resist that temptation?

MR. WHITE: The existence of a site doesn't entice us to build any particular project, or not build one. This project is a standard project, to say that the relationship indicates is not really true at all.

Q. Does the Corps have a position on the setting of acceptable risk, any comment on the possibility of negotiations that Weyerhaeuser has set the limits on the number of port calls, the size of ships, that sort of thing?

CHAIRMAN DICE: The Corps does not have the policy, I assume one could argue that any risk is more

than they would like to pursue, which is what we are probably doing with a philosphical question here. There have been a great many projects in the United States under evaluation by the National Environmental Policy Act, that were highly more potential to serious accident than could occur at this facility. Where they were not able to come to agree on acceptable limits. It has been an attempt to define what the risk was, they are in the process of public comments, and agency positions, and a decision by the variety of decision makers at different levels, it is in the process to determine what is acceptable, with the agencies for the proper responsibility, people have input to it, and find that it is not acceptable, then the comments bear it out, that pretty well determines it.

Q. (By Mr. Anderson) As you see it then, the facility will not be approved on the evaluation that has been presented here, which says based on 28 calls, there is an oil spill every 127 years? We have no protection in the approval process, and if there would be one call a day, or eighty a year?

CHAIRMAN DICE: The question of the amount of traffic is a subject which could be conditioned on the permit, if it was judged it was necessary, because of the risk. I think the way the process will work now

is based on comments, made by people like yourself, and we are still waiting for most of the agency positions to come in, based on what we hear, and what we will indicate they believe the deficiencies are, and what they feel should be looked at, if necessary additional studies will be made, and the Corps position will be formulated, as well as identifying everyone else's positions, in the final EIS, will have to respond to every single comment, and when that happens, when the EIS goes out, there will be available thirty days for public review, and certainly for any positions can be made following an inquiry subject to people sueing, and any number of ways.

Grant, do you have something to add?

MR. BAILEY: The analysis was done for more than a year now, it states that the number of port calls based upon the 118 years, changing now, it could change over a year ago, and that was an addendum to the original study, the addendum was researched as widely as the original one, it is much more realistic as to what they actually propose. The future growth is something else.

MR. ANDERSON: Thank you.

CHAIRMAN DICE: Captain Dewey Soriano, has indicated that he is available to answer questions on

the subject of piloting, as well as navigation, and Will Jack Davis be prepared to follow him, please?

MR. SORIANO: My name is Dewey Soriano, I am the President of the Puget Sound Pilots. I was interested in answering questions concerning piloting, which is our business, however, I have had before me a couple of speakers about the possibility of casualties down there, at the new proposed dock, by Weyerhaeuser. Presently, the speed and the wake damage on these houses that are beside Point Defiance, across from Point Evans.

I want to say this, and we can stand by it, one, the Puget Sound Pilots, have not, to my knowledge, had casualties between two ships in this area of which you are speaking, and two, there could be a speed limit which would be workable, very easily, because these ships that are coming in, that we know about, have bridge control and they are fantastically maneuverable ships. They do a real good job, and as far as any wake damage is concerned, I am going to put a letter out on that, so we do slow down now, at Day Island, and we slow down at Johnson Point, and on our way to Olympia, we have a very few ships to Olympia, as you know. And as far as Puget Sound, we have in the last two years we have put slowdowns at Point No Point and various places in the northern side.

Now the vessel traffic, the Coast Guard has a one way traffic system, for tankers plying Rosario's Straits, and we could do that down here, because we are talking about 12 - 14 miles distance, there's no problem, and there won't be that many ships, but to make it better for everybody, so there wouldn't be any thought of casualties - we could work with Weyerhaeuser, and I am sure that everybody will cooperate, because safety is the name of the game.

Also, as far as -- well, take for example, Port Angeles, we have between ten and twelve ships alongside the dock at anchor out there, in that harbor, and th- is the cleanest it's ever been, because the shrimp are coming back into Port Angeles harbor, when I started as a pilot twenty years ago we didn't have any shrimp but they are there now, and I'd be happy to answer any questions pertaining to piloting or -- well, we haven't had DuPont for years, but that's not a problem, we have good tugs to work with, and these are very maneuverable ships.

CHAIRMAN DICE: I believe there is a question from the audience right now. Would you identify yourself?

MR. ENGMAN: My name is Earl Engman, would it be possible for us to be having 12 and 13 foot tides

that the vessel be held back until the tide receded so that the vessel wouldn't be travelling through the Narrows and that area at that particular time?

MR. SORIANO: I think it would actually be advisable, because of the recent problems that we had with ships running 15 knots and 14 knots, when we had extreme tides, so there is no problem at all, we can always set the departure accordingly, because I know Weyerhaeuser pretty well.

CHAIRMAN DICE: A question in the back?

MS. HANSMAN: My name is Carla Hansman, from Tacoma, could you explain how this situation will work, I understand they will not take on people at the Weyerhaeuser Port, but will they come in fully loaded with fuel, or will they come in empty, pick up their load at the dock.

MR. SORIANO: You mean the cargo load?

MS. HANSMAN: No, the fuel.

MR. SORIANO: I don't know where they pick up their fuel, they generally pick it up at the most reasonable port, like Long Beach, California, has the cheapest fuel that I know of on the Coast, we have a lot of bunkering at Port Angeles right now, we have some bunkering in Tacoma Harbor, they get it from the bunker and go alongside the dock, now where these ships would bunker I do

not know.

CHAIRMAN DICE: Phil White will speak as to where the ships would pick up their fueld.

MR. WHITE: I think Captain Soriano has expressed most of what I was going to say, basically they will pick up fuel, wherever it is economic to do so. Whether it is at Port Angeles, or Los Angeles, or Tokyo or Europe, the ships will be double hulled protected, we are not talking about oil tankers, and shipping oil in here.

CHAIRMAN DICE: Is this question specifically for Mr. Soriano?

Q. My name is Charles Plummer from the Audobon Group ships come in at DuPont, will they be having water ballast in them from foreign ports, will that water ballast be dumped in or near the DuPont area? And will that contain any organisms from any other parts of the world?

MR. SORIANO: Man, you asked me a bunch of questions, I don't know if I can answer that.

CHAIRMAN DICE: That is something that I think Mr. White can answer that.

MR. WHITE: I think as far as the regulations ballast water and such, we've already heard about that, our regulations that are enforced today, we comply with

them and are desirous of complying with them.

Q. (Jan Powell,)Mr. Captain Soriano can correct me if I am wrong, but it is my understanding that oily polluted ballast water must be discharged more than three miles offshore.

A. (By Mr. Soriano) More than 50 miles offshore.

Q. I guess I am not up to date, there's also a position in the statutes that allows the Environmental Protection Agency to designate sensitive areas as zero discharge, and donot allow any discharge even treated sanitary waste. This hasn't been done in the area, but it could be done, if there was any indication that a problem would arise.

A. To my knowledge they wouldn't discharge ballast at the dock, it is generally taken care of elsewhere at sea, and that's what I found out, other than a tanker, which comes in without cargo, will have some water ballast, we had this the other day, U.S. Naval tanker, Shoshone, was doing discharge, some green water ballast at Pier 90, in Seattle, which he could do, but he could not discharge any ballast at the Government property at Manchester, and he inquired to us whether they could discharge and we would handle the ship going to Manchester, and we said absolutely yes. There is no problem, we would just as soon have them discharge their ballast at sea, and get it out because we don't like to have it here.

CHAIRMAN DICE: One last question? Mr. Braget?

Q. (By Mr. Braget) This will have to entail Captain Soriano, and the Weyerhauser Company. The ships that will come to that dock, will they not be private Weyerhaeuser ships?

A. (By Mr. White) Weyerhaeuser apparently owns their ships. We have the ships under a variety of leases and contracts, the ships we envision for the future will probably be under similar control, to the "M" ships as we call them, which are in all but the paper, owned by Weyerhaeuser, that is your capitalized leases, on long term agreements, a Norwegian Company.

Q. Will the pilot's association have any jurisdiction to operate those ships?

A. I understand the pilots take up at Port Angeles and there's a pilot on every ship.

Q. Well, then I'll address it to you, Captain, about four or five days a year we have a severe high tide and a north wind combination, where those combinations of winds and tides overcome the outflow from the

river, and the rap rip which ordinarily protects any spillage of oil fill from coming up onto the marsh, of the slews and the river, if those four or five times with those rare combinations, that extreme north wind will override that so I would suggest possibly that there be four special days a year where there not be, in order to protect against this. There shouldn't be any ship movements, if anybody who could read a barometer, or likes to hunt ducks, knows what's coming. So I am in concurrence with Mr. Engman, and you remember those at DuPont, don't you, and where those ducks came from?

A. (By Mr. Soriano) If you have any further questions and you would like us to come back sometime, we'd be happy to do so, we would like to see the project go ahead. We think it would be good for the area.

CHAIRMAN DICE: Thank you, we appreciate your help.

MR. WHITE: I would like to comment on various apropos remarks - the Weyerhaeuser Company would be very happy to cooperate with any agencies in such restrictive measures to avoid risking thos critical times, that do occur from time to time.

CHAIRMAN DICE: The next speaker is Jack Davis

from Black Hills Audobon Society, and Charles Plummer be prepared to speak next.

MR. DAVIS: First of all, I would note that I am not speaking for the Audobon Society at this time, the Chaper will be submitted a written commentary subsequent to the 28th of September. I am among the people that you introduced at the beginning of the Workshop, I did not recognize any air pollution experts, nor air pollution aerologists. Am I correct?

CHAIRMAN DICE: You are correct.

MR. DAVIS: I brought some materials along that I thought we would have a round table discussion, where we could share it, but the point of the whole thing that will be just simply, for the Corps' consideration, among the various things that I am concerned about, on the air pollution, which, by the way, has been my field of work for most of my career, in International Weather Service, as a weather observer, we had a situation where in the South Puget Sound, periods of stagnation, pollution accumulates. This was recognized by Mr. Warden, in an air pollution study, but on the other hand I don't think fully that his findings were based on conditions as they actually are. This is also noted by the Environmental Protection Agency, who submitted criticism of the draft Environmental Impact Statement, of things of

the nature of the short flumes, which effectively precludes any disbursement of the pollutants in the air, and total amount to the fact that all the pollutants that this facility will produce, during stagnant atmospheric conditions will accumulate, in the National Wildlife Refuge area. That is between two bluffs.

First, let me ask do you have access to the commentary criticism that was submitted after the draft EIS was received?

CHAIRMAN DICE: Yes, we have access to all of that.

MR. DAVIS: I request that you make this special note to refer again to that.

CHAIRMAN DICE: We certainly will.

MR. DAVIS: The Department concerns that we have is that having received these comments, the response was that, well, inasmuch as the amount of pollutants that will be discharged into the air, are negligible or minimal, these words are used very often, then it doesn't really matter, so what needs to be done then, is someone besides, I presume Mr. Warden made the study, I would like to see the amount of pollutants, the discharge in operations, recalculated, and I hope that possibly the Puget Sound Air Pollution Control District would do this, failing that, the Environmental Protection

Agency go through again, to see if indeed that is something that could be classified by that very non-descriptive word "negligible". You can point out what I am about to say, on my way here, earlier this afternoon, the visibility to the east was about 45 miles, or well, we could see Mt. Rainier, but the visibility to the north, and northwest, was on the order of 5 miles. The Olympic Peninsula was obscured, and Anderson Island was very dim. This is from the Freeway overlooking the Delta, and this is how dramatic the accumulation of smog is in that vicinity. I see my time is up, thank you.

CHAIRMAN DICE: Thank you. Charles Plummer is next, and Charles Buchanan, will be prepared to follow him, please.

MR. PLUMMER: After reviewing the draft EIS I felt that a certain point was very deficient when it was written. First of all, Weyerhaeuser's policies not to harm the environment in the first part of the book I find to be very lacking, while they have stated that they will not harm the environment, they have not made any definite promises as to what they will or will not do at that time. I realize that Weyerhaeuser itself, may not have any future plans for the DuPont site, that is true, but they can state definitely now, how many feet of moore land they are going to preserve, and what

that noise levels they are going to maintain, what level of air pollution, water pollution, they are going to let come in that plan, and what things they definitely would or would not do with that site. Those kinds of things they certainly can say now. And in fact, in some cases, certain kind of zoning, other things they actually save themselves tax money by doing so, so I don't see any reason why that can't be done now.

Also, I have some technical criticism of the report, first of all I find that for example, in one statement, it says that road kills can be reduced by growing vegetation along the road. What, in fact, they are really doing there, is of course is removing the health hazard to the animals that live along the road, this of course when it is done, there is obviously not going to be as many road kills because the animals that would have been killed, occasionally on road kills, will be killed either in the process of removing the vegetation, or they will be killed later because their habitat has been removed, and they will die from starvation, or depredation of some other source. And again, this is kind of a strange way, I think, of mitigating an environmental problem. We can mitigate many environmental problems by removing the ordinance that of course would be killed.

Another thing that I find very dissappointing about

the report is that parts of this area will be inversely impacted. I admit that if the facility is built, probably nothing can be done about that, but certainly as much land as Weyerhaeuser has available to it, certainly they can set aside a small portion of land to at least partially make up for the damage that is being done to Nisqually Creek and that area.

Another criticism I have of the Corps, is if you take a look at Table F-1, in the back of this report, being I am among other things, a biologist, I have a Master's Degree in Biology, from Central Washington University, this particular table is not arranged in any order. The traditional way of arranging birds by most knowledgeable people, even knowledgeable amateurs, is to arrange birds as to their range, they are not even arranged here in alphabetical order, I think this calls for a question, not simply the order of the Tables, but the fact that to me is a very stern indictment of the whole process, because if the person who prepared this and the people who look at it, are so ignorant of the standard procedures in working this field, they could not even arrange this table in proper order.

What does this say about the basic process of the whole plan, the whole process? I find that very dissappointing. The last thing I would like to say - I've

learned that they have not put nearly enough comment on the export of lumber, whether it is a finished product, or whether it is logs, they are still exporting, basically, a National resource, and whether or not that is a good idea, is, well, a very long drawn out topic.

Finally, I found that one of the last faults with this, that is, while DuPont may have been the best place for the Weyerhaeuser facility, and in fact it might even be a good idea, we take a look at DuPont area, biologically, archeologically, and historically, and anthropologically, it is extremely valuable and unique region. I see no discussion that really, that there are any ways the benefits gained from the proposed actions against the detriment of all these things. That really is the heart of any environmental issue - is weighing the benefits against the detriments of any facility, I don't see that being done. Thank you very much.

CHAIRMAN DICE: Thank you. Charles Buchanan is next, and Helen Engle, will be prepared to follow.

MR. BUCHANAN: Thank you, my name is Charles Buchanan, I am a resident of Steilacoom, Washington. Not a DuPont but Steilacoom taxpayer, I am a taxpayer in the Steilacoom historic school district, and DuPont is a part of that. I actually have a stake in what happens in DuPont, and what happens in tax service, really,

that's not why I am here.

About a month ago I attended a meeting In DuPont and they were talking about changing the shoreline classification. At that meeting, I think there were 16 people who used that as an opportunity to speak against the Weyerhaeuser project, and 2 people spoke in favor of it, and while Weyerhaeuser is certainly big enough to fight their own battles, it seemed to me that somebody representing not the vocal minority, but perhaps the very great silent majority, people who don't turn out to meetings, should show up and indicate their support for Weyerhaeuser.

I would point out to you that it is such a successful business entity such as Weyerhaeuser that enabled us to have a very healthy economic climate we live in today. It creates jobs and pays taxes, and really keeps our economy moving. To use an entire process to throw up road blocks and stop that road, and that progress seems wrong to me.

I would point out to you that 130 years ago there was a wood products export facility operating out of the Port of Olympia, the Port of Steilacoom, and they were exporting spars to the San Francisco market. It was done by vessels. Also point out to you that since 1909 DuPont has been exporting not wood products, but dynamite

and affiliated products from their dock in DuPont, and and it seems to me that you have an historical present to continue that business under proper controls. I have read the draft EIS, I won't say that I studied it, but that I read it, I have certainly gone over it, and I can't agree with some of those criticisms that I have heard today. The way it is put together seems to me a very complete and very comprehensive document, in that I find that to my satisfaction, Weyerhaeuser gives every indication of walking that extra mile, in protecting the environment, and mitigating against any adverse impact on the environment, and I think would be eventually, I wouldn't want the job of the Corps of Engineers, weighing all the advantages and disadvantages, and trying to sum it up, but I would urge you to use your best judgment and grant the export permit. Thank you.

CHAIRMAN DICE: Thank you. Helen Engle is our next speaker, and I have difficulty reading the following.

MS. ENGLE: I am Helen Engle, President of the Washington Environmental Council, a coalition of 84 citizen organizations, throughout the state, which ought to give me 6½ minutes, which is what I need.

We have been dedicated to clean, safe, beautiful and bountiful environment, and I talked to Lee Robinette and I could have brought 15 slides to document that carousel

so we could have dropped them in that carousel and showed some of the pictures justifying what we would like to speak to, today.

It is customary to open testimony with an appreciative thank you for this opportunity, etc., today I would like to add a little note of deja vu, haven't you all been in this place, doing the same thing before, some time, is it anything that the Washington Environmental Council opposes, industrial development, on the shoreline of Nisqually Reach. We just said the same things to the same agencies, the juridictions, since the WEC was born eleven years ago. We are repeating the message, and honoring the voters of Washington State, when they passed the Shoreline Management Act of 1971, the State Environmental Protection Act, and other environmental bills, recognized nationally, for the excellence, as an example, of forward thinking, comprehensive protection of some of the most important resources in the country.

The draft EIS before us probably hasn't one thing in it to disqualify under SEPA, on the basis that it is not "reasonably adequate in its description of the impact of the proposed export facility, and that is all that it is required to do. Actually, I find it a very well organized and well written, well done, schematic study which is provocative to read and would be interesting to

discuss. The integrity of Weyerhaeuser, and the project is not stake here, but I wish to speak to its integrity of south Puget Sound.

More and more extensive publications, no matter how detailed, or how expensive they are in dollars, can't justify a loss of a potential option for south Puget Sound. What I have to say today about this valuable archive of work before us, is what it does not contain.

In our view, the draft EIS in no way addresses the broader issues at stake, of the impact on the natural systems, the social systems, and the services required the entire Pierce County, Thurston County, region, which is generally accepted as what is really going to happen, that this innocuous 250 acre project, is only the precursor of. We are asked here today to speak our concern and the concerns of citizens nationally. Puget Sound resources are too important to be in a provincial prerogative on all factors relevant to the proposal including conservation, economics, aesthetics, and get that, aesthetics is in there, in the Army Corps, and generally the environmental concerns have historic value, Fish and Wildlife Service, Guides, Land Use and Navigation, Recreation, water supply , water quality, energy,safety, and food production needs and welfare, of the people.

W.E.C. has been speaking to these things, along with

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literally thousands of other voices, and the burden of the testimony has been overwhelmingly opposed to what appears to be relentlessly coming to pass, south Puget Sound.

I have filed for some testimony from public hearings at the federal regional and state, county, municipal, and legislative committee levels. We have spoken to the above mentioned factors, we have paid a full time lobbyist in the State Legislature, to speak for the values of addressed by SEBA, but where are the dedicated organizations to go to get protection for what we see to be such terribly important resources. What agency are we to appeal to, in the final analysis that doesn't pass the buck?

Notice I am wearing a button that was distributed at the National Audobon Society Convention in Estes Park, Colorado, this June, during an excellent, very well received speech by Lt. General John W. Morris, Chief of Engineers. The button says "The Corps Cares". I'd like to tell you what General Morris said about that. Here is our problem. There is a growing body of documentation that south Puget Sound's best long term economic benefits to the region, indeed the nation, will be fish and shell production as long as the waters remain high quality. The degree of relinquishment to development

of industrial usage and shipping allowed in its areas anywhere determines to a large degree the quality of the water. Is there some way to protect south Puget Sound from this kind of activity?

There appears to be a number of alternative sites from which, seem on first examination, to be navigably cheaper and safer, and lower energy consumptive, and therefore more environmentally behind industrial shipping.

Isn't there some way to provide long term best managed options for those years ahead, when protein production, high quality water, and energy conservation will be the units of exchange that we'll be dealing with?

Doesn't it look like the Army Corps would have an opportunity at this crossroads to have our cake and eat it too?

What Agency can we go to that will think and act comprehensively in the really long term. Not private industry apparently. While Weyerhaeuser is asking for the relinquishing of an increment of this commons, it is in kind, pushing the Army Corps and a project in Grays Harbor, estuary, sacrificing of vast diminishing estuary natural resources, is being requested, in return for benefits to this private sector's economic resource, just what is being asked here? A better world shipping capabilities. Will the Corps, our Federal Agency,

determining through its permit system, grant permits, and therefore accommodate industry in this grasping for more of the commons? And the enforcement agency of Shoreline Act, what support is there? It is generally understood that the State Department of Ecology's position was intended to get around to securing Nisqually Reach for its natural quality, ruling intent of the SSMA was to keep shipping here from increasing over that historic volume of the DuPont Company, which we heard about, but lately we've been hearing them say that it is conceivable that industrial development could be compatible with the conservative designation, or the master program, of Shoreline, of statewide significance and under postal exam management program, and that Department of Congress U.S.A. area of particular concern.

What does the Army Corps think those terms imply? What about local agencies, WEC has generally felt that the higher the jurisdiction the better the chance of protection, from the pressures of local vested interests, with short term gains in mind. So what of all these well intentioned environmental laws, what statutory provisions do we turn to as protective devices? How far does the Army Corps authority reach in its permitting system, to take a comprehensive look at the bit by bit encroachment of the incredible, wonderful, scene that we are blessed

with.

Municipalities and regional sewer districts, granting waivers from secondary treatment of sanitary waste, in bigger and bigger interceptors pouring into our marine waters, with private industry developing yet more and more facilities, with their known adverse impact, with various and diverse factors damaging water quality, tributary streams, with booming water oriented reclamation industry, and its disturbance and pollution with high density planning and development of the islands of Puget Sound, with acid raindrops falling on our heads, and what can the Army Corps do to help keep the south Puget Sound.

I'd like to say more, I'd like to ask some more questions, this is pretty rambling no doubt, I'll get another chance some day to speak on this subject.

Thank you.

CHAIRMAN DICE: I would like to address the general question she spoke to, this way. You continued to ask what can be done by what Agency and what can the Corps do?

The very process we are in right now, is as far as I know, intended to be the vehicle for everything you asked for, and as far as I know, it has been. The Corps finds itself in a very difficult position any time it is

trying to judge controversial permit applications. We have to worry about the rights of individual citizens, organized groups, the local, state, and federal entities. And the way the permit program works, there is a full opportunity for every and any interest, no matter how large or how small, to state their views, and they will be considered, by virtue of the magnitude of this project there is a federal EIS being considered, copies of it have been reviewed by everyone here, I assure you that any question, any issue that you put to us, relative to this project will be treated in detail, appropriately by our office, in the final EIS, and all of that will be available for everyone's scrutiny, and the decisions made on the permit application by the Corps of Engineers, and District Engineer, all of this will be taken into account.

You ask what can be done -- there are a great many state and federal agencies who have separate various state areas of responsibility, and they can speak very distinctly for those areas that will, and if they are subject areas, and you should be dealing with them as well as us. We put a great weight on what the agencies say pursuant to their responsibility. I would like to move on, we have Gary Braeth, as our next speaker, and Gary Kline will be prepared to follow him, and will be here

to tell us what the Agency has to say.

MR. BRAETH: I am Manager of the Tacoma Chamber of Commerce, and I wish to present to you, our support for the Weyerhaeuser DuPont facility. The reason for that was contained in the resolution, the first presentation of this policy statement, since its adoption September 10th. Initially there have been asked by Mr. Darren Rusk, the Executive Director, the Tacoma County Economic Board, to develop their statement in support for this facility. Likewise their support for it contained in this statement.

If you wish I will read either the statements or just leave them with you for the sake of brevity.

CHAIRMAN DICE: If you can cover them in five minutes you may read them. But I would like you to leave us copies, or the originals of both.

MR. BRAETH: You do have copies - thank you very much.

CHAIRMAN DICE: Thank you. Gary Kline is next representing the U. S. Fish and Wildlife Service, and Chuck Stillman, be prepared to follow him.

MR. KLINE: My name is Gary Kline, and since this is a Workshop I am not making a statement, basically, but ask a question, not necessarily in the logical order, and I am not really looking for answers, for most of them

at this point.

I want to ask, and get an answer, on a question of whether or not the EIS, which is dated July 30, 1979, was going to be subject to a final CEQ regulations, which were effective on July 30th.

CHAIRMAN DICE: The CEQ regulations you speak of is a new format procedure specifically for the EIS, go into effect on the 30th of July, and this EIS was filed by the Environmental Protection Agency on the 26th of July, so it pre-dated that deadline.

And secondly, the Environmental Impact Statement falls under a category of the CEQ, and of course regs identified as a study that's been going on well in advance of the 30th of July date, and have effectively been very much formulated by any judgment, it would have been material effort, and notable effort to formulate it, while I believe that the GES format is better, we have added the additional subjects in here, with the new format covers, I belive we are responsive to the new format, but I have not attempted to go to the time or the expense, or ask other people to do that, to thoroughly rework it.

MR. KLINE: Then your answer is no.

CHAIRMAN DICE: There is an important distinction because the Regs agree that we can pursue any of those

things, even though it straddles the time period, we will.

MR. KLINE: I just wanted to make an observation that Weyerhaeuser makes the statement that they are going to go back -- if there is any future development involved, I would like to point out, that really isn't accurate with respect to the Corps of Engineers. I suspect that Weyerhaeuser wants to build a pulp mill or something like that, it won't come up before the Board, and they won't agree, other than by EPA, they won't get much consideration on a federal level.

I wanted to say right off that there is a whole lot of positive things to be said about the Corps of Engineers project, and about the EIS. However, I am not going to spend five minutes talking about the positive things. I think the basic problem with the project is the location. There is a lot of intelligent planning and thought that has gone into the project, but basically it sits in a incompatible location. I think there are several areas in which the draft EIS is at this point deficient or inadequate. Several major areas, and for that reason, we would like to see some supplements to EIS come out, dealing with a number of topics that I will enumerate. And this supplement would merely be appended to the final EIS, on which it is relatively

short period of review, and a lot of other stuff to be dealt with.

First of all, there is the issue of alternative locations. It is a port and ships come in and dock there. I think that this issue really is not meant or has not been satisfied, we are not convinced that they have reasonably eliminated all of the alternative locations. The Port of Tacoma is one of those, and the Port makes a statement to the effect that it has a small amount of land, Weyerhaeuser itself imposed these -- the Corps of Engineers in the study of 1975 said basically the Port of Tacoma has a lot of land, it has over 800 acres in industrial district, near water.

You go to the Port of Tacoma and pick up some of the brochures advertising for businesses to come in, that have been printed I notice, since 1975, and they say they've got 840 acres of available land, there must be somewhere near that remaining today.

The EIS itself says there are over 400 acres and if we are only addressing this project, apparently the requirement for land is something less than 175 acres.

The second big problem, of deficiency involved, induced secondary impacts, not only those beyond the site, but particularly those on site, what is going to become, ultimately, of that site? We think it's time

that Weyerhaeuser be a little bit more candid about future industrial development. It has said in the past and we have it on record, it means we have attended and things in the media, that they have got pulp mills and lumber mills and other things in mind. So we would like to see that sort of thing at rest.

What we would really like to see in connection with that, without prejudicing the issue, of whether this is appropriate location for their project, we would like to see some kind of a plan that identifies development areas and non-development areas, designated buffers and green belts, that sort of thing, and we would like to work with the City of DuPont, and Weyerheauser, and any other affected agency, interested agency, and possibly have some citizen observers in that process, to see if we could devise a plan to at least give us some better assurances for this that would effect the physical buffering, and visual buffering, and in addition, the third supplement that we think we need, is something that will tighten up the whole water quality situation. You do have class double A waters invested in the State, and you have very sensitive locations, you can't buffer the Nisqually Delta and the Nisqually Refuge across water, and noise, activity and a lot of other things, the least you could do some things to tighten up the problems

with respect to spills and human impact, and we would like to see all that done.

CHAIRMAN DICE: Are you speaking strictly about the marine estarine system?

MR. KLINE: Yes, spills and discharges into the Sound, itself.

We would kind of like to look at the eventual industrial discharges, if those are in the plans, the ultimate plans, where they might go and what they might be, and what levels might be put on them, where it wouldn't be exceeded, and types of industry, and that types of things. There is a whole bunch of things, the whole theory, we would like to see some sort of supplement that deals with identification and certain guarantees, like the number of port calls, where bilge and ballast is going to be discharged, maybe some other things in that area.

I personally think the navigational risks study is one of the more inadequate of the studies, which a lot of substance and findings. If we are going to evaluate a project, in the EIS it says, this is a certain level of development, this is a certain level of activity, and so forth, these are the impacts and make some kind of a determination on the acceptability of that, then we will find out that having maybe

accepted it, they'll come along the next week and say, well, now we've got a new plan, and now we are going to bring ten ships a day in, and so forth.

If they state that this is the project, and it is going to have a certain level of shipping, let's give it some guarantees. It's not going to mysteriously double and triple, and so on.

CHAIRMAN DICE: Would you clarify for me, when you first started, you indicated that you did not have a statement, but the points you are making are these official positions of your interest?

MR. KLINE: This is a Workshop, Steve, right?

CHAIRMAN DICE: True. Therefore, I can ask you questions as well as you can ask me questions.

MR. KLINE: Yes, I am asking questions, and I am indicating as a viewer of the EIS, and so forth, some other things that we would like to see inthe EIS and some of the things I am sure you would be receptive to, in terms of working with you and Weyerhaeuser, and so forth. I am not making this a policy statement. I have a whole bunch of other questions, I'll wait until some other occasion to submit them to you in writing.

CHAIRMAN DICE: Okay, I wish you would. Give it to us with as much detail as you can. To pursue those things would take some effort, and you made some

good points. Thank you.

The next speaker is Chuck Skillman --

MR. BRAGET: First of all I am glad you let the lady from the WEC and the Fish and Wildlife Service have that extra time. That shows the fairness doctrine.

CHAIRMAN DICE: Yes, you went twenty minutes sir.

MR. BRAGET: That shows the fairness doctrine, I said I needed sixteen years to give up.

CHAIRMAN DICE: Chuck Skillman, Washington Contractors.

MR. SKILLMAN: We have an association of about 300 loggers. In the interest of contract logging, and land owners, well, it is about 100 associates, so you can see they employ a lot of people in this State, possibly some of the highest paid anywhere. And we welcome Weyerhaeuser's plans, we are glad to see that it is going through, environmental protection route, we feel that in this day and age, we can protect adequately those fundamental qualities that we all want. We, as loggers, are not out here to desecrate the land. We do employ a lot of people. A lot of them probably belong to some of the environmental, so-called clubs, but I notice they all come back asking for jobs. We need those payrolls, we need markets, we are criticized a lot

of times because we ship our products overseas. We are criticized by the same people that put on their Seiko watch and get out their little Datsun cars, in order to come up here to criticize me for selling it.

We need these markets, we are small, we can't create these markets outselves. A company, such as Weyerhaeuser can. When we ship our logs into Tacoma, or Olympia, we often see articles in the paper, in the Seattle papers about how the trucks are dangerous, in a congested area. We are glad to see that they are creating a facility that is not surrounded by people, we don't feel that the logs, or even the ship that is just loading logs, and it is just a ship with maybe 20 crewmen on it, it can hold all its discharges until it gets back out of the Sound, two miles away. On the west side of that same Nisqually Valley there are homes where they have barbecues, they have 40 or 50 people there on a night, all running back down over the bluff, so when we come to considering all our pollution on the levy, it might be that the only way to cure it is too many people, and half of them got 24 hours to get out, I hope they let me go back.

We have all these problems, they've pretty well answered them, and our Association wholeheartedly supports this concept. We believe it will work. We

need it to work. We own land also. We replant our land. Twenty years a minimum before we harvest our crops, before we're looking at another one. I own some timber land myself, I'm probably too old to harvest the next crop, but I have sons and grandchildren who might, and I would hestiate to put in, say, $100 to $150 an acre to replanting, and husband that land for forty years, if I didn't have some assursnce that somebody out there is creating a market so what I plant today will be worth something.

You can't do it on these assumptions that you have out there -- well, I'll just say that we do support wholeheartedly, and I believe you get the drift.

Thank you.

CHAIRMAN DICE: Thank you. Tom Ehrlichman is next.

MR. EHRLICHMAN: Good afternoon. I don't mind telling you from the beginning that I think this proposal is a bad idea. That is what Workshops are all about - we are supposed to get public participating in planning, and public officials, hopefully to show them what they might have overlooked or failed to recognize.

Before I go on, I don't really understand your statement, Mr. Dice, that if a statement is not filed with the Environmental Protection Agency, prior to

July 30th, I can find the page, but a couple of people said the EIS has a stamp on there that says July 30th, that's the date it was filed. I'll read from the new regulations, effective date of these regulations is July 30, 1979. If the draft statement was filed before the date, these regulations do not apply. Well, I am going to address my comments on the assumption that these regulations do apply.

CHAIRMAN DICE: The statement in the EIS was stamped on before they were mailed, obviously, and we were told afterwards, by EPA, that they could file faster and in fact it was on file, on the 26th, and the documentation, Federal register, and that, but even notwithstanding that, it still doesn't have to pertain to the nth degree of the regs, but in fact every single subject issue has been addressed.

MR. EHRLICHMAN: I say that I am not going to address my criticism to the EIS, but these new regulations in mind, particularly because of a statement in the regulations that these regulations don't apply to the closest extent practicable, to ongoing activities and environmental documents, and I would like to get going, because this time limit is awfully fast.

Building a port next to a wildlife refuge because of its ecosystem doesn't make sense, it isn't good land

use practice, the authority to restrict the government on the shoreline rests with the Army Corps of Engineers. The Federal Government is as responsible for the enforcement of shoreline law, as is the state of Washington. Washington Coastal Zone Management Program includes the Shoreline Management Act, and the DuPont program the Shoreline Management Act speaks clearly to two issues relevant to this.

First the proliferation of private ports, which suit individual interests rather than encourage economic urban centers and existing ports, particularly in sensitive areas, and that is Page #5 of the EOE final guidelines on the Shoreline Management Act, and

Secondly, if the Department of Ecology specifically recognizes its authority to restriction of intensive use of all these shorelines, in letters sent to the City of DuPont, the Department conditioned its approval of the urban shoreline zone, in the DuPont program, stating that any activity which might harm the adjacent spawning delta would be contrary to Shoreline Management Act.

I think this letter should be in the appendix, and the basis for the second point, deals with the final guidelines. The issue before you permit makers is thus whether any other proposed activity might cause

harm to the delta, and I emphasize "might", we come before you today to assist in preparing a decent EIS We have done a lot of preparation, and five minutes is scarcely enough time to get into the issues. It just scratches the surface. But the criticism we bring here to your attention must be answered by Weyerhaeuser Company in full, to avoid any uncertainty. We do not have the laboratory for the ecologist or specialist but what we my here has merit.

I don't really think it is our responsibility to do that. The burden of proof lies with Weyerhaeuser, if they can't clear up the gray areas, straightforward, with totally specific information, then it does not deserve the right to develop this land.

At the top of the Shoreline Management Act is the priority to receive special shoreline and state rights in each designation, and as a spawning delta, is at the top. I've been wondering for a long time how the Environmental Impacts involved, but I sent the Corps a letter, approximately three weeks ago, detailing my criticisms of the Environmental Impact Statement. And a lot of those criticisms still apply, if you still have time to investigate my letter.

CHAIRMAN DICE: I don't recall receiving your letter. You mentioned a couple of things there that I

am not certain, that I am clear about, could you tell -- You mentioned something about a EOE letter to DuPont, I guess that was one specifically --

MR. EHRLICHMAN: That was by John Biggs, it was at the time the Department director, and I don't -- well, I have another letter I can show you.

CHAIRMAN DICE: If you could give me a Xerox of it.

MR. EHRLICHMAN: You haven't seen that letter?

CHAIRMAN DICE: If I have, I'm not certain of it.

MR. EHRLICHMAN: The letter that I sent you, to your Department, addresses specifically this element of uncertainty that was judged by the Department to be a violation of the Shoreline Management Act. I think it is pretty clearly expressed in that letter. So I encourage you to take a look at it, and I want to move on, for the EIS questions, and I'll make some comments.

CHAIRMAN DICE: Could you be very brief?

MR. EHRLICHMAN: I will try, - - when this thing started out, Weyerhaeuser Company and URS Co., each got fifteen or twenty minutes, I really think that it takes more than five minutes to express in detail, fear and doubt --

CHAIRMAN DICE: I sympathize with you, and

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there are a number of people who are waiting to speak, also.

MR. EHRLICHMAN: Well, perhaps I can continue at a later time.

CHAIRMAN DICE: Yes, if we get through these cards, before 5:00, well, certainly.

MR. EHRLICHMAN: Well, if we don't is there an opportunity at 7:00?

CHAIRMAN DICE: Yes, you can certainly register for the 7:00 o'clock meeting, also.

MR. EHRLICHMAN: So I can continue at that time?

CHAIRMAN DICE: Yes.

MR. EHRLICHMAN: Well, I'll just do that.

CHAIRMAN DICE: Thank you. Our next speaker is Todd Litman, and Jay Butts be prepared to follow please.

MR. LITMAN: My name is Todd Litman, I am from Olympia, I am a sailor, and I've gone out in Puget Sound many times, in the Nisqually Area, I come and I've rowed onto Anderson Island, and Eagle Island, and I know that area very well, and the water. It's absolutely unique experience to go out there on the water, and see how beautiful and undeveloped it is. And then I understand that this development -- well, the Shoreline Act is to allow citizens to control that kind of development. On the grounds that it is inappropriate in the area.

However, unfortunately, the Shoreline Act gives all the power to the immediate areas, and the City of DuPont. Unfortunately I live outside those spots, the boundaries of that City, or the County of Pierce, and yet, it is those of us = the people in all of Puget Sound, are using the whole environment of the Puget Sound. I understand that's why the Army Corps of Engineers goes in and makes an Environmental Impact Statement.

If I can take anybody out with me on my little sailboat, or one of the row boats I go out in, and spend a couple of days out on the water, I couldn't imagine that you would want to construct this other development that would completely change that to what the Port of Tacoma is, or the Port of Seattle is, or the Port of Everett, or Port Angeles. There is something incredible about it, being out in a storm, or being out at night, with nothing but a few lights on the horizon, and no big ships coming along, or occasionally a tug boat.

I wish there was some more power I would have as a citizen of DuPont, or a big letter to be able to make that preservation, so I guess I will just ask Mr. White, how does the Company of Weyerhaeuser can take southern Puget Sound from Tacoma to Olympia, and start the first major industrial park, a situation that has been held off for so many years, and start a dock that's going to

bring in an awful lot of industry.

MR. WHITE: I share your concern, speaking for Weyerhaeuser, I share your concerns, there has been industrial activity on that site by DuPont for 70 years, and the existing dock, which we will be replacing, we are not talking about a new activity, we are not talking about intense activity, we are not talking about a large port such as you referred to. We are not going to transport south Puget Sound into something as you described.

MR. LITMAN: I know the DuPont dock, and I know what it looks like, and I know what kind of activity goes on there, it's just right in that area, I had an eagle flying over my sailboat last year, I couldn't imagine that is going to stay that way, once a development starts, where there is a big dock there, I can't believe that you share my concern.

MR. WHITE: I assure you, I do share you concern.

CHAIRMAN DICE: Thank you. Mr. Jay Butts. representing the Nisqually Delta Association, and Steve Robinson be prepared to follow him.

MR. BUTTS: My name is Jay Butts, and I represent the Nisqually Delta Association. The Nisqually Delta Unit Association opposes the issuance of the permit

which the Weyerhaeuser Company seeks.

Most of our objections are firmly rooted in the many inadequacies of the EIS, which is the subject of today's workshop. I will identify as many of them as time permits.

I will also identify something more fundamentally wrong with the EIS, that is the very notion of putting in an industrial complex next to a Wildlife Refuge.

EIS notwithstanding, common sense tells us that something patently absurd in such a proposal. There is a principle that is well known to good neighbors, as it is to good land use planning. It calls for putting compatible land uses next to one another, and for separating high intensity, or low intensity, uses by a gradation of intermediate intense uses.

The Weyerhaeuser Company has chosen to violate this principle in the extreme, and therein lies its problem with the draft EIS. The Company has eagerly, indeed lavishly, had this draft EIS prepared, to cloak an outlandish proposal, with a modicum of respectability it could not otherwise have.

If the draft EIS is to sell this project, and that most obviously is the purpose of the Weyerhaeuser Company, then they will have to indulge heavily in evasions, avoidances, and understatements, and so it does

The draft EIS ignores impacts of subsequent developments sure to follow. The current proposal required about 250 acres of the 1300 acre site. The draft EIS does not address subsequent use of lands nearby. If Weyerhauser is permitted to construct an export facility, as proposed, irresistible pressures for subsequent developments are created, although it may not now be possible to define the exact nature of subsequent developments, estimates can and must be made that the most probable impact on the Nisqually Estuary and other environments.

Deep water ports are unique resources that inherently attract industrial developments. Exceedingly high land value, resulting from the port's development, render such intensive development inescapable. The draft EIS in effect assumes the least likely outcome of the Weyerhaeuser proposal, namely that there will be no subsequent development, as a result of the port.

If the Weyerhaeuser Company were the environmentally concerned company it claims to be, and considering the extreme vulnerability of a Wildlife Refuge, to high intense land uses, it would not be looking at there, it would not be looking at minimum impacts, it would be looking at maximum impacts.

Setting aside the matters of possibilities and

probabilities, how is it that the Weyerhaeuser considers the draft EIS, that the Weyerhaeuser Company considered in the draft EIS, the impact of oil spills that could have -- on archeological sites that could happen. Contamination of ground water that could happen. And so on and so on. And yet it says that it need not concern this time the impact of subsequent developments, that it says could happen.

And so the Weyerhaeuser's failure to consider this probable heavy impact is an across the boards understatement from every impact acknowledged in the report.

We are especially concerned with the amount of shipping that will not be limited to the two to four and a half ships per month, which the study assumes. Indeed Weyerhaeuser Company has disavowed any commitment to stay within such limits.

And number two, we find it inadequate consideration of the Shoreline Management Act, and the Coastal Zone Management Act requirements. The Shoreline Management Act designates more than six miles of shoreline between Pierce County and Thurston County, as the shoreline statewide significance, and sets forth explicit criteria eight in all, for their protection. The mere mentioning of these criteria, as appears on page 109 of the draft EIS, is insufficient to disclose a consideration irrelevant

to the determination of whether the proposed facility will be consistent with the criteria.

On its face the proposal appears to be inconsistent with the criteria, especially the Weyerhaeuser proposal to convert to urban a section of shoreline now classified as conserve. Such a change would undermine the very purpose of the Shoreline Management Act and the Coastal Zone Management Act, which is to provide guide lines and limits for future shoreline uses.

Guidelines by which the bulk -- companies like Weyerhaeuser should shape their plans. Weyerhaeuser's attempt to pass the guidelines to fit their plans is outright perversion of the process for their own self gain.

It is spot zoning - the most disrespectful term in professional land use planning.

Number three, State and Federal policies oppose both proliferations - the Washington State Coastal Zone Management program, which was approved by the Secretary of Commerce, incorporated in the Federal Coastal Zone Management program, proposed construction of initial ports unless there is a showing that there is a need for such facilities. The exhaustive port system study of the public ports of Washington State, and of Portland, Oregon, demonstrate that there is an abundance of land

available in the public port areas, Weyerhaeuser already has at least four ports in the West. Statements of the company claim that log exports would not be increased, and that the products exported will represent shipment of existing ports.

Thus these ports will be used at less than full capacity, if the DuPont facility were built. The port the need for additional ports, must submit an EIS pertinent to these port facilities, and the applicant must demonstrate why the existing ports are inadequate, or cannot be expanded to meet his needs. The draft EIS does not do this. The EIS should also address the impacts of existing Weyerhaeuser facilities, the impacts on the existing Weyerhaeuser facilities of proposed shipping operations.

The study suffers from the lack of cost benefitting analysis. The study has a lot of benefits, and has a lot of costs identified, nowhere is there a sentence in the study, that is the essence of cost benefit analysis. In other words, you don't know how we are to arrive at a conclusion, the Weyerhaeuser Company arrives at their conclusion, and how anybody could possibly arrive at a conclusion with that kind of a sentence, and find that particularly the City of DuPont is fairly misleading because obviously the cost of this project will be borne

by a much wider segment of the population, than merely the City of DuPont. We have serious arguments about the lack of treatment of polluting and pollution, and we pass quickly over that.

And let me move towards the conclusion here by stating that we regard this environmental impact statement process thus far, about a year old now, a little more as not working well, and we hope the Corps of Engineers will take note of this. It's been a year since the first draft EIS came out, a good deal of professional opinions were rendered and private citizens opinions were rendered, and we see in the final EIS that came out in February, very little result of all this.

Now I recognize some of it was of poor value, but some of it was of good value, and I am surprised that little of it shows in the final product that has been.

I am again disturbed on the Federal level we have a draft EIS, and I don't see where any dramatic step forward from the paper that came out last February, and I am worried that this process is falling, I think the Corps of Engineers is going to have to take a strong stand here, take some initiative of its own, it's going to pull this impact statement out from its present status, as a hard sell document, into a professional document, by which a good decision can be made.

The Weyerhaeuser Company does not want to do it, they've been invited to get into these issues, consistently, and they have proffered the same excuses consistently, is why they don't have to do it now. I am afraid, and sad to admit, that state agencies are becoming less and less willing to do so because obviously they are under the strong arm of the political leader, who has already expressed her devout support of this project. And they are pulling in their tails and if you want that kind of input you are going to have to go get it.

Otherwise, I am afraid there is going to be a very sad result in this case.

CHAIRMAN DICE: Do you have your comments in writing?

MR. BUTTS: We sent some very detailed accounts in writing and I appreciate this opportunity to participate in the workshop. The Nisqually Delta Association would like to officially request that after the workshop is concluded, and there has been time to assimilate what the product of this workshop is, that there will be a public hearing on that final product. I thank you.

CHAIRMAN DICE: Let me understand your last request. Could you back up a little bit. Now you requested a hearing on what?

MR. BUTTS: When this workshop is completed,

and when you have been able to finalize what is, how it will change the draft EIS, I am not what sure this workshop amounts to, but apparently in the process of exchanging opinions somehow we need a new draft EIS we would like an opportunity to see that drsft EIS and to have a public hearing on that. I am a little bothered that I don't see how it is possible to simultaneously workshop here and both, ordinarily one proceeds the other, and has to be appeared in an assimililation and study, and I hope you will forgive me, give me time for this, later.

CHAIRMAN DICE: Perhaps to clarify this a little bit, typically a hearing has no two way diaglog, a hearing permits the public agencies and interested people to make a statement. The intent here was to give folks a chance to ask questions, and get some explanation a little bit of diaglog quite obviously, you are seeing, is difficult sometimes to control the length of time one person talks, and it is difficult in a large group to have a meaningful discussion. I am prepared to set up a meeting and meet with any individual on any subject at their pleasure, and the intent of the workshop is to get to the Corps as much information as possible so that you can judge what is necessary, and prepare a final EIS, what data is necessary to approve, and the data

necessary to make the proper decision on the permit application, as well as permit the public agencies to ask questions. And we are open to suggestions. And I would like to talk to your further on yours.

MR. BUTTS: Thank you.

CHAIRMAN DICE: Steve Robinson is the next speaker, and Robert Elliott will be prepared to follow him.

MR. ROBINSON: I am Steve Robinson, Director of Public Affairs for the Washington State Department of Natural Resources. I am here today to represent the opinion of Bert Cole, of the Department Administration. I am going to read a few brief statements from him, but before we do I would like to remind you that the Commissioner is a statewide elected official, and his priority is to represent the public at large. And the export process, which is state wide, is of importance..

The statements are thus:

Increasing the export of manufactured products from our state is in the best interests of the state public. It is important that government not build road blocks making accomplishment of this state more difficult. I have reviewed the Weyerhaeuser proposal and find it to be consistent with the state wide interests. Therefore I support the development of the DuPont facility.

CHAIRMAN DICE: Robert Elliott is next, and Jack Rensel will be prepared to follow him.

MR. ELLIOTT: I am Robert L. Elliott, of the Washington State Sportsmens Council. I am here today to give testimony on behalf of Loren K. Morse, Washington-ton State's Sportsmen's Council, who willnot be here today. We have been heavily involved in the studies of the Weyerhaeuser project for ten months.

Because of the complexity of the issue, I feel it only fair to qualify the involvement of the Washington State Sportsmen's Council on the issue at hand.

The Washington State Sportsmen's Council is comprised of 71 affiliate clubs and organizations of which the Niqually Delta Association is one member organization.

The Council became involved in the issue by a resolution sponsored by the Nisqually Delta Association in December of 1978, which was adopted in opposition to the Weyerhaeuser project.

The Council, at that time, became involved in an on going program of research, on-site inspections, environmental impact statement review and study of the entired proposed Weyerhaeuser Export Facility at DuPont.

Every affiliate club had the opportunity to inspect on-site, the project and most did. As did the Game Commission of the State of Washington.

With the in depth look at the facility, it became evident that the adoption of the original Nisqually Delta emergency resolution was hasty.

At the March 11, 1979 quarterly convention, the action on the resolution was rescinded, and I might say this, it was the second rescinding in the history of the Council. It was moved, and seconded, and passed that we refer further action to the June quarterly meeting at Wenatchee, Washington.

At this same convention in March, a Water Access Committee report on Nisqually Delta, containing areas of question was given to the Board of Directors, and Weyerhaeuser Representatives.

In May, of 1979, the Washington State Sportsmen's Council received a detailed dcoument in answer to the questions in the committee report for Weyerhaeuser Company. It was reviewed in depth, answering all ques-tions that data had been developed on and promising the other data as it was developed.

Some of this, I might add, has been received, others fully developed, as the project goes forward.

At the June convention the Washington State Sports-men's Council adopted a substitute resolution for Resolution 679-2. I submit this resolution to be read into the record at this time. I will finish my

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statement and read the whereas for the sake of time.

The Washirgton State Sportsmen's Council is not in a position to endorse or oppose the Weyerhaeuser project , or the Weyerhaeuser Export facility at DuPont, or do we feel qualified to make expert technical decisions.

However, we do have great knowledge of the resources involved as a user. We also have technical involvement with the State Management Agencies and their management decisions, involving the natural resources of the State of Washington.

We also recognize the need for the facility and the ability of the Weyerhaeuser Company to produce a model facility at DuPont. We represent a large cross section of the citizens of the entire State of Washington, who feel that the agencies involved must make the final decision based upon the right of free enterprise to pursue their endeavors, while protecting the quality of life in Southern Puget Sound, and must carefully be addressed now and in the future.

I've already turned in copies of the original testimony text, and the resolution, and I will simply state that now they are being resolved, that the Washington State Sportsmen's Council convention in Wenatchee, Washington, the 10th day of June, 1979, expresses its strong interest in preserving quality of the natural

resources, and wildlife and fisheries habitat in the Niqually River and Puget Sound. And its continued concern for insuring that any development near that area be carefully planned and fully compatible with needs of the natural environment, and the natural resources of the area, and calls upon Washington State, and Federal regulatory agencies to insure that any potential adverse impacts that might be caused by the proposed facility be carefully examined to protect fully the interest of the citizens of the State of Washington. And keep the Washington State Sportsmen's Council, and its representatives, fully and directly informed about and involved in their review process, as relates to the Weyerhaeuser Company's present project, and any future projects in this area.

The Weyerhaeuser Company is following due process to acquire the permits. Be it further resolved that copies of this resolution be sent to all agencies and parties who receive copies of resolutions 12/8-82 as an updated position.

Thank you very much.

CHAIRMAN DICE: Mr. Jack Rensel, is next, and Nancy Pearson be prepared to follow.

MR. RENSEL: My name is Jack Rensel, and I am the fisheries biologist. The tribe has already commented

on what it thinks about the proposal, and I am going to restrict my remarks to something on it, some of our other concerns, and the technical matters. I would like to quote from the EIS, you won't have to look it up, it is on Page 137, if interested, and quoted as "Data gathered in the baseline studies in 1978" indicate that two miles south current and deep water, naturally, and that the resident fish species is minimal.

Therefore, the new dock should have little impact on juvenile salmon,"(that's the end of the quote). Now if you look at figures #2 and #4, et al, which is studies commisioned by Weyerhaeuser, done by the University of Washington, College of Fisheries, you will note that the sampling sites indicate that the total net salmon sampling in deep water, it was really no more than a tenth of a kilometer offshore. In fact the total net salmon were taken as close to the shore as the large boats could maneuver, so these things were taken inshore right under the inter-tidal, and nets taken from over the sub adjacent to the shore. Now somebody wrote that the EIS interpreted it that the nets to be offshore, samples, and that is incorrect. There were not any samples taken out of the middle, and two miles south, and another quote from page 58, of the EIS, indicates that "is overall tow net catch was greatest along the

DuPont shoreline,"so that in fact the EIS in incorrect and the proposed dock area and the juvenile salmon do heavily utilize the proposed dock area. Rock fish, another resident species, do pose a threat to juvenile salmon survival. I suggest that in the final EIS there is an attempt to cover this inaccuracy, and at least an attempt to qualify the problem and to make better use of the baseline study, that was done for the Weyerhaeuser Company. And one other comment about that baseline study, it really isn't a baseline study, on the dock itself, it is a baseline study of the existing unpopulations in the area, and a kind of limited study of the predation rates by various species, and the experimenting design was that it wasn't really set up to evaluate, or what impacts the dock would have on the salmon population.

And this is supposed to be a workshop but I think there will be an impact on the - particularly the Chum salmon, and the juveniles migrating into the area.

Thank you.

CHAIRMAN DICE: Thankyou.

MR. RENSEL: I am in contact with him, and I think he will agree with some of the things I said here. I won't say that, or put it in writing or anything, but apparently the EIS is misinterpreting baseline

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studies, because there are no offshore samples.

CHAIRMAN DICE: We will definitely take that up, thank you.

MR. ANDERSON: Bob Anderson - I would like to get together with you, and with the Corps of Engineers, if necessary, and explore the whole thing and see if we can't come up with some agreement and understanding about the adequacy.

CHAIRMAN DICE: Thank you. Nancy Pearson is our next speaker, and Jack Hogan be prepared to follow.

MS. PEARSON: The Corps of Engineers invited individuals to come and appear on these facilities. Now I am Nancy Pearson, of the Puget Sound League of Women Voters, and the League of Women Voters of Washington. We are grateful for this chance to comment in general terms about the broader issues involved in this application For permission to construct a pier in this Nisqually Reservation. The League of Women Voters plans to submit written additional comments, on more specific points relative to the adequacy of the draft EIS. We have some areas of major concern, inconsistency of this proposed project, the Coastal Zone Management Act and the Shoreline Management Act, and location of the shipping facility outside the established port area.

The League members worked hard to insure passage of

the Shoreline Management legislation, local, state and federal levels, and they continue to be actively involved in the city and county levels, with many local master plans. We agree that special policies written to apply to shorelines and state rights are significant, Policies and phrases are now familiar to this audience, and we believe that developments that are in conflict with these policies should not be allowed.

The citizens of Washington in approving a management act along the shoreline were voting to establish controls which would retain unique natural areas, for their study, educational and recreational values. A public policy is violated or ignored in one section, if one exception is allowed, however many assurances are made mitigating actions to protect the environment, a precedent has been established for similar actions which is difficult for jurisdiction. Pretty soon many migrant impacts become irreversible. The value of an natural estuary system still relatively valid and productive, it is too priceless to risk destruction, or even deprivation, of our industrial use of short term economic values. And One hundred years is considered short term in the life of a natural system. Such actions are especially questionable when alternative locations for the facility are possible. Availability of off limit

areas is the basis for special concern about construction in Pierce and the Nisqually region. League members believe that shipping should be done in areas already developed for such purposes. The nearby Puyallup Estuary, home of the Port of Tacoma, and other private waters industries is one example. Such public ports were established for taxpayer funds to facilitate coordinated use of harbors for public benefit. Our position is supported by policies of the Department of Natural Resources, and by a 1975 study done by the Washington State Public Ports Association. Showing that existing port facilities including those available with - for forest products, are adequate to the year 2000.

Public policies, once established, if they are to have any meaning, must be followed by governmental decision makers, with continuing support of informed citizens. The League of Women Voters make it our main goal to study and react to government issues, and encourage other citizens to be likewise involved.

In our more than ten years following the conflict of development versus preservation, in the Nisqually Delta area, we have watched policies and laws develop to enhance preservation of the natural values there. We do not see a sudden public demand, or even an expression of need for industrial development in those waters.

We can only ask and hope that an even greater number of citizens inform themselves about the total issue, and express their opinions to the public officials who represent them.

We think the Seattle District Corps of Engineers has provided this forum, for such expression and opinion.

CHAIRMAN DICE: Mr. Jack Hogan.

MR. HOGAN: I am Jack Hogan, of the Seattle Stevedore Company, and due to the lateness of the hour, I will relinquish this time to someone else, and send a written statement to the District Engineer.

CHAIRMAN DICE: Thank you. I have completed going through all the cards of people submitting indicating that they wanted to speak. If there is anyone who has not had an opportunity that would like to make a comment now, will you please state your name?

Q. My name is Evelyn Horton, I would like to speak in regard to the millions of acres in the hillsides, what will that do to the water level if that water comes rushing down, blot out millions of acres within 60 or 70 miles, water rushes down from the rivers into the Sound, has there been any study on that?

A. (By Chairman Dice) Are you questioning the logging industry?

Q. It is a matter of public information, how many millions of acres, around the Elbe, where it looks like the Matterhorn, what effect will that have on the Sound when that water comes rushing down, and also maybe a drought? Now what will be the permanent effects? Are you addressing that?

A. The impact statement at the moment is not looking at the impact of logging, this export facility would be associated with. There are other studies that would indicate that logging increases filtration of screen and has an effect on the respiration of the water table. There are a number of ways in which it can be done to mediate these influences. Would anyone else like to address the general impacts of logging?

A. (Mr. Anderson) We don't have anyone here who can adequately address the job.

A. (By Chairman Dice) There is no question but extensive logging does have ill effects. We have not addressed these in this impact statement, at the present.

Q. (By Ms. Horton) Recently in my travels I noticed these logged off areas, in huge gulleys of water, running down along these logged off areas, along 101. I noticed the Weyerhaeuser gates. There is a lot of burning, and a lot of spraying, I was

wondering about these chemicals -- how quickly and also about the destruction of the watershed itself, which preserves the water ahead for drought times, like a well, sort of a reservoir to use.

A. (By Chairman Dice) What you are saying is true, there is a definite impact on all part of the system when the vegetation gets removed. And the obvious impact on the habitat, imposes on water quality, and all water bodies around it. The impacts are of a nature at the alteration of vegetation. We don't have a specialist here to speak to that.

A. (By Mr. White) I do have a comment. This export facility, which is the subject of discussion today, will not have any effect or change on Weyerhaeuser's logging practices. That is to increase the amount of logging, so it is not directly related.

Q. (By Ms. Horton) I'm not worried about the increase, as far as I can see there is such a backlog of logs, and so much destructive areas, that it really looks embarrassing for Weyerhaeuser, not to have gotten out of town sooner.

A (Mr. White) I don't understand "get out of town sooner".

Q. There are large log storage areas all over the State. And it is pretty obvious those areas are all full.

In my estimation.

A. (By Mr. White) Those are the inventories.

Q. (By Ms. Horton) As well as a number of new logging trucks in the area. No, listen, 21 logging trucks up at Elbe, and for years I've seen 21 logging trucks, up at Elbe.

CHAIRMAN DICE: I don't think we are able to respond to your question.

Q. (By Ms. Horton) Well, I would like to ask that there be a study done, on the raising of the waters in Puget Sound, so we who do live on the Sound, will or won't be affected by these rushing waters.

A. (By Chairman Dice) I am enough of an ecologist I think I can assure you that Puget Sound will not rise, by virtue of the amount of logging, that this export facility would be dealing with. This system is buffered very adequately for that.

CHAIRMAN DICE: Thank you. Is there anyone else with any questions? State your name for us please.

Q. My name is Richard Horton. I have a feeling about this, things aren't right, you can feel it. Why, when there is a place available, the integrity of the Corps, is on stage right now, why do you have to have new areas, it's not really necessary, to have all the other alternatives, why? Why bother to

do this? Why create this? Why go through all this? You can see here that there is a few people that are interested in something like this, but the majority aren't. And really the majority counts. If you have other alternatives, why spend all these alternatives, and waste energy?

A. (By Chairman Dice) The application before us is from the Weyerhaeuser Corporation and we have to respond to that. If we had other applications we would be responding to all of those.

Q. Well, if people are so principled that they can be challenged like this, that if you can adopt a situation to their needs, then everything contained --

A. (Chairman Dice) I don't understand what you mean by adopting the situation.

Q. You are participating with Weyerhaeuser on this, to make this work.

A. We are participating with a number of people to get a full hearing and airing of what the proposal is. There is absolutely no intent by my office or my Agency to make anything work. We are attempting to weigh and balance everything here, and eventually make a reasonable decision based on what all the agencies say and what the public says. We are not trying to make anything work, sir.

Q. (Mr. Horton) Well, what I am getting at is, we are going backwards, you can't look backwards and if you once establish, and if you once set a precedent, are you then opening the door for everything else toget into South Sound? Particularly when you have dried up the area?

A. (By Chairman Dice) It is not our job to pursue these areas.

Q. But it is your job to represent the people, and the majority of the people --

A. Mr. Wright, from our office, can give you insights on how the decision is made, on the permit application, when it is made, but it clearly isn't based on a vote, a majority vote. Could you speak to Steve?

A. (By Mr. Steve Wright) The District Engineer, has a responsibility to weigh the probable impact of this facility against the benefits that will be obtained from the facility. This decision will be made after, and I'll emphasize the word "after", after the preparation of this Federal Impact Statement, and this statement will only address the impact of the facility, and the alternatives that are proposed by the applicant. And at this time we cannot indicate a position on whether or not a

permit would be issued to the Weyerhaeuser Company, so the Corps of Engineers at this time, is remaining neutral, on the position of whether or not a permit will be issued.

This meeting is held for you to ask questions and give input to the Corps of Engineers, concerning the information contained in the EIS.

Q. (By Mr. Horton) Well, you can see what is happening. We can go on for months like this, and finally someone has a way of wearing down resistance, going through a different channel, approaching it from a different angle. You people are getting paid to do this, A lot of people here that made studies and worked their heart out on it, and are concerned about the environment, they are concerned about what is destroying it, you need to take these things into consideration.

Thank you.

CHAIRMAN DICE: Is there anything else?

We have approximately ten minutes remaining, of this session, the gentleman, Mr. Ehrlichman, had more to say than his five minute period, we would be happy to let him return.

Q. (By Mr. Ehrlichman) I agree that we have made a long time study, and it is up to you as to where

are going to listen, and it appears to me that the five minute time limit goes against, as you said a moment ago, wanting to hear from people, so I'll just go on, and if you have to cut me off, because it is ten minutes, that's your choice.

CHAIRMAN DICE: We will end the meeting at five because we have another meeting starting at 7:00.

(Mr. Ehrlichman) As I was saying before, I have written you a letter, detailing my criticisms of the Environmental Impact Statement. I don't want to go into that, but I will make a comment on the appendix.

CHAIRMAN DICE: Would you come forward here, and use this other microphone?

(Mr. Ehrlichman) Pollution occurs from storm water runoff, other sources would be impeded spills, fuel truck accidents, and also accidents while refueling on the pier, also accidental ship discharge, and engine failures.

Also, there is a section in resources, which says, "Tidal currents will prevent any buildup of these low level heavy metals, near the dock, or elsewhere in the Nisqually Reach. However, I think that twice a day the tides go towards the Nisqually Delta. That would tend to contradict

that statement. It calls for the mentioning -- mention has been made of grease, which is the by-- product of tires and electrical equipment, which has been excluded from the statement. It is contradicted by the statement from the Department of Game, I can read it to you, if I had more time, I suggest you look that up. It takes issue with that statement.

Now there is a letter here to Fort Lewis, from George Weyerhaeuser, himself, I would like to address two questions to Weyerhaeuser, to be answered.

There's a paragraph that says "If you arenot to proceed with the current project, the EIS, in the case that the air quality might be significant but in its initiation, or any later expansion, of the export facility -- -- " Is this Weyerhaeuser's understanding of the Environmental Impact Statement, of the impact analysis found in the DEIS, that the DEIS covers later expansions of the export facility?

And another paragraph, "Weyerhaeuser will also act as environmental overseer for customers and suppliers, while using the facility".

Now, Mr. White, I believe he stated that this is not a third party facility, and I know you

estuary, and I don't think that's a true alternative, so out of 28 we get four and not we get one. I don't have a lot of respect for that alternate site seriously. On page 160 it states that search was initiated in 1973, and the URS Co. background paper was assembled, in 1977.

I think that this background paper, which was about the potential 28 sites, should be made available to the public, prior to a public hearing, on the final draft impact statement.

To date, that document is unavailable to the public. I went down to the City of DuPont reading room, where all the documents are supposed to be on file, and was told that no other documents regarding the alternate sites were available. This goes flies in the face of the NEBA regulations, which prohibits reference studies that aren't available to the public.

The following ports met all of the mandatory criteria, at least markedly, and should be open for discussion.

Number 3, March Point; and Arnold Point, Number 16, Woodland; and Number 17, Austin Point, Number 18, Cummings, and 19 and 20, 21, 22, 23, and 24, were the four final choices the only ones

of these that met the criteria and the critical requirements?

If so, the public should be able to see how those were screened out, and what requirements were met? What obligation is there for the Corps to approve or disapprove the site selection, based on these critical site requirements?

Are we trying to accommodate only Weyerhaeuser Company here? Well, how about the public, in carrying out the realistic site selection, and it should show good faith and public review by initiating the public joint review of the site selection process. It's the only way to resolve the intense disagreement surrounding this issue.

I think that Weyerhaeuser has to admit true site characteristics, for which DuPont was chosen. At the dock's edge there is a 90 foot depth, page 162 states that there is a potential in the future, would be 60 foot draft ships, page 164, they want to keep the option of floating a ship with a 60 foot draft unloaded, they want to keep the option of bringing ships in, and page 11 of the appendix gives 90 foot clearance at dock side. This brings in the question - the future uses of the site? And I would like to find another page here. (witness

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consults files).

Under the Management critical site requirements Weyerhaeuser says that it is mandatory that they have deep water access, capable of allowing 60 foot draft ships. And it says in addition, that the minimum of 300 acres have been sited, on the site, for future conversion of facilities to be available. Now I don't think Weyerhaeuser can have it both ways. I don't think they include in these site selections requirements in the criteria, the option of future expansion, the option of having deeper draft ships, and then on the other hand saying we have made no plans for future development. That just doesn't square.

CHAIRMAN DICE: I see another individual who wants to reply to your last comment, but your reference on 160, December, 1977 background paper, your correct on your interpretation of the regulations. Any reference material should be available and we will find the information, and make it available. Your quite right, it should be available, for the public review. I would like to go to someone else, though, --

Q. (By Mr. Ehrlichman) In response to that, I am asking for a lot more than just making that document available, I am asking Weyerhaeuser to initiate

the group's concern, a thorough and open review of the site selection concept, and all the information should be made available to everyone, and if I could just get one or two other points -- I think that someone pointed out navigation assessment, about 48 port calls per year, documented 52 calls per year, stated on page 139, of the FIS.

I want to know if Grant Bailey said that that number's been changed, I want to know what is the risk analysis - has it also changed?

I think that the low cost analysis should investigate ports comparable in extreme weather conditions, capable of being found out, also the potential grounding situation, not just the site of the port, it should be used in the model, but also these other factors. I think you should include the Chesapeake Bay spill analysis, because of its severe weather similarities, and its estarine nature, as far as the geology basline. The soil survey does not include the area to be annexed into the City, but adjacent to the dock. This area as an alternative dock access root plan, and should be surveyed, as far as the geology and the FIS is inadequate as far as the ultimate dock location. The environmental consequences of

dredging here are not covered in sufficient depth.

A. (By Mr. White) May I interject - no dredging is required in the EIS.

Q. I would question that, but even at that, I think that the environmental consequences involved with construction there are significantly different and should be considered in much greater depth.

Under the mitigating measures I have questions as to the air adequacy, I also question the methods of ascertaining whether or not a permit restriction would be required, and I would like to know from you how that is going to be figured out. I also want the know the method of enforcement and whether or not you have an opportunity to review the letter I submitted, because that goes into great detail about the insufficiency of the mitigating measures.

Now, one other thing --

CHAIRMAN DICE: I am going to have to cut you off.

Q. (By Mr. Ehrlichman) My last point is in George Weyerheaeuser's letter, he stated that the use of the present day baseline data, probably be used in determining future expansion, it wouldbbe used in planning future expansion, possibly, and I would comment on the water quality study, it is

of importance for judgment of impact on page 1 and thus we are not to allow Phase I and Phase II construction as to what level of heavy metals and hydrocarbons and sediments in the water, is adjacent to the dock.

Particularly in the mud flats, in the vicinity of the jetty.

CHAIRMAN DICE: I am going to have to shut you off now. We are overtime.

Q. (By Mr. Ehrlichman) This is really brief, I have the URS baseline data quality control program, list and under chemical analysis water quality parameter says, "there is some chemical analysis proposed, which are not designated for comparative analysis. These are the analysis proposed for the hydrocarbon analysis to be done by the special national marine fisheries laboratory. Not these samples were sent to the Department of Ecology, and not to NOAA, as a distinction that is important, and I would like to see a Federal agency involved in establishing the water pollution criteria.

CHAIRMAN DICE: You said you would be brief.

(Mr. Ehrlichman) I am on my last point. A sample of the sediments for heavy metals was taken at the sub-strata of minus 15 meters, and I would like to

know on what basis the Corps has approved that depth, because I am particularly concerned with the leve' of trace metals present in the mud flats adjacent to the dock, and that bears on future uses of the site, and how effluents from that would be monitored.

I really appreciate you giving me all the extra time, and I hope that you have been able to note everything that I have been running by you.

I appreciate the chance to participate in this workshop.

CHAIRMAN DICE: I don't know if I seen your letter. I don't recall it, but I suspect that it probably arrived, the EIS letters start coming in, and we have dozens and dozens a day, so it wouldn't necessarily stick in my mind. But I assure you any letter will be treated.

Q. (By Rick Anderson) May I have a quick question? I have a question which you don't choose to answer now, I would like this to be part of the record, and eventually get an answer. Early this year, a log ship out of Tacoma, loaded with Weyerhaeuser logs, collided with a ferry at Alki Point, and although the damage sustained was minor, it was a collision and represents what can happen. I was speaking with representatives of the Weyerhaeuser

Company later, including the project manager, and the Vice President, and they expressed surprise and were ignorant of this collision having taken place. I gathered that the position of the Weyerhaeuser Company was that these logs belonged to a different logging company, and it wasn't Weyerhaeuser's business. Now it was a Liberian freighter, and it had a Vietnamese first mate, and a Taiwanese man on deck. I have nothing but warmth and affection for the people of those countries, but my question is, will this be the case at the facility at DuPont. In other words, will Weyerhaeuser's position be that once the logs or pulp or boards, are loaded on these ships, and sold to some other company in some other country, does Weyerhaeuser have responsibility or at that point has it ended - or will the Company feel responsible to participate in the clean up, and the reparations of property damage, as a result of such activity?

A. (By Mr. Wright) I think that you are misinterpreting my lack of knowledge of the incident. With the lack of responsibility. The answer is simply that I was not aware of it, I hear a lot of things that Weyerhaeuser does, its operations throughout the world, that I am not aware of. You certainly do

feel responsible for any operations that are under our control, so I think that we will stand on that.

CHAIRMAN DICE: Thank you very much for your patience. There will be another hearing meeting workshop accommodation, whatever, at 7:00 o'clock and again registration cards will be collected from those that would like to speak. You are welcome to come back then. Thank you very much for your attention.

As I said we will address and be responsive to all letters. I would like to pursue at my office any subjects at greater length, please let me know.

(HEARING RECESSED AT 5:10 P.M.)

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A F F I D A V I T

This is to certify that the attached proceedings before the

UNITED STATES CORPS OF ENGINEERS

in the matter of: PUBLIC WORKSHOP ON PROPOSED WEYERHAEUSER EXPORT FACILITY AT DUPONT, WASHINGTON

(Name of Proceedings)

Docket Number:

Place: Tacoma, Washington

Date: September 11, 1979

Were had as therein appears, and that this is the original transcript thereof for the files of the

UNITED STATES CORPS OF ENGINEERS

Allan M. Johnson C.S.R.
(Reporter)

R-75

OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE THE

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In the Matter of PUBLIC WORKSHOP ON PROPOSED WEYERHAEUSER EXPORT FACILITY AT DUPONT, WASHINGTON

Place Tacoma, Washington

Date September 11, 1979

Pages 1 - 132

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BEFORE THE UNITED STATES ARMY CORPS OF ENGINEERS

In the Matter of:)
)
PUBLIC WORKSHOP ON PROPOSED)
WEYERHAEUSER EXPORT FACILITY)
AT DUPONT, WASHINGTON)

Bicentennial Pavilion
1313 Market Street
Tacoma, Washington
September 11, 1979

Pursuant to notice, the above mentioned matter came on for discussion at 7:00 o'clock p.m.

BEFORE:

DR. STEVEN DICE, Chairman, Chief, Environmental Resources Section, United States Army Corps of Engineers.

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PROCEEDINGS

CHAIRMAN DICE: Good evening, ladies and gentlemen, my name is Steven Dice, I am Chief, Environmental Resources Section, of the Seattle District, of the Army Corps of Engineers.

I would like to welcome you to the second session of the Public Workshop on the Federal Environmental Impact Statement, for the proposed Weyerhaeuser Export Facility, at Dupont, Washington. The purpose of this workshop is for the Corps to elicit your concerns, and to hear your views, in hopes that we can assist them in preparing the final Environmental Impact Statement, and preparing the evaluations necessary to make an eventual decision on this application.

We have selected a workshop format, and we are rather informal, than a regular hearing or public meeting, specifically you will have the opportunity here to ask questions directly, to representatives of the Corps, and Weyerhaeuser, and the technical consultants provided information, which is to be the basis of this draft Environmental Impact Statement.

As background I would like to explain that whenever someone proposes construction on the navigable waters of the United States, they must first obtain Section 10 permit from the Corps, and the details of

the propose construction are advertised broadly by the Corps for thirty days, and comments solicited from Agencies, organizations, private citizens.

If there are no objections, and the work is within legal limits, a permit is granted. If objections arise, negotiations between applicant and the objector may reach an agreeable compromise. If the compromise cannot be reached, the Corps may have to use its judgment, whether to grant the permit, or depending upon the circumstances, may have to be renegotiated to Regional or the Washington D. C. level, of the Corps, and other agencies.

If the Corps judges that these specific additional information on project impacts, project description, and whatever, if the Corps judges it needs additional and specific information, before it evaluates the material and makes its decision it can require the applicant to provide it. Normally, this is produced and provided through an independent third party consultant.

If the proposal is judged to be a major federal action, and it is judged to have a significant impact upon the quality of the human environment, we would have to prepare and coordinate a Federal Environmental Impact Statement, before we could make such decisions, as to whether this special permit can be issued, or denied. This is exactly where we are in the c se of the

proposed Weyerhaeuser Company Export facility.

Weyerhaeuser first published notice for the permit application was released in August of 1978, was revised in July, of this year, and again recently in early September. The draft Environmental Impact Statement was filed with the Environmental Protection Agency, in Washington, D. C. on July 26, this began the formal review period before the Federal EIS. We are holding the period open until the 28th of September, any written comments submitted, any questions concerns, which you care to raise will be addressed specifically case by case and point by point, in the final Environmental Impact Statement. That Impact Statement will be published and distributed to everyone who received a draft, to anyone who registered at this workshop this afternoon or tonight. It will be distributed and following the release of it, action can be taken after thirty days, following this release. When you entered the pavilion you should have filled out a registration card. A small card, such as this. This card not only insures that you are on the mailing list, for the final EIS, but we are using it for a speaker's list, for anyone who wants to make a comment or ask a question tonight. If you didn't receive one, and filled one out, and changed your mind, please raise your hand right now, and we will

have one brought to you, and you can become registered as a speaker.

If you change your mind during the course of the meeting, feel free to go to the back of the room and register at that point.

I would like to introduce the people here with me today, and indicate the subject areas that they are prepared to discuss, basically explain that we have an abundance of folks here from the Corps of Engineers, Weyerhaeuser, and a number of consultants.

Specifically such that there are a maximum number of folks that you could ask questions of, and respond to the various issues you may raise. So these people will have to deal with the following studies and additional evaluations, and the areas of your concern, and you can hear their answers.

On my far left, at the speaker's table, is Steve Wright, he is with the Corps of Engineers, Regulatory Functions Branch, he deals in the process and issuing of Corps permits, and he can answer any questions that may arise about the permit processing in general, for this particular application.

At my immediate left is Phil White, with Weyerhaeuser Company, he is the Project Manager for this specific proposal, on the proposed facility at DuPont.

On my right is Steve Fusco, he is with the URS Co., consulting firm. He has been the project manager that URS has provided under contract, for input to the Environmental Impact Statement on this project. He is prepared to respond to questions on studies that the URS has managed. He can respond to specific questions on the efforts they have gone to, and findings for social impact, including transportation, aesthetics, cultural sources, and noise.

In the front row we have a number of people that could be considered technical people, technical experts that also can respond to you. I would like these folks to stand up as I call their name.

Fred Weinman, of the Corps of Engineers, Estaurine Ecologist and Biologist, he can respond to questions on the EIS environmental issues init.

Steve Martin, again of the Corps, in my office, he is a Fisheries biologist, he can respond to questions on the impact statement.

Michael Redfield, is an attorney with the Corps, Office Counsel, who will address questions of permit procedures authority as well as impact statement procedures and authority.

Again, in the front of the Corps is Bill Lucas, he is an oceanographer, with the navigation coastal planning

office. He can speak to questions of navigation, oil spills, lake damage, and these kinds of things.

Should there be any questions on our public affairs program, distribution of information, JoAnn Sjulson, of our public affairs office, is at the registration desk, and will be able to assist you.

And for the Weyerhaeuser Company, in front we have Robert Anderson, Manager, Planning and Environmental Affairs, and he can discuss questions of background on this project, company policy.

Rudy Thut, Weyerhaeuser, has dealt with the baseline studies and the coordination of them. You can address questions in that area tohim.

Lee Robinette is back with the projector, at the back of the room. He is from Weyerhaeuser, and he has dealt with the background of the DuPont project longer than others. He can answer questions, about *initiation and development*.

Tony Melchoirs is a biologist for Weyerhaeuser, he can speak to issues on terrestrial biology.

Jack Beaver, in back, will address questions on Conceptual design and construction methods, for the particular proposal.

Jan Pauw won't be here tonight.

Dick Lucas, one of the Weyerhaeuser Vice Presidents

is in back and will address questions of policy.

We also have Mike Storie here from Mathematical Sciences NW, a private consulting firm, he has dealt with many of the oil spills and fuel spills projections. He will treat that, and have I missed anybody?

After a short description of the export facility, and the environmental studies supporting the FIS, I'll explain the ground rules for the workshop to follow.

I would like to ask now that Phil White, of Weyerhaeuser, give us a description of the project, that they have proposed.

MR. WHITE: Thank you, Steve. Good evening. Our DuPont project is a high technology water, highly efficient export facility. It is designed to ship up to 2 million tons yearly of clean, renewable, forest products, to competitive world markets. That facility is designed, and will increase our ability to export manufactured forest products from Weyerhaeuser operations throughout Western Washington.

It was an important step towards building world markets for lumber, plywood, pulp paper, and a wide range of other manufactured goods. The export center will be located on 250 acres of the 3200 acre industrial site purchased from the DuPont Company, in 1976.

That site was intensely used for 70 years, for

production and shipment of explosives. And before that sawmilling and commercial farming, slaughterhouse, and a wide range of other commercial activities.

This afternoon, it is evident that some of the people werenot aware of the DuPont operation. There was a major chemical and explosive plant, employed around 200 people in the manufacturing and handling of sulphuric acid, nitric acid, nitroglycerin, black powder, hundreds of thousand of tons shipped over that dock including oil imports for sixty years. This site is not pristine by any means. In our proposal, we represent the less intensive use.

Could I have the lights turned down please?

(SLIDES SHOWN)

Northwest Forest Products have always been shipped outside this region, starting with lumber for the California Gold Rush. In the past, major population centers of the East Coast and the Midwest were the main markets. But the Northwest's share of these markets has been confined with the rising increased transportation costs, increased competition from Canada.

Today, I would like to present some slides and information about Weyerhaeuser's proposed export facility at DuPont. First I'd like to summarize briefly what the DuPont project is, and a few things it is not.

We have to start with a brief look at market forces.

(SLIDE SHOWN)

Northwest forest products have always been shipped outside this region, starting with lumber for the California gold rush.

(SLIDE SHOWN)

In the past, the major population centers of the East Coast and Midwest were the main markets. But the Northwest's share of these markets has been declining in the face of rising transportation costs and increased competition from Canada and the South.

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In the Northeast, for example, what was once a 50% market share for Northwest wood products has dropped to about 7%, and is expected to decline to near zero in the 1980's.

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As Washington forest producers, we have only one clear choice to ensure future vitality: Expand product exports. Trade is the key to growth and prosperity for Pacific Northwest industries, and for Washington State.

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In offshore markets, the Northwest can be fully

competitive. We have some of the world's most productive forest soils, and tremendous opportunities for exports of wood and other products derived from renewable resources. In addition, if we express distance to market in terms of transportation costs, Tokyo is as close to us as Chicago, and Europe as close as New York. It makes a great deal of economic sense to go after these markets.

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Weyerhaeuser has already begun to a major effort to serve world forest products markets, which are expected to double in size between 1970 and 2000. This freighter is taking on wood products at our dock at Longview, Washington. Most freighters, operated under traditional systems, spend up to half their time in port, or going from port to port, to pick up or discharge cargo. That leaves only half the time for the payload run - between us and the customer.

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This is true for even our most modern ships - like this one, which is one of six special ships we have under long-term charter for our European trade. As with most freighters, it is only about 50% productive, and it costs us about $20,000 a day whether it is headed toward Europe or sitting at dockside.

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Thus, for several years, since the mid-1960's in fact, we've known that in addition to traditional trade methods, we also need a more efficient export system that can take larger vessels, put together large shipments for rapid loading, and involve a single stop at each end of a shipping run. Instead of half its time, the ship would spend perhaps 90% of its time moving between us and the customer - with a tremendous savings in overall cost.

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We figure such a system might handle up to 20% of Washington state exports, the 20% suitable for single shiploads of multiple product lines. If we could find, here in Washington, a suitable site for such a system, we would not only be ready for export growth in forest products, we would be in a position to create it. Beginning in the early 1970s, we made a comparative evaluation of 29 potential export facility sites, both public and private, located along the Columbia River and in Puget Sound. Only three sites met our major criteria of deepwater access, available acreage, zoning, road and rail access, etc.

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Only one was ideal. That was DuPont. It matched

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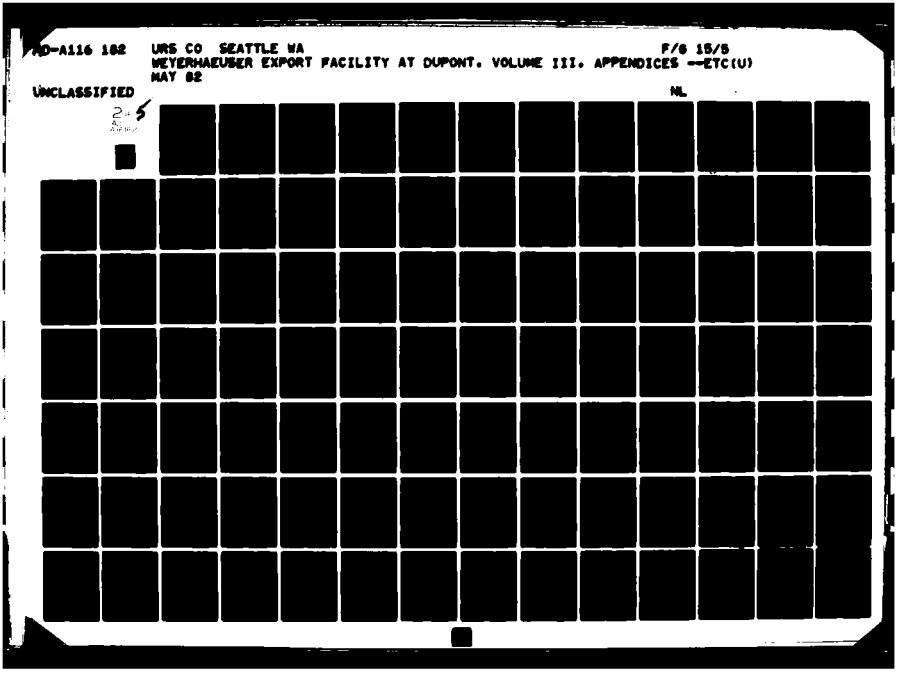

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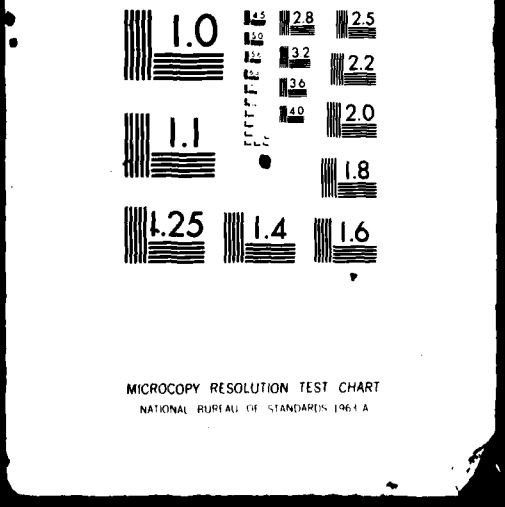

MICROCOPY RESOLUTION TEST CHART
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our selection criteria almost perfectly. As this map shows, it is georgraphically central to our woods and mills in Western Washington. It contains more than enough land to build a suitable terminal. It is well isolated, and buffered from nearby land uses. It is adjacent to deep water, and contains flat, open terrain for ease of construction.

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It has nearby access to I-5 and major rail lines. And it is industrially zoned, with a long established history of industrial use. That included ocean shipping, with vessels of up to 600 feet in length calling regularly at the DuPont wharf.

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One attraction of the DuPont site was its size. The site encompasses nearly five square miles. This photo shows it outlined in orange in relation to the Nisqually Delta and other adjacent properties. The site is almost completely surrounded by Fort Lewis.

We do not own any waterfront land, incidentally, just some tidelands along the northern stretch of the shore.

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This photo shows the western boundary of our property, and the main complex of the DuPont Company

explosives plant. The DuPont powder wharf is near the top of the photo. The southern tip of our new dock will be about where that wharf is, and our dock will be closer in toward shore. The structure you see in the foreground is the old log-raft jetty, now owned by the Fish and Wildlife Service.

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Here's another shot of the DuPont Co. wharf. The deep blue of the water beyond it indicates the most important aspect of this site to Weyerhaeuser. the quality of its access to very deep water.

At DuPont, along the northern shore, bottom contours are almost as steep as those of the bluff above. Our dock will have 70 to 80 foot depth at its face, with no dredging. Even the largest of forest products ships we envision would never have to approach the dock in less than 50 feet of water, above a firm, graveled ocean floor.

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This photo looks eastward, across the face of the Delta. Our southernmost land is Hoffman Hill - the dark green hill beyond the Nisqually Delta. Our proposed dock site is too far north to be visible in this photograph. What you see sticking out into the water at the upper left is the Fish and Wildlife Service

jetty.

(SLIDE SHOWN)

This is a diagrm of the DuPont site, and our project. Road and rail access come in from the South. The terminal area is centered north of Sequalitchew Creek. A road goes down the creek canyon to the dock.

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To help in visualizing the project better during our planning, we've been using a large scale model of the site. In this picture of it, you can see the access road coming in from the right; the upland terminal; the road down Sequalitchew Canyon; and the dock. The buildings within the terminal represent warehouses, maintenance shops and offices, and a mechanical, dry-process log debarker. The two different shades of blue in the water denote the 60 foot depth line.

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As one basic for the EIS we are here to discuss - and for the SEPA EIS adopted earlier this year by the City of DuPont and the Department of Ecology, between 1977 and the early part of this year, we funded some $1.2 million worth of major environmental baseline research, in 17 subject areas. For the DuPont site, the Delta, the Reach and other locations, our consultants looked closely at existing conditions for air quality,

water quality, fish and wildlife, shipping and navigation, the area's economy, and other factors. This slide lists the main study objectives.

The last of these objectives, incidentally, will be met only after the facility is built. We will be able to know, and not just guess, any impacts of our operation. That's important, because only known impacts can be handled. Speculative impacts, based on skepticism or assumptions, cannot be.

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This is one of the maps we used in another set of studies, land use planning for the site. We looked at topography, soils, vegetation, water flow and many other factors. This told us which areas within the 3,200 acres were most suitable as the site for the export facility.

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There were three, shown here in orange. DuPont Company used the one at the lower left. Our export terminal will go within the large suitable area to the north. The land use planning cost us about $500,000.

I'm going to put up another slide of the area now, this time with our project outlined on it, and close my remarks with a few summary statements.

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What all the studies, planning, and the project its self represent, above all, is a tangible expression of Weyerhaeuser's conviction about future market trends for forest products grown and manufactured in the Northwest. As I said earlier, we believe that the DuPont facility will not just make us ready for growth in product exports ...it will let us create that growth.

Modern, efficient facilities such as DuPont will increasingly be needed as highways to a world that needs our products. If we, as a region dependent on international trade, are to increase our ability to reach world markets of the next century, new export facilities such as this, in both the public and private sectors, are required.

We have the know-how to build these facilities directly on deep water, and to leave the shallow, intertidal, estaurine areas to their appropriate uses.

We have laws in place to ensure that the construction of such facilities is done carefully and soundly, with full concern for potential environmental impacts.

Our DuPont project has and will follow both the letter and the spirit of that law...and of the unwritten natural laws that underlie it.

We recognize that people have real and legitimate concerns for protecting the Nisqually Delta, and for

promoting a clean environment in and near that valuable resource.

Weyerhaeuser Company management shares these feelings. We believe the approach we have taken at DuPont has led to a facility that will protect the Delta and its resources, while providing benefits of true statewide significance - not only for today, or for a single company, butin years to come, and for the people and economy of Washington State.

Thank you.

CHAIRMAN DICE: Mr. Fusco will review for you the environmental baseline studies that were conducted under the items of the URS Co. and of the input to the statement.

MR. FUSCO: URS, as many of you heard today has been involved with the DuPont export facility for some time. URS was selected by the City of DuPont and approved by the Corps of Engineers with concurrence of Federal and State agencies, to help develop both the SEPA and NEPA environmental Impact Statements almost three years ago, in January, 1977. This FIS has proved to be the most complex and thorough FIS that URS has completed. We've completed over three hundred. We did several things for this FIS which were not typical of most. We developed a work plan before

starting the EIS, we instituted a quality assurance program while baseline data was being collected, and a thorough public participation program was designed. I will explain each of these efforts briefly.

In the spring of 1977 we circulated a work plan.

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The work plan outlined procedures, scope, and issues of the EIS. It was disseminated to the public, environmental groups and federal, state, and local agencies before any other work began. Comments and additional concerns were incorporated in successive revisions. Eventually, a work plan acceptable to all parties was developed. This work plan specified concerns that would be addressed and outlined baseline studies and modeling that would be conducted.

The quality assurance program operated during the collection of baseline data for the EIS. Fifteen baseline studies were conducted by Weyerhaeuser and seven consultants.

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To gather data on aspects of the environment ranging from air and water quality, and biology to navigational risk. URS' inter disciplinary staff assigned to the project reviewed the scope of work and methodology of each study before it was implemented.

We monitored the progress of the studies in the field. Maximum participation by federal, state and local agencies and environmental groups were actively sought in both phases of the quality assurance work. A special form was developed for agency personnel to comment on the studies.

(Slide shown)

Meetings were held before, during and after the baseline studies to review plans, progress and findings, and to receive comments so that necessary changes in the studies could be made. The baseline contractors provided information for the existing conditions chapter of the EIS. Only three studies, the navigational risk, the noise study, and the socio-economic study provided impact assessment or effects of the project information. The URS interdisciplinary team assessed impacts for all other environmental categories.

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The 16 member URS team assigned to this project is shown. I was overall Project Manager; Sylvia Burgess was my assistant; and Grant Bailey managed the Quality Assurance Program for the physical environmental components of the inventory and analysis.

The public participation program involved the

public at a much earlier stage than is typical for the EIS process. Concerned citizens and appropriate agencies were involved in development of the work plan and in the quality assurance program. Meetings with representatives of environmental groups and agencies continued throughout preparation of the EIS.

To ensure that concerns of the public were addressed, residents of the immediate area and of the Thurston-Pierce County region were surveyed.

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The survey, conducted under URS direction, by the League of Women Voters in August, 1977, was designed to learn how much the general public knew about the project and what effects they felt it would have on their community. Many of those contacted believed that the proposed facility would have no effect. Of those who expected effects, many more were eager to gain additional jobs and a boost to the local economy than were concerned about adverse environmental impacts.

Under the supervision of the City of DuPont, the draft EIS meeting SEPA state requirements was prepared and published in August, 1978.

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All concerns identified in the public participation process were addressed. To prepare the document, each

of the 26 URS staff analyzed and summarized the voluminous baseline data reports to develop a concise EIS that would be a baseline useful tool for decision makers.

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Numerous comments and questions on the DEIS from the public hearing and letters were addressed in the SEPA final EIS published in February, 1979 using much of the information and responses to comments from the SEPA final EIS.

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The Army Corps of Engineers then began this EIS process. They distributed their draft NEPA EIS in July, 1979 using much of the information and responses to comments from the SEPA final EIS.

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Major differences in the final SEPA EIS and the draft NEPA EIS are the following: The NEPA EIS had to be reorganized into the required corps format; special endangered species studies are being performed for the NEPA EIS -- on the bald eagle and aster curtis; the NEPA EIS identified that discussions between Weyerhaueser, the Fish and Wildlife Service, DuPont, and the Corps are taking place to discuss a possible buffer between the Nisqually Delta properties and

Weyerhaeuser activity on their site; and Weyerhaeuser's commitment to environmental protection was expressed especially as it relates to the Nisqually Delta.

The impacts that would result from development of the proposed project are less severe than many feared. Many of the adverse effects could be reduced or avoided with appropriate mitigating measures. Analysis of navigational risk showed the added risk of an oil spill in southern Puget Sound larger than 100 gallons would be 1 spill in 118 years.

Unless such a spill occurred, there would be little effect on the Nisqually Refuge. The terrestrial ecology of the project site would be significantly effects - 169 acres of wildlife habitat would be eliminated, road kills would increase, a barrier to animal movement across the Sequalitchew Creek canyon would be created with development of the reinforced earth road. Pollutants from the terminal area may be will enter the groundwater; however, no drinking water supplies would be affected and no standards violations are expected. Other impacts to water quality and quantity include increased erosion potential along Sequalitchew Creek and on the bluff, possible decreased in the quantity and quality of water in Sequalitchew Creek and increased turbidity in the intertidal and

and subtidal areas of the Nisqually Reach during dock construction. Intermittent noise levels loud enough to interfere with outdoor speech on Anderson Island are likely while piles are being driven. Fringe areas of 1843 Fort Nisqually site and burial sites may be disturbed by construction. The dock and shipping activity would be seen during the daytime and nighttime when lighted from Anderson Island adjacent properties along the shoreline.

A number of beneficial impacts were identified by the EIS. DuPont's assessed valuation would be increased, making possible a decrease in property tax rates. The costs to both the City of DuPont and Pierce County jurisdictions is not great because Weyerhaeuser Company will construct its own access road, infrastructure, and provide its own security system. Increased costs to the City would be related to streets, roads, and fire protection.

Road maintenance would be the major increased cost to Pierce County Public revenues would exceed expected costs by over $300,000 per year. Increased revenues to both the city $190,000, and the state, $1.7 million, would occur during construction. As many as 300 construction workers would be employed during a two year period, and 47 to 91 new permanent jobs

would be created.

All alternatives considered during development of plans for the project are discussed in the EIS. Eleven alternative sites on Puget Sound were evaluated before DuPont was chosen.

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Three potential industrial areas on the DuPont site were considered.

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Eight rail and eight road access routes.

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Six dock access designs, and six facility designs are also discussed. In addition, several alternative uses of the site are evaluated in the EIS.

We look forward to receiving comments on this NEPA draft EIS.

The Corps and URS together will be addressing those comments and developing a final NEPA EIS.

CHAIRMAN DICE: Thank you. As I mentioned before, the registration cards are used to compile a list of speakers. The procedure I intend to use is to have people speak in the order in which they registered, with the exception of those people who have registered tonight, after already having spoken during the afternoon, I will ask to wait until all of

the new people this evening have first had their opportunity. When you are called, and I will indicate your two names, first the name of the person whose opportunity has come to speak, and the name of someone who should get ready to be the next speaker, when you are called please come to the microphone nearest you, give your name clearly, and the organization you may represent, so that our Court Reporter can have a complete record.

Mr. Allan Johnson is here in front of me, and he is taking down verbatim transcript of all these discussions, and for purposes of our use of material later, with the impact statements and further meetings.

It is very useful and very essential that we know who said what, and have a good record of your information. Mr. Johnson cannot pick up what you say if he cannot he will wave or holler or indicate in some manner, and I will probably stop you and ask you to speak louder, or go to another microphone, or something.

We want to be certain that we get what you are saying. A couple of more ground rules - in order to insure that everybody has an opportunity to speak, and that we don't have a virtual monopoly of speaking by one or two individuals I would like to impose a time limit of approximately five minutes per speaker.

We have a timer over here at the left front, at the sound of the bell, I would ask at that point, that you rapidly complete your statement, and be seated, very shortly thereafter, that will indicate that you have had a five minute period. You can make a straight statement, or if you would prefer you can ask questions, or a combination of both, but in order to try to have a bit of informal discussion, the group being the size that we have here, it is necessary to move from person to person, and not have one person monopolize.

I will attempt to cut off anybody, any lengthy discussion, as to anyone that is responding to comments from the table, or the front row down here, also be concise. And the number of cards, it shouldn't take us too long to get through the speakers, if we adhere to this five minute rule.

Thereafter, unless additional people come in and register, thereafter I will answer questions from the audience, and question by question, we will deal with it. And everyone will have their chance to speak.

So please try to be courteous and reasonable of other speakers and limit yourself to five minutes. I guess I should remind you, or point out, that there are tables in the back of this auditorium that have copies of the draft Environmental Impact Statement,

as well as copies of the new Council on Environmental Quality Regulations, available for your review. We have a limited number of copies of the Environmental Impact Statement still available back there, if you do not have a copy, don't be afraid to ask for one. As long as they last.

I would like to remind you again, before we start, that any written comments received, before, or by the 28th, will be addressed in detail, and responded to thoroughly. They will be presented in the Environmental Impact Statement, and I assure you that they will receive thorough and fair treatment.

The first speaker tonight will be Kenneth Johnson, representing the Tacoma Sportsmen's Club, and I would like to ask Mike Witzen to be prepared to speak, secondly.

MR. JOHNSON: Thank you, Mr. Chairman . I am Ken F. Johnson, President of the Tacoma Sportsmen's Club. I have a short letter here, that I have sent to the Corps, on September 9. You probably have it in your file. It says:

"Attention: Steve Dice -

Gentlmen: The Tacoma Sportsmen's Club, comprised of 700 members, most of whom live in Pierce County, has followed the Weyerhaeuser Project at DuPont for the

past several months. At our regular membership meeting on July 11th, a motion was passed by the membership endorsing the Weyerhaeuser Project at DuPont.

"We are of the opinion that the study has been long and complete, and would hope the U. S. Army Corps of Engineers will realize this fact. We would expect the needed permits to be issued allowing this project to proceed in a reasonable and timely manner.

"We can talk about jobs, encironmental impacts, that the project is "well planned", quote State Department of Ecology, the increased tax base, and many other things that were considered before we endorsed this proposal.

"Enclosed please find a copy of the resolution passed by the Washington State Sportsmen's Council at their quarterly meeting in Wenatchee, on June 10, 1979. - Sincerely, Kenneth F. Johnson, President, Tacoma Sportsmen's Club, Inc."

CHAIRMAN DICE: Thank you. I will also remind you that if you have a written copy of your testimony, it is particularly useful to use in assisting in the Court Reporting of the verbatim coverage. Inthis case I already have your letter, so Mr. Johnson, there is no problem.

Mike Witzen is next, and I would like to

ask Lloyd Knutson to be prepared to speak.

MR. WHITSON: My name is Mike Whitson, I am representing the Nogler Tree Farm Collective, a small forestry concern in Olympia, Washington. We are here to make a concise statement in reference to the complete Weyerhaeuser proposal, to make a log export facility adjacent to the Nisqually Delta, on the Puget Sound. Our first comment examines this public hearing, in relation to the power of Weyerhaeuser Corporation. Everyone here who was also there at the DuPont hearing in August, knows that this public meeting, and this workshop, is a mockery. The decisions have already been made. This is a procedure that big business uses to make us believe that they are part of that decision.

But that is all it is - a belief. There is no substance, there is no real impact, that we can make in the decision, as in the case of the DuPont hearing, where approximately 90% of the public comments opposed annexation for the Weyerhaeuser project, the Town Council still voted unanimously in favor of the annexation. I ask you why, the answer is because they had no choice. They had no choice but to take the economic advantages offered by Weyerhaueser. The employment opportunities and tax advantages are

tremendous for the town of DuPont.

But while the project will help a few, mostly Weyerhaeuser and those who earn $100,000 a year or more, they will be disadvantageous to the rest of us. Who aren't rich. As IN Malaysia and Indonesia, and other less developed countries, Weyerhaeuser's exploits resources, and people, not for the benefit of the area, but to gain money and subsequent power, necessary to expand their domination.

This is the first tenet of big business, we must continue to expand, to survive, with the imperious competing corporations, this is why Weyerhaeuser must expand here in Puget Sound. The motivating force in America's economic system is greed, and this greed tells them that they must expand, and the rich will only benefit on this project.

It is very clear where I stand on the Weyerhaeuser proposal. I hope I have impressed you with my seriousness, because I am very serious about the negative effect Weyerhaeuser Corporation has on our lives. As long as they have the power to treat trees and people as things to be bought and sold, they will scalp the forests and break our backs, and when Weyerhaeuser finally bulldozes this log export facility through it will be obvious what impact the local

citizens had in this decision.

This clear cutting of resources and people, will continue until people unite and empowers themselves against Weyerhaeuser and big business combinations. The Nisqually Delta Association is only beginning, in this power movement, like a three week old baby, they stand no chance against a hulking 6'4" - 300 pound logger stepping on them with cork boots. The way for people to stand up is to unite against the greed, and for equality, and the only way for the people to diminish Weyerhaeuser's power is for environmental groups, like the Nisqually Delta Association, to join forces with labor unions, feminists, socialists, and all of us working people, including the Weyerhaeuser employees that are here tonight, to fight against big business, just as people are fighting big oil, by organizing discredit cards, to discredit the corporations, who can drive the shortages and higher prices, so we must not accept the power Weyerhaeuser tried to put over us, for when we unite, our power will shine right through the Weyerhaeuser greed, for when we unite our power will shine right through the Weyerhaeuser dream. Thank you.

CHAIRMAN DICE: Since this is a workshop, and an informal format, I feel obliged to respond to

your comments, even if you didn't ask a question. I don't know what happened in the earlier meeting, you spoke of, but I do know what is happening at this workshop, and I am very sincere when I say that the Corps of Engineers, my office, and other offices in the Seattle District, are totally sincere in our responsibility on this program.

There is no mockery, nor is there any foregone conclusion. There is no assumption that the EIS will lead to a permit issuance. Every single issue raised here, or in letters to the EIS, will be dug into and will be fairly treated. There is no vote, which apparently was taken with the DuPont situation you described. There is no vote here.

The question of the position of a large number of agencies, every interest group, every private citizen's views will be looked at. The substantce evaluated, and it will all be weighed and documented, and a final Environmental Impact Statement, anyone here or elsewhere that cares to come in and talk to us, see what we are doing, and we are very serious about this.

I might point out that the Environmental Impact Statement for the Trans-Alaska Pipeline, got to a point for the draft impact statement, with a great deal of pressure from oil, a great deal of energy, and the

entire process stopped because oil had been discovered and the EIS identified a lot of problems - they were dug into, the project altered a great deal, and a much better project came out, and as far as the cross port Barge canal, had a lot of controversy when that was begun, NEPA came along after it was started, and the whole project was stopped, because of the environmental investigation by agencies and interest groups.

Here, more locally, the Corps of Engineers held public meetings and workshops at Willapa Bay, on the maintenance dredging program, and I think the dredging for a large number of types of private and commercial businesses. It was identified in part to the public process in commensurate and the dredging was not cost appropriate and the program was stopped, and curtailed, based on the input received.

I would argue that this is not a mockery.

Mr. Knutson, Mr. Lloyd Knutson, representing self, is next, and Archie Heany.

MR. KNUTSON: I was born here 65 years ago I have no axe to grind, I suppose its a dream, if I am off base, just tell me. But it bothers me, 3200 acres are being utilized for the extent of only a few hundred, and on my first trip up to the DuPont property, when I was a kid, in grade school, and I believe four

buildings at the old Fort were still there.

To me, it has always been a sad distortion of history there, those buildings were dismantled, and moved out to Point Defiance, probably because the DuPont Company was there.

I think, with Weyerhaeuser, it will be a different story. Despite what was said before, many times I have appreciated the facilities that Weyerhaeuser, particularly down the Toutle River, and other facilities. But what I am getting at is something kind of like a dream, that that property out there is a beautiful great park, particularly up on the plateau, there is a stream, and there's a lake, why shouldn't a beautiful Inn be built there, with probably facilities for conventions, a golf course, probably tennis courts, maybe an area for campers, it just seems a sad thing that the property isn't better utilized except for export facility of a few hundred acres. That's all I have to say..

CHAIRMAN DICE: Mr. Archie Heany, of the Lakewood Area Chamber of Commerce, and David Galvin will be prepared to follow him.

MR. HEANY: Mr. Chairman, ladies and gentlemen, thankyou for the opportunity to discuss this matter. I always feel that any project of this nature

needs a little insight, among other facts that have already been presented. I have a feel of history, not that I am a historical student, but it is quite obvious that for 130 years there has been industrial development upon this site. The Hudson Bay Company chose that area to settle and founded the Delta area, was so poor a productive area, that much work had to go into it before it became productive, and so it is a hundred years of effort that went into the Delta, man made effort, hard work, that made the Delta what it is today. It is not a pristine wilderness area, in any way, shape or form.

It was developed by mankind, then was developed by the Hudson Bay Company. The Hudson Bay Company found that the upper lands, where the DuPont site is, was much more suited for trade. The slaughter-house operation, and trade with the Indians.

And discussion of the forest that is around the area is rather an interesting story. With South Tacoma in that area, the prairie extended up until about the 30s, 1930s, and bit by bit the forest area has taken over and covered the skyline. The reason that the trees grew in that area is that when they brought in the cattle and sheep they added enough fertilizer to the volcanic soil to grow things.

Previous to that it was just prairie.

In the history of the area, troops had settled there in that basin, in the North Fork, 20,000 at a time, as big as many communities throughout the State of Washington. The plant itself, the DuPont, for 75 years, had hundreds and hundreds of ships coming and going over that period of time. Straight boatloads of sulphur, straight boatloads of nitrates, and ammonia from South America, the manufacturing of sulphuric acid, and nitric acid, all sorts of chemicals came and went, hundreds of different products that go into the explosive industry.

There were blacksmith shops, there were power plants, there were all sorts of manufacturing facilities that operated in conjunction with that facility over the 75 year period. And what is amazing about all this, is that, no detrimental effect was ever taken place in the 130 year period to the Nisqually Delta, from all this operation that existed on through to this period of time. A strange thing is happening in the last few years in that particular site, one of the areas that has often been referred to in historical conversations about it is, that Nisqually Creek that runs down in the valley, down to where the dock is going to be, at this point in history, there is a

large oil refinery that exists there, that employs some 200 people. And they use a tremendous amount of water in the processing of low grade coal, that is turned into liquid fuel, and in the processing of this coal and the creation of burnable oil or fuel, when they are completed with the water, it comes out clear and pure, and shows up in the environmental report that Sequalitchew Creek has no trace of oil sediment in it.

It goes to show what modern industry can do in processing products.

Now, the Weyerhaeuser project is merely a shipping transfer point, far less dangerous than explosives, far less dangerous than oil refinery, or many other processes that could take place there. I recall, and worked on ships that came in, during the blackout in World War II, ships loaded with nitrates, with sulphur, Russian ships that came up and picked up what was known as free running explosives, and nothing of a deteriorating nature has ever taken place, in any of those operations. In 130 year history, I hope that you will make a positive vote for this industry.

CHAIRMAN DICE: Thank you. The next speaker is David Galvin, of the Audobon Society of Seattle, and Sarah Madsen, will follow .

MR. GALVIN: I am David Galvin, of the Board of Directors of the Seattle Audubon Society, the position of the Seattle Audubon Society in this application, of the Weyerhaeuser Company for a permit, should be denied, in that the proposed facility should not be constructed now.

I would like to address a few our concerns in relation to this. We feel that under no presently imaginable circumstances, should a large industrial operation be located in the area, as indeed and sensitive as the Nisqually Delta.

Such a development there would be flagrant and contrary to the spirit of Washington Shoreline Management Act of 1971. It would also be contrary to the letter of the law, since the area requested and designated as statewide shoreline significance, and the Weyerhaeuser program proposes amendments to these conditions, and I quote "those areas which are intended to maintain their existing character, activities and use, of non-permanent nature, which do not essentially degrade the character of the area, are appropriate uses for conservantcy in environment".. The proposed development certainly does not preserve the natural character of that area. If this were the only possible site for the project, which was in the national interest

more tolerant steps might be expressed by our organiation, such as ours, which is concerned with the quality of the environment. This is not the case. The Weyerhaeuser operates terminals in other areas. Furthermore it has not demonstrated to our satisfaction in the draft EIS that these alternate sites, other proposed docks, could not be used.

The State Shoreline Management Program states that, and I quote "cooperative use of docking, parking, and shore facilities should be strongly encouraged in waterfront industrial areas", now this seems contrary to such industrial facilities, it suggests that alternative sites normally be developed for areas ought to be given serious consideration. The draft EIS contains only weak excuses in this area of alternatives and existing port areas.

The proposal would violate the required amendment existing DuPont shoreline master program, and in the Pierce County Master shoreline program. And it would violate the regional policies of the Puget Sound development, as indicated in the amount of activity proposed by Weyerhaeuser at this site, large ships loading 24 hours a day, up to 25 days a month, huge numbers of trucks and freight trains, going into the location, is contrary to implications made earlier tonight by

Mr. White, and the comments of the previous speakers. A substantial escalation of the historical use of the property in relation to shipping. The Nisqually Delta next to this is a national landmark, of statewide significance, and truly unique natural area. I agree with the previous speaker that the Nisqually Delta is not -- it still remains one of the most significant estuary on the West Coast. The location of the major export facility, with the constant human activity, industrial activity going on, as I mentioned, so close to such a unique estuary, is not only bad use planning but contrary to the existing land use and shoreline planning of this State. The Seattle Audubon Society urges the Corps to seriously review these land use concerns that I have raised. More so than are addressed to the draft impact statement.

Seattle Audubon Society opposes this proposal, and urges the Board to deny the Section 10 for application.

Thank you for the opportunity to speak.

(applause)

CHAIRMAN DICE: Sarah Madsen the next speaker.

MS.MADSEN: My name is Sarah Madsen, I am a biologist and a member of the Nisqually Delta Study Team. In the baseline studies, which were given to

URS Co., for analysis, in the Environmental Impact Statement, I observed the birds and mammals on the Delta for many years. And as one benefit I would like to dispel, and that is what I hear repeatedly, I guess by the introductory statements, the Nisqually Delta proper, includes the mud flats, which are one and one half mile from the new facility, and they form the northeast border of the Nisqually National Wildlife Refuge. The Delta, and any delta, is composed of a deposit of sediments, and it is not necessarily, at the vegetative area. I have actively participated in the SEPA EIS project, and attended numerous public hearings, and meetings, and written pages and letters, pages of letters and statements, I've seen little, if any, evidence that what I expressed has been read or heard.

The draft EIS is nearly identical to the final SEPA EIS, with the exception of the most important section, which is Appendix L, summarizing the comments and responses to the EIS, which were written by people that responded to EIS, and by Weyerhaeuser. I am prepared - I have extensive comments, and have prepared testimony, and I don't see the evidence of it, except in the Appendix, and I assume that we have to go back to the beginning now, or whatever happens, if SEPA is

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being ignored. I suggest that the Corps closely examine that Appendix for it brings up any issues that I am concerned about, and emphasizes in the responses that are basic on certainties regarding the quantities generated by the facility, consequent impacts to water quality, associated, indicating measures closely designed to offset the environmental harm to the Delta. By means of the enforcement of either these measures voluntarily, or by Weyerhaeuser, or by such agencies as the Department of Ecology, and the Environmental Protection Agency in plans for future use, besides. There may be some possibilities and unknowns that render the discussion of these issues totally inadequate.

The statements I have made from the data required to quantify various contaminants is unknown. The conclusion is made that concentration of a certain contaminant would not be great enough to cause any adverse impact. One example I refer to, and it is found on page 127, in the draft NEBA, the statement made, I quote ""covering lumber areas would keep preservatives from entering the runoff," but it is not stated that they will be covered.

And farther in the paragraph it says "the monthly monitoring of the stream might detect a groundwater

contamination resulting from infiltration from the runoff in the log storage area. The effectiveness of such monitoring would depend on the location of the facilities, which has not yet been determined, and the exact pattern of the groundwater, which is unknown".

I have even greater further examples of uncertainties in the letter I wrote to the Corps, regarding consistency of the proposed permit for the Washington Coastal Zone Act, and I need not repeat here.

I guess you have it. The uncertainties are just not acceptable when you are considering the importance of the facility operating adjacent to the Nisqually Delta, when the equal system of extremely biological productivity and adversity, one of the last we have, in the Puget Sound area. The value of the Delta to wildlife depends upon the protection of the water quality, in the spawning Reach, and the water quality at the river mouth. As much mentioned this afternoon, Washington State Shoreline Management Act, specifically states that uncertainty about activity effects on the Delta that are negative should not exist. The Master program, which is part of the Washington Shoreline Management Act, which is included in its entirety, in the Washington Coastal Zone Management Act, approved

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by U. S. Secretary of Commerce, in a letter to the Mayor of DuPont, now attached to the cities Master program, dated July 11, 1975, the Director of the Department, John Biggs, approves designation of the shoreline by the City. He expressed the following concern, and I quote - "While the program generally meets the requirements of the Management Shoreline Act, we still are concerned about the environmental designations adjacent to the DuPont and Puget Sound shoreline, and along the Sequalitchew Creek. The urban environment, theoretically, would allow intensive industrial and commercial development. For this reason we remain concerned about the potential impact on the Delta Estuary. Our primary interest is in the preservation of the Nisqually Delta, as a natural area, consistent with its reclamation, as a National Wildlife Refuge, and National landmark, an activity that might have a negative effect on the Delta, would be contrary to the intent of the Act, which specifically identifies Nisqually Delta as a shoreline with statewide significance, to be preserved in its present condition." A strong mandate is the paragraph for the Department of Ecology, and its letter of approval makes it clear that the Department's approving the urban designation only to accommodate the existing

low intensity use by the DuPont Nemour Company, which is gradually phasing out at that time.

The letter shows that the Department of Ecology in no way tends to approve the intensity of use proposed by the Weyerhauser Company. Furthermore, the repeated acknowledgment in the draft EIS, numerous impacts might occur, should not be accepted, I recommend strongly that the uncertain language be explored, and eliminated.

CHAIRMAN DICE: Can you wrap it up?

MS. MADSEN: Well, I have one more point to make.

CHAIRMAN DICE: I want to be certain that everyone has a chance to speak, can you summarize it very quickly?

MS. MADSEN: On page 1-X of the draft EIS I found the following statement: "During the facilities construction operation, Weyerhaeuser would immediately respond to any environmental damage occurrence caused by us, whether at the facility or nearby location, restrictions and standard operating procedures will be developed to avoid adverse environmental conditions, and any violations of local, state or federal regulations will be reported by Weyerhauser to the proper regulatory agencies". However, I find these types

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of reassurances difficult to accept, particularly in the light of the environmental protection agencies sued the Weyerhauser Company for violating the limitations in the permit for the Greenwater Act for three years, for failure to have a water pollution control system, at its Longview Plant, that met Federal standards. The complaint was filed July 24, 1979, I feel that I just wanted to point out that our fears that enforcement of existing water quality standards are well founded, and important exploitations and certainty of the water quality are necessary. I believe that the Corps should pursue exclusively include a strict condition before they consider the EIS.

In conclusion I would like to state, with my earlier statements presented today, the consideration of alternate sites be conducted in greater depth. The exploration of alternate sites in the EIS is not adequate in convincing me that the proposed facility could not be located elsewhere, and hence avoid any adverse effects on the Nisqually Delta.

Thankyou.

CHAIRMAN DICE: The next speaker is Clyde Hupp, of the Pierce County Central Labor Council, and following him will be Pam Miller.

MR. HUPP: I am Clyde Hupp, Secretary-

Treasurer of the Pierce County Labor Council. Chairman Dice and the Board, the brevity of my remarks will help average out the time limit imposed by the rules, and make up for those that are less considerate, and those in attendance.

We did receive a notice, and hear reiterated to night, by yourself, Mr. Dice, that you did like written comments before the 28th of September, 1979. We will be submitting a written statement - the essence of that statement will outline the fact that we have been following the development in the City of DuPont so-called DuPont Site, since the departure of the DuPont Company, in the winter of 1975-76. Upon issuance of the current draft EIS, for the Corps requirement, we have reviewed our position, statement of June, 1976, and now we have affirmed that. We do so on the basis of this statement, the essence rather of the statement, that environmental impacts are going to be minimal, and that the socio-economic impacts on the community are also going to be much as projected, and proceed in 1976. The number of jobs lost, upon the closure of the DuPont Company, was approximately 160. We understand that the initial employment levels, of the proposed facility, will be in the same general range. We also understand that the Department of

Ecology process has resulted in the Department's final statement is not really different than initially anticipated. We understand that in the draft statement there will undoubtedly be errors, eliminated both by this workshop process, and probably by a staff review.

Recognizing the corrections to be made, and the possible oversights to be corrected, with those changes the statement be adopted and the permit issued.

Thank you.

CHAIRMAN DICE: Thank you. The next speaker is Pam Miller, with Ann Mahnke following her.

MS. MILLER: My name is Pam Miller, and I work along with Sarah Madsen, and two other biologists on the baseline studies, in the Nisqually River Delta. Which is supposed to be providing for the impact statement. I wish to reiterate, or expand, on a comment made earlier today, that better use could be made of the baseline studies, as far as information being included in the impact statement, in that our baseline studies were not designed to evaluate the impacts of the project, or to show the inter-relationship among the different aspects of the ecological system on the Nisqually River Delta, and the surrounding area, of the site proposed at the DuPont facility.

This is a very inadequate address to many environ-

mental impact statements so far. I was surprised well, I wasn't really actually surprised, to find that the draft NEPA impact statement was very much the same as the SEBA statement, only with a different colored cover. The issues that were raised in the state process were not addressed in this new statement, the NEPA process.

This section, in the NEPA statement, about the relationship of the proposed action to land use plans is still inadequate. The proposal is not consistent with the shorelines management act, and this aspect is not significantly addressed in the statement. The are is to be protected, in its natural condition, according to the Shoreline Management Act, this is the statewide interest, the statewide interest is not the corporate interest of Weyerhaeuser, to preserve it in its natural condition.

The alternatives, site wise to DuPont, are still not critically considered in the NEPA statement. The many aspects of the proposed export facility, that I amnot an expert in, but I can tell where there is inadequate information, where there is not supported evidence for conclusions or statements that are made.

It is clearly a case of presenting the cart before the horse, it is repeatedly stated that there

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is no, in many of the sections, that are not serious environmental problems, indicated, such as the effects of the proposed export facility on the wildlife of the Nisqually Delta, but the study and analysis made in order to state this conclusion, dis not revealed in the impact statement. This should be done in the final statement.

In the impact statement it states the assessment of impacts must be, or considered, the ecological interactions, and that the adverse impact on any one species, may have severe indirect consequences on others.

But later on, in the statement, it is stated that only general statements about possible impacts can be made, so there is no real analysis of many of the impacts on the Nisqually Delta. I urge you to consider more of these issues in further detail, and to deny the permit, to the Weyerhaeuser project.

Thank you.

CHAIRMAN DICE: Thank you. The next speaker is Ann Mahnke, followed by Ruth B. Weisberg.

MS. MAHNKE: My name is Ann Mahnke. In 1971 I worked hard to see that Shoreline Managment legislation would be passed in the State of Washington. I continued to work to see that a Master program for

Pierce County would be developed. I tell you this, to indicate my concern for the Shoreline of our state, I have a special concern for the Nisqually Delta, and the area in which I have enjoyed viewing the birds on those mud flats, only a half mile from this proposed development. I would view the siting of such an export facility, as has been described here, tonight, as contrary to the spirit of both our State and the Shoreline Management Act, and the Federal Coastal Zoning Act, and secondly, I am not convinced that there does not exist an appropriate alternative site in an already operating port area, as was indicated earlier today, by representative of the League of Women's Voters. There are studies which indicate that there is enough space in currently operating public port areas, to accommodate developments through the year 2000.

And finally, I have a small question, that is, we have been assured tonight that baseline data has been collected, and it indicates, and the Environmental Impact Statement assures us, that, the data which was collected shows that we will be - that there will be negligible effects on the development of a dock, of a new dock. Earlier today a fisheries biologist indicated to us that such conclusions were perhaps

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an inaccurate interpretation of the baseline data. And, I would like to be reassured, that that would be seriously looked into.

CHAIRMAN DICE: There is no question that we will examine that closer. Unfortunately, the people who spoke most direct to it, left at that point, Steve is it possible, to say now, or do we need someone else to deal with that?

MR. MARTIN: I am Steve Martin, Corps of Engineers. There has been a tremendous amount of data collected on Chum Salmon, eating habits and rearing habits, in Southern Puget Sound, that indicate a selection of invertebrate organisms near shore, if available, the DuPont dock, or the Weyerhaueser dock, we do not feel will impact seriously food production along that shore. Neither will it impact seriously, or contribute, markedly to perdation of that area. I think the concern was brought up, to offshore sampling, that the samples were not collected further out, and about a half a mile, ten kilometers, something like that, and we will get together with Chuck Skillstad and ask him about this, and we will be sure it gets in the impact statement.

MS. MAHNKE: I urge the Corps to deny this permit, and urge Weyerhaeuser to seek an alternative

site.

CHAIRMAN DICE: Thank you. The next speaker is Ruth Weisberg, with Nancy Kroening following.

MS. WEISBERG: Good evening, I am Ruth Weisberg, I live just above Moore Beach, public aspect in Thurston County, overlooking the Nisqually Delta, and directly facing DuPont. The distance from our home to the proposed pier is roughly three miles.

As you know three miles of open water, or over tide flats, is not far, when floodlights and heavy machinery and the noises of other port activities encroach on a quiet and natural area. My family selected this site over any other in the world, and my husband and I are too old to relocate in our declining years. Also there is no way that we could replace our home, and view property, the tax assessor assures us that it has doubled or tripled in value in the past ten years. We, and our neighbors, will be impacted by the Weyerhaeuser proposed log export facility. So will thousands of people in the local area, with the change in the quality of life, and the despoiled area of the Nisqually area, as other Puget Sound. DuPont is our first view in the morning, and the last at night. We enjoy the water and the shore birds, in the Delta, occasionally a small boat for

fishing or photographic excursion. We buy succulent oysters from the nearby oyster farm, where our son once worked. We eat the fine seafood of surrounding waters. Friends from around the world have enjoyed the unspoiled view, and the beauty of the site.

Weyerhaeuser Corporation is divided or diversified in several areas sof activity. What proportion of Weyerhaeuser Corporation is now derived from log export, with professional forecasts of decreasing log exports, how does Weyerheauser propose to justify a $70 million export facility for logs? Is it possible that the proposed port will serve an industrial complex encompassing not only logs but wood and paper products as well, as other unrelated activities? Activities not revealed to the public? Mr. Phil White, of Weyerhaeuser has informed me that no serious studies have been made -have you forgotten, Mr. White, at the Lacey Chamber of Commerce meeting, no serious studies have been done to find alternate sites because they are confident they will get all the permits they need for this work, and studying the problem I have become convinced that higher profit is the sole objective in selection of the DuPont site, and the public be damned! By taking advantage of certain legalities pertinent to the incorporated city of DuPont,

Weyerhaeuser escapes the environmental restrictions. The DuPont site raises controversy because it is directly adjacent to the environmentally fragile Nisqually Delta, and natural wildlife refuge, where strong tidal action could jar the pollutants in the Delta area. It would destroy one of the finest fishing holes in Southern Puget Sound, just off the old dock. It would be detrimental to the Chum salmon run, it would destroy the livelihood of the Squaxin Indian families, who are trying to increase the Chum salmon runs, and I won't go on, some of the other items that I have here, because they've already been given. Weyerhaeuser has refused to reveal until tonight, I never seen a comprehensive plan for developing the port industrial complex, are we being pressured into having another Port of Tacoma, or a Longview pollution operation? Weyerhaeuser will be offered exporting more logs at higher profits, but also exporting the jobs of our already depressed timber industry. Operations will be carried out by highly automated machinery most employees will be Weyerhaeuser, the argument is that this facility will add jobs is highly questionable. Weyerhaeuser uses two 1,000 foot piers in Tacoma, with a more than 1,300 foot pier at DuPont, will it use larger ships? Weyerhaeuser insists that its

operations will not befoul the water in the area, but I find that impossible to accept, although it is illegal to pump bilges except where facilities exist, to treat polluted water. Their operations would move polluted water from Commencement Bay, to the DuPont pier, at the edge of the Nisqually Delta. Ships arriving from the Far East will pump out the bilges, while unloading logs, even without other pollution, this operation alone will soon alter the ecology of Southern Puget Sound, although we have the technology to solve such problems, I am not convinced Weyerhaeuser will look after my interests in these matters. I am not a -- I will submit this in writing. However, there is one question I would like to ask Mr. White.

There is a graphic evidence of the 22 acres at the review board yesterday for annexation, by DuPont, and have been in the heart of some interesting manipulations. Only a few years ago they were a patt of the Fort Lewis Military Reservation, later the map showed this area as both military reservation and Lone Star Sand and Gravel, current maps presented by Weyerhaeuser and the City of DuPont indicate that it now belongs to Weyerhaeuser. This is an interesting and puzzling development, would you be able to clarify that?

MR. WHITE: I certainly can. The property in question has always belonged, and always been, since the early part of the century, as belonged to the Lone Star, and the Pioneer Sand and Gravel. It has been shown on the Fort Lewis maps, as part of their reservation, because they had a lease from Pioneer Sand and Gravel, and Lone Star, for the use of the ground for training purposes. It has been acquired by Weyerhaeuser Company by land exchange, for other lands in the northeastern corner of our site, now owned by Weyerhaeuser, which before that was owned by Lone Star, but it was never owned by Fort Lewis.

MS. WEISBERG: Thank you very much. And I do urge that the Corps of Engineers recheck this application. Thank you.

CHAIRMAN DICE: Thank you. Next speaker is Nancy Kroening, and with John McCloskey be prepared to speak following.

MS. KROENING: My name is Nancy Kroening, most of my questions will be submitted in writing, I was reading Section 20.34 General policies for inaugurating permit application, there is some pretty strong language in there relating to what lands relate to the debilitating effects relating to public interest,

versus private need, and I'll write more about that in my comments, but it is good strong language, and I think you really have something to deal with.

I was interested, as I read along farther, about the marine sanctuary laws, I wasn't aware of those laws, and I asked the question, well, maybe South Puget Sound should be submitted for marine sanctuary. I think this would be a really good direction for us to work in, I think that it really would qualify, for that status, and in addition I found reading even further, that the District Engineer made, and I quote "may undertake reviews of particular wetland areas and the appropriate director of fish and wildlife service, the Regional directors of the National Marine Fisheries Service, and the National Oceanic and Atmospheric Administration, Regional Administrator of the EPA, and the local representative of the Soil Convervation Service, to assess cumulative effect of activities in such areas", and I heard you say that, while working with fish and wildlife service, and the fisheries service, I had earlier in the summer written you a letter, to NOAA, asking them, and I believe I sent you a copy of that.

CHAIRMAN DICE: Unfortunately we had a representative of National Marine Fisheries, I think he has

left, but there is no question whether the evaluation of the permit, we paid particular attention, the agencies have particular responsibilities to speak to the other federal agencies, specifically the fish and wildlife service, the marine fisheries, and the environmental protection agencies. These agencies will be speaking to the issues on this permit, and we will pay close attention to them. There is no question about it.

MS. KROENING: I had written to NOAA asking for a moratorium on giving development permits on large scale, until there is more study done about south Sound. I have not received an answer from them yet. The Shoreline Management Act, at this state, is very clear, and especially provisions under the state management on shorelines. I recommend that you read them all over again, because they are very strong. I am interested in the U. S. Fish and Wildlife report and WashingtonState aimed reports. These documents have not been widely circulated, and I feel that they are so important that everyone should see them, and I suggest that they be included in the final EIS so that when the decision makers, and citizens read the statement, they can see for themselves what has been written by these very important agencies. It is my feeling

that there should be different criteria for evaluating projects that are to occur in closed water versus open ocean water, and with a 25 year flushing time, or 27 year flushing time, in south Puget Sound, I feel that perhaps that the criteria for a closed body of water should be the criteria used for judging this project.

I don't know very much about the laws, but I have been searching for something in this regard, and somebody in the New York area, where they complained about Lake Georgia, they were governed under very different laws, and I think South Sound should qualify. The J. McCurdy study of the Nisqually Delta situation, was something that I recommend to you, she received her Master's Degree for it, I am going to submit this Natural Resource's Defense Council newsletter from December-January, 1978, it is called "Treading the Thin Edge", and in it it talks about the shortcomings of the Government of laws to protect the Coast, and perhaps I am happy to think that we have some very strong language, and it talks about the Coastal Zone Management Act, and what's going on there, and some of the failings of it, and the Clean Water Act, and some of the failings of it, but I'll just read a conclusion here. "There is a plethora of existing federal

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laws to protect coastal marine sources, many other laws in the state, tidelands, wetlands acts, coastal facility review acts, and so on, nevertheless much more vigorous implementation of these laws, in some cases, constructive changes in the laws are necessary. In the end, what is perhaps most interesting is a clear directive from Congress, a coastal zone is a natural resource, and this integrity and productivity must be preserved, and fragility must be recognized". In other words, I am bringing these up, that the climate that we are experiencing now is not conducive to trucks on either side, and as you know this is a problem for everyone, right in the middle of it, and it's even a problem for Weyerhaeuser because their investments are so large, and a special problem for concerned citizens.

And I think I could go into that in my letter.

CHAIRMAN DICE: There are three things to respond to, that you brought up, you raised a question I believe, or were asking, what sort of review the National Marine Fisheries and the Wildlife Services now he isn't here, to support this workshop, but Cliff Simenstad, of the Marine Fisheries service, Cliff, could we ask you to speak for just a moment and explain the type of review that your Agency would give?

MR. SIMENSTAD: I am Cliff Simenstad, of

the National Marine Service, out of Portland, Oregon. Regional Office. On a project of this type we have been working very closely with the Corps of Engineers the Weyerhaeuser Company, and the City of DuPont and the all other agencies, since the first idea of the project came in. I have been involved in review of the baseline studies, as they were finished, and we have reviewed but not commented on the SEBA EIS draft and also the final document that came out.

We have reviewed the NEPA draft and have submitted our comments on the draft to the Corps, to the Department of Commerce, Washington, D. C.

I am not prepared tonight reveal what our comments were on that draft. We will now work with the Corps and will comment on the various corrections and revisions as they may come in.

CHAIRMAN DICE: I believe the question pertained to the part as to what function you were performing on the subject area, what your review would emphasize, that was concerning the fish.

MR. SIMENSTAD: We will comment on the project, and it will concern the impact on marine, estaurine, and andromous fish and shellfish resources, and the environment that support those resources. Is that what you want?

CHAIRMAN DICE: I think that what's she asked. Now we have a couple other points here, Phil White has something he would like to respond to.

MR. WHITE: Yes, I would like to challenge one of the assumptions that Nancy Kroening has made on the flushing of Puget Sound, south Puget Sound specifically. And submit to the record a study done in 1972, and published by the University of Washington Department of Oceanography, showing a replacement time a mean replacement time, in south Puget Sound, of 56 days, I get a little tired hearing about this 25 year figure.

CHAIRMAN DICE: All right, Steve Wright, I think you have a point to clarify?

MR. WRIGHT: I think this would be a good time to discuss the permit process. Presently we issue a public notice dated the 4th of September, 1979, which is a revised proposal by Weyerhaeuser. There were two previous public notices already issued on the project. It is a public notice, this latest public notice, dated the 4th of September, requested your comments on the proposal and the Corps of Engineers would like to have any objections expressed to the proposal, in writing, and I would like to have your letter, reference to this public notice, 4th of September, and the reference

number, which is on the public notice, including the name of Weyerhaeuser Company, all comments received on this public notice will be considered, in the finding effect. If there is an objection to the issuance of a permit, I would like to point out, that this workshop is to obtain input to the environmental impact statement.

If you wish to express an objection to the issues of the permit, this should be done in writing, referencing the public notice, dated the 4th of September. The federal, state, and local agencies that normally comment on permit applications have indicated that they would like to withhold their official position until preparation of the Environmental Impact Statement.

Once this Environmental Impact Statement has been completed, the Corps of Engineers will expect these agencies to comment on whether or not the permit should be issued. Once we have all of the comments in from the agencies, we will then review the entire permit file, and the letters that have been received, on the public notices, the three public notices, that have been issued by the Corps of Engineers.

Objections received on the last public notice will be considered in the finding of fact. At this point I will open the floor up for any questions that you might have on this process.

MS. KROENING: There was a revision to the project originally.

MR. WRIGHT: Yes, the 4th of September.

MS. KROENING: Does that raise the date for sending impact back?

MR. WRIGHT: What do you mean by that? Move it back?

Q. Thirty days from that time?

A. The Corps of Engineers will accept comments on this recent public notice up until the time that the permit is issued. So it will be more than thirty days.

CHAIRMAN DICE: Correction - up until the decision is made.

A. Yes, until the decision is made, whether or not to issue the permit.

CHAIRMAN DICE: Any other questions on the permit process?

Q. (By Mr. Galvin) This reply to the application of the public notices I received, indicates that the revision is increased the width of the access ramp to the pier, and the increase in the deck height of the pier, two feet. I would like someone, maybe Phil White from Weyerhaeuser, if no one else on the public notice, is there any

background on the height of the provisions, and why they occurred so late in the process, and also I guess I am interested in why this happened at this time, and what implication it has on the existing draft EIS?

A. (By Mr. White) First of all, I don't think the dimension revisions have anything to do with the real change of scope of the project. Their primarily safety related, and they came out during the study in the normal course of events. The original permit request, filed over a year ago, and during that time some things came to our attention, specifically with regard to safety and clearance and visibility, and shelters for the vehicle. That would be the primary consideration, in the changes.

Q. (By Ms. Miller) I wonder how the comments would be included. Would they be verbatim, or summarized?

CHAIRMAN DICE: You are talking about the EIS process?

Q. Yes, the EIS.

A. (Chairman) I will make that decision after I see all the letters come in. There's a variety of ways to do it. You see it done in many ways. Depending on the nature of the comments, we will

decide later.

Q. (By Ms. Mahnke) I hope that they will be included in full? I also wonder, will the public be able to comment on the final NEPA, as the agencies will?

A. (Chairman) I don't understand what you are saying?

Q. Will the public be able to comment on the final NEPA, as the agencies have indicated that they will do?

A. The final federal impact statement goes out and it is thirty days before any decision is made. And anyone can raise any issue they want to, something new might be observed, a new viewpoint offered, someone might have a very strong concern.

Q. SEPA is different, that is why I was wondering? We are talking about specifics. We are always interested in hearing anything.
Do you have an estimate when the final order will be issued?

A. I do not predict - certainly it is dependent on the evaluation of the review from this workshop, and we evaluate what has to be done before we finalize.

CHAIRMAN DICE: Are there any more questions on the permit process?

Q. (By Tom Ehrlichman) I have a question, Mr. White

the revision only referred to matters of safety.

A. (By Mr. White) I said that was the primary reason for the revision. Do you have a specific question?

Q. Yes, I just wanted to know if that was all you had to say about it.

A. Do you have a specific question?

Q. Well, first I'll ask you, was the trade on the property, I didn't quite catch it, he said they traded a parcel with Lone Star, that was in the northeast, or the northwest.

A. The northwest part.

Q. Well, I noticed on one revision that it wasn't discussed in the media, or anything else, was that property line of Weyerhaeuser is changed. Now I sailed by that section that you are talking about, where the trade occurred, --

A. Yes, there were a couple additions to the property to make it absolutely clear where our property was. They went out, and there were changes in fact, except that the new landing change, which was completed after the initial request, in August of last year.

Q. Mr. Dice, does the permit drawing, is that what the Corps would use to assure where the pier is to be located? In other words --

A. (Chairman)The permit, any discussion, or any decision, or any judgment, on issuance of the permit, or denial of the permit, or addition to the permit, is referenced to the drawing of the official application, as part of that.

A. (By Mr. Wright) The drawing would become part of the permit, as issued, therefore would have to be constructed as shown on the plans. Does that answer your question?

Q. (Mr. Ehrlichman) Yes, I think it does. In response to that I would suggest that a revision, I guess would be revised again, and they could put in the depth lines, and also the tidal lines, of the various tides, that these were on the other permit, and they weren't there inthe south part of the dock, with the revisions the depth lines weren't there, quite so specific, I think that you should probably put those in.

A. (Chairman) Thank you for your comment.

CHAIRMAN DICE: Any last questions on the permit process itself?

Q. (Ms. Miller) I previously asked for a hearing on this permit, in addition to this workshop, with this workshop kind of processing, it has been very confusing, in preparing our testimony, it made it

it very hard to try and comment on the permits, plus the EIS, and they really should be separate, and I have some more questions.

CHAIRMAN DICE: Any other questions? On the process that Mr. White discussed?

(No response).

Let's assume our scheduled comments, John McCloskey, was listed next, with Susan Wertz following.

MS. WERTZ: When will the decision be made? On the other public hearing?

CHAIRMAN DICE: No decision has been made on another public hearing. This workshop was called by my office, for this workshop that we are working on, and the question of the hearing, pertaining to the permit, in our system, is a different office of the Board.

A. (Mr. Wright) Since this proposal is under jurisdiction of Section 10, of the River-Harbor Act, March 3, 1899, the District Engineer may elect whether or not to hold a hearing to obtain public input, and whether or not a permit should be issued. This difference froma proposal, that would include the discharge of dredge and fill material into waters of United States, which involves the jurisdiction of the Clean Water Act. When filling is involved, the Corps of Engineers must give the

public the opportunity to request a public hearing, and the actual public notice then is issued. This answer your question?

CHAIRMAN DICE: That's for this particular request, Section 10 permit, not a Section 404. If they are applying for a Section 404, effective parties can be assured of a hearing, if requested under Section 10. A hearing is not assured unless there is a responsible Federal official sees the situation where he needs to grant a hearing. Is there any additional question on the permit process?

Q. (Mr. Galvin) I just have one last thought. It's a matter of pleading my ignorance in relationship to the final Corps of Engineer's permit, I wonder if you could explain for us, what is involved in the permit in relation -- what I have in mind is how detailed is the permit? The conditions? In terms of nailing down some of the usually subjunctive in the impact statement, as to mitigating measures, and exactly what proposals would be done to protect the environment?

A. (Mr. Wright) That is a very difficult question to answer at this time. I'll only say that it is possible to make special conditions to a permit, when it is issued. If the District Engineer feels

that it is warranted, however, at this time there is no way that I can forecast whether or not there would be special conditions to this particular permit, if it is issued.

CHAIRMAN DICE: Everyone is different. When we return to our --

Q. (Bob Carlson) I would like to ask a question. As to whether or not there would be a hearing before making these weighty decisions?

A. (Chairman) The decision on the hearing will be made by the District Engineer, of the Seattle District Corps of Engineers, Colonel Leon Moraski. Those of you who are writing down, it is M-o-r-a-s-k-i. He would have been here tonight except that he had a three meeting in Montana, on a project he could not avoid being there, he will listen to the entire, read the entire transcript, and he has requested a briefing by his people, filling him in as soon as we get back.

CHAIRMAN DICE: Will John McCloskey come to the microphone, and Susan Wertz will be following him.

MR. MCCLOSKEY: My name is John McCloskey, and I am a citizen of a State, other than Washington State, therefore I would like to expand respective people in this room tonight, just remind them that their number

of organizations, that can influence Colonel Moraski, in the direction of the earliest possible hearing, for the latest, if you feel that you need time to collectively get your arguments together. I do feel that the Corps of Engineers is a fairly neutral body on this, and the purely scientific approach of a protection of a unique estuary, estuarine, I don't know -- I'll just say estuary, and the combination of large cargo vessels seems to me that in California, or for California respectively, it would be called inappropriate behaviour.

We believe, in California, that we are very hard headed about progress of man, and we do not necessarily want to outlaw cargo vessels, per se. But an estuary, an estaurine environment, coupled with an area like the entire south Sound, to me represents an issue of appropriate technology and I think the various organizations in this Sound region should seriously consider writing to Colonel Moraski collectively, under a collective piece of stationery, indicating that they are united, and their arguments are varied, very incomprehensive, and provide a real backbone for allowing Weyerhaeuser to make a decision, to re-invest this cargo facility elsewhere. Thank you.

CHAIRMAN DICE: Susan Wertz is next, with Robert Carlson be prepared to follow.

MS. WERTZ: Members of the Army Corps of Engineers - my name is Susan Wertz, I live across Nisqually Bridge, at 6034 Butterball Cove, in Thurston County. I look out every day at Mt. Rainier, as well as the Delta and the DuPont - Weyerhaeuser site. The EIS does not speak to the main issue of the question, of the Master plan to preserve the shoreline for the people, and children in the future.

Weyerhaeuser's proposal is a pretty serious test in this Legislative Act. Let us review the simple facts. Number one the shorelines in question have been designated State shorelines. Number two, federal government money of over $2.0 million to establish the Nisqually Delta Wildlife Refuge. Number three, Weyerhaeuser purchased lands immediately adjacent to the wildlife refuge, and on shorelines with statewide significance. Number four, Weyerhaeuser bought the city of DuPont, lock stock and barrel, promising $300,000 per year in revenue, and then if the DuPont City Council changes the zoning. I say how much? Why can industry re-arrange our laws? EIS states many reasons why the port is in the best public interest, but it just was really handed for profit. I feel that the permit should be denied for the following reasons: Number one, the proposal is not in the best interests of the public,

it must protect valuable natural resources, there is no demonstratable support, I maintain the EIS did not address adequate alternate locations on the West Coast. Number three, the extent and purpose of the detrimental effects, which the proposed structure will have on the public uses, to which the area is suited, far out weigh any beneficial effects. The nearby areas use for sports, commercial fishing, boating, and shellfish harvesting, etc.

Number four would also review the proposal and relation to the cumulative effects created by other existing and anticipating structures, all working in the general area. This is just a forerunner of a pulp mill. It also sets up precedent for the development of a relative Burlington Northern pier, an industrial site, on the west side of the Delta.

Number five, because the site in question is immediately adjacent to the Nisqually Delta Estuary I believe the following criteria for wetlands should be observed. (a) The Nisqually Estuary constitutes a productively valuable public resource, and necessary alteration and harmful action should be discouraged as harmful to the public interest, and (b) Nisqually Delta is an important natural biological function, including food chain production, general habitat, and

nesting, spawning, rearing, and resting sites for aqautic and land species, (c) the Nisqually Delta has been set aside for study of the aquatic environment, and as a refuge. (d), This will alter, detrimentally, national characteristics and sanitation patterns, and lend distribution to current patterns and other characteristics.

In conclusion I strongly urge the Corps of Engineers to deny the permit on the basis of public interest. However, I do believe, perhaps, Weyerhaeuser should have equal reviewing consideration, in the permit process, as does the private citizens of our State. Our neighbor was granted a permit by the Army Corps of Engineers for a boathouse, that stuck beyond the bulkhead. After reviewing the revision period of 23 months. At this rate, four feet per month, the length of Weyerhaeuser's proposal period is 1,315 feet, that's 328 months, which figures out to about 27 years, which I feel is an adequate length of time to review this project. Thank you.

CHAIRMAN DICE: Robert Carlson is next, with Dennis Rhodes following.

MR. CARLSON: I am Bob Carlson, I have my notes but I can't read them all. I had to respond to the status of Sequalitchew Creek, the water is clean

and all that, but it can also dry up, as in 1977. It's quite a trade off as you left us to believe. I'd be concerned that this port, and any other port, down in the Nisqually Reach area, as you probably are aware, the Burlington Northern tried to get a port built on the western edge of the Nisqually Delta, and they met enough resistance, I don't know if they have given up, or dropped back, but I fear that if one port is put in this area, we'll see a proliferation. The FIS I feel has gone a long way to gloss over any possible impacts where it sounds like variable resources, and realistically, we are looking at a port anywhere, but it is not that way. As an example, the thunder has already been stolen, it is really not a mile and half from the Delta, but a half a mile. They exaggerated that threefold, and this slide shows that the agents have been showing around to different groups, As to the Weyerhaeuser position, can we expect any less exaggeration in the other areas of the EIS?

For example, where they say it is going to reduce longshore requirements, costing the equivalent of 36 or 37 jobs, is that how many jobs, or are we going to lose 120 or 150 jobs? In the longshore area? Are we going to have a major oil spill, in 120 years, or every four years, or when? It looks like they just

kind of grabbed these figures up anywhere. It's going to be impossible to refute, it was said that, Mr. White himself said that, if I can find it in my notes, "we won't know those full impacts until the project is built", that would end the speculation and again, once the impacts occur, that will be too late. So I think we need to definitely take a really hard close look before any permits are issued, and I really get concerned about these Freudian slips, and things like that bother me, maybe it was just unintentional foresight or something, I know lots of people I've talked to, theyve come up with the idea that it's a foregone conclusion there's going to be a port there, and I couldn't count a soul coming up here, and I live in the Nisqually Delta, I was in the Nisqually Delta Association, a lot of people have attended other hearings, and it's all cut and dried. I hate to see that sort of -- I am still an optimist, and there's room for at least another hearing maybe a lot more thought on this. Thank you.

CHAIRMAN DICE: Thank you. Dennis Rhodes speaking, and Hugh Wild will follow

MR. RHODES: My name is Dennis Rhodes, I live at 6938 Sierra Drive, S. E., in Olympia, and I have reviewed the draft EIS, and concluded that, prepared by the Corps of Engineers, I have concluded that it

differs little from the draft EIS prepared by DuPont. The City of DuPont. I realize that point has been alluded to earlier. I have a problem with both documents, in that their scope is far narrower than I and many others believe it should be. The scope of the documents deals solely with Phase I, which will ultimately be, a multi-phased industrial program, whereas I believe it should address the full impact of the totally developed site, including the increased shipping activities that will result.

Weyerhaeuser representatives have stated in the past that they have no firm plans for development beyond the dock, and the 300 acre log processing facility proposed for Phase I. But I find it impossible to believe that a giant U. S. Corporation, such as Weyerhaeuser Company, would purchase a site such as this without having adefinite plan for the entire 3200 acres, which I might add is also, zoned industrial.

In fact that the Tacoma Tribune printed an article shortly after Weyerhaeuser Company purchased the property, which quoted Weyerhauser Company spokesman as stating that a pulp mill was one industry being considered for the site. We haven't heard much about the pulp mill lately. I can understand Weyerhaeuser Company not wanting to discuss the total industrialization

of the site, because of the substantial adverse public reaction, that would no doubt erupt. And that is why I believe the Company is strongly resisting expanding the scope of the draft EIS, beyond the Phase I level of the development.

I, therefore, believe that the public must depend on Government agencies, such as the Corps of Engineers to see that the public interest is not subverted and that both the spirit as well as the letter of law, such as the State Shoreline Management Act, and the National Coastal Zone Act, are carried out, and Phase I, in my opinion, represents only the camel's nose in the tent. And none of us should be fooled into believe that the rest of the camel will not soon follow.

The key to the entire project, the deep water dock, and there will undoubtedly be pressure to expand its use for a 24 hour a day, full time operation, some time in the future. Surely the level of industrial activity in Phase I will exceed that during all prior years at the site, particularly the tonnage and frequency of vessel travel, and as the level of industrial activity increases, so also must the level of risk to the unique and frgile Nisqually Delta.

The public has a sizable monetary investment in the Delta, but we have an even larger investment

in what I will call "sweat equity" in the form of thousands of hours of our time, and all of the personal money, we have spared to make this area a very special place. We do not intend to let it slip away, without a good fight. I believe the Corps of Engineers has a responsibility to the public to insure that the level of risk to the environment in general, and to the Nisqually Delta, in particular, not be allowed to exceed the level of risk that was presented by the DuPont Corporation's operation. This is particularly true with regard to the frequency of vessel traffic and the tonnage moved. The risk analysis should include, but not be limited to, the comparisons of the types of vessels the DuPont class, versus the Weyerhaeuser Company class, as well as vessel size, draft, and maneuverability, number of screws, safety equipment the vessel has aboard, escort vessels, such as tugs, and Coast Guard vessels, tidal fronts, disability, and potential for groundings and collisions.

Finally, I hope you will expand the scope of the draft Environmental Impact Statement to include the ultimate development of all 3200 acres of the Weyerhaeuser Company property, and I would like to close by asking Mr. White if the Weyerhaeuser Company does, or does not have any plans for development beyond Phase I

and if so, what those plans are?

MR. WHITE: I think I said earlier, you have to draw a line between plans and speculation. Our plans are for an export facility. Anything beyond that is speculation. You've been speculating, we have speculated, everybody in the room has speculated, we cannot assess the impacts on the speculative facilities, because you cannot describe a speculative facility. We have no further plans for the site beyond the export facility. We have no plans never to have any plans, that is another proposal, based on being merged. We adjust at that time.

MR. RHODES: I would like to submit that these seems to be tantamount to a regional development, and sort of like taking ultimately maybe a pound of arsenic, only a little drop at a time, spaced several days apart, I really don't understand you.

MR. WHITE: Let me put this in perspective as far as acreage. Weyerhaeuser Company owns and operates a facility in Longview, Washington, which at one time was the largest single forest products processing and shipping plant in the world. It is on a site of 800 acres, in 50 years we have developed only 600 of those 800 acres. What I am telling you is, that there is no way we can come up with enough forest

product facilities to cover even a large portion of that site.

MR. RHODES: Thank you.

CHAIRMAN DICE: Hugh Wild, representing the Port of Tacoma.

MR. WILD: I am Hugh Wild, Director of Industrial Development for the Port of Tacoma. I gave a statement this afternoon, and I do not intend to repeat it. I would like to add some information, because of the questions this afternoon, on the amount of land the Port does have, in the tide flat area. We have nearly two dozen different parcels scattered from the Hylebos Waterway, over to the Puyallup River and from I-5, really old 99, down to Commencement Bay. They range in size from five acres to 100 acres. They are scattered throughout the Port. They are divided by roads, and in no way suitable for such a project as this. And for this reason, we certainly analyzed this, because we of the Port would certainly like to have this kind of a facility in our Port. On the other hand we think it is absolutely great that a port facility that is going to eventually export some 2 million tons is going to be located in Pierce County. The economic benefits that accrue to the citizens of Pierce County from port activities, have proven time

and again by various studies across the Nation, and the one that we use is the one done by the University of Washington, which assigns certain dollar values to benefits economically of each ton that passes across that pier. And for the Port of Tacoma, in 1978, when we had 5.4 million tons cross that pier, this was an economic benefit of over $234 million dollars. A benefit to the people of Pierce County. And we think that this is a great thing to have Weyerhaeuser establish such a facility in Pierce County. I believe the other items that I covered this afternoon, are self-explanatory and you have a copy of my statement. If there are any questions that you have --

CHAIRMAN DICE: No.

MR. WILD: Thank you.

CHAIRMAN DICE: I have gone through all of the cards submitted to me now, if anyone in the audience who has not spoken, and would like to make a statement anyone at all, (no response). If we have enough interest in pursuing some questions, for the discussion, of any length, I would suggest we take a break first, may I have a show of hands of those people who would like to pursue further discussion? (Hands shown). I'll suggest a 15 minute break, and we will meet again to pursue those questions. Thank you.

(Recess Taken)

CHAIRMAN DICE: May we reassemble please. If everybody will move up towards the front, we'll see if we can do away with the microphone system, perhaps, I don't see any reason why you shouldn't be able to hear one another. Perhaps we can come back to the discussion a little more productively.

There are a number of people that need to leave earlier, to catch ferries, and make ferry connections, and they will be leaving, those of us who can provide discussion, work with you, we will stay here. I ask again that you identify yourself, by name, and speak clearly enough that the Reporter can pick up everything you say. For simplicity's sake I would like to ask that every individual called on ask one question, if it's a question you have, and we will pursue that answer, then we'll go to somebody else, for a single question, just to spread it around rather than have one individual monopolize it. I'll entertain questions.

Now please give your name.

Q. My name is Jay Butts and I am from Olympia, Nisqually Delta Association. I want to take two points, one of them especially, because it remains the single most serious obstacle to this whole proposal. That is this question of

subsequent dilemma, it is one thing that Weyerhaeuser let get out of hand, to the point where it has just created manifold distrust, and I want to address that question here, that issue in dealing with Phil White's response to it twice today. And I think the response, Phil, is not adequate.

You have mentioned that a company, in an EIS like this, is necessarily limited to dealing with the plan, they can't indulge in speculation. But the future is always speculation, and this draft EIS is based on speculation. It is unfortunate to base this case on the least likely form of speculation. This draft EIS is based on assumption that this port will not induce subsequent development, and the odds are the probability, virtually a certainty, is that this port will, always has, and will induce subsequent development, so you are speculating. Your draft EIS is based on the least likely speculation. Our insistence is that you should play the odds better, in fact, as I said earlier, if you are seriously environmentally concerned, Weyerhaeuser ought to be able, aiming for something the lowest level of impact, and you ought to be searching for what is the worst we might do. That would show real environmental

concern.

We think you are making a mistake, aiming for the lowest impact, which is the assumption that there will be no subsequent development.

The other point I want to mention, it seems terribly elementary, and it has come up many times, but I haven't mentioned, or no one to date has mentioned the environmental point of view on this, so I thought I had better do it. Several people, Weyerhaeuser Staff, and Weyerhaeuser supporters, have mentioned, as they frequently do, that the Weyerhaeuser proposal, is after all, a continuation of an industrial process, that has been going on in that area for many decades, which is true, but it overlooks the point that there is hardly a realistic comparison between the two types of industrial activities, one compared to the other. The size of the vessels is nowhere comparable to the DuPont vessels were about 300 tons, the Weyerhaeuser proposal is for 70,000 gross weight tons, the frequency of ship calling is not comparable, Weyerhaeuser is talking about two to four and one half ships a month, I believe, at the peak, the DuPont activity was something much less than that. I forget the numbers on it,

but it was significantly less than that. DuPont operation did involve explosives, but in view of that fact, they established enormous buffer zones, and as a result when you walked into the area it looked like a cottage industry, a building here, and then trees and grass, and another building here, it was indeed a very scattered operation. And the Chamber of Commerce, gentlemen, yesterday, repeated testimony that even the Nisqually Delta is now a man made productive park like type area, that wouldn't be so productive if it were not for man's great efforts, but I would remind him and the Corps, and Weyerhaeuser, because Weyerhaeuser, their map betrays themselves on this, it is the forward of the Nisqually Delta, it is the part that is tidal, the part that is under water part of the time, the latest deposits from the river, this is where the real nutrients arrive through the fish, and developing fish. This is the most valuable part of the estuary, and this is the part that man has never touched, because it is most difficult to touch, this is the part that Weyerhaeuser, in their map, in their draft EIS, drew the arrow right over, as though we are not even in the Nisqually Delta. It is the best part of

the Delta. It carries the term mud flats, but don't let that fool you, in terms of fish resources it is the most valuable part. I thank you.

CHAIRMAN DICE: Anyone else? For questions or comments? The gentlemen in the fourth row. Excuse me, Phil, would you like to respond to this?

A. (Mr. White) I think your analogy of the cottage industry is a little short sighted, handling industrial chemicals and manufacturing acids, bringing in the raw materials across the water, and shipping them in and out, and the potential for explosions, which literally removed small parts of the plant, is not cottage industry. And our activities, although on a larger scale, volume wise, are far less dangerous a than anything that ever went on at the DuPont site in the last 70 years.

Furthermore the vessel size is slightly off, we have records of vessels calling at DuPont in excess of 600 feet quite regularly. 300 tons this may be the smaller vessels that they have going to Alaska, with explosives, as far as the induced development, I hardly know where to begin. It sounds like you would like us to propose, or speculate on the effects of the nuclear plant and

an oil refinery, or then judge the export facility on the effects of all the combinations, which is hardly realistic. I don't think we should enter into such speculation, or as Weyerhaeuser Company promise facilities that we are not in a position to build. We have no further plans, as far as the frequency of the ship traffic, the 28 vessels we propose are long term objectives, the large vessel system is approximately equivalent to what called at DuPont, during their years, say five to ten years ago. Our vessels will be larger, considerably, they will probably be much safer, due to the technology of shipping and navigation, over the last 20 or 30 years. That's enough for now.

CHAIRMAN DICE: Yes?

Q. (Mr. Ehrlichman) I am Tom Ehrlichman, and I have a couple of questions that I stated here, in my previous testimony, but I didn't have time to get the answers. I don't want to take up too much time but I do have a couple of questions.

CHAIRMAN DICE: One question per person.

Q. (Mr. Ehrlichman) I would like to address this question to Mr. Anderson, could you please clarify George Weyerhaeuser's letter, in the Appendix, regarding, well, I'll read a sentence, "the DEIS

indicates that air quality will not be significantly effected by the initial installation, or any later expansions of the export facility, or will water quality or noise levels vary appreciably, because of maintenance", and I wonder, is that Weyerhaeuser's official position, in regard to the environmental impact statement, and how it applies?

Also, in the same letter, could you please state the meaning of the word, "customers", I am in the third paragraph, the first part of my question is, how does Weyerhaeuser view the EIS in light of that paragraph, in regard to later expansions of the export facility, and the second question is, can you please define "customer suppliers", and say whether or not they are other nations or counties will be bringing in or exporting cargo from your dock, or is this exclusively a Weyerhaeuser dock?

A. (Mr. Anderson) The first question, the key word relates to the export center, and what it relates to is from the starter phase, about a million up to the two million ultimate stage. That's what we are talking about, that's what the reference is.

Q. (Mr. Ehrlichman) That's my first question.

A. (Mr. Anderson) The reference you refer to is the export facility.

Q. Or any later expansion.

A. That's the export facility, we are talking about Phase I, operation, we start at something like 3/4 of a million, to a million ton, up to two million ton, which is the design level. so that's the reference.

We are talking about suppliers, these people who come on to deliver materials to Weyerhaeuser for the export operation. That may be toilet paper, or hand towels, bottle water, all those supplies and oil, yes, whatever is necessary to operate the facility.

Q. What about customers?

A. I'm not sure what the reference is.

A. (By Mr. White) One was customers who would buy the logging bark, the bark taken off the logs, and the other is intended to be the customers who are represented by the shipping interests that will be calling here. That is we are taking responsibility for that shipment, all the way to our ultimate customer.

Q. So those aren't Weyerhaeuser operated vessels?

A. (Mr. White) Weyerhaeuser does not own any vessels, I thought I made that clear. We are not in the shipping business. We do not own vessels. We have vessels under a variety of charter agreements, what this is meant to say is that whatever the arrangements, we stand responsible for the actions of our customer vessels., representing who we are selling to, whether it is under our charter directly, or a vessel charter basically, or whatever, a number of different options for vessel calls.

Q. Would you slow down and explain a little bit more slowly, I want to know if there are any other Nations, or any other companies, going to be bringing ships in to dock.

A. (Mr. White) Almost all of the vessels calling here to the ports today in international trade are under foreign flag, even the vessels that Weyerhaeuser has under its control, are under foreign flag. I don't know whether that's the distinction you are after.

Q. I guess I am asking, is this going to be Weyerhaeuser's products?

A. (Mr. White), Yes, this is Weyerhaeuser's products. The customer in this is not intended to even allude to using it for third party shipment.

We are not going to hire out our dock for other people's products. Is that what your question is?

Q. (Mr. Ehrlichman) Yes.

Q. (Mr. Butts) Now I want to ask does that also hold for any conceivable subsequent developments? Will it always be Weyerhaeuser products only?

A. (Mr. White) Are you speaking of our export dock?

Q. Yes.

A. Yes, we ship Weyerhaeuser Company products over Weyerhaeuser Company docks. That's a policy we have at our existing company docks, where, for instance, if we have third party cargo to load aboard, one of the vessels under our control, like the M ships to Europe, we take the ship to a public dock, not at our own private dock.

Q. (Mr. Butts) What I was asking, was, that policy, if it is applied at the DuPont dock, will that be applicable forever, or only insofar as this export facility, this 250 acres export facility, is concerned. Will it apply to any developments that might later occur on the rest of the 3200 acres?

A. (Mr. White) I guess everyone is saying everything forever. I just don't know what the gist of

your question is. Our policy is export only, our products out of our dock. Don't you think that would apply to anything?

Q. (Mr. Butts) Well, obviously one of the worries that we have is that the subsequent 3200 acres might someday contain a non-Weyerhaeuser industry Weyerhaeuser, might, say, lease 500 acres to Kaiser Aluminum, or something like that, I don't know. And might not Kaiser Aluminum use this pier for exporting?

A. (Mr. White) No.

Q. (Mr. Butts) Will it forever be restricted to Weyerhaeuser products?

A. (Mr. White) Yes.

CHAIRMAN DICE: Now let's speak your name, and speak loud enough so the Reporter can hear you, or none of this will be on the record. Many of these points being made are useful enough, and I would like it on the record, for the benefit of anyone and everyone that might be interested.

A. (Mr. Robinette) My name is Lee Robinette, from Weyerhaeuser Company. I will try to answer a whole host of questions, they've all been kind of melted into one.

We are dealing, some of us here today, dealing

with different systems of logic from each others. We come from different backgrounds, and it is a little hard to hear each others questions and answers well, so I will try to hear your question well, if you will hear my answer well. What Weyerhaeuser Company has proposed to build here, is as stated in the proposal, or the permit application for the Corps, is an export dock, for the export of forest products. That's the forest products that we grow, when there is a raw form, like logs, it supports product manufacture, when in the manufactured form of solid wood, like lumber and plywood on one hand, and what we call fiber products, which are pulp, and a variety of grades of paper. Pulp, incidentally, is not sold or shipped in its liquid form. It is sold in rolls or bales. That is one of the misconceptions I had when I first became acquainted with it.

Now, we have stated many times, and in many ways that this is not a third party dock. We mean exactly that. If we wanted to use docks that had a variety of mixed third party cargo, we would go across the existing traditional docks, and existing port areas, assuming that there was room enough to handle our flow. What we are interested

in doing is building a dock that will give us the capability to pull a ship, when the ship arrives, and won't have to wait for tides, because of the deep water, wont' have to wait for other ships to pull out, won't have to do anything but come in to the dock, weather and currents permitting, and be loaded immediately.

Now, if you have been on that site, and you think of the process of loading today's larger ships are about 40,000 tons, the largest ones we envision, are somewhere described in the EIS, in the region of 70,000 to 80,000 tons, I forget the exact number, if you think of the process of loading that down a 200 foot elevation drop, which is approximately what you have, going down that bluff, to answer the question about potential imports, it would make no sense, and it would be sheer folly to bring something in and run it up the road, directly into the face of the area where you have your product, so that you can ship them down quickly.

It doesn't make engineering sense, and it doesn't make sense in terms of the design of what we want to do, which is get products from our manufacturing products from our plants, to an

eventual customer.

There is one other point that's been raised that I would like to give a try at. If I haven't covered that one well enough, If I haven't, tell me.

I see some skepticism on the 3200 acres, well I think probably, amont those here tonight from the Weyerhaeuser Company, we possibly have been on this project the longest, of all, that gives me seniority, I guess, because I was on the project in two phases, the DuPont project, per se, I was in on it in late 1975, when the negotiations were gone between Weyerhaeuser and DuPont to see whether or not we could put together an acquisition agreement, for the land.

Somewhat earlier in 1975, I believe in the fall, late summer, was when the negotiations started, I came in in late fall. I also had earlier, in the late 1960s, early 1970s, been exposed to, but not worked on some of the thinking and planning about future market developments.

Earlier tonight you saw a slide which indicated that the markets were topping off in the northeast, they have dropped off even faster than the numbers on that slide were part of the

projections we made, in the early 1970s. So I was privy I guess to some of the information about our search for an export facility. We had looked from early 1972 through 1977, for an export facility of 300 to as much as 500 acres. We looked for a site for that for five years, in the 29 areas that you saw in the slides, and we had not found one, that was available.

The first one that became available, happened to be the one that was most nearly ideal, from our standpoint, but because of its geography and its deep water, and that was DuPont. However, DuPont Company would only sell it as a complete parcel of 3200 acres total. So we now have the acreage we wanted for an export facility, and an additional 2900 acres, that are industrially zoned, suitable for industrial use, according to the zoning laws of the City of DuPont.

As Phil mentioned earlier today it is not unusual for Weyerhaeuser Company to have a very large site, and use a very small portion of it. He mentioned the Columbus, Mississippi, site, he mentioned Springfield, I think, so to answer your question, Jay, a little bit differently, perhaps, you are claiming that our Environmental

Impact Statement speculates the lightest possible impact, and there is an implication there that we have deliberately chosen to speculate the lightest possible impact. I think we would maintain from our logic structure, that looking for the heaviest impact would in fact represent speculation, since we purchased the site in order to build an export facility, not a manufacturing complex.

One point that you made, that is partially accurate, but not totally, is the business of inducing growth. Obviously, if you want to build an export facility as a marketing tool, you will go out and create market growth, product growth, that would back up into manufacturing processes. But, where your statement is not accurate is in the assumption that that growth in manufacturing would have to occur at the DuPont site. In fact it is sufficient for it to occur somewhere else in Western Washington, because a 100 mile radius is well within the economic feasibility of feeding a modern site. I've taken up enough time.

Q. (Dan Rhodes) In response to the statement that you just made, you indicated that the facility is

set up to export products out, and would be under your control, I believe, and that at least under the beginning stages of Phase I, the level of export activity might be that of lower level, and I was wondering, number one, what percentage of time would you anticipate under Phase I that the docking facilities would be in use? And, would it not be available for the balance of whatever time, that is left over, for you to bring your products that are manufactured on site, or brought in from elsewhere, that would result in close to 100% utilization of the docking facilities, and therefore corresponding increases in industrial traffic and tonnage?

A. (Mr. Robinette) That would theoretically be possible, in answer to your question, it is not the case, however. I have stated as clearly as possible the point of fact that Weyerhaeuser is not in the port business anywhere, and Phil mentioned we don't even have third party cargo going to say, fill out one hold of a ship, that otherwise is all Weyerhaeuser cargo. You take that third party stuff to a public port facility, as a matter of policy, first of all, and as a matter of fact, we are just not in the port business.

The way that this facility would be utilized is to serve as a conduit, part of a system going from Weyerhaeuser plants to Weyerhaeuser customers, and anything that you do to change that single minded purpose, cuts your effectiveness and efficiency quite a bit, so we would not do that, although you are right, it is theoretically possible, yes. But that is not why we are putting $70 million dollars into it. The Port of Tacoma does that kind of thing. So does the Port of Olympia.

Q. (Mr. Lucas) The gentleman asked if the EIS was done on a lowerlevel that would be increased later, I think the answer to his question is, that the EIS was done on the basis of 2 million tons facility designed to handle?

A. (Mr. Robinette) Yes, that was the earlier part of the question, you also asked what percentage of time, unused, with the low tonnage level, and to that number I am sorry I don't have a percentage, we had talked about starting off with today's equipment, four and one half ship calls a month, four to five, I think it went down to four and one half, but that assumes todays ship equipment and size, and the totals of tons, so if you figure that we start off, as Bob said, with 3/4 of a

million tons, then we've got what - 3/8 of the amount of ship calls, and now it loses me at that point, but you have correspondingly less, so it might be looking, well, let's just say a million tons a year would be the equivalent of two to two and a half ship calls a month, does that help?

Q. (Mr. Rhodes) Just let me pursue one aspect of it, that is under Phase I, which is what the EIS deals with, under subsequent phases of development, of the site, with expansion, of cargo handling, from products brought in from elsewhere in Western Washington, could we anticipate increased volumes of tonnage ever being shipped through there beyond the two million ton level?

A. (Mr. Robinette) That would be one of those things that might be assumption, like the assumption that we might be manufacturing on the site, where for manufacturing it said that we would have to go through the permit process again, the same thing is true, if you increase the tonnage significantly if you have a design capacity for about two million tons a year, you can fluctuate in there, maybe 5% or 6%, but if you get significantly larger than two million tons ofyear you run out of space on the Weyerhaeuser storage space, very quickly, and

you have to either build something, or clear more land or somehow change the configuration, with any significant increase of activity on that site whether without regard to whether it might be manufacturing, or additional shipping, any significant increase in activity would throw us back into a permitting process, because eventually we have to build something to take care of that increase in activity.

It's not like a balloon thatyou can blow up forever.

Q. (Sarah Madsen) My question was, how do you find what is significant in the increasing in Weyerhaeuser space and the facility, and the other question, I have, certainly the impacts from any further upward development would be a draft, but you would have the permits from here, there's nothing to do with the permit from here, that would be granted, and the impact on increased port calls, which would again change the analysis probably at that time.

A. (Mr. Anderson) On your question, I would just like the Corps of Engineers, who is responsible for the EIS, addresses the entire operation, terrestrial impacts, uplands, even though the

permit is issued only for the dock. If there were additional expansions proposed sometime in the future, such as an expansion of the export center, the responsible government agencies, their findings was that there was significant impact, and again the entire impact of that, resulting from that, would have to be -- there would be the port calls, navigational, and the whole bag. Just as the Corps is responsible for the dock by permit, the EIS covers the whole thing.

A. (Mr. Robinette) May I pick up on one point? The first part of your question, has to do with how do you classify it?

There are two different issues of it, one that I was using when I was talking about significant increase in activity, had to do with the simple layman's term of some sizable jump, and I can't quantify that, but I know that it is a fairly narrow percentage once you've gone up to the designed capacity, you don't have that much more room to go. As I just explained to Mr. Rhodes.

But the second meaning of significant is a political meaning of significance, or the regulatory meaning of significance, and that says when you apply for a permit, is the significant

impact, and that decision is made by the body that you applied to.

CHAIRMAN DICE: Any additional questions?

Q. (Mr. Rhodes) I guess I have just one follow-up statement, it appears that we are hearing that yes, indeed, there may need to be room for expansion of the uplands, and expansion of the shipping capacity, and tonnage and frequency of vessels, at some point in the future, and I think that is really the crux of what a lot of us are trying to get at.

We are trying to look at the current state of the situation, and its environmental impact on the Nisqually system, and the environment there, versus looking at the full total, the eventual impact, that could result from a full time port activity being carried on there, and I submit that's sort of like being a little bit pregnant, a little bit now, but eventually we have to deal with the full term of the thing, I think that is the level that the scope should be addressed to.

Q. (Mr. Ehrlichman) Mr. Wright you made a comment on this for the Corps of Engineers, with the permit, does the permit apply only to 2 million tons per year, export volume?

A. (Mr. Wright) Unless there is a special condition

in the permit pertaining to the limits, that you mentioned, then the permit would only be for the construction of the pier.

CHAIRMAN DICE: The permit application says nothing about tonnage, and that would not be restricted, by this permit, if issued. The pursuit that the Corps of Engineers has, in the present EIS, is to look at those things that are possible through the piers, the piers that we have the permit authority open. We would look at, are interested in pursuing anything and everything that is tied to that pier. That is our present focus.

The permit application is for a permit to construct a pier, the nature of the pier, it gives drawings, and the applicant would be bound by size limitations, therewith.

A. (Mr. Wright) That's correct.

A. (Chairman) They've requested two years to commence construction, and five years to complete the construction, now the applicant would be bound by that, unless an additional waiver, or extension was requested.

A. (Mr. Wright) That is true.

A. (Chairman) The only constraints the applicant would have, if this permit were issued, is what's

in the permit, as stated. In the process of evaluating the issuance, the Corps has three options - to issue, deny, or issue with conditions. As Steve Wright indicated before, conditions can be added, and they would be added, if there was some particular need to orient, direct, restrict, and regulate further.

Many of you, I am sure, are familiar with the NOAA Sandpoint facility on Lake Washington. There is a great deal of concern over navigation, and large ships through the Lake Washington Ship Canal and the associated area. A great deal of attention was directed to restrictions, conditions, pertinent to navigation of this area. That is the type of thing that could be pursued, if it is very obvious that it is necessary.

Q. (Ms. Kroening) The uplands development are tied very directly to this dock permit, so I feel that I must bring out the Anna Pierce freeway, which has been talked about for a number of years, in Pierce County, it's been fought about for a number of years, and just last week there was a hearing on it, it has not really been mentioned in the Environmental Impact Statement, and yet in one of the earlier hearings, last September, I believe,

the Mayor of DuPont and influential citizens in the City of Tillicum, came and announced that they had changed their feelings about this freeway and would now accept the proposal, welcome it, and would even work for it, and I think that the people of Lakewood, the people of Fircrest, who have been concerned about building this freeway, should know about it. And should just be well aware that the policy of these two cities may have changed, and that may affect them personally.

CHAIRMAN DICE: Anyone else?

Q. (Ms. Madsen) One question I have from Bob Anderson, was, earlier it was pointed out certain negotiations or talks had gone on with the fish and wildlife services, about setting aside green belts and the buffers, I was wondering if you could elaborate a little more on that, about what kinds of agreements have been arranged?

A. (Mr. Anderson) There have been no agreements reached. We have talked with the fish and wildlife services, we have attempted to talk to other bodies as well, environmental groups, about setting up buffer zones, or some such thing as that. That would insure the aesthetic values of the belt. There have been no agreements, we

are in the discussion stage. There is really not much I can say right now, except there is an agreement to discuss these things. I will make the point again, that we have approached many groups, and offered to sit down and talk to them about the project, and talk about how we can reach an agreeable settlement on the project.

The offer still stands.

CHAIRMAN DICE: I should point out, on this subject of mitigations, the regulations of the Corps of Engineers follows on question of permit issuance, speaks to mitigation, and just as the fish and wildlife's concerns for mitigation, the Corps of Engineers would have to be also satisfied with any mitigation need, before a decision can be made. And these discussions very much will be continued. I've been anxious that we give some definitions as early as possible, so we can get into the process -- it's been slow in coming, but before there is another document there would have to be very definitive statements made on mitigation, if any.

Q. (Mr. Ehrlichman) I have a couple of questions for Mr. White because he talked about the vessels that Weyerhaeuser chartered, no reason -- I wonder what the draft of most of these vessels

are, the designed draft and what is their low draft? What is their tonnage, do you have six or eight chartered? What is their length? Where were they constructed?

A. (Mr. White) From the top to the middle I guess, we have six in service, we are taking delivery of two more. The six in service now are from Europe, Northern and Southern Europe, from our West Coast locations. The two we are just taking delivery of will be for Japan and the Far East.

The original six I believe have been in service for around three to four years. The vessels I believe, are about 43, to 44,000 dead weight tons, 200 meter long vessels, the draft, maybe Bob can find the passage in the EIS, but I believe the design draft is something around 35 feet, the scannling draft I believe is about 40.

They are the largest vessels we have in service today, and they are designed for the full range of our forest products, and most of them are headed for Europe. Two are now destined for the Far East.

Q. (Mr. Ehrlichman) So the draft is no more than 40 feet?

A. (Mr. White) On these particular vessels that is

true.

Q. (Mr. Ehrlichman) What is the load draft? Those vessels are designed to enter 10 meter ports.

A. (Mr. White) I see here, in the document that was handed me, that the design draft is 33 feet, which is 10.1 meters. A lot of the ports in Europe are limited by a 10 meter draft, in their dredging. One of the things we see is a trend toward deeper draft vessels and the enlarging or deepening of harbors, throughout the world, and we anticipate building the dock at DUPont, which would never have to be dredged or enlarged. That is, we want to have the draft as much as we think we might ever need, initially. That is why we set our sights on 50 feet, that's the minimum draft.

Q. (Mr. Ehrlichman) Then it's really only 30 feet.

A. (Mr. White) I think you are confusing our existing six and now eight ships with our future vision as what we might see at DuPont. The ships we have in service are the largest we have now, we anticipate a possibility of vessels, in the 12 to 15 meter class, in draft, as opposed to the 10 meter limitation, which we are designing the "M" ships, as we call them. We don't want

to have to deepen the area in front of the dock.

CHAIRMAN DICE: Are there any new issues to bring up? One possibility for winding down is for the few individuals with questions, to pursue them with the particular people they are interested in, and not hold the group. Are there more questions?

Q. (Ann Mahnke) I have one question, I hate to belabor it, but we seem to go around and around on this, and I am not sure if we really resolved it. If the draft impact statement was developed predicated on the operation of an export facility at a level of 2 million tons of shipping per year, but the permit applied for is -- does not have any such level of shipping indicated in it, what then is the actual relationship between this impact statement, and the permit application?

A. (Chairman) The relationship is direct. It happens that the company's proposal is evaluated in the impact statement, the permit application, did not require that information, and unless, or until, there is identified a need to add that to the permit application, it wouldn't be.

Q. (Ms. Mahnke) What I am saying is - how can the Corps make a decision on this permit, based on the impact statement, which has such and such

basically, in its development, but the permit doesn't seem to imply, or comply to that specific situation.

A. (Mr. Wright) The decision has to be made on the probable impact, and that's what we are basing a decision on. The probable impact, and at this time the probable impacts are based on the usage of two million tons.

Q. (Ms. Mahnke) And whose estimation is this probable impact?

A. (Mr. Wright) This is the information as it is obtained from the applicant, which is Weyerhaeuser. On the proposed usage.

CHAIRMAN DICE: In the simpler sense the Corps viewed that a proposed project for permit application, any project, if you will, was to be used, will be on the proposed limits, and that would be detrimental it could in fact condition the permit to constrain that area conditionally, if it is pursued, it is one of the very last things added after the analysis until it has run its course by virtue of being one of the alternative positions. All of the analysis of the EIS is appropriate in considering whether the condition could or should be added, or would have any relevance.

Q. (Mr. Butts) For clarification, may I ask at what

point would the public participate with the Corps in seeking such conditions? The imposition of such conditions?

A. (Mr. Wright) You could address any comments on conditions that you feel should be in a permit, when you send in written comment on the public notice. The latest public notice was issued on the 4th of September, so that would be my suggestion. If you wish to comment on this particular area.

CHAIRMAN DICE: Mike Redfield, did you have a question?

Q. (Mr. Redfield) There is a lot of concern of what is happening in the future, out here, on this project, and maybe assumption that once we issue the permit, that means we are out of the picture, and all our control of this is gone. That is not true. We do have authority, and I might just read from our regulations, to come back and take another look at the permit, to modify it or even to remove it, if the circumstances require. I would read the langugage from our regulation, and this is 33CFR 325.7 " The District Engineer may re-evaluate the circumstances and conditions of the permit, either on his own

motion, or as the result of a periodic progress inspection, and initiate action, modify or suspend or evoke, and may be made necessary by the considerations of the general public interest, among the factors to be considered are the extent of the permitee's compliance with the terms and conditions of the permit, whether or not the circumstances relating to the activity authorized have changed, since the permit was issued, extended or invalidated. And the continuing adequacy of the permit conditions.

"Any significant objections to the activity authorized by the permit, which were not earlier considered, revisions to applicable statutory and regulatory authorities, and the extent to which modification, suspension, or other action would adversely affect the plans, investments, and actions, the permit has recently made, or taken in relisnce on the program, significant increases in scope of the permitted activity will be processed as new applications for permits and not as modifications".

So, there is the authority to come back and look at this, if we try to predict in the future, but we can't do it for a certainty, this is an

uncertain world, and I think it is probably impossible to draft conditions on the permit that would take into account every possible eventuality. That might occur. So I just wanted to point out that we do have this ability to come back, if there is an sufficient increase in the scope, or change in the usage, the District Engineer has that ability to come back, take whatever action that public interest may require.

CHAIRMAN DICE: Yes?

Q. (Susan Wertz) I am merely concerned, now let me get this straight, the EIS was done on the premise that there was going to be this much, so many tons of shipping activity, per month, at the site, now Weyerhaeuser just sort of arbitrarily designated certain tonnage and weights, whatever. Is that correct?

A. (Chairman) They have a target, yes.

Q. (Ms. Wertz) The permit does not have any conditions other than shipping tons, now another gentleman suggested that they start shipping more, what sort of guarantees does the public have that that head of the engineering section would actually re-open this? In other words, where is the guarantee to the law, what can the public do?

That's what I don't understand. Is it up to his discretion, who influences him?

A. (Chairman) That sounds like a legal question.

A. (Mr. Redfield) The public influence, influences. The public is half of the district, if something has changed that requires a change in the permit, say conditions aren't adequate, as they thought they might be, he is susceptible to the public's opinions on these matters. That's all I can say, it's his decision, and he listens.

Q. (Ms. Wertz) There is so much in the EIS that has to do with the amount of ship traffic, including navigation hazards, lots of things, and there is no condition that will limit the ship traffic, or the amount of tons that goes in and out, then how can we be sure that the EIS is really addressing the problems that are going to arise, and the impacts?

A. (Mr. Redfield) How can you be certain, you just have to take it --

Q. (Ms. Wertz) Why don't you put a condition in there?

A. (Chairman) There is no permit, there is an application, the EIS evaluates the proposed project, and at the time of the permit issuance, permit denial, whatever, is evaluated at the time the

decision is made, a possibility of conditioning is considered. The ramifications for everything brought up in the EIS can be brought to bear, for conditioning on anything. It would be inappropriate to make the assumption, yes, no, or uptown, or anything, until the full analysis has run its course.

Steven, what percent of permit violations that are pursued by the U. S. Attorney have been identified by the public, versus the Agency findings? Does the public account for findings, in quite a few violations?

A. (Mr. Wright) I can't give you a percentage on that number of violations that are reported by the public, but we do get a number, in the form of either written or telephoned complaints, that the Court is obligated to investigate these complaints and see if there are, in fact, violations, or deviations to permits.

CHAIRMAN DICE: Mr. Rhodes?

Q. (Mr. Rhodes) I guess I will just have to submit that once construction, once constructed, this pier is constructed, that the pressure of the Corps of Engineers would be subject to, if there was ever an effort to consider trying to close

this pier down, would be so great that we would never ever see it closed down, and I guess I was just re-urge the Corps, in the course of completing this investigation into the environmental impacts, of this project, consider the maximum possible level of shipping activity that could occur at this docking facility, and if the results of that investigation revealed that limits are indeed necessary, that those limits be set, or that you stop at looking merely 2 million ton level, or whatever level that has been proposed. Because, I think, ultimately, that's where the problems are going to come from, and that's what we need to know what those problems are.

Q. (Ms. Madsen) What I would like to do is comment and say, that's like taking the burden of proof and telling me that I have to get a permit from Weyerhaeuser to go on their property, to inspect weekly, or monthly, whether or not there should be more forest products, or I am supposed to get a boat and be out there, why do I have to, where I work, now I have other things to do in my life, why do I have to be the policeman, and therefore I strongly recommend that the Corps consider what the implications are, in certain kinds of

conditions, aren't put in the permit, and at the end of that I would like to ask a question, is the permit issued, and then the conditions are tacked on, or are the conditions set and given to the applicant, and then they have a choice, of --

CHAIRMAN DICE: The Corps of Engineers has free office, they can grant the permit as limited, in the public notice, they can deny the permit, as requested, or they can issue the permit with restrictions and constraints, whatever, on condition right at the outset, and the applicant is bound by those, from the day he or she signs.

We are talking about the public, the question was, what guarantee do they have, how can pressure be brought to bear? There is an arm of the Corps of Engineers, that has people, matter of fact, the folks that work for Steve Wright, whose sole job is to look for violations. The Federal Government does pursue this, and the U. S. Attorney, takes it a step further, to try to enforce it.

And yet the public can get into the process, and influence what happens, whether the Federal Government has found the violation, whether they believe it is a violation, or not, and the public

is a very important influence in that process, as people pursuing these questions, not only is it a question of whether there's no one involved.

Any additional questions?

Q. (Mr. Ehrlichman) I would like to follow up what Dusty was saying, and encourage the Corps to consider really investigating the whole scope of the project, not necessarily what is specifically planned, but to look at inputs likely to occur, most likely to happen, so in order to support that suggestion, I would like to ask Mr. Anderson, a question. Mr. White stated that proponents are dead wrong in asserting fear, the construction will draft further development. Would you amend these comments, in light of his statement which is found in the Shoreline Management Act guidelines, I repeat my question, Mr. White stated that the proponents are dead wrong in asserting that the pier will attract industrial development. Would you amend these comments in light of this statement, found in the Shoreline Management Act guidelines "ports are centers of waterborne traffic and as such have become gravitational points for industrial manufacturing purposes, heavy industry may not specifically

require waterfront location, but it is attracted to port areas because of the variety of transportation available", and it also states, "intensive development already occurs, upgrade and develop those areas, reduce their adverse impact on the environment, and to accommodate future growth, rather than allowing high intense uses to extend to low intensity use, for underdeveloped areas". That's under "Preserve the Natural Characteristics of the Shorelines".

A. (Mr. Anderson) He stated correctly that we have no plans for future development at this time, what is your question?

Q. (Mr. Ehrlichman) He said the proponents were dead wrong in asserting that the pier will attract further industrial development, not to specific plans, but will -- are we wrong in feeling that the developing of the pier goes in, that the gravitation would attract more industry to this area?

A. (Mr. Anderson) We have proposed fully viable project, as it has been described in the impact statement. It stands alone. We have a huge credibility gap when you stand there and say you are wrong, lying and all that. We're not

going to get anyplace that way. That's totally not productive.

Q. (Mr. Ehrlichman) I did not say you were lying.

A. (Mr. Anderson) Well, your friend implied it.

Q. (Mr. Ehrlichman) Well, I didn't say it, would you answer my question?

A. (Mr. Anderson) Go ahead, Bill.

A. (Mr. Robinette) There are a couple of things Mr. Ehrlichman, I don't believe that the statement that Phil made, said it was dead wrong to assume that the port would attract development, I believe the statement was that it was dead wrong to assume that this export center project will attract industrial development.

As I explained, a few moments ago, this is not designed as, or continued to be, multiple use, or multiple third party cargo import type of center, it is continued to be an export dock, marshalling yard, for Weyerhaeuser Company. As such it does not have those theoretical attractive qualities which you read out of the Shoreline Management Act.

Q. (Mr. Ehrlichman) What's the difference?

A. (Mr. Robinette) The difference is we own the whole thing. It is surrounded, it is a single

private project, it is as though, well, that's the only project we were talking about, is the one today. It is as though, you took that phrase from the Shoreline Management Act, and applied it to all structures covered under the Act, including piers in front of private homes. You could make the assumption, as logically as you do, with this proposal, that anybody's private dock will eventually attract industry, that's just not accurate.

Q. (Mr. Ehrlichman) I don't think that's true because private docks don't accommodate ships 1,000 feet in length, you said this might happen.

A. (Mr. Robinette) If people have a 1,000 feet of things to ship, they do.

Q. (Mr. Ehrlichman) I think the difference between this and your private dock is probably not that great in terms of the shipping act activity.

A. (Mr. Robinette) You're wrong, Mr. Ehrlichman.

Q. (Mr. Ehrlichman) There's other land around there, and I think the availability of the land, and the excellent transportation down to the dock, is going to tend to attract other users that want to ship their products out.

A. (Mr. Robinette) You and I don't have too much

of a basis on which to communicate, because I think you are assuming that Weyerhaeuser is somehow a public port entity, and that's what we want to do, secretly or something, and that is simply not correct.

Q. (Mr. Ehrlichman) I'm not talking about what you are going to do secretly, I am saying that just the economics of it.

A. (Mr. Robinette) Somebody asked a question earlier, in reference to your concern, and it was handled at one point, by Mr. White, it was the way the question was phrased then, I don't remember who asked it, was "what if sometime leaseland to a a non-Weyerhaeuser party, would that dock be a part of that lease", and the answer from us was a definite and distinct "no". Getting into the realm of speculation, what if, and a few years out we get into the realm of science fiction.

Q. (Mr. Ehrlichman) I think that's a very specific thing you were saying, that you lease the property and those people aren't going to use it, use the pier.

A. (Mr. Robinette) The export center is a Weyerhaeuser export center, and it includes the industrial access road, the export marshalling yard, the road

to the dock, and the dock, and that's strictly a Weyerhaeuser Company export center, and such it doesn't make any inducement.

Q. (Mr. Ehrlichman) I'm just saying that I think that it is stated in the Shoreline Management Act spells out pretty clearly what tends to happen in a port situation, and I urge the Corps to consider what is likely to happen.

CHAIRMAN DICE: Thank you. Are there any new issues, any new questions?

(No response)

CHAIRMAN DICE: I would like to thank you, --

Q. (Ms. Brody) I am Flo Brody, I would like to pursue this question, Weyerhaeuser has subsidiary businesses, some kinds in various states, they are involved in Japan, and so on, you are talking about Weyerhaeuser = only a Weyerhaeuser dock, it's only for Weyerhaeuser facilities, what if Weyerhaeuser buys something that they want to ship, and it may not be a timber product, they are getting bigger and bigger all the time, what happens then? It's Weyerhaeuser's product, it's not a foreign product, maybe, but something else, are you saying that you are not going to twenty years from now, not going to try to ship

that out, if its convenient?

A. (Mr. Anderson) The application clearly states that this an application for the shipment of forest products.

Q. (Ms. Brody) It's going to stay that way?

A. (Mr. Anderson) My understanding, from the regulations, is that if we change we would have to go back to the Corps of Engineers for an amendment.

CHAIRMAN DICE: As a matter of fact I raised the question at the original permit application, was not specific to the purpose, the original permit application indicated provided dock for berthing of ocean going vessels. The stated purpose of the project was to develop an export facility for forest products. It seemed logical to tie to it, I made the suggestion that, as stated, it should advise in the permit application, and very rapidly thereafter they did, so the permit application very clearly is tied to the stated purpose of exporting of forest products, and would require, would it not, Steve, a new permit application to ship different products?

A. (Mr. Wright) It would certainly have to include a full public review, new public notice, and I might add, that the particular change in the

purpose was the sole purpose of this second relation, which was sent out on the 1st of July, in the form of a revised public notice.

Q. (Mr. Ehrlichman) I would like to point out that the last comment isn't really what you are saying, that the permit is restricted to forest products, I am talking about the likelihood of I don't think it is going to be that long, the engineer in the future modified the permit once the dock is there, and I think the pressure to allow that, from the economic interest, is really going to be pretty great. I think you have to look at it in that way.

CHAIRMAN DICE: Any new issues?

(No response)

CHAIRMAN DICE: Thank you very much. Please send any written comments to us, by the 28th of this month. Steve Wright has a point, that if you have questions pertaining, or comments pertaining to the permit, write a separate letter referencing the public notice, if you want to comment on the EIS, do so in a separate letter on that.

Thankyou very much.

(MEETING ADJOURNED AT 11:15 P.M.)

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A F F I D A V I T

This is to certify that the attached proceedings before the

UNITED STATES CORPS OF ENGINEERS

in the matter of: PUBLIC WORKSHOP ON PROPOSED WEYERHAEUSER EXPORT FACILITY AT DUPONT, WASHINGTON

(Name of Proceedings)

Docket Number:

Place: Tacoma, Washington

Date: September 11, 1979

Were had as therein appears, and that this is the original transcript thereof for the files of the

UNITED STATES CORPS OF ENGINEERS

Alma M. Johnson
(Reporter)

R-142

APPENDIX S

PRESENTATIONS AND WRITTEN COMMENTS FROM THE PUBLIC WORKSHOPS

APPENDIX S

INTRODUCTION

Appendix S contains transcripts of two presentations made at the Public Workshop (September 12, 1979 at 1:00 p.m. and 7:00 p.m.; Bicentennial Pavilion, Tacoma, Washington) by Phil White of Weyerhaeuser Company and Steve Fusco of URS Company. Phil White presented details of the proposed Weyerhaeuser Export Facility and Steve Fusco described environmental studies and development of the EIS or the proposed project.

Members of the public had the opportunity to ask questions about the proposal and raise environmental concerns about the project. A list of speakers may be found in Section 9.2 (Volume I) of the FEIS. Complete transcripts of the workshop proceedings are presented in Appendix R (Volume III).

A number of written comments were submitted at the workshop. Some of these were read by speakers and are included in the workshop transcripts (Appendix R). Others were not included in the transcripts because (a) the individual did not speak at the workshop, (b) the written comments were not read by the speakers, or (c) the written comments, which referenced the workshop, were received by the Corps of Engineers later. All written comments received at the workshop or which referenced the workshop may be found in this appendix following the presentation transcripts.

Questions asked and environmental concerns raised by speakers and in written comments have been treated in several different ways:

a. The question/answer format of the workshop allowed immediate responses to most questions asked and concerns raised. These responses are included in the workshop transcripts.

b. Where responses were not immediately available, these questions and concerns were addressed during development of the FEIS. Revisions in the FEIS have been made where appropriate.

c. Most written comments related to the workshop were included either in the transcripts or with DEIS comment letters, which have been reproduced in Appendix T. Responses to concerns raised in those letters are found in Appendix Q (Volume II), "Comments and Responses."

The only written comments submitted at the workshop that were not responded to in Appendix Q or the FEIS were from Bert Cole, State Land Commissioner, and Kathleen Thomas. Mr. Cole's statement favored development of the proposal and, thus, required no response. Ms. Thomas' comments primarily criticized procedures at the workshop. She also raised the concern about future development of the site. This concern has been addressed in Section 6.2 (Volume I).

September 12, 1979

PRESENTATION BY STEVE FUSCO, URS COMPANY

FOR: NEPA DEIS DUPONT EXPORT FACILITY PUBLIC HEARING

URS and many of you here today have been involved with the DuPont Export Facility for some time. URS was selected by the City of DuPont and approved by the Corps of Engineers to help develop both the SEPA and NEPA Environmental Impact Statements almost three years ago-- in January, 1977. This EIS has proved to be the most complex and thorough EIS that URS has completed. We've completed over three hundred. We did several things for this EIS which were not typical of most. We developed a work plan before starting the EIS, we instituted a quality assurance program while baseline data was being collected, and a thorough public participation program was designed. I will explain each of these efforts briefly.

Work Plan

In the spring of 1977 we circulated a work plan (slide 1). The work plan outlined procedures, scope, and issues of the EIS. It was disseminated to the public, environmental groups and federal, state, and local agencies before any other work began. Comments and additional concerns were incorporated in successive revisions. Eventually, a work plan acceptable to all parties was developed. This work plan specified concerns that would be addressed and outlined baseline studies and modeling that would be conducted.

Quality Assurance

The quality assurance program operated during the collection of baseline data for the EIS. Fifteen baseline studies were conducted by Weyerhaeuser and seven subconsultants as shown (slide 2) to gather data on aspects of the environment ranging from air and water quality, and biology to navigational risk. URS' inter disciplinary staff assigned to the project reviewed the scope of work and methodology of each study before it was implemented. We monitored the progress of the studies in the field (multiple slides (3-10) run while talk on). Maximum participation by federal, state and local agencies and environmental groups was actively sought in both phases of the quality assurance work. A special form was developed for agency personnel to comment on the studies (slide 11). Meetings were held before, during and after the baseline studies to review plans, progress and findings, and to receive comments so that necessary changes in the studies could be made. The baseline contractors provided information for the existing conditions chapter of the EIS. Only three studies, the navigational risk, the noise study, and the socio-economic study provided impact assessment or effects of the project information. The URS interdisciplinary team assessed impacts for all other environmental categories (slide 12).

The 16-member URS team assigned to this project is shown. I was overall Project Manager; Sylvia Burges was my assistant; and Grant Bailey managed the Quality Assurance Program for the physical environmental components of the inventory and analysis.

Public Participation

The public participation program involved the public at a much earlier stage than is typical for the EIS process. Concerned citizens and appropriate agencies were involved in development of the work plan and in the quality assurance program. Meetings with representatives of environmental groups and agencies continued throughout preparation of the EIS.

To ensure that concerns of the public were addressed, residents of the immediate area and of the Thurston-Pierce County region were surveyed. The survey, (slide 13) conducted (under URS direction) by the League of Women Voters in August 1977, was designed to learn how much the general public knew about the project and what effects they felt it would have on their community. Many of those contacted believed that the proposed facility would have no effect. Of those who expected effects, many more were eager to gain additional jobs and a boost to the local economy than were concerned about adverse environmental impacts.

Development of the EIS

Under the supervision of the City of DuPont, the draft EIS meeting SEPA requirements was prepared and published in August, 1978 (slide 14). All concerns identified in the public participation process were addressed. To prepare the document, each of the 16 URS staff analyzed and summarized the voluminous baseline data reports to develop a concise EIS that would be a useful tool for decision makers (slide 15). Numerous comments and questions on the DEIS from the public hearing and letters were addressed in the SEPA final EIS published in February, 1979 (slide 16). The Army Corps of Engineers then began their EIS process. They distributed their draft NEPA EIS in July, 1979 using much of the information and responses to comments from the SEPA final EIS (slide 17). Major differences in the final SEPA EIS and the draft NEPA EIS are the following: the NEPA EIS had to be reorganized into the required corps format; special endangered species studies are being performed for the NEPA EIS -- on the bald eagle and aster curtus; the NEPA EIS identified that discussions between Weyerhaeuser, the Fish and Wildlife Service, DuPont,

and the Corps are taking place to discuss a possible buffer between the Nisqually Delta properties and Weyerhaeuser activity on their site; and Weyerhaeuser's commitment to environmental protection was expressed especially as it relates to the Nisqually Delta.

EIS SUMMARY

The impacts that would result from development of the proposed project are less severe than many feared. Many of the adverse effects could be reduced or avoided with appropriate mitigating measures. Analysis of navigational risk showed the added risk of an oil spill in southern Puget Sound ~~to be quite low -- each year the probability of a spill~~ larger than 100 spill years. gallons would be 1 in 118. Unless such a spill occurred, there would be little effect on the Nisqually Refuge. The terrestrial ecology of the project site would be significantly effected -- 169 acres of wildlife habitat would be eliminated, road kills would increase, a barrier to animal movement across the Sequalitchew Creek canyon would be created with development of the reinforced earth road. Pollutants from the terminal area may enter the goundwater; however, no drinking water supplies would be affected and no standards violations are expected. Other impacts to water quality and quantity include increased erosion potential along Sequalitchew Creek and on the bluff, possible decreases in the quantity and quality of water in Seqyakutcgew Creek and increased turbidity in the intertidal and subtidal areas of the Nisqually Reach during dock construction. Itermittent noise levels loud enough to interfere with outdoor speech on Anderson Island are likely while piles are being driven. Fringe areas of 1843 Fort Nisqually site and burial sites may be disturbed by construction. The dock and shipping activity would be seen during the daytime and nighttime when lighted from Anderson Island and adjacent properties along the shoreline.

A number of beneficial impacts were identified by the EIS. DuPont's assessed valuation would be increased, making possible a decrease in property tax rates. The costs to both the City of DuPont and Pierce County jurisdictions is not great because Weyerhaeuser Company will construct its own access roads, infrastructure, and provide its own security system. Increased costs to the City would be related to streets, roads, and fire protection. Road maintenance would be the major increased cost to Pierce County. Public revenues would exceed expected costs by over $300,000 per year. Increased revenues to both the city ($190,000) and the state ($1.7 million) would occur during construction. As many as 300 construction workers would be employed during a two-year period, and 47 to 91 new permanent jobs would be created.

All alternatives considered during development of plans for the project are discussed in the EIS. Eleven alternative sites on Puget Sound were evaluated before DuPont was chosen (slide 18). Three potential industrial areas on the DuPont site were considered (slide 19). Eight rail and eight road access routes (slide 20), six dock access designs, and six facility designs are also discussed. In addition, several alternative uses of the site are evaluated in the EIS.

We look forward to receiving comments on this NEPA draft EIS. The Corps and URS together will be addresssing those comments and developing a final NEPA EIS.

PRESENTATION ON THE
WEYERHAEUSER EXPORT FACILITY AT DUPONT
by Phil White, Weyerhaeuser Company
before the Army Corps of Engineers
September 12, 1979
Tacoma, Washington

Good afternoon. Today I would like to present some slides and information about Weyerhaeuser's proposed export faiclity at DuPont. First I'd like to summarize briefly what the DuPont project is - and a few things it is not.

Our DuPont project is, first and foremost, a modern, high-technology, highly efficient export facility. It is designed to ship up to two million tons yearly of clean, renevable forest products to competitive world markets of the next century.

The facility is designed to, and will, increase our ability to export manufactured forest products from Weyerhaeuser operations throughout Western Washington. Thus it is an important step toward eventually reducing our dependency on raw material exports, and instead building world markets for lumber, plywood, pulp, paper and a wide range of other manufactured goods.

S 13

The export center will be located on 250 acres of a 3,200-acre industrially zoned site we purchased from DuPont Company in 1976. That site was intensively used for 70 years for the production and shipment of explosives - and before that, for sawmilling, commercial farming, a slaughterhouse, and a wide range of other commercial activity.

Our new export facility will include road and rail access; storage, warehousing and staging areas; and a new 1,300-foot dock. The project includes no manufacturing; nor do we have any further plans for the site, beyond the proposed export center that is the subject of this hearing.

Economically, the project will benefit the people of Washington directly through increased jobs, tax revenues and trade. Over the long term, it will benefit them through increased investments in this state's forest industry...a concept I will return to in a few moments.

Environmentally, the project - backed by nearly four years of scientific studies, research, and planning - will have no significant impact on the site, the area, the Nisqually Delta, Puget Sound, or the fish and wildlife resources they support. The project will include every appropriate safeguard against any accidental environmental damage.

In this project, we at Weyerhaeuser believe we have gone well beyond the letter of environmental law to its spirit and its intent - indeed, to the very spirit of true conservation, with its emphasis on sound, long-range planning, for a wise and balanced use of resources.

* * * *

I would now like next to dispel a few persistent myths about our DuPont project - to tell you what it is not.

First, the facility is not on the Nisqually Delta, as some have claimed. It is not even on lands contiguous to it.

The nearest structure, the dock, will be in the deep water of the Nisqually Reach, 1.6 miles from the vegetative area of the Nisqually Delta proper. It will be 0.7 miles from the old log-raft jetty now owned by the U.S. Fish and Wildlife Service, and more than half a mile from the nearest tidelands owned by the Wildlife Refuge.

Most of our development will be on the uplands north of Sequalitchew Creek, nearly half a mile farther from the Delta. We are totally separated from the Delta by the Burlington Northern mainline along Puget Sound, and by various farm and residential properties.

The second myth I would like to dispel is the politically emotional claim that this is just another "log export dock." It is not.

* * * *

The log export issue has been deliberately injected into debate over this proposal, in order to provide some opponents with a broader avenue for attack. The truth is that there is no valid relationship between log exports as a political issue and the DuPont project.

In the short term, the DuPont facility will neither increase nor decrease Weyerhaeuser Company's log exports. We will reroute some export log shipments from existing Weyerhaeuser docks through this facility, but DuPont is in no way designed or intended to increase, enhance - or even maintain - either our log export volumes, or our capacity to ship them.

In fact, the reverse is true. As a marketing tool to increase our exports of manufactured products over the coming decades, DuPont will help us reduce our raw material exports. That is exactly what log export critics have been demanding of us for years - and it is ironic to see those demands twisted into opposition to this project.

* * * *

The third myth about the DuPont facility is that it would lead to a loss of jobs. Again, this is an injected issue - and just the reverse is true.

The new facility itself will mean the creation of more than 100 new full-time jobs. Successful market development in the future, based on DuPont, will mean increased incentives and ability to invest in manufacturing and forest management, with the jobs they represent. It will also mean a general increase in offshore trade. This will help maintain shipping and longshore jobs, even though each ton of product may be handled more efficiently, by fewer people.

Incidentally, we plan to handle no third-party cargo at DuPont. This will be a Weyerhaeuser export facility. It represents no competition for any public port, and will draw no business away from public facilities.

Having summarized our DuPont proposal, let me explain why we believe the project is necessary and worthwhile - not just for Weyerhaeuser but for a sizable segment of the industry of the people of Washington State.

Could I have the lights turned down, please, for the slides?

SLIDES

S-4

1. Blank (color) — We have to start with a brief look at market forces.

2. Old Sawmill — Northwest forest products have always been shipped outside this region, starting with lumber for the California gold rush.

   In the past, the major population centers of the East Coast and Midwest were the main markets. But the Northwest's share of these markets has been declining in the face of rising transportation costs and increased competition from Canada and the South.

3. Market Loss — In the Northeast, for example, what was once a 50% market share for Northwest wood products has dropped to about 7%, and is expected to decline to near zero in the 1980s.

   As Washington forest producers, we have only one clear choice to ensure future vitality: Expand product exports. Trade is the key to growth and prosperity for Pacific Northwest industries, and for Washington State.

4. "Map" of Transport Costs — In offshore markets, the Northwest can be fully competitive. We have some of the world's most productive forest soils, and tremendous opportunities for exports of wood and other products derived from renewable resources. In addition, if we express distance to market in terms of transportation costs, Tokyo is as close to us as Chicago, and Europe as close as New York. It makes a great deal of economic sense to go after those markets.

5. Freighter — Weyerhaeuser has already begun a major effort to serve world forest products markets, which are expected to double in size between 1970 and 2000. This freighter is taking on wood products at our dock at Longview, Washington. Most freighters, operated under traditional systems, spend up to half their time in port, or going from port to port, to pick up or discharge cargo. That leaves only half the time for the payload run - between us and the customer.

6. M-Ship — This is true for even our most modern ships - like this one, which is one of six special ships we have under long-term charter for our European trade. As with most freighters, it is only about 50% productive - and it costs us about $20,000 a day whether it is headed toward Europe or sitting at dockside.

7. Export System Concept

Thus, for several years - since the mid-1960s, in fact - we've known that in addition to traditional trade methods, we also need a more efficient export system that can take larger vessels, put together large shipments for rapid loading, and involve a single stop at each end of a shipping run. Instead of half its time, the ship would spend perhaps 90% of its time moving between us and the customer - with a tremendous savings in overall cost.

We figure such a system might handle up to 20% of Washington State exports - the 20% suitable for single shiploads of multiple product lines. If we could find, here in Washington, a suitable site for such a system, we would not only be ready for export growth in forest products - we would be in a position to create it.

8. Map of 29 Sites

Beginning in the early 1970s, we made a comparative evaluation of 29 potential export facility sites, both public and private, located along the Columbia River and in Puget Sound. Only three sites met our major criteria of deepwater access, available acreage, zoning, road and rail access, etc.

9. Map Showing DuPont Location

Only one was ideal. That was DuPont. It matched our selection criteria almost perfectly. As this map shows, it is geographically central to our woods and mills in Western Washington. It contains more than enough land to build a suitable terminal. It is well isolated, and buffered from nearby land uses. It is adjacent to deep water, and contains flat, open terrain for ease of construction.

It has nearby access to I-5 and major rail lines. And it is industrially zoned, with a long-established history of industrial use. That included ocean shipping, with vessels of up to 600 feet in length calling regularly at the DuPont wharf.

10. Aerial (No Project)

One attraction of the DuPont site was its size. The site encompasses nearly five square miles. This photo shows it outlined in orange, in relation to the Nisqually Delta and other adjacent properties. The site is almost completely surrounded by Fort Lewis.

We do not own any waterfront land, incidentally - just some tidelands along the northern stretch of the shore.

11. Photo of Manufacturing Area

This photo shows the western boundary of our property, and the main complex of the DuPont Company explosives plant. The DuPont powder wharf is near the top of the photo. The southern tip of our new dock will be about where that wharf is, and our dock will be closer in toward shore. The structure you see in the foreground is the old log-raft jetty, now owned by the Fish and Wildlife Service.

12. Photo of Dock, From Shore

Here's another shot of the DuPont Co. wharf. The deep blue of the water beyond it indicates the most important aspect of this site to Weyerhaeuser: the quality of its access to very deep water.

At DuPont, along the northern shore, bottom contours are almost as steep as those of the bluff above. Our dock will have 70- to 80-foot depth at its face, with no dredging. Even the largest of forest products ships we envision would never have to approach the dock in less than 50 feet of water, above a firm, graveled ocean floor.

13. Nisqually Delta — This photo looks eastward, across the face of the Delta. Our southernmost land is Hoffman Hill - the dark green hill beyond the Nisqually Delta. Our proposed dock site is too far north to be visible in this photograph. What you see sticking out into the water at the upper left is the Fish and Wildlife Service jetty.

14. Project Diagram — This is a diagram of the DuPont site, and our project. Road and rail access come in from the South. the terminal area is centered north of Sequalitchew Creek. A road goes down the creek canyon to the dock.

15. Photo of Site Model — To help us visualize the project better during our planning, we've been using a large scale model of the site. In this picture of it, you can see the access road coming in from the right; the upland terminal; the road down Sequalitchew Canyon; and the dock. The buildings within the terminal represent warehouses, maintenance shops and offices, and a mechanical, dry-process log debarker. The two different shades of blue in the water denote the 60-foot depth line.

* * * *

16. Environmental Research Objectives — As one basis for the EIS we are here to discuss - and for the SEPA EIS adopted earlier this year by the City of DuPont and the Department of Ecology - between 1977 and the early part of this year, we funded some $1.2 million worth of major environmental baseline research, in 17 subject areas. For the DuPont site, the Delta, the Reach and other locations, our consultants looked closely at existing conditions for air quality, water quality, fish and wildlife, shipping and navigation, the area's economy, and other factors. This slide lists the main study objectives.

The last of these objectives, incidentally, will be met only after the facility is built. We will be able to know - and not just guess - any impacts of our operation. That's important, because only known impacts can be handled. Speculative impacts, based on skepticism or assumptions, cannot be.

17. Land Use Map (Vegetation) — This is one of the maps we used in another set of studies: land-use planning for the site. We looked at topography, soils, vegetation, water flow and many other factors. This told us which areas within the 3,200 acres were most suitable as the site for the export facility.

18. Map of Three Industrial Zones — There were three, shown here in orange. DuPont Company used the one at the lower left. Our export terminal will go within the large suitable area to the north. The land use planning cost us about $500,000.

19. Aerial - with Project — I'm going to put up another slide of the area now...this time with our project outlined on it, and close my remarks with a few summary statements.

What all the studies, planning, and the project itself represent, above all, is a tangible expression of Weyerhaeuser's conviction about future market trends for forest products grown and manufactured in the Northwest. As I said earlier, we believe that the DuPont facility will not just make us ready for growth in product exports...it will let us create that growth.

Modern, efficient facilities such as DuPont will increasingly be needed as highways to a world that needs our products. If we, as a region dependent on international trade, are to increase our ability to reach world markets of the next century, new export facilities such as this, in both the public and private sectors, are required.

We have the know-how to build these facilities directly on deep water, and to leave the shallow, intertidal, estuarine areas to their appropriate uses.

We have laws in place to ensure that the construction of such facilities is done carefully and soundly, with full concern for potential environmental impacts.

Our DuPont project has and will follow both the letter and the spirit of that law...and of the unwritten natural laws that underlie it.

We recognize that people have real and legitimate concerns for protecting the Nisqually Delta, and for promoting a clean environment in and near that valuable resource.

Weyerhaeuser Company management shares these feelings. We believe the approach we have taken at DuPont has led to a facility that will protect the Delta and its resources, while providing benefits of true statewide significance...not only for today, or for a single company, but in years to come, and for the people and economy of Washington State.

Thank you.

25/1030/5/a2
9/5/79

S-7

HUGH WILD, DIRECTOR OF INDUSTRIAL DEVELOPMENT
PORT OF TACOMA

The Port of Tacoma is a publicly-owned Municipal Corporation governed by the laws of the State of Washington and responsible to the citizens of Pierce County. Since 1939, when the State authorized the Port to develop land areas for new industrial purposes, the Port of Tacoma has worked to provide sites for compatible industrial firms.

After careful analysis and review, we have determined that we are unable to accommodate Weyerhaeuser's proposed export terminal at our Commencement Bay facilities. First, too much land would have to be dedicated to this single-purpose use. The Port does not possess a contiguous tract of sufficient size, and construction of such a project on Port property would require an uneconomic use of several parcels separated by public roads and other rights-of-way. Second, the Port's policy is to diversify the commodities it handles so that the community will not be economically dependent upon a single industry vulernable to cyclical changes or depressed periods in its traffic. For this reason, the Port has made strenuous and successful efforts in recent years to attract container, automobile, and other traffic in addition to considerable wood products' industry already there. To devote a major new Port terminal to forest products only would be inconsistent with this policy. Third, the Port is encouraging labor intensive industrial clients to locate on these lands which would also be users of our waterfront facilities. Our attempt is to attract diversified tenants with high employment needs. Committing the precious few acres remaining not developed for a single user forest products shipper would be inconsistent with this policy.

We recognize the need for Weyerhaeuser to develop their own export terminal at the Dupont site and we fully support them in that endeavor; however, the Port would also like to state that we would strongly oppose the use of the Weyerhaeuser Dupont site for the off-loading of imported cargo. The Port of Tacoma presently performs successfully in a very competitive situation. A new importing port at our backdoor would only aid the other West Coast ports at the expense of Pierce County and Washington State by drawing revenues from the Port of Tacoma. This would impact negatively on our abilities to capitalize new projects to meet the technological changes occurring in the shipping and cargo handling industries and would hinder our efforts to remain a progressive, competitive, and successful Port.

Finally, the Port views the Weyerhaeuser Dupont terminal as supplementary to the Port, rather than competitive with it. The terminal will handle an export commodity for which Port facilities are not available, but the same vessels returning to Puget Sound may well bring in other cargoes which will be discharged at the Port of Tacoma. It is our understanding that the Weyerhaeuser terminal is to be for export of forest products and will be unsuitable for off-loading containers, etc. should it be practicable to back haul them on the ships. We think this will be a great opportunity to increase the waterborne commerce and its exceptional economic benefit to our community.

CW:kp
9/11/79

aug. 31, 1979

To: Mr Chairman
Members of the Panel or Hearing
United States Corps of Engineers and
Boundary Review Board

Subject: Hearings on Final Environmental Impact Statement for the Weyerhaeuser Export Facility at Pascagoula.

Following are remarks I wish to make regarding the above subject on Sept. 11 and 12, 1979.

My name is Carl B. Hopman; I am self-employed as a Consulting Forester, and have some 40 years background in experience and education in the profession of Forestry and affiliated entities, as per the attached resume.

The remarks following are my own, and are not representative of any organization or company, public or private, business or government entity. I have received no recompense, nor will do, for these comments. I make them only as an interested participant, student, and observer of my environment and fellow man.

I have followed the development of plans regarding the subject since its inception through the various media involved (Pascagoula News Tribune, Suburban Times), TV news - Channels 4, 5, 7, 11, 13, and made a short comment related to the subject during the public hearings at Pascagoula High School, and was in attendance during most of same.

I have received the Final Environmental Impact Statement of February 1979 for the Weyerhaeuser Export Facility at Pascagoula, a copy of which was sent to me on loan, under the direction of Mayor & officials of Pascagoula.

I wish to address the subject in composite, and in total. I find the Environmental Statement to be thorough, clear, and concise, and faces or discusses the issues, both for and against the project. There has been no attempt to hide or divert attention from issues that could be detrimental or a deterrent to the project.

The acquisition of the Lone Star property is considered to be most fortunate. This makes possible the location of the dock facility approximately 90° to the original proposal, which from a safety and operational point reduces obstruction of the channel and makes it easier for tugs to position ships to dockside. The tide and current movements are much less with the Lone Star location. From a nautical and navigational viewpoint (and based on experience) the problem of the turning radius of ships maneuvering in the area will be very much diminished. (across beam, rather than broadside)

The Mayor of Pascagoula, the city council, and affiliated staff should be commended for their approach and attitude in relation to the entire procedure under discussion. They have been open in conduct, and have attempted in every way possible to proceed properly and legally. They have been most ethical straight forward, above board, and without reproach in my estimation.

I have toured the entire area, including a traverse of the boundaries and found that the disposition of existing facilities to be proper and in order. As a combat veteran of World War II, and using explosives for construction or clearing purposes during my professional career I have found the Du Pont family and corporate entity to be a wonderful group, dedicated and committed to the defense, ~~and~~ protection and well-being of this nation during wartime and for constructive purposes in peace time. They have performed and given a tremendous service to the nation in this local and everywhere they operate; ~~and in all their operation.~~

It has been my privilege for the past 23 years to be associated with staff of the Weyerhaeuser Company on an administrative, legal, engineering, operational (production), research and professional capacity. I've had contacts with them & have found them, without exception, to be loyal, able, conscientious employees and individuals dedicated to a cause. From either an individual or corporate position or experience they were always a good neighbor, responsible, cooperative, and in all ways, decent and proper. As a Corporate entity they are dedicated to the future; and they are one of the leaders, nationally and internationally, in the scope and practice of Forest management, and allied conversion of raw materials to a finished and usable product for humanity.

A paramount consideration in the present situation is the grasp, conception, or understanding of the real meaning of the words Environment or Ecology, one which is free of bias or unfounded prejudice. The practice of Forest management in this country is based on a knowledge of environmental and ecological principles (biological); thus the professional Forester's perception of the words is neither recent nor limited in scope. It is a tragedy of considerable proportion that the current use and understanding of the words Environment and Ecology is in an almost profane way, and are improperly used as epithets resulting in controversy and misunderstanding.

A partial comprehension of the words as set forth in the attached supplemented Statement of Position of the Puget Sound Section, Society of American Foresters, Forest Ecology Working Group is provided for your review. Similar approaches by other professions is considered essential for the edification of society. It is a paradox that the current dilemma of misunderstanding is caused by the inability to comprehend the true meaning of the very words that could create understanding and comprehensive perception of the issues at hand.

As an example, the full and complete grasp of environmental and ecological principles leads us to a one-ness with this Earth. The extent of this understanding and sense of one-ness leads to a sense of stewardship of this earth. I state categorically and unequivocally that The Weyerhaeuser Company's staff have a knowledge of forest soils and the use of same that is unmatched by any other agency, public or private.

Another example is the relation of The Weyerhaeuser Company to their fellow-man, expressed in part above. The Corporation provides the facilities to convert large raw materials into finished and usable products for the benefit of mankind. Weyerhaeuser has a reputation of service in this respect that is regarded as superior. It is the sense of oneness with fellow-man that creates the desire to serve, to provide the benefits for our shelter and materials that make possible our high standard of living. Construction and wise use of our raw materials is essential for peace, rather than war, to reign as a way of life. It must be our way of life, or there will be no life worth living.

Finally, as mentioned above, the plans and activities of The Weyerhaeuser Co. are dedicated and made for the future. As individuals in our respective professions we must have faith and belief not only in ourselves, but we must prepare for the future generations, some as yet unborn. To those who in the pledge of allegiance to the Flag of this nation grant the existence of a Supreme Being, or to those who grant only a belief in the brotherhood of man, there can be no other calling.

As individuals representing an entity committed to solving (settling) the problems created by the vagaries of man, earth, and nature I urge you to take a positive position relative to the subject at hand. I recommend that the necessary approval, permits, etc. be granted to The Weyerhaeuser Company for the development of an Export Facility at Du Pont. To paraphrase the astronaut, Neil Armstrong in relation to his first step on the moon; if human kind is to survive on Earth, or experience a satisfactory standard or quality of life, the above is only one of many steps that must be taken and made, many of them urgently needed.

Thank you for your time and attention.

Respectfully submitted,

Carl B. Hyman

Consulting Forester

CARL B. HUPMAN
Consulting Forester

RESUME

6615 Wildaire Rd., S.W.
Tacoma, Wa. 98499
Phone: (206) 584-2752

EDUCATION

Clark County Schools
Springfield Senior High School - Diploma 1935

University of Washington College of Forest Resources
B.S.F. 1939 Major-Forest Management

U. S. Army Air Corp - Aerial Navigator and Observer - 1943
Commission - 2nd Lt.

Yale School of Forestry
M. F. - 1946 Major - Forest Management

Continuing Education - when available, accessible, or needed

EXPERIENCE

Farm youth and background - to age 18 - started work for money - age 10 - paper route and wide assortment of jobs, especially with plants, shrubs, trees.

Summer 1936 - Timber Cruise - Willamette National Forest - Central Oregon - Head Compassman and Mapper

Summers 1937-39 - Lookout - Fireman, Contact Patrolman Lewis and Clark National Forest - Neihart, Montana - Belt Creek Ranger District - included numerous assignments.

School years 1935-39 a. house boy in fraternities and sororities
b. student employee-N.Y.A.-varied assignments

1940-42 - Rubber Planter - Firestone Plantations Co. Liberia, West Africa - assignments included tasking, tapping, research, new development and maintenance bud graft nursery, etc. - supervised up to 2200 laborers 1941-42.

1943-45 - U. S. Army Air Corps - Aerial Navigator - 15th Army Air Corps - Italy - over Central and Southern Europe - lead navigator, Squadron Navigator, Squadron I & E Officer, Squadron and Group Intelligence - 376 Bomb Group (B-24) - 52 missions - D.F.C. - Honorable Discharge - Captain - AUS. - 1945

1945-46 - Yale School of Forestry

1946-47 - Forester - The Brown Paper Mill Co., Inc. (now Olin-Mathison) West Monroe, Louisiana - owned at that time 440,000 acres in Louisiana and Arkansas.

1947-56 - Forester - The Crossett Co. - (now Crossett Division-Georgia-Pacific Corp.) Crossett, Arkansas - supervision and control of all management and logging activities on Berea District - 46,000 acres of land owned by Company (fee simple), and approximately 20,000 acres cooperatively managed on ownership contiguous to Company lands.

1956-1975 - Resident Manager - Charles Lathrop Park Demonstration Forest - University of Washington College of Forest Resources - Seattle, Washington - Responsibilities included supervision and control of all activities on 2300 acres forest land, sawmill, forest camp -involved in education on bachelor and graduate level, forest demonstration, education, research

1975 - Present - Consulting Forester - Domestic and International.

PERSONAL

Married - Irene W. Hupman
Born - Springfield, Ohio U.S.A. 6-26-17
Member - Society of American Foresters, American Forestry Assn.
Lakewood Chamber of Commerce, United Methodist Church, Eatonville, Washington

Addendum to Resume – Hyperman

Information believed pertinent to Pre Post statement in regard to background and experience.

Summer of 1945 – returned to Montana – U.S.F.S. after discharge from AUS to help out ranger who was very short of qualified help – Heilert, Montana – fire fighting (lightning), range inspection (sheep and cattle) road and utility construction inspection, and maintenance, pole production for REA lines, etc.

West Africa – supervised clearing site for Robertsfield, Liberia, W.A., dug well, hotel for Pan Am, crew headquarters, camp for laborers, road to Pre landing, preparation for docks built by U.S. army Engineers for shipment of liquid latex and crepe rubber, and support of U.S. army and air corps for planes and material enroute from U.S., South America to Middle East and Southern Europe.

Air Corps – lead navigator for 376 Bomb Group, 47th Army, 15th air Force for missions over Ploesti (2), Bucharest Constanta, Roumania; Sisak, Jugoslavia, Bratislava, Czechoslovakia (Skoll and Penuk) Moosbierbaum (synthetic oil target out of Vienna – these were all oil targets.

Provided to show professional association relating to cooperation of Mr. Hyperman staff – personal and other activities or interest. Also was on Forest Fire Advisory Board – Region III

May 12, 1975

Statement of Position

Puget Sound Section,
Society of American Foresters
Forest Ecology Working Group

Published Journal of Forestry July 1975

The basic strength of the Society of American Foresters in fulfilling its responsibility to itself and to society lies in its leadership role toward understanding forest ecology and in the application of ecological principles to contemporary forestry activities and long-range forest policy. Virtually all forestry disciplines, forest practices and the multi-benefits of forest utilization in their broadest sense are interrelated and vegetation dependent.

Forest ecology implies a oneness, a single wholeness as an ecosystem concept. It should not be considered as separate parts.

Mankind's survival and standard of living may be rendered tenuous by creating and living in an altered environment. But the ecosystem will and must continue to be altered for man's benefit and for his long-term survival. Therefore, in terms of managing or manipulating forest ecosystems for man's long-term benefit, two things are important:

1. More needs to be known about how man is affecting his forest environment in all phases of forest practice or forest use.

2. More needs to be understood and practiced about what is already known.

This is a basic SAF responsibility as stated in SAF chartered objectives, i.e., advance the profession of forestry.

In developing ecological forest facts and information for action, we must recognize that the study and practice of practical forest ecology has two parts:

1. Biological — Science-based biological information.

2. Sociological — The interplay of social and cultural factors on application of biological and scientific information; i.e., including:

   1. economics,

   2. attitudes (training and education),

   3. understanding (individual and societal), and

   4. commitment (principles and action).

Statement of Objective

It is our position that the Section and the National SAF Ecology Working Group act as the interface between other SAF working groups, (especially in the biological sciences), other environmental resource organizations and specific individuals to help develop an understanding of the impact of man's activities on the forest ecosystem. The SAF as a professional organization and through its members, individually, can thereby provide foundations for public forest policy and public information.

Program for Section Working Group Representatives

1. Develop a list of forestry issues within section geography or shared by adjoining sections. The Puget Sound Section Forest Ecology Working Group suggests, for example, such issues as (1) prescribed burning; (2) land use issues (both public and private); (3) recreation impacts; (4) water production problems; (5) forest insect or disease impacts, with and without treatment; (6) economic impact of ecological issues, and narrower range questions, i.e., sewage sludge fertilization, nutrient regimes of forest stands, revegetation after strip mining or gravel operations.

2. Assign priorities to issues.

3. Organize on a section, multi-section, or region basis as an action unit to carry out specific program objectives on forestry issues (suggest semi-permanent or ad hoc organization for specific task, including alliance with other groups and societies).

4. Each action unit organize on a task force basis with a steering or "executive" committee to develop subject goals, time schedules, participation and responsibilities, and to assemble statements, case studies and papers by individuals or groups, along with task force conclusions and recommendations which may include a minority report.

Overall responsibilities for appointment of Puget Sound Section representation to the working groups must remain with the Puget Sound Section Executive Committee and Section officers. Actions and reports of the Puget Sound Section Forest Ecology Working Group will be presented to the Puget Sound Section Executive Committee for review before being submitted to the Forest Sciences Board.

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No credit is claimed here but this procedure was used to solve the nonsaw gold spruce on U.S.F.S. lands in National Forests of West Virginia, and resulted in NFMA - National Forest Management Act which solved legislative dilemma.

Howard W. Millan - Oregon - Public Affairs Forester in background

and judicial and administrative with for Carl Hupman, Chairman

Puget Sound Section representative to the Forest Ecology Working Group

Society of American Foresters

3-1-75 (Rock Forest)

and 5 other committee members (7 total)

1 - Dept. of Ecology
1 - Green Columbia Community College
1 - Oregon - Longview Chapter
1 - " - Tacoma - H.M.
3 - U. of W - included self - 2 graduate students Ph.D. level

mw 3/D2

The following statement is made on behalf of State Land Commissioner, Bert Cole:

Increasing the export of manufactured products from our State is in the best interest of the State-wide public. I believe it is important that the Government not build road-blocks making accomplishment of this State goal more difficult.

I have reviewed the Weyerhaeuser proposal and find it to be consistent with the State-wide interest, and therefore support development of the DuPont facility.

BLC:rbe

9/6/75

Tacoma Area Chamber of Commerce

752 Broadway • P.O. Box 1933 • Tacoma, WA 98401 • (206) 627-2175

RESOLUTION OF THE BOARD OF DIRECTORS

of the

TACOMA AREA CHAMBER OF COMMERCE

SEPTEMBER 10, 1979

SUBJECT: WEYERHAEUSER COMPANY'S "DUPONT FACILITY"

The Board of Directors of the Tacoma Area Chamber of Commerce endorses and supports the Weyerhaeuser Company's "Dupont Facility."

BACKGROUND: The site, near the Nisqually Delta, was used since 1909 by the Dupont Company for the manufacture and shipment of explosives. It is separated from the Delta by a mainline of the Burlington Northern and by a 200 foot bluff.

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The Company plans an export facility for forest products. These plans are backed up by three years of environment research and planning, at a cost of $2.5 million -- an indication of its comprehensiveness. The State Department of Ecology has termed it a well planned project. The nearest structure will be a mile north of the Delta -- most development will be two miles away.

The facility will allow better competition for international markets, initially primarily for logs, and anticipated later for manufactured wood products.

The benefits include:

- A better competitive position for international markets.
- Up to 300 construction jobs and 130-165 full time jobs plus longshore work.
- $2.3 million in construction taxes.
- $330,000 in taxes annually to Pierce County, the City of Dupont and Washington State.

Tacoma-Pierce County Economic Development Board

Post Office Box 1933 • Tacoma, Washington 98401 • (206) 627-2175

The Tacoma-Pierce County Economic Development Board supports the Weyerhaeuser " Dupont Facility Proposal."
The Weyerhaeuser Co. proposal from an economic viewpoint is vital to Pierce and Thurston Counties. Recently, Pierce County has lost several hundred jobs: Asarco-120; Fiberboard-150; Ft. Lewis-115; and most recently, Heidelberg closure deleting 250 jobs. The jobs to be created by this high technological forest products export facility will provide 130 to 165 full-time jobs plus 17-21 full-time jobs in longshoring work, replacing the jobs lost when the Dupont Co. closed. These jobs indicate and increase in personal income of $1,500,000 to $1,625,000 the support of 3 new retail establishments, an increase of $735,000 in retail sales, and bank deposits of and estimated $895,000.
These are the measuring factors for establishing the economic impact of the proposed development on the local economy.
The desirability of industrial growth, in fact, economic growth in general has been fundamentally questioned in the last few years by people concerned with unwanted side effects. The time has passed when governments relying on an optimistic view that all growth is beneficial, competed with one another for new industry characterizes industrial development efforts. This attitude is found at all levels of government, as indicated by the legislation affecting product quality and safety, environmental quality, occupational health and safety, and equal employment opportunity.
Greater public resistance to private development has forced governments to rethink their development programs as well as the viewpoints on environmental, aesthetic, and health considerations.
These comments, however, should bot be construed as support for the" zero growth" movement. Economic growth as proposed by the Weyerhaeuser Co. is needed as means of improving the Quality of life, as a direct result of technological progress and more efficient use of resources.
The real issue is the nature of economic growth, especially the qualitative aspects which in this particular circumstance have been analyzed and are controlled under existing laws, regulations, and restrictions.
Thre is no need to regulate growth or development of a single industry or business. Guidelines for development should be uniformally applied to all development, and when industry meets the requirements of the restrictions and regulations then approvals should be granted.

Respectfully submitted.

Theron V. Rust

Theron V. Rust
Executive Director

The following statement is made on behalf of State Land Commissioner, Bert Cole:

Increasing the export of manufactured products from our State is in the best interest of the State-wide public. I believe it is important that the Government not build road-blocks making accomplishment of this State goal more difficult.

I have reviewed the Weyerhaeuser proposal and find it to be consistent with the State-wide interest, and therefore support development of the DuPont facility.

BLC:rbe

9/6/75

PLACE TESTIMONY IN ITEM FOR MY ISSUANCE INCLUDING AN EXTRA IMAGE OF DS -- Explain...

WASHINGTON ENVIRONMENTAL COUNCIL
107 South Main Street / Seattle, Washington 98104 / (206) 623-1483

September 12, 1979

Seattle District US Army Corps of Engineers
Post Office Box C-3755
Seattle, WA 98124

COMMENTS ON PROPOSED WEYERHAEUSER COMPANY EXPORT FACILITY AT DUPONT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC WORKSHOP, BICENTENNIAL PAVILION, TACOMA

I'm Helen Engle, President of the Washington Environmental Council, a coalition of over 84 citizen organizations throughout the state, dedicated to a clean, safe, beautiful and bountiful environment. We have worked for over ten years for legislation and good government at every level to ensure a quality human environment for ourselves and the future of this most resource-rich of northwest states.

It is customary to open testimony with the appreciative thank-you-for-this-opportunity, etc. and today I'd like to add a note of deja vu — haven't we all done this exact same thing somewhere before?

Is there anyone unaware that the Washington Environmental Council *opposes industrial development of the shoreline of Nisqually Reach?* We have said the same things to the same agencies of jurisdiction since WEC was born eleven years ago. We are repeating the message AND honoring the intent of the voters of Washington State when they passed the Shoreline Management Act of 1971, the State Environmental Protection Act, and other environmental bills recognized nationally for their excellence as examples of forward thinking, comprehensive protection of some of the most important resources in this country.

The DEIS before us probably hasn't one thing in it to disqualify it under SEPA on the basis that it is not "reasonably adequate" in its description of the impact of the proposed export facility. And that's all it's required to do. Actually, I find it a very well-organized, well-written, well-documented study which is provocative to read and would be interesting to discuss. But what I have to say today about this valuable archival work is what it does NOT contain.

In our view the DEIS no way addresses the broader issues at stake of the impact on the natural systems, the social systems, and the service required of the entire Pierce County-Thurston County region, of what is generally accepted as what is really going to happen, that this innocuous 250-acre project is only the precursor of.

We are asked here today to speak our concerns, and the concerns of citizens nationally — Puget Sound's resources are too important to be a provincial prerogative — on all factors relevant to the proposal *including conservation, economics, esthetics, general environmental* concerns, historic values, fish and wildlife values, land use,

AAUW — Lake Washington Branch
AAUW — Washington State Division
Air Quality Coalition
Alpine Ptarmigans
Alpine Lakes Protection Society
American Institute of Planners — Washington Chapter
American Society of Landscape Architects
Black Hills Audubon Society
Blue Mountain Audubon Society
Cascade Wilderness Club
Chautauqua District of Garden Clubs
Citizens for Better Government
Citizens for the Improvement of Nursing Homes
Coalition Against Oil Pollution
Colville Valley Environmental Council
Concerned About Tenino
Cougar Lakes Homes Alliance
Earth Care Organization
Environmental Education Forum of Washington
Everett Garden Club
Floating Homes Association
Greenpeace — Seattle
Hood Canal Environmental Council
Intermountain Alpine Club
Izaak Walton Leagues of America
Kettle Peace Commission Group
Kitsap Audubon Society
Lewisville Salmon Chapter
Northwest Steelhead and Salmon Council of Trout Unltd
Lake Stevens Garden Club
Lower Columbia Basin Audubon Society
Marine Technology Society, Puget Sound Section
Mason Island Environmental Council
Meridian Community Club
Mobility Data Association
Mt Si Pilot
North Cascades Audubon Society
North Cascades Conservation Council
North Central Washington Audubon Society
North University Garden Club
Northwest Fly Anglers
Northwest Steelheaders Council
Northwest Steelhead Salmon Council of Trout Unlimited
Oak Harbor Garden Club
Okanogan Citizens Against Toxic Sprays
Olympic Park Associates
Olympic Peninsula Audubon Society
Public County Environmental Council
Pilchuck Audubon Society
Protect the Peninsula's Future
Queen Anne Garden Club
Recreational Equipment, Inc
Save A Valuable Environment
Save Cypress Island Committee
Seattle Audubon Society
Seattle Garden Club
Seattle Recycling Inc
Sierra Club — Cascade Chapter
Sierra Club — Columbia Group
Skagit Alpine Club
Skagit Environmental Council
Skagitonians Concerned About Nuclear Power
Skagit River Legion
Snohomish District, Washington State Federation of Garden Clubs
Southwest Washington Environmental Team
Spokane Mountaineers, Inc
Spokane Audubon Society
Steelhead Trout Club of Washington
Tacoma Mountaineers
Tahoma Audubon Society
The Mountaineers
The Ptarmigans
The Town Forum, Inc
Thurston Action Committee
Trailblazers
Vancouver Audubon Society
Washington Fly Fishing Club
Washington Kayak Club
Washington Roadside Council
Washington State Environmental Health Association
Wildcat Hills Audubon Society
Yakima Valley Audubon Society
Zero Population Growth — Seattle

navigation, recreation, water supply, water quality, energy needs, safety, food production, and the needs and welfare of the people.

WEC has been speaking to these things, along with literally thousands of other voices, and the burden of the testimony has been overwhelmingly opposed to what appears to be relentlessly coming to pass! I have fat file folders of testimony from public hearings at the federal, regional, state, county, municipal and legislative committee levels. We have spoken to all the above mentioned factors — we have paid a full time lobbyist in the state legislature to speak for the values addressed by SEPA, the act that made this DEIS possible, to the point that all the state's citizens are entitled to a safe, clean, high quality human environment. And we read that to apply to some generations not present in this room yet.

What we are about to say to the Army Corps of Engineers is in the form of questions, since this is a workshop. The questions may seem misplaced, but where in the world are dedicated, sincere, well-backgrounded citizen organizations going to go to get protection for what we see to be such terribly important resources? What agency are we to appeal to in the final analysis that doesn't pass the buck?

Notice I am wearing a button which was distributed at the National Audubon Society Convention in Estes Park, Colorado this June, during an excellent, very well received speech by Lt. General John W. Morris, Chief of Engineers. The button says "The Corps Cares," and I liked what General Morris said about that.

Here's my problem. There is a growing body of documentation that South Puget Sound's best, long-term economic benefits to the region, indeed the nation, will be in finfish and shellfish production, as long as the waters remain high quality. The degree of manipulation and development of industrial use and shipping allowed in estuaries anywhere, determines to a large degree the quality of the water. Is there some way to protect South Puget Sound from this kind of activity? There appear to be a number of alternative sites, which seem on first examination to be navigationally cheaper and safer, lower energy-consumptive, and therefore more environmentally benign, for industrial shipping. Isn't there some way to provide long-term best management options for those years ahead when protein production, high quality water, and energy conservation will be the units of exchange that we'll be dealing with?

Doesn't it look to the Army Corps like we have an opportunity at this crossroads to have our cake and eat it too? What agency can we go to that will think and act comprehensively in the really long-term? Not private industry, apparently. While Weyerhaeuser is asking for the relinquishing of an increment of this "commons" it is at the same time pushing the Army Corps on a project in Grays Harbor estuary where sacrifice of fast-diminishing estuarine natural resources is being requested in return for benefits to this private sector economic resource for just what is being asked here — better world shipping capabilities.

Will the Corps, our federal agency here, grant permits and therefore accommodate industry in this grasping for more of the "commons"?

And the enforcement agency of our Shoreline Act, what support is there? It is generally understood that the State Department of Ecology's position was intending to get around to securing Nisqually Reach for it's natural qualities, ruling the intent of the SMA was to keep shipping here from increasing over the historic volumes of the Dupont Company, but lately we're hearing them say that it is conceivable that industrial development could be compatible with a conservancy designation under the Master Program of a "Shoreline of Statewide Significance," and under Coastal Zone Management Program (Department of Commerce, USA) and "Area of Particular Concern." What does the Army Corps think those terms imply?

What about local agencies? WEC has generally felt that the higher the jurisdiction the better the chance of protection from the pressures of local vested interests with short term gains in mind.

So what of all those well-intentioned environmental laws? What statutory provisions do we turn to as protective devices? How far does the Army Corps authority reach in its permitting system to take a comprehensive look at the bit by bit encroachment of the incredibly wonderful inland sea we are blessed with?

With municipalities and regional sewer districts granted waivers from secondary treatment of sanitary wastes and bigger and bigger interceptors pouring into our marine waters, with private industry developing yet more port facilities with their known adverse impacts, with various and diverse factors damaging water quality of tributary streams, with a booming water oriented recreation industry and its associated disturbance and pollution, with high-density platting and development of the islands of Puget Sound, with acid raindrops falling on our heads. . . . . and on and on. . . . What can the Army Corps do to help us in South Puget Sound?????

I have not said all I'd like to say, nor asked all the questions I have, in this rambling paper. No doubt I'll get another opportunity to speak on this subject. The issue won't go away in my lifetime.

Thanks. Sincerely,

Helen Engle

Helen Engle, President
Washington Environmental Council
4011 Alameda Avenue
Tacoma, WA 98466 (206) 564-3112

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Member of
Pierce County Sports Council

Tacoma Sportsmen's Club, Inc.

537-6151
16409 EAST CANYON ROAD
PUYALLUP, WASHINGTON 98371

September 9, 1979

U. S. Army Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Attention Steve Dice

Gentlemen:

The Tacoma Sportsmen's Club, comprised of 700 members, most of whom live in Pierce County, has followed the Weyerhaeuser Project at DuPont for the past several months. At our regular membership meeting on July 11th, a motion was passed by the membership endorsing the Weyerhaeuser project at DuPont.

We are of the opinion that the study has been long and complete, and would hope the U. S. Army Corps of Engineers will realize this fact. We would expect the needed permits to be issued allowing this project to proceed in a reasonable and timely manner.

We can talk about jobs, environmental impacts, that the project is "well planned", quote State Dept. of Ecology, the increased tax base, and many other things that were considered before we endorsed this proposal.

Enclosed please find a copy of the resolution passed by the Washington State Sportsmen's Council at their quarterly meeting in Wenatchee on June 10, 1979.

Sincerely,

Kenneth F. Johnson

Kenneth F. Johnson
President

KFJ:cj
Encl.

SUBSTITUTE RESOLUTION FOR RESOLUTION 679-2

WHEREAS, Puget Sound is an important habitat for a rich variety of fish, birds and other wildlife of great economic and recreational value to all sportsmen and citizens of the State of Washington, and

WHEREAS, the Nisqually Delta is one of the most important estuaries and wildlife habitats remaining in the Puget Sound region, and

WHEREAS, the waters of Puget Sound are also important and valuable to the citizens of Washington State as sheltered trade routes providing access to the growing markets of the world for products grown and manufactured by Washingtonians. Multiple use of Puget Sound must be pursued to export products of the State when found to be ecologically feasible, and

WHEREAS, citizens of Washington State have indicated their preference for industrial development which is well-planned, economically stable and based on trade in renewable resources such as forest products, and

WHEREAS, Weyerhaeuser Company proposes to build a new high-technology forest products export center at DuPont, Washington near the Nisqually Delta and the Nisqually National Wildlife Refuge, including a new and modern dock, and

WHEREAS, potential environmental effects of the Weyerhaeuser project at DuPont are being carefully and thoroughly analyzed, through a series of scientific baseline studies and environmental impact statements at the present time, and

WHEREAS, even a well-planned, minimal-impact development near the Nisqually Delta does raise issues of balanced resource management and long-term land use, which are of interest to all citizens and which must be carefully addressed,

NOW, THEREFORE, BE IT RESOLVED that the Washington State Sportsmen's Council, in convention assembled at Wenatchee, Washington, this 10th day of June, 1979, expresses its strong interest in preserving the quality of the natural resources and wildlife and fisheries habitat in the Nisqually Delta and Puget Sound and its continued concern for insuring that any development near that area be carefully planned and fully compatible with the needs of the natural environment and natural resources of the area and call upon Washington State and Federal Regulatory Agencies to insure that any potential adverse impacts that might be caused by the proposed facility be carefully examined to protect fully the interests of the citizens of the State of Washington and keep the Washington State Sportsmen's Council, through its representatives, fully and directly informed about and involved in their review processes related to the Weyerhaeuser Company's present project and any future projects in this area, while the Weyerhaeuser Company is following due process to acquire the project permits.

BE IT FURTHER RESOLVED that copies of this resolution be sent to all agencies and parties who received copies of Resolution 1278-E2 as an update of position.

Submitted by:
Bob Elliott, Chairman
Water Access Committee

Substitute amendment was offered.
Amendment to Substitute Resolution failed.
Substitute Resolution was adopted.

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LOREN K. MORSE, PRESIDENT
W 2420 LIBERTY
SPOKANE, WA 99205
(509) 326-2295

ROBERT SKAINES, PRESIDENT ELECT
4048 "A" STREET
TACOMA, WA 98408
(206) 474-0882

HAL C. PARRISH, VICE PRESIDENT
W 2808 HOUSTON AVE.
SPOKANE, WA 99208
(509) 326-8234

CLAUDE C. SNYDER, HONORARY PRESIDENT

KEN McLEOD, HONORARY SECRETARY

TERRY K. RUSSELL, VICE PRESIDENT
775 HIWAY 9
SEDRO-WOOLLEY WA 98284
(206) 855-0801

NICHOLAS ZITTEL, SECRETARY
8519 WEST 23rd
TACOMA WA 98466
(206) 564-0892

OFFICE OF SECRETARY
P O BOX 98238
TACOMA, WA 98498
(206) 564-8949

WASHINGTON STATE

Sportsmen's Council, Inc.

COORDINATED CONSERVATION AFFILIATED WITH NATIONAL WILDLIFE FEDERATION

September 11, 1979

I am Robert Elliott, Water Access Chairman of the Washington State Sportsmen's Council.

I am here today to give testimony on behalf of the President, Loren K. Morse, of the Washington State Sportsmen's Council, who could not be here today.

We have been heavily involved in the studies of the Weyerhaeuser project for ten months.

Because of the complexity of the issue, I feel it only fair to qualify the involvement of the Washington State Sportsmen's Council on the issue at hand.

The Washington State Sportsmen's Council is comprised of 71 affiliate clubs and organizations of which the Nisqually Delta Association is one member organization.

The Council became involved in the issue by a resolution sponsored by the Nisqually Delta Association in December of 1978, which was adopted in opposition to the Weyerhaeuser project.

The Council, at that time, became involved in an on going program of research, on-site inspections, environmental impact statement review and study of the entire proposed Weyerhaeuser Export Facility at Dupont.

Every affiliate club had the opportunity to inspect, on-site, the project and most did. As did the Game Commission of the State of Washington.

With the indepth look at the facility, it became evident the adoption of the original Nisqually Delta emergency resolution was hasty.

At the March 11, 1979 quarterly convention, the action on the resolution was rescinded. It was moved, seconded and passed that we refer further action to the June quarterly meeting in Wenatchee, Washington.

At this same convention in March, a Water Access Committee report on Nisqually Delta, containing areas of question was given to the Board of Directors and Weyerhaeuser Representatives.

DIRECTORS

EVERETT SIMPSON, District 1
439 Ninth Pennell
Olympia, WA 98502
(206) 943-2416

HAL V. HENRY, District 2
8315 S. E. Middle Way
Vancouver, WA 98664
(206) 695 5648

LORE SHARP, District 3
6220 N. W. Strawberry Hill Rd.
Silverdale, WA 98383
(206) 692 6342

NORMAN A. MOBERG, District 4
1992 So. 333rd
Federal Way, WA 98003
(206) 927 4863

GENE TABATA, District 5
217 S. W. 140nd
Seattle, WA 98166
(206) 244 6710

JOHN M. STONE, Director at Large
P.O. Box 357
Clear Lake, WA 98235
(206) 856-4774

DR. RICHARD VAN DYKE, District 6
857 Olympic Blvd.
Everett, WA 98203
(206) 259 4381

ROBERT HARRIMAN, District 7
2264 East Hemmi Rd.
Bellingham, WA 98225
(206) 966-5273

IRWIN STOKES, District 8
Box 37
Paterros, WA 98846
(509) 853-3880

DON A. CHILDRESS, District 9
2408 Airport
Ellensburg, WA 98926
(509) 925-9495

EDWARD L. WELLS, District 10
Rt. 1, Box 77
Pasco, WA 99301
(509) 547-4180

L. VAUGHN DOWNS, District 11
237 D S W
Edmark, WA 98823
(509) 754 4449

WILLIAM R. ROLLINS, Jr., District 13
N. 11305 Anne J. Drive
Spokane, WA 99218
(509) 466 8514

RICHARD R. PERRIGO, District 15
7944 34th S. W.
Seattle, WA 98126
(206) 935-6979

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Leavenworth, WA 98826
(509) 548-7305

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P.O. Box 5031
Tacoma, WA 98405
(206) 474-4868

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2264 E. Hemmi Rd.
Bellingham, WA 98225
(206) 966-5273

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Rt. 1, Box 349
Shelburne, WA 98585
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(206) 927 3709
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P.O. Box 81
Oak Harbor, WA 98277
(206) 675-5402

LEONARD DECKER, Asst. Director Boys Camp
1017 N. 165th. Street
Seattle, WA 98103
(206) 523-5402

GERRY AND CLAUDIA KAUZLARIC
Asst. Co-Directors Girls Camp
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(206) 457-4177

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(206) 630-1717

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(206) 878-7513

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(206) 630-1717

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Kent, WA 98031
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Anderson Hall, Univ. of Washington
Seattle, WA 98195
(206) 543-2750

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Seattle, WA 98188
(206) 248-4033

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4002 South "D" Street
Tacoma, WA 98408
(206) 475-2716

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14222 Hobart Road
Issaquah, WA 98116
(206) 392-8888 (Work 255-7850)

BERTHA SIMPSON, Asst. (Admin.)
437 N. Perches
Olympia, WA 98502
(206) 943-2416

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6147 54th. S. W.
Seattle, WA 98116
(206) 932 7670

DONALD L. HERR, Co-Chairman (East)
1502 E. 27th. Avenue
Kennewick, WA 99336
(509) 586 1884

DICK PRICE, Asst (west)
3002 S. 288th
Auburn, WA 98002
(206) 854 2402

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KEN MOA, Chairman
Rt. 1, Box 1328-28
Parks, WA 98331
(206) 374-5802

NATIONAL AFFAIRS

RICHARD LEWIS, Chairman
1021 George Washington Way Apt. 324
Richland, Wa 99352
(509) 943-4986

BETTY SKANES, Asst. Chairman
6048 'A' Street
Tacoma, WA 98408
(206) 474 6882

NATIONAL WILDLIFE WEEK

BETTY SKANES, Chairman
6048 'A' Street
Tacoma, WA 98408
(206) 474 6882

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3514 S. W. Southern Street
Seattle, WA 98126
(206) 932 5808

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8017 Custer Road S. W.
Tacoma, WA 98498
(206) 588 8878

LARRY WERKEMA, Asst. Chairman
101 E. 39th Street
Vancouver, WA 98663
(206) 696 3673

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Rt. 3, Box 35
Shelton, WA 98584
(206) 878-3873

STEELHEAD

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529 2nd Ave E.
Kent, WA 98031
(206) 854 1516

ALLEN BLANKENSHIP, Asst. Chairman
4407 Lorena N. E.
Seattle, WA 98105
(206) 632-8071

H. C. "Fritz" Schneider, Asst. Chairman
31312 178th Place S. E.
Auburn, WA 98002
(206) 631 0387

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15620 Grant Ave.
Tillicum, WA 98499

UPLAND BIRDS

AL GORACKE, Co-Chairman (West)
2322 58th Ave S. W.
Seattle, WA 98116
(206) 937-4039

DALE SCHWELKE, Co-Chairman (East)
2635 Harris Avenue
Richland, WA 99352
(509) 375 0163

In May of 1979, the Washington State Sportsmen's Council received a detailed document in answer to questions in the committee report for Weyerhaeuser Company. It was reviewed in depth, answering all questions that data had been developed on and promising the other data as it was developed.

At the June convention, the Washington State Sportsmen's Council adopted a substitute resolution for Resolution 679-2. I submit this resolution to be read into the record at this time. (Read Resolution).

the w.s.s.c. is not in a position to endorse or oppose the weyerhaeuser export facility at dupont .

or do we feel qaulified to make exspert technical decisions. how ever we do have great knowledge of the resorses envolved as a user .

We also have technical envolvement with state management agences and their management decisions. envolveing the natural resources of the state of Washington.

We also recognise the need for the facilty and the ability of weyerhaeuser.co. to produce a model facility at dupont.

we represent a large cross section of the citizens from the intire state of washington. who feel that the agences envolved must make the final disision based upon the right of free enterprize to pursue thier endavuers.

while protecting the quality of life in southern puget sound must be carefully addressed now and in the future

Thank you for your time patience

Robert L Elliott

Robert. L. Elliott
water Access Chairman
Washington state Sportsmen's Council Inc.

SUBSTITUTE RESOLUTION FOR RESOLUTION 679-2

WHEREAS, Puget Sound is an important habitat for a rich variety of fish, birds and other wildlife of great economic and recreational value to all sportsmen and citizens of the State of Washington, and

WHEREAS, the Nisqually Delta is one of the most important estuaries and wildlife habitats remaining in the Puget Sound region, and

WHEREAS, the waters of Puget Sound are also important and valuable to the citizens of Washington State as sheltered trade routes providing access to the growing markets of the world for products grown and manufactured by Washingtonians. Multiple use of Puget Sound must be pursued to export products of the State when found to be ecologically feasible, and

WHEREAS, citizens of Washington State have indicated their preference for industrial development which is well-planned, economically stable and based on trade in renewable resources such as forest products, and

WHEREAS, Weyerhaeuser Company proposes to build a new high-technology forest products export center at DuPont, Washington near the Nisqually Delta and the Nisqually National Wildlife Refuge, including a new and modern dock, and

WHEREAS, potential environmental effects of the Weyerhaeuser project at DuPont are being carefully and thoroughly analyzed, through a series of scientific baseline studies and environmental impact statements at the present time, and

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WHEREAS, even a well-planned, minimal-impact development near the Nisqually Delta does raise issues of balanced resource management and long-term land use, which are of interest to all citizens and which must be carefully addressed,

NOW, THEREFORE, BE IT RESOLVED that the Washington State Sportsmen's Council, in convention assembled at Wenatchee, Washington, this 10th day of June, 1979, expresses its strong interest in preserving the quality of the natural resources and wildlife and fisheries habitat in the Nisqually Delta and Puget Sound and its continued concern for insuring that any development near that area be carefully planned and fully compatible with the needs of the natural environment and natural resources of the area and call upon Washington State and Federal Regulatory Agencies to insure that any potential adverse impacts that might be caused by the proposed facility be carefully examined to protect fully the interests of the citizens of the State of Washington and keep the Washington State Sportsmen's Council, through its representatives, fully and directly informed about and involved in their review processes related to the Weyerhaeuser Company's present project and any future projects in this area, while the Weyerhaeuser Company is following due process to acquire the project permits.

BE IT FURTHER RESOLVED that copies of this resolution be sent to all agencies and parties who received copies of Resolution 1278-E2 as an update of position.

Submitted by:
Bob Elliott, Chairman
Water Access Committee

Substitute amendment was offered.
Amendment to Substitute Resolution failed.
Substitute Resolution was adopted.

3784 N. 31st St.
Tacoma, Wa. 9840
9-20-79

U.S. Army Corps of Engineers
P.O. Box C-3755
Seattle, Wa. 98124
Attention Steve Lee

Dear Sirs:

Re Weyerhaeuser Export Facility
DuPont, Washington

Mr. Kellogg and myself wish to express our sentiments pro & con of the above facility. Due to both of our commitments we were unable to attend the hearing in Tacoma, so are therefore putting them in writing.

Certainly Weyerhaeuser's leading facility in Federal Way is a valued asset as well as an aesthetic contribution to that area. Their various plants located in Washington and Oregon are all credits to their communities.

When the Tacoma Sportsmen's Club which ordinarily opposes any industrial expansion, says the proposed Weyerhaeuser development at DuPont will be a positive and, that should be a powerful argument.

Yours truly,
Mr. & Mrs. Orrell H. Kellogg

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9415 D'Millluhr Road NE
Olympia, Washington 98506
18 September 1979

Seattle District
U. S. ARMY CORPS OF ENGINEERS
Post Office Box C-3755
Seattle, Washington 98124

Sir:

I hereby submit in writing my comments on the Weyerhaeuser Corporation proposed deepwater port to be located at DuPont. This includes the oral testimony I presented at public hearing on 12 September:

Good evening. I am Ruth Weisberg. I live just beyond Luhr Beach Public Access in Thurston County, overlooking the Nisqually Delta and directly facing DuPont. The distance from our home to the proposed pier is roughly three miles.

As you know, three miles of open water or tide flats is not far when flood lights, heavy machinery noises and other port activities encroach on a quiet and natural area. My family selected this site over any other in the world and my husband and I are too old to relocate for our declining years. Also, there is no way that we could replace our home and view property, which the tax assessor assures us has doubled or tripled in value in the past ten years.

We, and our neighbors, will be impacted by the Weyerhaeuser Corporation's proposed log export facility. So will thousands of people of the Northwest who cherish the quality of life and the unspoiled areas of the Nisqually Delta and Southern Puget Sound. So will the majestic great blue heron, cormorant, salmon, perch as well as the lowly oyster and geoduck. So, also, the furry animals from red fox and raccoon to deer.

DuPont is our first view in the morning and the last at nightfall. We enjoy the water and shore birds of the delta, occasionally launch our small boat for a fishing or photographic excursion. We buy succulent oysters from the nearby oyster farm where our son once worked. We eat the fine seafood of surrounding waters. Friends from around the world have thrilled to the unspoiled beauty of the site.

Although I oppose permitting Weyerhaeuser Corporation--or anyone else--to build a new port at DuPont, I am not anti-capitalist in my position. I applaud Weyerhaeuser's plan to update its operations to compete in world markets and I sincerely wish more U. S. industries were taking this step so vital to our national economy. However, the DuPont site presents environmental considerations which make such a port facilty unfeasible. These problems were throughly aired when Burlington Northern proposed its port on Nisqually Reach, and this should have given Weyerhaeuser Corporation an indication that the people of the Northwest would fight to protect the ecology of Southern Puget Sound.

The environmental studies funded by Weyerhaeuser Corporation could in no way forecast the impact of the proposed port activities on water quality and other ecological aspects; the most they could do was to provide baseline studies by

which to measure pollution after the fact. Too late to deny the permit! Weyco claims that planning and scientific research has cost $2.5 million and three years. It does not break down the cost and time for planning, and for scientific research. This may be a very misleading statement. Environmental studies appear to me to have made up a small part of that $2.5 million.

Weyerhaeuser Corporation is diversified into several areas of activity acattered throughout several states and foreign countries. What proportion of its income is now derived from log export? Is it not true that Weyco is greatly expanding its log exports in competition with other such established giants as Simpson? With professional forecasts of decreasing log exports, how does Weyco propose to justify a seventy million dollar log export facility? Is it possible that the proposed port will serve an industrial complex encompassing not only logs, wood and paper products but also unrelated activities? Activities not revealed to the public or to the Corps of Engineers?

Mr. Phil White informed me (Lacey Area Chamber of Commerce, 14 March 1979) that Weyerhaeuser Corporation has no alternate site in mind because it is sure of getting all the permits it needs to proceed at DuPont. In studying the problem I have become convinced that higher profit is the prime consideration for selecting the DuPont site--and the public be damned! By taking advantage of certain legalities pertinent to the incorporated City of DuPont, Weyco escapes certain zoning and environmental restrictions. But even with this legal loophole, there are federal, state and local laws governing the use of our shorelines, and I do not believe Weyco will be able to comply with them fully in carrying out its plans.

The DuPont site raises controversy because it:

a. is adjacent to the environmentally fragile Nisqually Delta, a national wildlife refuge, where strong tidal action would carry pollutants into the Delta area. The new port would be less than a half mile from Nisqually Flats, the boundary of the Nisqually National Wildlife Refuge.

b. would destroy one of the finest fishing holes of Southern Puget Sound, just off the old dock.

c. be detrimental to the chum salmon runs of summer migration.

d. impair the livelihood of one hundred Squaxin Island Indian families, who have been endeavoring to increase chum salmon runs.

e. destroy the ecological balance and beauty of a "shoreline of statewide significance".

f. have a detrimental effect on water-oriented recreation of Southern Puget Sound --a very popular and lucrative industry.

g. create an eyesore, noise and pollution for those people who have deliberately selected the shores of Southern Puget Sound for their homesites and who pay handsomely for the privilege.

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Other objections to the Weyerhaeuser proposed port are as follows:

1. Weyerhaeuser has refused to reveal for public scrutiny its comprehensive plan for developing this port and industrial complex. Once permits are obtained, there would be little to stop Weyco from proceeding with an open-end development plan. Will the public be pressured into having another "aroma of Tacoma" or "Longview pollution" operation?

2. Weyco will be exporting more logs at higher profit, also exporting the jobs of our already depressed Northwest timber industry.

3. Operations will be carried out by highly automated machinery, often operating day and night. The argument that this facility will add jobs is highly questionable.

4. Weyco now uses two 1000-foot piers in Tacoma. With a more than 1300-foot pier at DuPont, will it use larger ships? I believe so.

5. Weyerhaeuser insists that its shipping operations will not befoul the waters of the area but I find that hard to believe. Although it is illegal to pump bilges except where there exist facilities to treat polluted water, it is common practice for crews to pump bilges at their convenience. Weyco operations would move polluted water from Commencement Bay to the DuPont pier at the edge of the Nisqually Delta. Ships arrfng from the Far East would off load at Tacoma, taking on water for ballast. Whenloading logs at DuPont, they would pump out the bilges. Even without other pollution, this operation alone would soon alter the ecology of Southern Puget Sound. Although we have the technology to solve such problems, I am not convinced the Weyerhaeuser Corporation will look after the public interest in this matter.

6. Giving permits for a new port at DuPont would establish a precedent leading to more industrialization of the shores of Southern Puget Sound. Instead of a clean, beautiful body of water, the area could become a living sewer. (Tokyo has spent ten years cleaning up its Bay. The pearl oyster beds which used to dot the Bay have long been gone, victims of pollution.) Those industries dependent upon a clean, natural environment would rapidly diminish.

In spite of my concern for the environment, I am far from a "no-growth" advocate. For nine years I have managed a marble import business and I am familiar with some shipping problems. I favor free enterprise--when it does not infringe upon the rights of others. Although I live in another county from DuPont, I will be more impacted than Pierce County residents, who are, for the most part, unaware of the problem. "Out of sight, out of mind."

I, too, own part of Puget Sound and I am merely protecting my rights when I oppose Weyerhaeuser Corporation's proposed new deepwater port. Although their plan is admirable in many respects, the DuPont site is too environmentally sensitive to be appropriate for even "PhaseI" development. Neither the Port of Tacoma nor the Port of Olympia is used to capacity. Although the manager of the Port of Tacoma agrees (with Weyco) that the port cannot accommodate Weyco as it would like to be accommodated, the possibility of using existing ports should be thoroughly explored before giving a permit for a new port.

Weyerhaeuser-DuPont 4. Weisberg

In view of the strong bid the Port of Tacoma makes for U.S. and foreign tenants and customers, it seems to me that the Port should be carefully evaluated to determine if it in fact is unable to serve all or a major part of Weyco's requirement. State law requires existing ports to be used whenever possible to avoid the proliferation of new ports.

If a new port is to be considered, it should be in a less environmentally sensitive location, north of the Narrows. I oppose industry's attempts to develop a new port which will bring Weyerhaeuser Corporation, the City of DuPont and Pierce County big profits at the expense of irreversible ecological, sociological and economic changes. There are more appropriate uses for such special areas, such as convention and tourist facilities. There are also are non-polluting industries requiring no new deep water port.

I urge the U. S. Corps of Engineers to deny permits to build this port anywhere south of the Narrows on Puget Sound.

RUTH B. WEISBERG

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RICHARD M. "DICK" BOND
6th DISTRICT

OLYMPIA OFFICE
423 LEGISLATIVE BLDG
OLYMPIA 98504
206 753-7930

SPOKANE OFFICE
N. 411 MAYANA ST
SPOKANE 99207
509 534-1301

September 14, 1979

House of Representatives
STATE OF WASHINGTON
OLYMPIA

U. S. Department of the Army
Corps of Engineers, Seattle District
P. O. Box C-3755
Seattle, Washington 98124

Attention: Steve Dice

Dear Mr. Dice:

This letter is in regard to your September 12 hearing on the federal Environmental Impact Statement for the proposed Weyerhaeuser Company export facility at DuPont. Please accept this as a part of the hearing record.

I am a member of the House of Representatives, elected to represent the people in the 6th District. During the 1979 legislative session, a bill was introduced into the House which, if passed, would have prohibited any industrial dock to be located within a five mile area of the Nisqually Delta. Obviously, this bill was aimed at, and would have stopped, the Weyerhaeuser Company's export center plans. Proponents of the bill were many of the same who have been actively opposing Weyerhaeuser's plans. The bill received a hearing and many arguments were made pro and con about the export facility. There was insufficient support for the bill and it died. I believe this action was significant since it measured to some degree the mood of the state Legislature on this issue.

During the same session, I had the opportunity to tour the DuPont site. After seeing the site and reviewing the export facility plans, I cannot see how the project will adversely affect the environment. To the contrary, I believe the wood products project will pose much less hazard to the environment, both human and wildlife, then did the previous explosives manufacturing plant.

For these reasons, and as a step toward strengthening our vital export trade economy, I believe the federal EIS should be approved in an expeditious manner, and the necessary permits be issued to Weyerhaeuser Company for their DuPont project.

Sincerely,

Dick Bond

RMB:rk

FORTY-SIXTH LEGISLATURE
1979-80 COMMITTEES

9/14/99

Dear Frank,

I attended a workshop dealing with the Dupont Weyerhaeuser Export facility in Tacoma at the Bicentennial Pavillion. The workshop purpose was to receive comments from the public and interested groups, which will go into the final EIS. I must say I was sorely disappointed with both the Weyerhaeuser people & some of the public comments. It appeared to me that no one did any discussing of the real issues (which I had assumed were the welfare of the environment and the animals that dwell in that particular area that Weyerhaeuser is planning on building) the questions & answers dealt with mostly the concern for whether or not Weyerhaeuser would in the future expand their one export pier into a port. To me that was not an issue of today, if Weyerhaeuser recieves a permit to build, and later they decide to expand then that will be dealt with. In the first place they don't even have the permit yet, during the meeting people were told that was not the purpose of this workshop. I don't think they heard the concerned citizens for the welfare of our environment were so wrapped up in emotionalism that I think their views were somewhat clouded.

I believe that we are all concerned about the animals, & other life

that have dwelt there and whether or not they will be seriously affected. Well obviously if the pier & terminal are built it is going to seriously affect the life presently there. It states in the DEIS over & over again the harmful effects to the human community & the wildlife. If it was a matter of what people want I think most would like to see the land preserved. But I wonder after listening to the Army Corps of Engineers if that is their greatest concern. It seemed to me that they definitely leaned toward Weyerhaeuser & their wishes. On several occasions the public speakers were met with rudeness & skepticism from both Weyerhaeuser & the Army Corps of Engineers. I think that there was hostility on both sides, and although I believe Mr. Dies was in fact important, I think he could have & should have brought the discussion back into perspective. So he seemed to be some sort of chairperson & led off the discussion & gave the rules. I feel because it was an informal workshop that much credit have been due to make it as. I don't believe that seating the representatives from Weyerhaeuser & the Army Corps of Engineers on stage above every one else was an informal gesture. In fact any psychologist will tell you it is an act of dominance and did in fact create that sort of atmosphere. People were obviously intimidated as they were speaking

out on the environmental issue, and in some cases were actually booed at by from the representatives ~~of~~ from Weyerhaeuser & the Army Corps of Engineers. ~~It~~ Not so much from the people on stage but from the gentlemen sitting on the sidelines to answer questions concerning Weyerhaeuser or the Army Corps of Engineers. This is the kind of behavior displayed by high school ~~students~~ students. And I certainly did not expect to see it coming from professionals. How can I be confident that the EIS submitted by the Army corps of Engineers is as thorough & objective an item as it should be when I have seen the type of behavior displayed by those top people? I feel that this particular Workshop I attended was truly in bad taste.

I didn't feel that much of anything was accomplished, and I went away feeling somehow frustrated that I could not personally put right the things I felt were wrong. I went to the Workshop not really knowing how I felt from the technical aspect of the issue. But my heart I have always been for preservation of our wildlife, but willing to make concessions in the light of progress & the betterment of the quality of life. As I left the meeting the one thought in my mind was that I hope the Weyerhaeuser permit is denied. The obvious lack of concern for what is right was a statement both Weyerhaeuser & the Army Corps of Engineers made through their gestures & thoughtlessness of

other people's feelings. I am disappointed that Weyerhaeuser couldn't put down their banner a little & assure people that they would do their utmost in preserving life while they progress. I did not think that was asking too much from such a powerful company.

I hope in writing for the final EIS the Army Corps of Engineers will give some thought to the fact disappearing wildlife will what it will mean to our future. Any scientist will admit that man is just a link in the great chain of life, and as we weaken that chain we ultimitly weaken ourselfves.

Truly Yours
Kathleen Nunn
1010 No. J #12
Tacoma 98403

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PUBLIC HEARING - U.S.A.C.E.

WEYERHAEUSER - DUPONT

Submitted by

Ernest O. Salo, Professor
Fisheries Research Institute
University of Washington
Seattle, Washington 98195

12 September 1979

In 1977 and 1978 the Fisheries Research Institute of the University of Washington conducted a study of the ecology of the fishes of the Nisqually Reach. The study was part of the environmental investigations sponsored by the Weyerhaeuser Company in support of their application to construct a cargo-loading dock in the DuPont area. A final report was submitted in February 1979.

The 229-page report describes the distribution of the migratory juvenile salmonids in the Nisqually Reach and discusses the trophic relationships of the salmonid and non-salmonid fishes of the area.

The area is an important migratory route for the juvenile chum, pink, coho and chinook salmon as they move to outer Puget Sound and the sea, and for the adults upon their return. Immature chinook salmon utilize the Reach and adjacent waters for rearing. Baitfishes, notably herring, surf smelt and sand lance were the most abundant non-salmonids caught by our off-shore sampling gear.

Our sampling plan used the existing DuPont dock as a focal point as it is our understanding that this is the approximate location of the proposed cargo dock. Our investigations were designed to provide data for assessment on any changes that may occur in this area as a result of the construction of a cargo dock.

Although the final design of the facilities has not been considered, it is my opinion that a dock placed on pilings can be designed so that it would not have significant adverse effects upon the migratory or resident fishes of the area. Our data is not limited in usefulness, however, to only considerations of the dock.

Thank you,

Ernest O. Salo

WE SUBMITTED OUR TESTIMONY - LEC ROBINETTE COULD HAVE TREATED THE MATTER FOR MY ISSUES INCLUDING AN UPS IMAGE OF US -- Explanation

WASHINGTON ENVIRONMENTAL COUNCIL
107 South Main Street / Seattle, Washington 98104 / (206) 623-1483

September 12, 1979

Seattle District US Army Corps of Engineers
Post Office Box C-3755
Seattle, WA 98124

COMMENTS ON PROPOSED WEYERHAEUSER COMPANY EXPORT FACILITY AT DUPONT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC WORKSHOP, BICENTENNIAL PAVILION, TACOMA

I'm Helen Engle, President of the Washington Environmental Council, a coalition of over 84 citizen organizations throughout the state, dedicated to a clean, safe, beautiful and bountiful environment. We have worked for over ten years for legislation and good government at every level to ensure a quality human environment for ourselves and the future of this most resource-rich of northwest states.

It is customary to open testimony with the appreciative thank-you-for-this-opportunity, etc. and today I'd like to add a note of deja vu — haven't we all done this exact same thing somewhere before?

Is there anyone unaware that the Washington Environmental Council opposes industrial development of the shoreline of Nisqually Reach? We have said the same things to the same agencies of jurisdiction since WEC was born eleven years ago. We are repeating the message AND honoring the intent of the voters of Washington State when they passed the Shoreline Management Act of 1971, the State Environmental Protection Act, and other environmental bills recognized nationally for their excellence as examples of forward thinking, comprehensive protection of some of the most important resources in this country.

The DEIS before us probably hasn't one thing in it to disqualify it under SEPA on the basis that it is not "reasonably adequate" in its description of the impact of the proposed export facility. And that's all it's required to do. Actually, I find it a very well-organized, well-written, well-documented study which is provocative to read and would be interesting to discuss. But what I have to say today about this valuable archival work is what it does NOT contain.

In our view the DEIS no way addresses the broader issues at stake of the impact on the natural systems, the social systems, and the services required of the entire Pierce County-Thurston County region, of what is generally accepted as what is really going to happen, that this innocuous 250-acre project is only the precursor of.

We are asked here today to speak our concerns, and the concerns of citizens nationally — Puget Sound's resources are too important to be a provincial prerogative — on all factors relevant to the proposal including conservation, economics, esthetics, general environmental concerns, historic values, fish and wildlife values, land use,

AAUW — Lake Washington Branch
AAUW — Washington State Division
Air Quality Coalition
Alpine Ptarmigans
Alpine Lakes Protection Society
American Institute of Planners — Washington Chapter
American Society of Landscape Architects
Black Hills Audubon Society
Blue Mountain Audubon Society
Cascade Wilderness Club
Cloudland District of Garden Clubs
Citizens for Better Government
Citizens for the Important of Nursing Horses
Coalition Against Coastal Oil Pollution
Colville Valley Environmental Council
Concerned About Trident
Douglas Lakes Wilderness Alliance
Earth Care Organization
Environmental Education Forum of Washington
Everett Garden Club
Floating Homes Association
Ghostwood — Seattle
Hood Canal Environmental Council
Issaquah Alpine Club
Izaak Walton League of America
Kaiser Power Conservation Group
Kitsap Audubon Society
Lexington Salmon Chapter
Lower Columbia Basin Audubon Society
Marine Technology Society, Puget Sound Section
Mercer Island Environmental Council
Methow Community Club
Mount Vernon Dikes Association
No Oil Port
North Cascades Audubon Society
North Cascades Conservation Council
North Central Washington Audubon Society
North University Garden Club
Northwest Fly Anglers
Northwest Steelheaders Council
Northwest Steelhead Salmon Council of Trout Unlimited
Oak Harbor Garden Club
Okanogan Citizens Against Toxic Sprays
Olympic Park Associates
Olympic Peninsula Audubon Society
Pacific County Environmental Council
Pilchuck Audubon Society
Protect the Peninsula's Future
Queen Anne Garden Club
Recreational Equipment, Inc
Save A Valuable Environment
Save Cypress Island Committee
Seattle Audubon Society
Seattle Garden Club
Seattle Recycling, Inc
Sierra Club — Cascade Chapter
Sierra Club — Columbia Group
Skagit Alpine Club
Skagit Environmental Council
Skagitonians Concerned About Nuclear Plants
Skagit River League
Snohomish District, Washington State Federation of Garden Clubs
Southwest Washington Environmental Team
Spokane Mountaineers, Inc
Spokane Audubon Society
Steelhead Trout Club of Washington
Tacoma Mountaineers
Tahoma Audubon Society
The Mountaineers
The Ptarmigans
The Town Forum, Inc
Thurston Action Committee
Trailblazers
Vancouver Audubon Society
Washington Fly Fishing Club
Washington Kayak Club
Washington Roadside Council
Washington State Environmental Health Association
Wildcat Hills Audubon Society
Yakima Valley Audubon Society
Zero Population Growth — Seattle

navigation, recreation, water supply, water quality, energy needs, safety, food production, and the needs and welfare of the people.

WEC has been speaking to these things, along with literally thousands of other voices, and the burden of the testimony has been overwhelmingly opposed to what appears to be relentlessly coming to pass! I have fat file folders of testimony from public hearings at the federal, regional, state, county, municipal and legislative committee levels. We have spoken to all the above mentioned factors — we have paid a full time lobbyist in the state legislature to speak for the values addressed by SEPA, the act that made this DEIS possible, to the point that all the state's citizens are entitled to a safe, clean, high quality human environment. And we read that to apply to some generations not present in this room yet.

What we are about to say to the Army Corps of Engineers is in the form of questions, since this is a workshop. The questions may seem misplaced, but where in the world are dedicated, sincere, well-backgrounded citizen organizations going to go to get protection for what we see to be such terribly important resources? What agency are we to appeal to in the final analysis that doesn't pass the buck?

Notice I am wearing a button which was distributed at the National Audubon Society Convention in Estes Park, Colorado this June, during an excellent, very well received speech by Lt. General John W. Morris, Chief of Engineers. The button says "The Corps Cares," and I liked what General Morris said about that.

Here's the problem. There is a growing body of documentation that South Puget Sound's best, long-term economic benefits to the region, indeed the nation, will be in finfish and shellfish production, as long as the waters remain high quality. The degree of manipulation and development of industrial use and shipping allowed in estuaries anywhere, determines to a large degree the quality of the water. Is there some way to protect South Puget Sound from this kind of activity? There appear to be a number of alternative sites, which seem on first examination to be navigationally cheaper and safer, lower energy-consumptive, and therefore more environmentally benign, for industrial shipping. Isn't there some way to provide long-term best management options for those years ahead when protein production, high quality water, and energy conservation will be the units of exchange that we'll be dealing with?

S-29

Doesn't it look to the Army Corps like we have an opportunity at this crossroads to have our cake and eat it too? What agency can we go to that will think and act comprehensively in the really long-term? Not private industry, apparently. While Weyerhaeuser is asking for the relinquishing of an increment of this "commons" it is at the same time pushing the Army Corps on a project in Grays Harbor estuary where sacrifice of fast-diminishing estuarine natural resources is being requested in return for benefits to this private sector economic resource for just what is being asked here — better world shipping capabilities.

Will the Corps, our federal agency here, grant permits and therefore accommodate industry in this grasping for more of the "commons"?

And the enforcement agency of our Shoreline Act, what support is there? It is generally understood that the State Department of Ecology's position was intending to get around to securing Nisqually Reach for it's natural qualities, ruling the intent of the SMA was to keep shipping here from increasing over the historic volumes of the Dupont Company, but lately we're hearing them say that it is conceivable that industrial development could be compatible with a conservancy designation under the Master Program of a "Shoreline of Statewide Significance," and under Coastal Zone Management Program (Department of Commerce, USA) and "Area of Particular Concern." What does the Army Corps think those terms imply?

What about local agencies? WEC has generally felt that the higher the jurisdiction the better the chance of protection from the pressures of local vested interests with short term gains in mind.

So what of all those well-intentioned environmental laws? What statutory provisions do we turn to as protective devices? How far does the Army Corps authority reach in its permitting system to take a comprehensive look at the bit by bit encroachment of the incredibly wonderful inland sea we are blessed with?

With municipalities and regional sewer districts granted waivers from secondary treatment of sanitary wastes and bigger and bigger interceptors pouring into our marine waters, with private industry developing yet more port facilities with their known adverse impacts, with various and diverse factors damaging water quality of tributary streams, with a booming water oriented recreation industry and its associated disturbance and pollution, with high-density platting and development of the islands of Puget Sound, with acid raindrops falling on our heads. . . . . and on and on. . . . What can the Army Corps do to help us in South Puget Sound?????

I have not said all I'd like to say, nor asked all the questions I have, in this rambling paper. No doubt I'll get another opportunity to speak on this subject. The issue won't go away in my lifetime.

Thanks. Sincerely,

Helen Engle

Helen Engle, President
Washington Environmental Council
4011 Alameda Avenue
Tacoma, WA 98466 (206) 564-3112

D.S. ARMY CORPS. OF ENGINEERS, September 12, 1979, Tacoma Bicentennial Pavillion

64 Salmon Beach
Tacoma, Washington 98407
12 September 1979

TO: The Army Corps. of Engineers

Gentlemen:

I am one of two-hundred residents in the community on Puget Sound known as Salmon Beach. Salmon Beach has been recognized by the State Register of Historic Places, and Cabin 97 has been placed on the National Register of Historic Places because of the unique and original character of the community. Part of that uniqueness is that it is built entirely on pilings over the water. At high tide the water flows completely under our homes.

I am writing you today because I feel that there is a potential for serious hazard from increased large ship traffic, a hazard to myself, my family, and this historic community, as well as other over-water communities on the South Sound. The Weyerhaeuser log export facility proposes to increase the size of its log ships to almost twice their present size.

The Tacoma Narrows is aptly named; it is quite narrow. All of South Sound must funnel through it. The waters here are swift and treacherous; having lived here for eighteen years, I know that one of the many hazards we must be continually aware of is the wake of passing log ships, fully loaded, out bound.

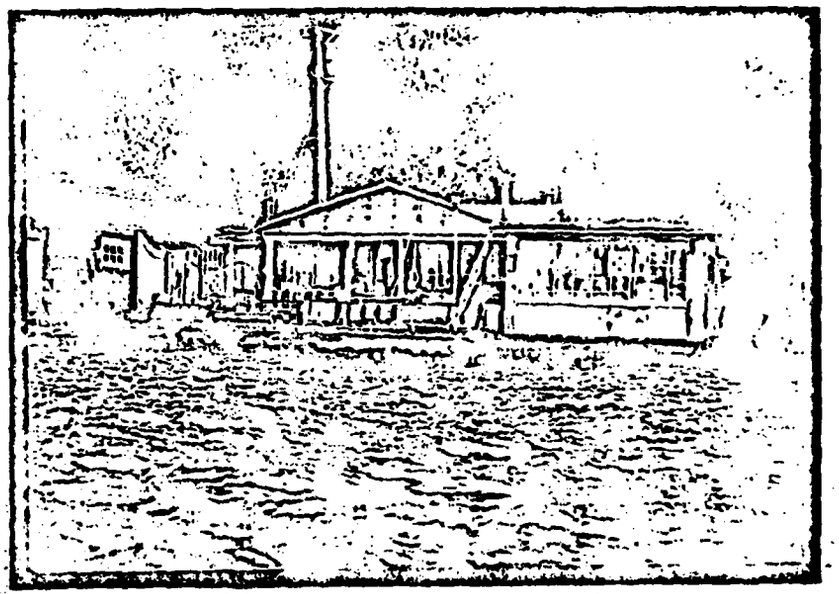
These homes gradually evolved from the turn of the century; they were not constructed with the wake of superships in mind. At present, the wake caused by a log ship passing through the Narrows at high tides has already, on occasion, caused damages. Unless careful planning is initiated, before the fact, the larger proposed ships could cause disaster.

I am opposed to this port facility proposal because despite proper speed limitations, hull designs, tug escorts and skilled pilots, this proposed industrial port would increase ship traffic in the Narrows, and that in itself would increase hazard to my family and community.

Sincerely,
Richard A. Turner
RICHARD A. TURNER

Enclosure
cc: Washington State Department of Energy
Governor Dixy Lee Ray
U.S. Coast Guard, 13th District, Seattle
Weyerhaeuser Corporation, Headquarters

Note: The enclosed photograph is of my home at one of the many high tides of this year.



S-30

September 12, 1979

Mr. Steven Dice
Permit Section
Seattle District
U.S. Army Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Sir:

In answer to your request at the public hearing, I am sending you this written version of my testimony in regards to the application by Weyerhaeuser Company for a permit to construct a pier in navigable waters adjacent to Nisqually Delta.

In my public testimony I made reference to a letter authored by myself and Sarah Madsen which was sent to the Department of Ecology and which you have received a copy of, several weeks prior to the public hearing. I would like to take this time to encourage you to find that letter and read it. We spent a considerable amount of time and effort writing it and hopefully it will convey to you clearly enough our concerns regarding the project's inconsistency with the Washington Coastal Zone Management Program and the many uncertainties and inconsistencies remaining in the URS Company's analysis of environmental impacts.

S-31

PUBLIC TESTIMONY: Public Hearing on Weyerhaeuser Export Facility at DuPont
Held September 12, 1979, Bicentennial Pavillion, Tacoma

I don't mind saying from the beginning that I think this proposal is a bad idea. Not that I'm opposed to Weyerhaeuser trying to remain competitive in an increasingly tight market; but constructing a pier for large ocean-going vessels next to a wildlife refuge preserved because of its ecosystem just doesn't make sense and in my opinion isn't good land use practice. I think the state and federal officials have the authority to restrict development on this shoreline for two reasons:

1. Federal Policy is to discourage the proliferation of private ports which suit individual interests and to encourage the economic base of existing urban centers and existing ports.

2. The Washington Coastal Zone Management Program
In its conditional letter of approval for the urban shoreline designation (DuPont Shorelines Master Program), the Department of Ecology specifically recognized its authority to limit intensity of use along this shoreline. The agency stated that any activity which might harm the

adjacent Nisqually Delta would be contrary to the Shoreline Management Act. I think this letter (see attached) should be included in the appendix of the EIS and addressed specifically in the text. (Letter from Director John Biggs to Kenneth Karnes, Mayor of DuPont, June 11, 1975)

The issue before a Corp decision-maker is thus whether any of the proposed activities <u>might</u> cause harm to the Delta. And I emphasize the word 'might'. We all appear here today to assist you in preparing a decent Environmental Impact Statement. We've done alot of reading and preparation, and five minutes to speak is scarcely enough time to scratch the surface of this issue. But the criticisms brought to your attention today must be answered by the Weyerhaeuser Company in full to avoid any element of uncertainty. We do not have laboratories, full time payed biologists, economists, pollution specialists nor 2 million dollars to prove that what we say has merit. Nor is it our responsibility to do so. The burden of proof lies with Weyerhaeuser.

If Weyerhaeuser's staff are unable to clear up the many gray areas with straight forward, totally specific information, then the company does not preserve its unrestricted right to develop its land. This is the substance of the Department of Ecology letter attached to the DuPont Shorelines Master Program and the intent of the Shoreline Management Act. Even Weherhaeuser should have to comply with the law.

At the top of the Shoreline Management Act list of priority areas receiving special Shoreline of Statewide Significance designation was the Nisqually Delta, including the location of the pier. (DeWolf Bight to Tatsolo Point) I could go on for a long time about the vulnerability of species diversity and numbers in the Nisqually ecosystem to industrial port activity. However, I have already sent you a detailed comment on inadequacies and uncertainties we have found in the URS Company's assessment of potential environmental impacts including the inadequacy of proposed mitigating measures. So, tonight I will not restate those points, assuming that you will soon read that other comment, if you have not already had the chance to do so.

I would like to make a couple of brief comments on the Chronic Impacts discussion in Appendix I-11 before beginning the substance of my comments tonight.

CHRONIC IMPACTS
Sources of harm to marine and benthic organisms and birds other than those mentioned on p. I-11 would be fuel spills from tank truck accidents, refueling spills involving dock vehicles, small spills associated with dock support vessels (tugs, etc.), valve leaks (particularly during ballast transfer operations, fuel transfer, etc.), and runoff. One element present in runoff that was not mentioned is PCB, produced by tire wear and friction, spills from transformers and other elctrical elements, and other sources. The runoff collection tank underneath the pier will not prevent these dock, and dock road access pollutants from entering the water. Flooding is a frequent element of Washington

climate and the Water Resource Inventory for Washington State could be consulted for all periods of intensive rainfall, rather than selecting only one category (ie Highest 24 hour rainfall in 30 year period) in designing holding tank capacity.

The appendix statement regarding wood tropolones appears to contradict the Department of Game statement of concern regarding leachates from wood products. (See Department of Game letter to Mayor of DuPont, Review of draft SEPA EIS) The Corps of Engineers should obtain the opinion of other biologists on this question and ask the Weyerhaeuser Company to deal specifically with the problem of groundwater contamination. Our previously submitted written comment addresses these questions at length.

I'd like to stay in the Appendix as I begin my essential comments.

LETTER FROM GEORGE WEYERHAEUSER
The second page, top paragraph, of George Weyerhaeuser's letter to Fort Lewis refers to the EIS and its application to "future expansion". I would like to ask Phil White to clarify the meaning of "future expansion". I would also like to know if it is the company's understanding of the EIS as written, that the EIS and baseline data are sufficient to support further expansion of the export facility.

Farther down the page, Mr. Weyerhaeuser makes reference to "Customer's and Supplier's". I would like a clear definition of these two words and an explanation as to whether Weyerhaeuser will be allowing other companies to use the export facility for their shipments, what kinds of products these customers might be shipping, and whether the company is planning to lease property on the uplands to other companies with guaranteed access to and use of the pier. Will only Weyerhaeuser products be shipped from DuPont?
In my opinion, use of the facility by companies other than Weyerhaeuser and shipment of cargo other than forest products would involve environmental impacts of a nature different than those addressed in this EIS.

WHY CAN'T THIS FACILITY BE LOCATED SOMEWHERE ELSE?

Given the intense disagreement on environmental and cultural impacts that would result from the facility, and the intent of the Shoreline Management Act to locate ports in existing industrial centers if available, rather than in sensitive areas designated to be preserved in their natural condition, Weyerhaeuser should be compelled to show clearly that they have conducted a thorough study of alternate sites and the reasons why none of these sites are sufficient. I do not believe this has been done to date.

Weyerhaeuser's alternate site search began with 28 original candidates

which conceivably were realistic candidates. The search narrowed these possible sites down to four alternatives. Yet of these four choices, which were supposedly credible choices and were to receive in depth scrutiny, three of these are either not viable today or else don't really represent an alternative to DuPont. Thus, the thoroughness of the "alternate site search" is seriously called into question.

Of the four sites selected through the alternate site search, two are admitted in the EIS to be not viable today, and one is merely on the other side of the delta mudflats and is thus not really an alternative. Tacoma is listed as one of the four serious choices, and yet several letters in the Appendix of the draft EIS (p. 164) indicate that the port does not want the Weyerhaeuser project. The Port of Tacoma, it would appear, is not a realistic choice for in-depth consideration as an alternate site. However, the map on page 167 should be upgraded to clearly identify the areas listed. I understand Weyerhaeuser presently owns or has lease to lands within the Port of Tacoma and these should be unmistakably identified along with clear identification of those areas presently committed to industrial use and those areas still available for development. Another of the four final selections, Chenault, is described on page 166 of the draft EIS as unlikely to be still viable. This leaves two choices out of 28 that were actually seriously considered to be "alternate sites". Of these two, one, Hawks Prairie, is in essentially the same geologic position with respect to the mudflats of Nisqually Delta, only it is on the other side of the delta from DuPont. It is thus a long stretch of the English language to call Hawks Prairie a true "alternative" to DuPont. Other than the more serious erosion and siltation to occur during construction, the environmental effects of operating the facility at Hawks Prairie wouldn't be much different than at DuPont in terms of impacts on the estuary. Because construction of the project at Hawks Prairie threatens the same estuary, I wouldn't call it an alternative to DuPont.

The draft EIS states that of the four sites chosen from the original 28, only one met all the site selection criteria. However it appears, after reading the EIS more carefully, that DuPont was chosen before the "search" began. Alternatives are not alternatives really unless they are viable and are in another geographic location.

This conclusion generates a host of other questions as to the credibility of the search for a site. How were the mandatory and critical site criteria formulated into specifics? How can the Weyerhaeuser Company claim on the one hand that they have no specific or definable plans for future expansion of the facility, and yet be allowed to include as a critical site requirement (a requirement used in site selection) the need for extra land to accommodate future expansion? I don't think they should be allowed to have it both ways. On what basis was the water depth requirement formulated?

Weyerhaeuser has stated they have chartered 8 Norwegian ships that carry cranes capable of loading without the use of longshoremen, very efficiently, and in very large bundles. The ships carry fantastic amounts of logs or containers, a cargo of roughly 40,000 tons. Being fast loading, high cargo ocean vessels, these must be the ships the EIS describes will be put into use at DuPont, or wherever the project is built. This conclusion is directly supported by my source in the shipping industry, San Francisco. A Vice-President of a Norwegian shipping company, he has told me that Weyerhaeuser ordered these ships in excess of the requirements of market conditions and that, to put it bluntly, the company was "taken" and got something they didn't really need. My source, whom I believe to be extremely reputable and knowledgeable, further stated that he thought Weyerhaeuser was the kind of large corporation that could absorb the expense of short range idleness for the ships, but that he thought they had been trying unsuccessfully to charter their ships to other customers, until such time as they had the cargo to put them to use. If this is so, then the relationship between these eight ships and the need for a high technology, rapid-load export facility may be very direct. (In its slide show presentation at the September 12 Public Hearing, Weyerhaeuser showed a slide of the type of rapid-load ship that would service the DuPont facility. The ship in the slide was one of the eight Hoag Norwegian vessels.)

If these are the ships for which the facility described in the EIS is to built, then the mandatory site criteria relating to the water depth should reflect the depth needs of these ships. In other words, it should be determined by the Corps whether these are the ships that will handle the 2 million ton per year cargo design capacity of the facility. If this is so, then the depth requirements for the facility as described should be the depth of these ships. Weyerhaeuser has stated that these ships are designed to service ports of ten meters (30 feet). The mandatory depth requirement for the facility described in the EIS should be 30 feet. Again, if Weyerhaeuser wishes to select a site in this EIS on the basis of requirements that relate to activities not described in this EIS, then the company should have to tell the public what these activities and future cargo loads are. A site selection requirement cannot be a mandatory criteria, unless the associated industrial activity is known and described. I think the Corps should either obtain specific information on present company vessel capacity, design, and availability, and on the specific industrial activities that would put the company beyond this capacity, or else reduce the mandatory depth criteria to ten meters.

The existence of this fleet of Norwegian ships may also explain why Columbia River ports were among the 28 original alternate sites. As I understand it, the Columbia River bar makes all river ports there ten meter ports. I assert that these ports are still viable alternatives to location at DuPont. These ports may have been ruled out because of the mandatory depth requirement, which, as we

have seen above, is unsubstantiated as a requirement by specific facility design and capacity descriptions detailed in the EIS. We have seen nothing in the EIS which explains why the deep water need exists and why the 28 original sites were narrowed to four; four, of which only one, DuPont, was viable to begin with.

Page 160 of the draft EIS states that a search for sites to locate the facility was initiated in 1973 and that the URS Company of Seattle, the EIS consultant, wrote a background paper. On September 7, 1979, I went to the DuPont Public Documents Room, City Hall, DuPont, Washington to look for information on the site selection process described in the draft EIS. I found nothing there additional. I asked City Planner, Mark Jackson if there were any documents available to the public on the alternate site selection process and he answered that other than the new Corps draft EIS, there was nothing.

The URS background paper would provide the public some idea of how the original 28 sites were selected and thus illumine the murky question of what is it really that Weyerhaeuser needs in a site. The new Council on Environmental Quality Regulations for EIS preparation state that no report or document shall be referenced within an EIS unless that document, in its entirety, is available to the public. Since the EIS draft shows a date of JULY 30, 1979 as the date the draft was filed with the EPA, the draft was filed on the day the new regulations go into effect, July 30, 1979. It must therefore be prepared in compliance with the new regulations and the report should be made public. Additionally, the regulations state that as far as possible, drafts being prepared prior to the effective date should be written in compliance with the regulations. If possible, please send a copy of the URS alternatives background paper to the Nisqually Delta Association. This should be received immediately.

The Weyerhaeuser Company should show good faith by initiating an open, public review of the site selection process. The only way to resolve the intense disagreement about the site search thoroughness would be to begin a joint Weyerhaeuser/Public Interest Groups (Nisqually Delta Association, Washington Environmental Council, Greenpeace, Anderson Island Parks and Recreation Board, Nisqually Indian Tribe) search for a suitable site. Its time to check out alternatives to DuPont. In fact, its long past time.

Were the four final choices of the site selection process the only sites out of the 28 which met the critical site selection criteria? What obligation does the Corps of Engineers have to accommodate these critical criteria in deciding whether Weyerhaeuser could locate somewhere else? Is the Corps trying to accommodate only the Weyerhaeuser Company? What about the concerned public who don't want the port built at DuPont? What is the Corp's obligation to the public in carrying out a realistic site selection process?

Of the original 28 sites, the following meet all the mandatory criteria at least marginally. They should be given renewed and independent

scrutiny by the staff of the Corps of Engineers. This should be done in conjunction with groups opposed to location at DuPont.

(Numbers correspond to the EIS list)

3. March Point (Note: site is every bit as central as #'s 18,19,20.
12. Willow Grove
13. Barlow Point
16. Woodland
17. Austin Point
18. Kromminga
19. Hewlitt Point
20. Matthews Point
21. St. Helens
22. Prescott
23. Rainier
24. Point Westward

NAVIGATIONAL RISK ASSESSMENT

The casualty rate model used in the Navigational Risk Assessment should use more than 28 port calls per year as the number of calls likely at DuPont. Page 139 of the dEIS provides the proper figure, 53 port calls per year, but is incorrect in stating that the Navigational Risk Assessment model used this figure. The Corps should be extremely vigorous in investigating any claim by the URS Company that the Oceanographic Institute of Washington used the 53 figure and merely made a typo throughout the Navigation Risk Assessment in using 28 port calls per year. A supplemental risk assessment should be required by the Corps, using the proper port call figure and the casuality, collision, and spill probability figures given in the EIS should be adjusted ac ordingly.

The "localized analysis" found on page IV-8 of the study should investigate ports comparable to DuPont in potential for extreme weather, grounding, extreme tides and currents and other critical parameters instead of the single characteristic employed in the analysis, which was size, or number of port calls.

The Chesapeake Bay should be used in the spill analysis because of severe weather conditions and estuarine habitat similar to DuPont. The reason for its exclusion should be specifically investigated by the Corps staff.

SOILS AND GEOLOGY BASELINE STUDY

The soil survey does not include the 30 plus acre area to be annexed into the City of DuPont, and adjacent to the proposed pier. This area has an alternative dock access route planned down the steep bluff and the soils there should be surveyed and the results included in the baseline study.

BALLAST

Will ballast be needed for ships in order to maneuver through the

Tacoma Narrows, especially during certain wind and current conditions? I understand the ships will probably unload any incoming cargo at the Port of Tacoma, possibly refuel, and then travel to DuPont. If the ships need any ballast, they will probably take it in at Tacoma where the water is polluted. Once the ships begin loading at DuPont, what will become of the unneeded ballast? I would like to see the EIS address this problem in detail.

WATER QUALITY BASELINE STUDY

If baseline data is to be used as a reference for future monitoring of water quality violations, (if the facility is built) and for decisions whether to allow expansion of the facility (ie pulp mills), then I feel additional data is needed for the Water Quality Baseline Study conducted by Weyerhaeuser personnel.

The heavy metal sampling conducted by coring sediment beds was donducted only at a depth of -15 meters (-45 feet). This is a considerable depth. Of major concern is the cumulative impacts from gradual heavy metal release on the shallow sediment areas of the nearshore environment. This area, and in particular the adjacent mudflats, are used by juvenile salmon and by water birds for feeding. Effluent is likely to accumulate in these areas, just as sediments do. Therefore, further baseline data should be provided for areas of a depth less than -15 meters, such as 5 feet, 20 feet, 15 feet, and 30 feet and all along the DuPont shore and the area near the jetty where large numbers of mergansers and other birds have been sighted (Klotz et al, 1978). Only in this way will future researchers be able to make sense of any effluent impact monitoring they are doing. They will have a baseline point of reference with which to compare new data.

As I see it, hydrocarbon samplings were not forwarded by Weyerhaeuser technicians to the Coastal Zone and Estuarine Studies office in Seattle as was stated would occur in the URS baseline study Data Quality Assurance Program. This action is important and required under the New CEQ Regulations as a means of assuring the integrity of data supplied solely by the applicant. Submission of these samples to a state agency (DOE) does not provide a federal agency, the Corps of Engineers, with the assurance available through the NOAA office in Seattle. As stated above, baseline data on hydrocarbon levels present at the site prior to construction are needed for cross reference during future monitoring of water quality violations. These levels, supplied by the applicant, should be verified by the Corps.

OMMISION/ADDITION: NAVIGATIONAL RISK ASSESSMENT

I failed to mention above that the Navigational Risk Assessment researched wake damage, turning radius, etc. for only two ships: the M class ship and the future"DuPont Class" ship. Given the admission of eight Hoag vessels into the Weyerhaeuser fleet, the Hoag ships should be included in all risk assessment discussions.

AD-A116 182 URS CO SEATTLE WA F/G 15/5
WEYERHAEUSER EXPORT FACILITY AT DUPONT, VOLUME III. APPENDICES --ETC(U)
MAY 82

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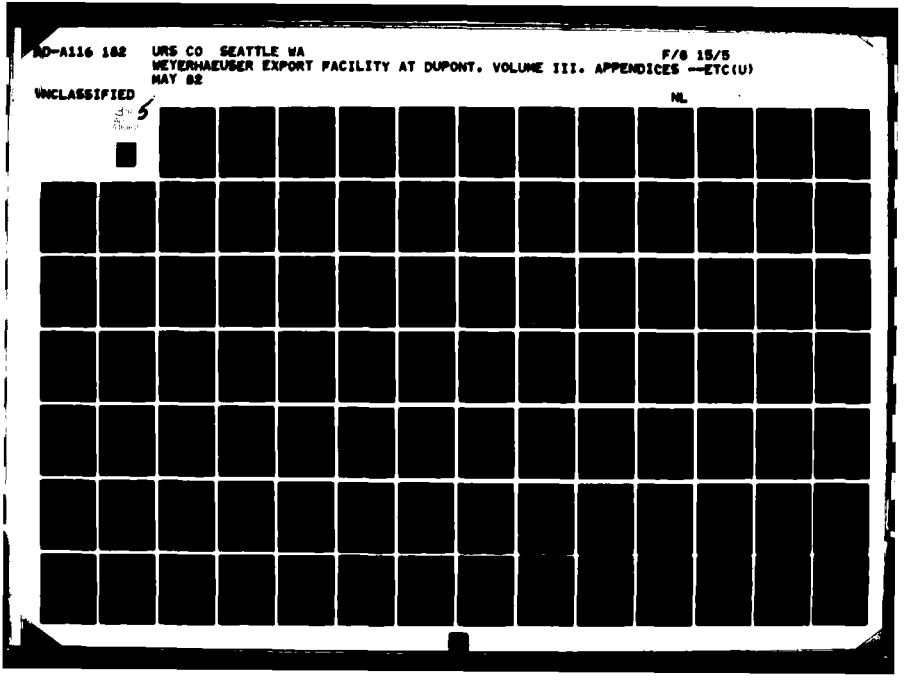

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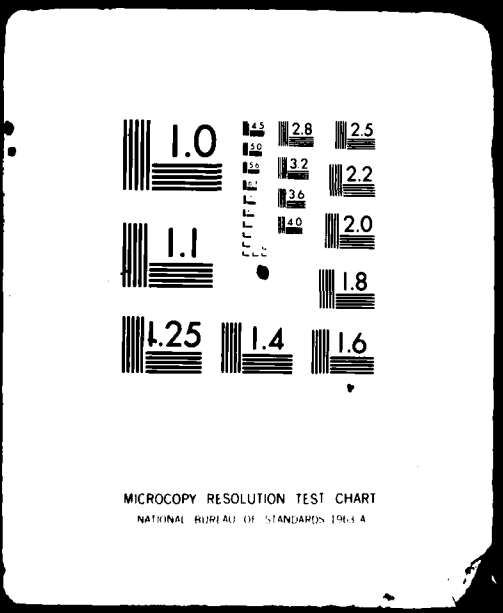

REVISED PERMIT

The revised permit drawing is insufficient in the following ways:

-depth marks are less specific and are ommitted altogether from the southern end of the pier

-levels of various tides are ommitted

-the Sequalitchew Creek salt marsh is significantly reduced in size. If the permit drawing is used to restrict development in sensitive areas, than the exact size of the marsh should be drawn.

I will close these lengthy comments with a plea to you, the Corps staff and officers. Please give these and other critical comments careful and lengthy consideration. I would hope these will be included as an appendix to your EIS along with your responses. Criticism is not necessarily negativism. In fact, during a public review process of this kind, it is to be encouraged. In this light I have written as strong a critique of the EIS as I can see to, because I believe firmly that a project of this nature, if looked at carefully, with a little independent thought will be shown to be incompatible with the natural condition of the DuPont shoreline and the Nisqually Delta.

I believe bald eagles will return to nest at Old Fort Lake one day, not because they will have adjusted to the noise of a debarker and trucks and trains, but because wise people took the time and effort to share what they saw, and the government listened and made the wise decision....to protect the estuary and the graves of the elders ....to send the big company elsewhere.

Thank you for listening to my view.

Sincerely,

Tom Ehrlichman

Tom Ehrlichman
317 N. Milroy
Olympia, Washington 98503

S-35

June 11, 1975

Honorable Kenneth C. Karnes
Mayor, City of DuPont
209 Barksdale Ave.
DuPont, WA. 98327

Dear Mayor Karnes:

We have reviewed the revised shoreline master program dated June 3, 1975, for the City of DuPont and hereby approve the program. With the incorporation of the regulations, your program now contains the necessary administrative mechanism for succesful management of your City's shorelines.

While the program generally meets the requirements of the Shoreline Management Act, we still are concerned about the environment designations adjacent to the DuPont wharf on the Puget Sound shoreline and along Sequalitchew Creek. The Urban environment theoretically would allow intense industrial and commercial development. For this reason, we remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of Nisqually delta as a natural area consistent with its recognition as a National Wildlife Refuge and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the Nisqually delta as a shoreline of statewide significance to be preserved in its natural condition.

Thank you and the Citizen Advisory Committee, and particularly Mr. Henry Means, for your cooperation in preparing and revising the program. We are looking forward to working with you again in the future.

Sincerely,

John A. Biggs
Director

JAB:lja

cc: Mr. Henry Means, Chairman, Citizen Advisory Committee
Mr. Jerry Louthain, S.W. Regional Office - Department of Ecology
Mr. Joseph H. Shensky, Pierce County Planning Commission

[illegible] Olympia, Washington 98504 Telephone (206) 753-2800

LOREN K. MORSE, PRESIDENT
W 2420 LIBERTY
SPOKANE, WA 99205
(509) 326-2270

ROBERT SHAMES, PRESIDENT ELECT
4302 A STREET
TACOMA, WA 98408
(206) 474-0892

IAN C. PARRISH, VICE PRESIDENT
W 2908 HOUSTON AVE
SPOKANE, WA 99208
(509) 325-0234

CLAUDE C. SNIDER, HONORARY PRESIDENT

KEN McLEOD HONORARY SECRETARY

TERRY R. RUSSELL, VICE PRESIDENT
775 HWAY 9
SEDRO-WOOLLEY, WA 98284
(206) 856-5881

NICHOLAS ZITTEL, SECRETARY
8519 WEST 32nd
TACOMA, WA 98466
(206) 564-0892

OFFICE OF SECRETARY
P.O. BOX 98236
TACOMA, WA 98498
(206) 564-8640

WASHINGTON STATE

Sportsmen's Council, Inc.

COORDINATED CONSERVATION AFFILIATED WITH NATIONAL WILDLIFE FEDERATION

September 11, 1979

I am Robert Elliott, Water Access Chairman of the Washington State Sportsmen's Council.

I am here today to give testimony on behalf of the President, Loren K. Morse, of the Washington State Sportsmen's Council, who could not be here today.

We have been heavily involved in the studies of the Weyerhaeuser project fo ten months.

Because of the complexity of the issue, I feel it only 'air to qualify the involvement of the Washington State Sportsmen's Council on the issue at hand.

The Washington State Sportsmen's Council is comprised of 71 affiliate clubs and organizations of which the Nisqually Delta Association is one member organization.

The Council became involved in the issue by a resoluation sponsored by the Nisqually Delta Association in December of 1978, which was adopted in opposition to the Weyerhaeuser project.

The Council, at that time, became involved in an on going program of research, on-site inspections, environmental impact statement review and study of the entire proposed Weyerhaeuser Export Facility at Dupont.

Every affiliate club had the opportunity to inspect, on-site, the project and most did. As did the Game Commission of the State of Washington.

With the indepth look at the facility, it became evident the adoption of the original Nisqually Delta emergency resolution was hasty.

At the March 11, 1979 quarterly convention, the action on the resolution was rescinded. It was moved, seconded and passed that we refer further action to the June quarterly meeting in Wenatchee, Washington.

At this same convention in March, a Water Access Committee report on Nisqually Delta, containing areas of question was given to the Board of Directors and Weyerhaeuser Representatives.

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In May of 1979, the Washington State Sportsmen's Council received a detailed document in answer to questions in the committee report for Weyerhaeuser Company. It was reviewed in depth, answering all questions that data had been developed on and promising the other data as it was developed.

At the June convention, the Washington State Sportsmen's Council adopted a substitute resolution for Resolution 679-2. I submit this resolution to be read into the record at this time. (Read Resolution).

the w.s.s.c. is not in a position to endorse or oppose the weyerhaeuser export facility at dupont .

or do we feel qaulified to make exspert technical decisions. how ever we do have great knowledge of the resorses envolved as a user .

We also have technical envolvement with state management agences and their management decisions. envolveing the natural resources of the state of Washington.

We also recognize the need for the facilty and the ability of weyerhaeuser.co. to produse a model facility at dupont.

we represent a large cross section of the citizens from the intire state of washington. who feal that the agences envolved must make the final division based upon the right of free enterprize to pursue thier endevuers.

while protecting the quality of life in southern puget sound must be carefully addressed now and in the future

Thank you for your time, patience

Robert L Elliott

Robert. L. Elliott
water Access Chairman
Washington state Sportsmen's Council Inc.

SUBSTITUTE RESOLUTION FOR RESOLUTION 679-2

WHEREAS, Puget Sound is an important habitat for a rich variety of fish, birds and other wildlife of great economic and recreational value to all sportsmen and citizens of the State of Washington, and

WHEREAS, the Nisqually Delta is one of the most important estuaries and wildlife habitats remaining in the Puget Sound region, and

WHEREAS, the waters of Puget Sound are also important and valuable to the citizens of Washington State as sheltered trade routes providing access to the growing markets of the world for products grown and manufactured by Washingtonians. Multiple use of Puget Sound must be pursued to export products of the State when found to be ecologically feasible, and

WHEREAS, citizens of Washington State have indicated their preference for industrial development which is well-planned, economically stable and based on trade in renewable resources such as forest products, and

WHEREAS, Weyerhaeuser Company proposes to build a new high-technology forest products export center at DuPont, Washington near the Nisqually Delta and the Nisqually National Wildlife Refuge, including a new and modern dock, and

WHEREAS, potential environmental effects of the Weyerhaeuser project at DuPont are being carefully and thoroughly analyzed, through a series of scientific baseline studies and environmental impact statements at the present time, and

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WHEREAS, even a well-planned, minimal-impact development near the Nisqually Delta does raise issues of balanced resource management and long-term land use, which are of interest to all citizens and which must be carefully addressed,

NOW, THEREFORE, BE IT RESOLVED that the Washington State Sportsmen's Council, in convention assembled at Wenatchee, Washington, this 10th day of June, 1979, expresses its strong interest in preserving the quality of the natural resources and wildlife and fisheries habitat in the Nisqually Delta and Puget Sound and its continued concern for insuring that any development near that area be carefully planned and fully compatible with the needs of the natural environment and natural resources of the area and call upon Washington State and Federal Regulatory Agencies to insure that any potential adverse impacts that might be caused by the proposed facility be carefully examined to protect fully the interests of the citizens of the State of Washington and keep the Washington State Sportsmen's Council, through its representatives, fully and directly informed about and involved in their review processes related to the Weyerhaeuser Company's present project and any future projects in this area, while the Weyerhaeuser Company is following due process to acquire the project permits.

BE IT FURTHER RESOLVED that copies of this resolution be sent to all agencies and parties who received copies of Resolution 1278-E2 as an update of position.

Submitted by:
Bob Elliott, Chairman
Water Access Committee

Substitute amendment was offered.
Amendment to Substitute Resolution failed.
Substitute Resolution was adopted.

10 Sept 79

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
General Administration Building, Olympia, Washington 98504
206/753-5630

September 10, 1979

Mr. Steve Martin
Environmental Resources Section
U. S. Army Corps of Engineers
Seattle District
C-3755
Seattle, Washington 98124

Dear Mr. Martin:

Attached are copies of testimony and related background material we wish to submit into the record of your hearing scheduled for September 12 on the proposed Dupont-Weyerhaeuser export facility. This work was prepared by economists in our Research Division.

If you have any questions on the materials, please contact Dennis Matson (phone 206-753-3065), a member of our staff.

Sincerely,

Paul Anton
Deputy Director

PA/bd

Attachment

WEYERHAEUSER DUPONT EXPORT FACILITY

TESTIMONY BEFORE THE

ARMY CORPS OF ENGINEERS

SEPTEMBER 12, 1979
BICENTENNIAL PAVILION
TACOMA, WASHINGTON

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TESTIMONY ON THE PROPOSED WEYERHAEUSER DUPONT EXPORT FACILITY

OUR AGENCY'S DIRECT INVOLVEMENT IN THE MATTER STEMS FROM A REQUEST BY THE DEPARTMENT OF ECOLOGY TO REVIEW AND COMMENT ON THE EXISTING ANALYSIS OF THE ECONOMIC IMPACTS OF THE PROPOSED WEYERHAEUSER EXPORT FACILITY. IN PARTICULAR, WE WERE ASKED TO COMMENT ON WHETHER THE WEYERHAEUSER EXPORT FACILITY WILL CAUSE CHANGES IN THE COMPANY'S LEVEL OF PRODUCTION OR THE MIX OF THEIR PRODUCTS, PARTICULARLY THE VOLUME OF LOG EXPORTS. FURTHER, IT WAS ASKED WHETHER THESE POSSIBLE CHANGES WILL AFFECT STATEWIDE EMPLOYMENT AND INCOME.

BASED ON AVAILABLE EVIDENCE SUPPLIED BY THE "DUPONT EXPORT FACILITY SOCIO-ECONOMIC IMPACT STUDY" (URS COMPANY, 1978) AND SUPPLEMENTAL ANALYSIS COMPLETED BY OUR DEPARTMENT, WE FEEL THAT THE PROPOSED EXPORT FACILITY IS NOT LIKELY TO HAVE ANY SIGNIFICANT NEGATIVE IMPACT ON THE WASHINGTON ECONOMY. LOG EXPORT LEVELS FROM WASHINGTON STATE ARE NOT EXPECTED TO BE AFFECTED BY THE DEVELOPMENT OF THE DUPONT-WEYERHAEUSER EXPORT FACILITY.

THE FACILITY ITSELF IS NOT LIKELY TO INDUCE A GREATER FOREIGN DEMAND FOR LOGS, NOR WILL IT REMOVE ANY CONSTRAINT ON THE REGION'S ABILITY TO EXPORT LOGS. THIS CONCLUSION IS BASED ON THE FOLLOWING RESULTS FROM OUR ANALYSIS.

- LOG EXPORTS ARE NOT SENSITIVE TO THE SMALL PRICE EFFECTS THAT MIGHT BE RELATED TO THE DUPONT FACILITY. IN FACT, THEY DO NOT APPEAR TO BE SENSITIVE TO MAJOR PRICE CHANGES.

- EXPORTS OF LOGS WOULD NOT BE AFFECTED BY THE INCREASE IN PORT CAPACITY REPRESENTED BY THE DUPONT FACILITY BECAUSE. THERE ALREADY EXISTS MORE THAN ADEQUATE PORT CAPACITY FOR PRESENT AND FUTURE LOG EXPORTS FROM WASHINGTON.

These conclusions, of course, should not be construed to mean that the broader log export question is an unimportant economic issue for the state.

According to the Weyerhaeuser Company, the primary cost savings from this facility would result from more efficient transportation and handling of exported <u>processed</u> forest products. If this facility does result in greater efficiencies, these cost savings should make Weyerhaeuser processed products more competitive on world markets, upon which their reliance is expected to increase in the future. This improved competitive position would result in greater statewide employment and income in this industry than would have occurred had the facility not been constructed.

Conclusion

The state review process with respect to this facility has been completed, and it has been concluded that the project will not have any significant negative economic impacts. We believe that the public interest, with respect to the economic impacts, has been protected by this review process. We therefore urge that the project not be further delayed on the basis of economic considerations.

DAM:53/44-46

A Comment on

The Economic Impact of the Proposed DuPont-Weyerhaeuser Export Facility

Prepared by

Richard Conway
and
Michael Nelson

Washington State
Department of Commerce and Economic Development
Research Division
101 General Administration Building
Olympia, WA 98504

Dixy Lee Ray
Governor

Robert C. Anderson
Director

Malcolm D. McPhee
Assistant Director

June 1979

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
General Administration Building, Olympia, Washington 98504 206/753-5630

June 1, 1979

TO: Don Provost, Assistant Director
Department of Ecology

FROM: Malcolm McPhee, Assistant Director
Research Division

SUBJECT: Statewide Economic Impact of Weyerhauser-DuPont Export Facility

The enclosed analysis is in response to your request for a statewide economic impact review of the Weyerhauser-DuPont project. The project was produced through the collaborative efforts of Mike Nelson and Dick Conway. Please let me know if you have any questions and feel free to contact Mike or Dick directly.

MM:MM:12/24

Enclosure

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A COMMENT ON

THE ECONOMIC IMPACT OF THE PROPOSED
DUPONT-WEYERHAEUSER EXPORT FACILITY

Summary and Recommendations

1. The DuPont-Weyerhaeuser Export Facility is not expected to have any significant negative impact on the Washington economy based on available evidence supplied by the socio-economic impact study and analysis completed by the Department of Commerce and Economic Development.

2. Log export levels from Washington State are not expected to be affected by the development of the DuPont-Weyerhaeuser Export Facility. The facility itself will not likely induce a greater foreign demand for logs, nor will it remove any constraint on the region's ability to export logs.

   . Log exports are not sensitive to the small price effects that might be related to the Dupont facility. In fact, they do not appear to be sensitive even to major price changes.

   . Log exports would not be affected by the increase in port capacity represented by the DuPont facility because there already exists more than adequate port capacity for the present and the future to export logs.

3. According to Weyerhaeuser, the primary cost savings from this facility would result from more efficient transportation and handling of exported processed forest products. If this facility does result in a greater efficiencies, these cost savings should make Weyerhaeuser products more competitive on world markets, upon which their reliance is expected to increase in the future. This improved competitive position would result in greater statewide employment and income in this industry than would have occurred had the facility not been constructed.

4. The relatively small magnitudes involved in this analysis suggests that further study would yield no more conclusive results about the long term statewide economic impact of the DuPont facility.

Introduction

Since the socio-economic impact study of the proposed DuPont-Weyerhaeuser export facility (URS Company, 1978)* has been released, questions have been raised concerning how well the study addresses the statewide economic impact of the facility. The primary question is whether the Weyerhaeuser export facility will cause changes in the level of production or the mix of their products, particularly the volume of log exports. Further, it has been asked whether these possible changes will affect statewide employment and income.

This analysis comments on two existing studies as they pertain to these questions. In addition, recommendations are made in the conclusion as to whether additional analysis is warranted concerning the statewide economic impacts of the proposed DuPont export facility.

Two Current Views

The most extensive study to date on the economic impact of the DuPont facility is the URS socio-economic impact statement. The impact assessment by URS assumes that, at least initially, the DuPont facility would have essentially no effect on Weyerhaeuser's level of production or mix of products. The shipment of some of Weyerhaeuser's current exports would only be shifted from existing facilities (primarily Tacoma, Longview and Everett) to the proposed DuPont facility. In particular, the contention is that the operation would neither lower nor raise log exports in any significant amount, raw logs being the primary commodity to be initially handled by the facility. The implication of this finding is that the job and income losses or gains in Washington State with the operation of the DuPont facility would be negligible.

According to URS, future changes in the Weyerhaeuser level of production or mix of products will depend on regional changes in resource supply and external changes in the forest products market. It is important to note that these changes would occur whether or not the DuPont facility were constructed. No further attention is given to the long-term production-mix question by URS. In particular, no consideration is given to how the proposed facility itself (through cost saving) might affect Weyerhaeuser's production-mix.

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* The complete citations referred to herein can be found at the conclusion of the main text.

In a more recent analysis of the log export question in general (see Appendix II), Broadhead (1979) concluded that, considering the likelihood of dwindling timber supplies in the next 25 years, *as many as 25,000 jobs would be lost to the Washington economy if* log exports remained at their current volume and were unavailable for processing by local mills. The Nisqually Delta Association (1979) has interpreted this finding to mean that "construction of the Weyerhaeuser Export Facility at DuPont is not in the State's economic interest and that this facility is likely to result in a major loss in jobs and output in the state."

Comment

Job losses, if any, associated with the DuPont facility itself would depend upon whether its operation would appreciably affect future log export volumes. If the facility resulted in higher log exports from the state than would otherwise be the case, and this expansion meant reduced amounts of logs for processing by local mills, one could persuasively argue that jobs would be lost in the state.

The DuPont facility would result in greater volumes of log exports only under either of two conditions: (1) The facility led to lower log prices that increased the quantity of logs demanded for export; or (2) The DuPont facility relieved a current or future capacity constraint for handling logs exported from the state.

(1) The effect on the quantity of logs demanded

Weyerhaeuser has indicated that the DuPont facility would reduce their transportation costs for the forest products it exports. In the case of logs, this transportation cost savings has not been estimated, although Weyerhaeuser suggests that it is negligible. Whatever the cost savings, it is likely that some portion of this savings would be passed on to the buyer in the form of lower log prices. Traditional economic theory suggests that this decline in price would tend to stimulate positively the quantity of log exports demanded.

How much log purchases would increase would depend on the price elasticity of logs. The elasticity measures the percentage change in demand in response to a percent change in price. For example, an elasticity of -0.5 means that a one percent decrease in price would raise quantity demanded by one-half of one percent.

An analysis of the past 16 years of log exports from Washington suggests that the price elasticity is close to zero (see the appendix for a brief technical discussion of the demand model and the estimate of the price elasticity). In other words, the purchases of logs for use in Japanese housing, the principal market for Washington logs, appears to be independent of the price of logs. The implication of this finding is that no matter what impact the DuPont facility has on log export prices, the quantity demanded would be essentially unaffected.

Because of statistical estimation problems, the price elasticity measure is not precise. Suppose instead that its value were -2.0 (i.e., relatively price elastic). Further suppose that the cost-savings passed on to the buyer reduced log export prices by 5 percent (a cost-savings well above what Weyerhaeuser expects). Under these apparently extreme assumptions, the quantity of log export demand would increase by only 10 percent.

(ii) The effect on log export handling capacity

Clearly, the DuPont facility would add to the state's log export handling capacity. The facility would therefore lead to relatively larger export volumes in the future if currently existing capacity were insufficient to meet present or future needs.

Evidence on hand indicates that no such capacity constraint is likely to occur. An analysis in 1974 (Reid, Middleton and Associates) concluded that existing public and private facilities are sufficient to handle log exports to the year 2000. Log exports forecast in that study for 1980 were estimated to use 62 percent of capacity of ports in the study area (includes Puget Sound, Pacific Coast and Lower Columbia). These 1980 log volume forecasts are consistent with actual present volumes of log exports.

Given the present excess log handling capacity, it is unlikely that expected future growth in log exports will be constrained by existing port facilities. Log exports to Japan are not expected to grow appreciably and may actually decline during the remainder of the century due to the following events occuring in the Japanese economy (Ueda):

- Declining household formations in Japan.
- Shifts to less wood intensive multifamily housing due to land scarcity.

- Greater supplies of domestic Japanese sawlogs.
- General slowing of the Japanese economy over recent years.
- Increasing ability of domestic mills to cut to Japanese standards; and movement of Japan to American standards.

This assessment agrees with preliminary forecasts of total U.S. log exports recently released by the U.S. Forest Service (Forest Service, Review Draft). This study forecasts that total U.S. log exports will decline slightly by 1990 over existing levels and even more rapidly in the following decade. Historically, 80 percent of U.S. log exports have been exported from the Pacific Northwest.

Conclusion

On the basis of the analysis presented here, it appears that the future level of log exports, and therefore jobs in the wood processing sector, would not be affected by the construction and operation of the DuPont facility. Consequently, the statewide economic impact of the proposed facility seems to be minimal, at least as to how the facility would affect the level of log exports. This conclusion of course should not be construed to mean that the broader log export question is an unimportant economic issue for the state.

The transportation cost savings resulting from the new facility should also make Weyerhaeuser's processed wood products more competitive on world markets. This, Weyerhaeuser claims, would be the primary economic advantage of the new facility. That is, the firm maintains that the primary efficiencies from the proposed facility would stem from transportation cost savings on processed forest products exports. Lower costs might lower prices of processed forest products and stimulate the level of demand for them. Other things being equal, this would result in greater levels of employment and income in the processed forest products industries over what would be the case if the facility were not constructed.

As a final note, it is worth mentioning that two related studies on the long-term prospects for the Northwest forests products industry are scheduled to be published in June 1979 (Ueda) and February 1980 (P.N.R.C.). These studies may provide significant insight into changes in the level of production and mix of Northwest forest products in the coming years.

References

Broadhead, J. A., "The Log Export Issue: Two Scenarios of Employment and Output in Washington," mimeographed, Department of Geography, University of Washington, 1979.

Hollie, P. G., "Growing Slow--Like the Trees," Seattle Post-Intelligencer, April 30, 1979, P. A-5, A-6.

Nisqually Delta Association, letter to Wilbur G. Hallauer, Director, Washington Department of Ecology, 10 May 1979.

Pacific Northwest Regional Commission (P.N.R.C.), Forest Policy Project (forthcoming).

Reid, Middleton and Associates, Inc., Port System Study for the Ports of Washington State and Portland, Oregon, Volume II, Technical Supplement/Part 6, March 1975.

Ueda, Michihiko., "Japanese Housing Outlook 1979-2000," U.S. Forest Service (forthcoming).

URS Company, Socioeconomic Impact Study for the Proposed DuPont-Weyerhaeuser Export Facility, San Mateo, California, 1978.

U.S. Forest Service, Production, Prices, Employment, and Trade in Northwest Forest Industries, Third Quarter, 1978.

_____, "Resources Planning Act Assessment," (review draft).

APPENDIX I

TECHNICAL APPENDIX

LOG EXPORT DEMAND MODEL

In order to estimate the determinants of log export demand, a simple model is postulated:

$$Q_t = b_o I_t^{b_1} P_t^{b_2} u_t, \qquad b_1>0,\ b_2<0$$

where

Q_t = demand for log exports by Japan from Washington and Oregon Customs Districts (in millions of board feet in time t)

I_t = Japanese housing investment (in billions of 1970 yen)

P_t = price of logs in yen relative to the Japanese GNP implicit price deflator

u_t = error term

The dependent variable is defined only as log export demand by Japan, the primary export market for Pacific Northwest logs. For example, in 1977 log exports to Japan comprised 92 percent of total log exports from Washington and Oregon customs districts.

Since Washington logs are used almost exclusively for the construction of Japanese houses, the basic demand variable is Japanese investment in residential structures. If the assumption of fixed factor inputs is reasonable, ceteris paribus, the investment elasticity, b_1, should be positive and close to unity.

The price variable, which is postulated to capture the substitution away from the use of Washington logs as their relative price rises, is adjusted for the U.S.-yen exchange rate. The sign of the price elasticity, b_2, is expected to be *negative*. The error term, u_t, is assumed to be a random variable that is normally distributed with a mean of zero and a constant variance.

Using the Ordinary Least Squares method with annual observations from 1963-1978 on the double-log form of the equation yields the following results:

$$\ln Q_t = \underset{(-1.07)}{-0.2576} + \underset{(8.29)}{0.9514}\ln I_t - \underset{(-0.10)}{0.0282}\ln P_t$$

$R^2 = 0.909$, SEE = 0.1515 (2.0%), DW = 1.041

The statistical results appear satisfactory. The notable finding is that the price elasticity is estimated to be zero, implying that the Japanese demand for Washington logs is independent of their price. Nevertheless, the limited number of observations, collinearity between the two independent variables, and evidence of first-order autocorrelation suggests impercision in the elasticity estimates.

Data Sources

1. Log exports to Japan, average U.S. price of logs exported to Japan

   U.S. Forest Service, Production, Prices, Employment, and Trade in Northwest Forest Industries, Third Quarter 1978.

   Note: Data on fourth quarter 1978 log exports to Japan were unavailable and estimated at 575 million board feet. In addition, the 1978 average price of log exports to Japan was assumed to be $350.00 per thousand board feet.

2. Data on the Japanese economy and U.S.-Japan currency exchange rates were taken from the following sources.

   a. 1963-1975

      Organization for Economic Co-operation and Development (OECD), Main Economic Industries, Historical Statistics 1960-1975, October 1976.

   b. 1976-1977

      OCED, Main Economic Indicators, February 1979.

   c. 1978

      Economic Research Department, The Bank of Japan, "Monthly Economic Review," January 1979.

APPENDIX II

Comments on

"The Log Export Issue: Two Scenarios of Employment and Output in Washington"

By Jeffrey A. Broadhead

Based on an assumption of declining timber harvests over the next 25 years, Broadhead analyzes the economic impacts of two scenarios for the Washington forest products industries: (1) Log exports will remain at their current level during the next two and one-half decades; and (2) log exports will decrease by the amount of the reduction of future timber supplies. In the first case, using the state input-output model, Broadhead estimates that the reduced availability of timber to Washington wood processors would lead directly and indirectly to a loss of 42,500 jobs in the economy. In the second scenario, in which timber supplies to processors would remain constant, the job losses would amount to only 17,450 jobs. The implication of this analysis is that if log exports were restricted according to the second case, 25,050 state jobs could be saved.

Broadhead's paper is a good contribution to the study of a very important regional economic issue. Nevertheless, before his findings and conclusions are accepted as valid, particularly with respect to the DuPont facility siting decision, at least four questions should be addressed:

1. Is either of the two postulated scenarios realistic?

   According to Broadhead, the first scenario appears to be the most likely one, assuming that the log export market were allowed to operate without restrictions. This view is in turn based on two other assumptions: (1) Timber harvests will decline by 25 percent in the next 35 years; and (2) the market demand for log exports will remain relatively constant during this period.

   The U.S. Forest Service forecast (Gedney) which was used in Broadhead's analysis is only one of several available forecasts on Washington timber supply for the remainder of the century. There appears to be considerable difference of opinion among these forecasts about future timber supplies. For example, while the Gedney study forecasts a 26 percent decline in the supply of timber from all owners by the year 2000, the

Department of Natural Resources (DNR - Phase I Report) projects the conifer harvest to increase moderately over the same period given current management techniques.

More serious doubts are currently being expressed about expected log exports. The commonly held contention is that log exports will remain constant in the foreseeable future. Even the Department of Commerce and Economic Development (Conway, 1978) has only recently made a projection of little growth through 1985. However, a study conducted by U.S. Forest Service (Forest Service, Review Draft) forecasts total U.S. log exports to decline slightly by 1990 and even more rapidly in the following decades. This decline in log exports could be even more rapid if the Japanese are successful in increasing the available supply of local timber.

2. <u>If the two log export scenarios were realistic alternatives, are the job loss estimates reasonable</u>?

In estimating the job impact using the state input-output model, Broadhead makes four explicit and implicit assumptions about future economic activity in the forest sector and related industries: (1) Apart from the sale of logs, no change in the mix of wood products delivered to final demand; (2) no advances in wood technology; (3) constant labor productivity; and (4) no change in the state's interindustry structure.

Clearly, each assumption will be violated, at least to a degree. How these violations would affect the number of regional jobs supported by future timber supplies is <u>not</u> clear, but consider the following possibilities. Shifts in mix over time toward wood products with a greater degree of fabrication would tend to mean more jobs supported by a given supply of timber. Developments in wood technology leading to more efficient use of timber would have a similar effect on jobs. On the other hand, gains in labor productivity would mean fewer workers per unit of output.

To suggest quantitatively how these factors could alter the Broadhead findings, consider further the effect of labor productivity. Under an assumption of constant productivity at the 1972 rate, the regional output generated in the first and second scenarios by the year 2000 would require 42,500 and 17,450 job losses, respectively. Suppose instead that labor productivity (defined here as real output per worker) were to increase at an annual rate of two percent, which is a reasonable assumption based on historical evidence. This would mean that by the year 2000, approximately 50 percent fewer

workers would be needed to produce a given volume of output. Applying this reduction in labor requirements to the two scenarios would give job loss projections of 90,290 and 77,770 respectively, which are estimates much greater than the Broadhead calculations. However, the difference between these two figures, representing the potential job saving through log export restrictions, would only be 12,520 job losses, an estimate which is only one-half the size of Broadhead's.

3. <u>Should the export of logs be restricted</u>?

Stated in more general terms, Broadhead's central finding is that if logs were fabricated rather than exported there would be a significantly greater number of jobs in the economy supported by the forest sector. On the basis of this consideration alone, one would be tempted to opt for log export restrictions.

Of course, this is not the only factor that policymakers should take into account. Other questions relevant to the log export issue include the following:

If exports were restricted, would the additional supply of logs to local mills in fact be fabricated? What would be the effect of lost profits to exporting firms, such as Weyerhaeuser, on their ability to finance capital expansions for non-exporting operations? What would be the impact on the national balance of trade? In particular, would the loss of foreign revenues make it more difficult for domestic households and industries to purchase needed materials from abroad, such as oil?

4. <u>Is the broader log export issue relevant to the DuPont facility siting decision</u>?

Some readers (e.g., the Nisqually Delta Association) have received the following message from the Broadhead study:

Since log exports mean lost jobs to the state economy, operation of the DuPont facility to ship logs overseas would not be in the state's interest.

This interpretation of the analysis presumes that the construction of the DuPont facility would lead to greater log export volumes and less timber available for processing than otherwise would be the case. As argued in the main body of this report, this presumption appears to be incorrect.

Tacoma Area Chamber of Commerce

752 Broadway • P.O. Box 1933 • Tacoma, WA 98401 • (206) 627-2175

RESOLUTION OF THE BOARD OF DIRECTORS

of the

TACOMA AREA CHAMBER OF COMMERCE

SEPTEMBER 10, 1979

SUBJECT: WEYERHAEUSER COMPANY'S "DUPONT FACILITY"

The Board of Directors of the Tacoma Area Chamber of Commerce endorses and supports the Weyerhaeuser Company's "Dupont Facility."

BACKGROUND: The site, near the Nisqually Delta, was used since 1909 by the Dupont Company for the manufacture and shipment of explosives. It is separated from the Delta by a mainline of the Burlington Northern and by a 200 foot bluff.

The Company plans an export facility for forest products. These plans are backed up by three years of environment research and planning, at a cost of $2.5 million -- an indication of its comprehensiveness. The State Department of Ecology has termed it a well planned project. The nearest structure will be a mile north of the Delta -- most development will be two miles away.

The facility will allow better competition for international markets, initially primarily for logs, and anticipated later for manufactured wood products.

The benefits include:

* A better competitive position for international markets.
* Up to 300 construction jobs and 130-165 full time jobs plus longshore work.
* $2.3 million in construction taxes.
* $330,000 in taxes annually to Pierce County, the City of Dupont and Washington State.

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5131 59th Ct. SW
Olympia, Wa.98502

September 9, 1979

U. S. Department of the Army
Seattle District, Corps of Engineers
P O Box C-3755
Seattle, Wa. 98124

Attn: Mr. Steve Dice

Dear Mr. Dice:

This letter is being written because I feel very strongly about Weyerhaeuser putting in an export facility at DuPont.

I have lived in Puget Sound for fifty years, I am an avid sportsman and conservationist. For seventy or so years a powder plant operated at DuPont without any ill affect on the environment.

Weyerhaeuser Company has always been very concerned and protective of our environment and with such a record I see no reason that they would want to change now.

I endorse and in fact admire Weyerhaeuser for having the foresight to see the necessity for such a facility, because it can only enhance employment and the economy of our state.

Please enter this endorsement in the minutes of your hearing.

Sincerely,

Paul B. Williams

Paul B Williams

2928 Cloverfield Drive
Olympia, WA 98501
September 7, 1979

U. S. Department of the Army
Seattle District
Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Attention: Mr. Steve Dice

Dear Sirs:

It is my understanding that on September 12th there is to be a hearing conducted by the Corps of Engineers to consider the Environmental Impact Statement drafted for the proposed Weyerhaeuser Company facility at DuPont, Washington. Since I will be unable to attend, I request my views expressed in this letter be included in your hearing records.

I believe the economic environment in the Puget Sound region will benefit from the establishement of the port facility proposed by Weyerhaeuser Company. I have been a resident in this area for the past twelve years and have shared in and enjoyed the prosperity of the area. The proposed dock facilities will help in assuring a continuation of this condition.

I am concerned, as many others are, about the environmental impact of constructing this facility, but in weighing the risks which have been identified, I feel they are minor and acceptable when compared to the economic benefits this facility will bring to the lower Puget Sound community. Weyerhaeuser Company has prepared a very detailed and comprehensive plan which I feel has thoroughly addressed the potential problems which could arise. I am confident that Weyerhaeuser Company will do everything possible and required by governmental law to prevent the unlikely occurance of an oil spill in the waters of Puget Sound.

In your consideration of the Environmental Impact Statement I urge you to follow the lead of the City of DuPont and the Washington State Department of Ecology and approve this E.I.S.

Sincerely

James A. Bryan

James A. Bryan

JAB:dn

S-47

Sept. 5, 1979

C. DAVID GORDON
~~Route 1, Box 1354~~ 3904 Horsehead Bay Dr. N.
Gig Harbor, Washington
98335

U.S. Dept of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Wash. 98124
Attn.: Steve Dice

Dear Mr. Dice,

It is my understanding that your agency is holding a hearing on the proposed Weyerhaeuser Company wood products export facility at Du Pont. I cannot attend the hearing but would request that my comments be made a part of the hearing record.

I have been a resident of Pierce County for more than 30 years and have lived - and raised a family of four sons - on the shores of Horsehead Bay for the last 29½ years. During that time, I have enjoyed the benefits of Puget Sound and the recreational opportunities

it affords. I have also had the pleasure of observing and receiving the economic benefits of our marine trade industry. I am a strong believer in the multiple use benefits of Puget Sound, for without the jobs created by marine-oriented industries, there would be many citizens who could not afford the recreational benefits.

From what I know about the proposed Du Pont project, Weyerhaeuser Co. has prepared a very detailed and comprehensive environmental impact statement. The only potential problem defined by the study was a possible oil spill from a ship - and this would be a minor problem, with very low risk of ever happening. Similar risks occur every day from existing commerce and recreational use - not to mention the transport of large quantities across the Nisqually Delta on I-5 and the Burlington - Northern rail line.

In my view, the benefits outweigh the risks, especially considering the export facility would replace an explosive manufacturing plant that was active at Du Pont for more

than 70 years. I am sure the Weyerhaeuser Company will be required to closely monitor any emissions or discharge which might conceivably harm the marine environment. And, as responsible corporate citizens they should do just that.

I believe that Weyerhaeuser - as a responsible corporate citizen - should be given permission to construct this export facility. This type of development will benefit our economy and, at the same time, protect our environment for all uses.

Sincerely,

J. D. Gordon

S-48

9/8

9/79

Michael D. McCulley
509 117th South
Parkland, WA 98444

Leon K. Moraski, Colonel
Corps of Engineers
Seattle District
Box C-3755
Seattle, WA 98124

The Corps of Engineers must maintain an appearance of objectivity and fairness if the public is to believe in and support Corps decisions. Decisions dependent upon public input must not be made prior to that input in fairness to those who testify. Objective consideration of all input can not be made prior to the input. At the Sept. 12 hearing regarding the Weyco Dupont proposal Steve Dice claimed that the permit decision has not been made but the following statements of Steve Wright suggest the contrary:

"...when the Colonel gives this permit..."
"...when this permit is granted..."

Has this project been deemed in the public interest prior to and despite public input? Has the permit been granted in fact and the public hearing was all show? I would suggest that the public is competent to determine what is in the public interest and, appearances to the contrary, the question is open until public input can be considered.

Thank you,

Michael D. McCulley

cc. Steve Dice
Steve Wright

S-49

112

9/79

Tacoma-Pierce County Economic Development Board

Post Office Box 1933 • Tacoma, Washington 98401 • (206) 627-2175

The Tacoma-Pierce County Economic Development Board supports the Weyerhaeuser " Dupont Facility Proposal."
The Weyerhaeuser Co. proposal from an economic viewpoint is vital to Pierce and Thurston Counties. Recently, Pierce County has lost several hundred jobs: Asarco-120; Fiberboard-150; Ft. Lewis-115; and most recently, Heidelberg closure deleting 250 jobs. The jobs to be created by this high technological forest products export facility will provide 130 to 165 full-time jobs plus 17-21 full-time jobs in longshoring work, replacing the jobs lost when the Dupont Co. closed. These jobs indicate and increase in personal income of $1,500,000 to $1,625,000 the support of 3 new retail establishments, an increase of $735,000 in retail sales, and bank deposits of and estimated $895,000.
These are the measuring factors for establishing the economic impact of the proposed development on the local economy.
The desirability of industrial growth, in fact, economic growth in general has been fundamentally questioned in the last few years by people concerned with unwanted side effects. The time has passed when governments relying on an optimistic view that all growth is beneficial, competed with one another for new industry characterizes industrial development efforts. This attitude is found at all levels of government, as indicated by the legislation affecting product *quality and safety*, environmental quality, occupational health and safety, and equal employment opportunity.
Greater public resistance to private development has forced governments to rethink their development programs as well as the viewpoints on environmental, aesthetic, and health considerations.
These comments, however, should bot be construed as support for the" zero growth" movement. Economic growth as proposed by the Weyerhaeuser Co. is needed as means of improving the Quality of life, as a direct result of technological progress and more efficient use of resources.
The real issue is the nature of economic growth, especially the qualitative aspects which in this particular circumstance have been analyzed and are controlled under existing laws, regulations, and restrictions.
Thre is no need to regulate growth or development of a single industry or business. Guidelines for development should be uniformally applied to all development, and when industry meets the requirements of the restrictions and regulations then approvals should be granted.

Respectfully submitted.

Theron V. Rust
Executive Director

APPENDIX T

COMMENT LETTERS ON THE DEIS

APPENDIX T

INTRODUCTION

Appendix T contains copies of comment letters submitted to the Corps of Engineers on the proposed project. Each letter is numbered and environmental concerns raised have been indicated by a letter of the alphabet representing a specific environmental topic. The index, which follows this page, indicates the source and date of each comment letter. Responses to environmental concerns are found in Appendix Q (Volume II). The following key shows where in Appendix Q the responses may be found.

Comments-Response (Appendix Q)		Page
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B.	Future Development	Q-7
C.	Alternatives	Q-9
D.	Port Proliferation	Q-20
E.	Land Use	Q-22
F.	Mitigation	Q-29
G.	Air Quality	Q-36
H.	Water Quality	Q-37
I.	Flood Plain Management	Q-40
J.	Terrestrial Flora and Fauna	Q-41
K.	Aquatic Flora and Fauna	Q-44
L.	Baseline/Monitoring	Q-46
M.	Ecological Relationships	Q-50
N.	Indian Fisheries	Q-51
O.	Non-Indian Fisheries	Q-53
P.	Noise and Human Activity	Q-57
Q.	Energy	Q-60
R.	Oil Spills - Risks and Impacts	Q-61
S.	Navigation Risks and Impacts	Q-68
T.	Traffic and Transportation	Q-71
U.	Economic Impacts	Q-73
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Y.	Figures	Q-80
Z.	Miscellaneous	Q-82

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Arranged numerically by originating agency

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1. Don Bonker, U.S. House of Representatives	28 Sep. 79
2. Paul Sanders, Washington State House of Representatives	10 Sep. 79
3. Dick Bond, Washington State House of Representatives	14 Sep. 79
Indian Tribes	
4. Squaxin Island Tribe, Jack Rensel	19 Sep. 79
5. Squaxin Island Tribe, Jack Rensel	27 Sep. 79
6. Nisually Indian Tribe, Dorian S. Sanchez	28 Sep. 79
7. Nisqually Indian Tribe, Dorian S. Sanchez (Addendum to letter of 28 Sep. 79)	3 Mar. 80
Federal Agencies	
8. Advisory Council on Historic Preservation (Louis S. Wall, Chief, Western Division, Project Review)	6 Aug. 79
9. U.S. FIsh and Wildlife Service (memo from Dave Paullin, Wildlife Biologist, to Gary Kline, Biologist, Ecological Services	14 Aug. 79
10. U.S. Fish and Wildlife Service, Ecological Services (George L. Capp, Field Supervisor)	10 Sep. 79
11. U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services (George L. Capp, Field Supervisor)	17 Oct. 79
12. Department of Housing and Urban Development, Regional Office of Region X, Office of Community Planning and Development (Robert C. Scalia, Director)	19 Sep. 79
13. U.S. Department of Transportation, Federal Highway Administration, Region X (Elmer J. Leland, Regional Traffic Operations Engineer)	24 Sep. 79

Author/Organization - continued	Date
14. U.S. Environmental Protection Agency (L. Edwin Coates or Donald P. Dubois, Regional Administrator)	3 Oct. 79
15. U.S. Department of Agriculture, Forest Service, Region 6, Portland, OR (D. H. Morton for R. E. Worthington, Regional Forester)	9 Oct 79
16. U.S. Department of the Interior, Office of the Secretary, Pacific Northwest Region, Portland, OR (Charles S. Pollityka, Regional Environmental Officer)	12 Oct. 79
17. Washington State Parks and Recreation Commission (David W. Heiser, Chief, Environmental Coordination)	27 Aug. 79 14 Sep. 79
18. Washington State Department of Game (Fred H. Maybee, Assistant Program Manager, Environmental Affairs, Habitat Management Division)	14 Sep. 79
19. Washington State Department of Game (Fred H. Maybee, Assistnat Program Manager, Environmental Affairs Program, Habitat Management Division)	5 Oct. 79
20. Washington State Department of Transportation (Wm. P. Albohn, Environmental Planner, for Robert S. Neilsen, Assistant Secretary)	19 Sep. 79
21. Washington State Department of Ecology (Wilbur G. Hallauer, Director): coordinated responses including letters from the Departments of Game and Transportation	25 Sep. 79
22. Department of Fisheries	25 Sep. 79
23. Washington State Capitol Museum (Delbert J. McBride, Curator)	27 Sep. 79
24. Washington State Office of Archaeology and Historic Preservation (Sheila A. Stump, Archaeologist for Jeanne M. Welch, Deputy State Historic Preservation Officer)	15 Oct. 79
25. Washington State Department of Commerce and Economic Development (Paul Anton, Deputy Director)	10 Sep. 79
Local Agencies	
26. City of DuPont (John G. Iafrati, Mayor)	20 Aug. 79
27. City of DuPOnt (John G. Iafrati, Mayor)	16 Oct. 79

Author/Organization	Date
28. Puget Sound Air Pollution Control Agency (A.R. Dammokoehler, Air Pollution Control Officer)	21 Sep. 79 3 Oct. 79
29. Puget Sound Council of Governments (Francesca Shultz, Subregional Coordinator)	
30. City of Tacoma (Mike Parker, Mayor)	
Organizations	
31. Washington Kayak Club	24 Sep. 79
32. Nisqually Delta Association (Flo Brodie, President)	26 Sep. 79
33. Nisqually Delta Association (Flo Brodie, President)	12 Oct. 79
34. Tahoma Audubon Society (Nancy Kroening)	26 Sep. 79
35. Tahoma Audubon (Michael D. McCulley, Conservation Chair)	28 Sep. 79
36. Tahoma Audubon Society (Nancy Kroening)	11 Oct. (recd. ND)
37. Seattle Audubon Society (David V. Galvin, Conservation Chair)	27 Sep. 79
38. Puget Sound League of Women Voters (Nancy Pearson, Nisqually Chairperson, for Hilda Skolnick, Puget Sound President, and Jane Shafer, President, League of Women Voters of Washington)	27 Sep. 79
39. Washington Environmental Council (Helen Engle, President)	28 Sep. 79
40. Black Hills Audubon Society (William Harrington-Tweit, President)	28 Sep. 79
41. Boston Harbor Association (Mary Murphy, President)	29 Sep. 79
42. Sportsmen's Council, Inc.	11 Sep. 79
43. Tacoma Area Chamber of Commerce	10 Sep. 79
44. Tacoma Pierce County Economic Development Board	9/79 (ND)
45. Western States Regional Council No. III, International Woodworkers of America, AFL-CIO (Vernon C. Russell, President)	6 Sep. 79
46. Pierce County Central Labor Council, AFL-CIO (H. Russell Peters, Secretary, Pierce County, Washington Building and Trades Council, and Clyde H. Hupp, Secretary, Pierce County Central Labor Council)	19 Sep. 79

Author/Organization	Date
Individuals	
47. Donald C. Orlich	10 Sep. 79
48. Kathleen Thomas	14 Sep. 79
49. Pete MackNezie	17 Sep. 79
50. Robert T. Smith	18 Sep. 79
51. (Dr. and Mrs.) Henry H. and Jean Kyle	20 Sep. 79
52. William and JoAnn Lysak	21 Sep. 79
53. Mary Sturm	24 Sep. 79
54. Charles Plummer	24 Sep. 79
55. Dolories Osland	25 Sep. 79
56. Pam Miller, Cascadia Research	25 Sep. 79
57. Janet Buresh	26 Sep. 79
58. Conrad Driscoll	26 Sep. 79
59. Julie Johnson	26 Sep. 79
60. Irene Christy	26 Sep. 79
61. Sarah, J. Madsen	27-28 Sep. 79
62. Stan Isley	26 Sep. 79
63. Derek Valley	27 Sep. 79
64. Dorris Hensel	27 Sep. 79
65. Jack E. Davis	27 Sep. 79
66. Richard G. Anderson	27 Sep. 79
67 Waltr O. Marcelline C., and Kenneth W. Braget	27 Sep. 79
68. Elizabeth Tabbutt	28 Sep. 79
69. Jay W. Butts	28 Sep. 79
70. Robert W. Ramsey, L.A.	28 Sep. 79
71. Gene Baxstrom	28 Sep. 79

	Author/Organization	Date
72.	Terry Corrigan	28 Sep. 79
73.	Morry Browne	28 Sep. 79
74.	Howard W. Millan	28 Sep. 79
75.	(Mr. and Mrs.) Willam R. and Marie B. Stillwell	28 Sep. 79
76.	Timothy A. Pearce	28 Sep. 79
77.	Sally Klotz	28 Sep. 79
78.	Ruth Carson	28 Sep. 79
79.	Barbara Damon	28 Sep. 79
80.	Richard G. Anderson (includes petition signed by 208 property owners of Anderson Island, Washington)	not dated
81.	E. Eric Knudsen	2 Oct. 79
82.	Peter Swensson	4 Oct. 79
83.	Dave Howard	4 Oct. 79
84.	Liz Greenhagen	5 Oct. 79
85.	Liz Greenhagen	11 Oct. 79
86.	Laura Deschner	9 Oct. 79
87.	Gwen and Toni Soburalski	14 Oct. 79
88.	Susan Wertz	14 Oct. 79
89.	Ruth B. Weisbeg	18 Sep. 79
90	Ernest O. Salo	12 Sep. 79
91.	Richard A. Turner	12 Sep. 79
92.	Tom Ehrlichman	12 Sep. 79
93.	Paul B. Williams	9 Sep. 79
94.	James A. Bryan	7 Sep. 79
95.	Michael D. McCulley	Sep. 79 (ND)
96.	Theodore Paul Hunter, Atty.	5 Oct. 79
97.	C. David Gordon	5 Sep. 79
98	Mr. and Mrs Orville H. Rollifson	20 Sep. 79

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COMMITTEES:
ENERGY AND NATURAL RESOURCES
INTERNATIONAL RELATIONS
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 28, 1979

DISTRICT OFFICES:
309 FEDERAL BUILDING
OLYMPIA, WASHINGTON 98501
(206) 753-5528

U.S. POST OFFICE
LONGVIEW, WASHINGTON 98632
(206) 636-5240

104 N. LAUREL STREET
PORT ANGELES, WASHINGTON 98362
(206) 457-9215

(1)

Colonel Leon K. Moraski
District Engineer
U.S. Army Engineer District, Seattle
P. O. Box C-3755
Seattle, WA 98124

Dear Colonel Moraski:

In 1976, Weyerhaeuser Company first proposed the construction of an Export Facility on the shorelines of Southern Puget Sound adjacent to the Nisqually Wildlife Refuge. Over the past few years, this proposal has generated increasing controversy among my constituents as well as citizens of the entire state. I have followed this issue with great interest.

The Southern Puget Sound Region is a unique area which possesses recreational, historical and economic resources which are important to all citizens of the state. Any proposal for major new construction in this area must be closely examined as to the potential environmental and economic impacts on the region. New development which has region-wide impacts should be permitted only upon an objective determination that the proposed development would be in the public interest.

Weyerhaeuser Company has now applied to the Army Corps for a Section 10 permit under the River and Harbor Act of 1899. A draft EIS has been prepared; while this document is a good start on disclosure of impacts, there are several areas which do not appear to be adequately addressed. I urge your agency to include in a final EIS a complete discussion of the following areas:

I. THE EFFECT OF CONTINUED OR INCREASED LOG EXPORTS ON THE ENVIRONMENT AND ECONOMY OF THE REGION.

The Weyerhaeuser Company currently is the nation's major exporter of logs. These shipments now originate from Tacoma, Longview, Everett and other ports. The DuPont Facility is expected to export two million tons of logs and wood products by 1985 or 1990. Weyerhaeuser estimates indicate that the log/product mix will remain predominately logs at least through 1990. The Company has provided no assurrances that the tonnage exported will be limited to two million tons. Even if the DuPont Facility were limited to that amount, Weyerhaeuser would retain the option of continued log exports at its existing port sites. Therefore, the proposed DuPont Export Facility appears to be a proposal which is intended to facilitate increased log exports from this state. F B

1120

The potential economic and environmental impacts that such continued and increased log export might have should be fully disclosed in the final EIS. One study indicates that the potential impacts of continued log export activity by Weyerhaeuser are great--a loss of 25,000 jobs and nearly one billion dollars in state output by the year 2000[1]. There also may be adverse environmental impacts associated with continued log exports. The state's forest resources will be depleted more rapidly.

The pressure on our National Forest Lands for multiple uses is intense. Increased log exports by Weyerhaeuser may contribute to the pressure for increased cutting which would diminish the recreational values of these lands. To require the people of the state to bear this burden without compensating benefits appears unreasonable. This is especially true when other timber companies are importing logs to preserve jobs in the Northwest Region[2]. I therefore urge your agency to address in detail the following areas in the final EIS: A

- What will be the employment impacts, both directs and indirect, from a Weyerhaeuser policy of continued and/or increased log or product exports over the next 20 years. U
- Will the proposed DuPont Facility mean an increase in log exports or merely a shift of present export activity from other sites? What controls are necessary to ensure that increased log export activity will not present unreasonable burdens for the state? A
- What will be the origin of the logs which Weyerhaeuser intends to export?
- What domestic markets are available for logs through the year 2000 which could eliminate Weyerhaeuser's need for log exports while at the same time preserving jobs for U.S. workers?

I assume that current studies are available either within Weyerhaeuser Company or as existing public information which begin to address these issues. These studies should be expanded upon and integrated into the final EIS.

---

1. Broadhead, Jeffrey, "The Log Export Issue: Two Scenarios of Employment and Output in Washington"
2. "Georgia Pacific Importing Monterey Longs From S. America", Seattle Post-Intelligencer, August 21, 1979, p. B-5.

II. THE AVAILABILITY OF ALTERNATIVE SITES FOR THE WEYERHAEUSER FACILITY.

Even if it is determined that the environmental and economic benefits of the proposal outweight the environmental and economic costs, the Export Facility should not be allowed to be constructed at the DuPont site until a thorough examination of the availability of existing port facilities is undertaken. C

The Washington Legislature recognized the importance of the Nisqually Delta area when it designated the entire shoreline from De Wolf Bight to Tatsolo Point as a Shoreline of Statewide Significance under the State Shoreline Management Act. In addition, that same area is recognized as an area of particular concern under the Washington Coastal Zone Management Act. These designations are not empty phrases but are to serve as a guide for decision-making on proposals within those areas. The policies expressed in the Shoreline Management Act strongly suggest that a proposal such as Weyerhaeuser's should not be located on a Shoreline of Statewide Significance. The Washington State Department of Natural Resources also has adopted policies which are designed to prevent port proliferation. The DNR policies preclude further leasing of state lands for port development until existing ports are fully utilized. These policies are incorporated into the Coastal Zone Management Act and cannot be ignored by any decision-maker. Accordingly, I urge your agency to address the following areas within the final EIS:

- o What existing port facilities in Washington, both public and private are capable of handling log or wood product exports?
- o Is the capacity of these ports fully utilized and what is their expansion capability?
- o If not, what are the specific reasons that Weyerhaeuser cannot utilize those facilities?
- o Are any improvements to navigation needed if the large ships that Weyerhaeuser intends to use call at DuPont? S

Again, I believe there are studies available which address these areas. These should be expanded upon and integrated into the final EIS.

The decision before the Army Corps on the Section 10 permit application is a major one which could have significant effects on the future of the Southern Puget Sound Region and the State of Washington. An informed decision can be made only after full

disclosure of all environmental and economic impacts associated with the proposal. I therefore urge your agency to address those issues relating to the environmental and economic impacts associated with continued or increased log exports and with the proliferation of ports before a decision is made on the permit application of Weyerhaeuser Company.

Sincerely,

Don Bonker
Member of Congress

(3)

PAUL SANDERS
2089 148 Ave S.E
Bellevue, WA 98008 or
House Office Bldg. 420
Olympia, WA 98504
RES. TEL. (206) 746-4288
BUS. TEL. (206) 232-8468
LEG. TEL. (206) 753-7849 OFFICE
1-800-562-6000 HOT LINE

State of Washington
House of Representatives

Forty-Sixth Legislature
1979-81

Committees
Revenue, Vice-Chairman
Commerce
Ecology

(2)

September 10, 1979

U. S. Department of the Army
Seattle District
Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Attention: Mr. Steve Dice

Gentlemen:

I urge your approval of the Environmental Impact Statement (EIS) of the Weyerhaeuser Company's proposed export facility at DuPont. I understand that the City of DuPont and the State Department of Ecology recently approved a final EIS on the project under the State Environmental Policy Act (SEPA).

I understand that your review must be separate and independent of the reviews taken under our State laws; however, I am confident that when you see the great care and planning that have gone into the Weyerhaeuser proposal you will agree that it is environmentally sound.

I have reviewed the Weyerhaeuser plan in detail and have personally inspected the proposed site. I applaud the company's successful effort to locate their wood products export facility in an area that will not require dredging and filling and is further away from the environmentally sensitive Nisqually Delta than prior proposals would have placed it.

The State of Washington needs this well planned and environmentally sound facility and I respectfully request that you approve the project's Environmental Impact Statement.

Sincerely,

Paul Sanders

Paul Sanders
State Representative

PS/sc

RICHARD M. "DICK" BOND
44th DISTRICT

OLYMPIA OFFICE
423 LEGISLATIVE BLDG
OLYMPIA, 98504
206-753-7830

SPOKANE OFFICE
N. 411 RAMONA ST
SPOKANE 99203
509-536-1881

X (3)

(3)

House of Representatives
STATE OF WASHINGTON
OLYMPIA

September 14, 1979

U. S. Department of the Army
Corps of Engineers, Seattle District
P. O. Box C-3755
Seattle, Washington 98124

Attention: Steve Dice

Dear Mr. Dice:

This letter is in regard to your September 12 hearing on the federal Environmental Impact Statement for the proposed Weyerhaeuser Company export facility at DuPont. Please accept this as a part of the hearing record.

I am a member of the House of Representatives, elected to represent the people in the 6th District. During the 1979 legislative session, a bill was introduced into the House which, if passed, would have prohibited any industrial dock to be located within a five mile area of the Nisqually Delta. Obviously, this bill was aimed at, and would have stopped, the Weyerhaeuser Company's export center plans. Proponents of the bill were many of the same who have been actively opposing Weyerhaeuser's plans. The bill received a hearing and many arguments were made pro and con about the export facility. There was insufficient support for the bill and it died. I believe this action was significant since it measured to some degree the mood of the state Legislature on this issue.

During the same session, I had the opportunity to tour the DuPont site. After seeing the site and reviewing the export facility plans, I cannot see how the project will adversely affect the environment. To the contrary, I believe the wood products project will pose much less hazard to the environment, both human and wildlife, than did the previous explosives manufacturing plant.

For these reasons, and as a step toward strengthening our vital export trade economy, I believe the federal EIS should be approved in an expeditious manner, and the necessary permits be issued to Weyerhaeuser Company for their DuPont project.

Sincerely,

Dick Bond

RMB:rk

(13)

SQUAXIN ISLAND TRIBE

Route 1, Box 257 Shelton, Washington 98584

Calvin J. Peters - Chairman
Bryan A. Johnson - Vice Chairman
Sally Ann Norman - Secretary
Wesley Whitener - Treasurer
John Krise - Councilman
Florence Sigo - Tribal Historian

September 19, 1979

(4)

Department of the Army
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Gentlemen:

The Squaxin Island Tribal Chairman has previously voiced the tribe's opposition to the proposed Dupont Dock (letter to U.S. Army Corp. of Engineers, July 20, 1979).

As tribal biologist, I would like to point out a problem with the draft environmental impact statement. In the draft EIS, the authors state (page 137, section 4.8.7) "The following data gathered in the baseline studies (fresh, et al 1978) indicate that juvenile salmon occur in deep water naturally and that salmonid predation by resident fish species is minimal. Therefore, the new dock should have little impact on juvenile salmon predation". This statement is misleading for several reasons:

1. Juvenile chum salmon occur both in shallow and deep water areas depending on variables such as fry size and age, hydrographic conditions and bottom profile.

2. A careful reading of fresh et. al, 1979 will show that beach seine and townet surface trawls were taken very close to the Dupont shoreline. In fact, townet samples were taken as shallow as the towing vessel could maneuver (k. fresh, personal communication). This area is representative of the site of the proposed dock. The baseline study (fresh et. al, 1979) states (page 58) that "overall mean townet catch per unit effort was greatest along the Dupont shoreline." It is clear from the statements of state and federal biologists that chum salmon migrants do occur offshore (i.e., in mid Puget Sound) as well as in shore. The DEIS is misleading since it suggest that juvenile (chum) salmon avoid or do not occur at the Dupont shoreline.

The baseline study, although apparently well planned and executed was not designed to measure the impacts of a new dock. For instance, the stomach analysis that were performed used fish caught in beach seines and townets throughout the area. This sampling may not be representative of predation occuring at the old Dupont Dock or that may occur at the proposed new dock.

In summary, I feel the draft EIS to be inadequate in its description of adverse impacts on juvenile salmonids. A greater use of the baseline study in the DEIS would have been appropriate and studies designed to assess this impact are still needed.

Sincerely,

Jack Rensel
Biologist

JR/pjd
cc: Gary Cline, U.S. Fish & Wildlife
Nisqually Delta ASsociation
Cal J. Peters
Nisqually Indian Tribe
Hank Lippet

(43)

SQUAXIN ISLAND TRIBE

Route 1, Box 257 Shelton, Washington 98584

Calvin J. Peters - Chairman
Bryan A. Johnson - Vice Chairman
Sally Ann Norman - Secretary

Wesley Whitener - Treasurer
John Krise - Councilman
Florence Sigo - Tribal Historian

September 27, 1979

(5)

Dr. Steve Martin
Department of the Army
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Dear Steve:

Enclosed please find a copy of the original letter concerning the Dupont Dock. After the meeting of September 26th I feel that the question of predation is still quite vague. With the limited amount of data collected in a study that was not designed to assess the impact of the dock (existing or proposed), I don't see how anyone can make conclusive statements on the subject.

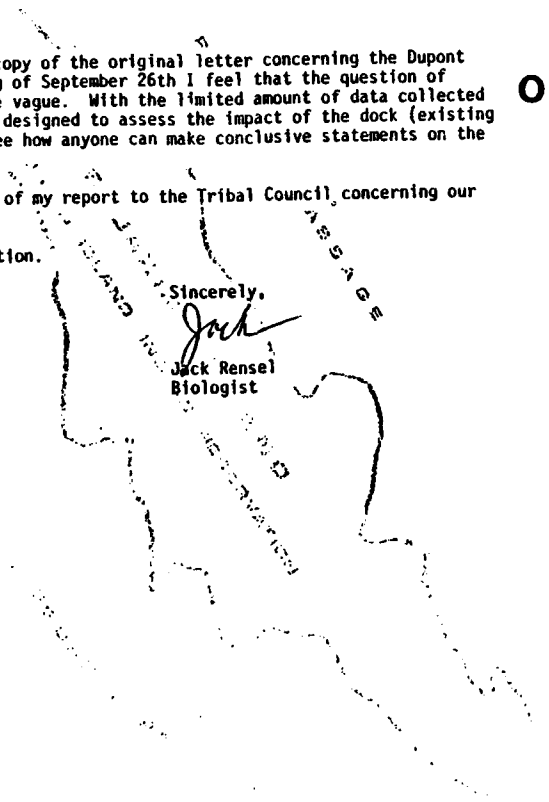
Also included is a copy of my report to the Tribal Council concerning our meeting.

Thanks for your cooperation.

Sincerely,

Jack Rensel
Biologist

JR/PJD
enclosures



SQUAXIN ISLAND TRIBE

Route 1, Box 257 Shelton, Washington 98584

Calvin J. Peters - Chairman
Bryan A. Johnson - Vice Chairman
Sally Ann Norman - Secretary

Wesley Whitener - Treasurer
John Krise - Councilman
Florence Sigo - Tribal Historian

September 19, 1979

Department of the Army
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Gentlemen:

The Squaxin Island Tribal Chairman has previously voiced the tribe's opposition to the proposed Dupont Dock (letter to U.S. Army Corp. of Engineers, July 20, 1979).

As tribal biologist, I would like to point out a problem with the draft environmental impact statement. In the draft EIS, the authors state (page 137, section 4.8.7) "The following data gathered in the baseline studies (fresh, et al 1978) indicate that juvenile salmon occur in deep water naturally and that salmonid predation by resident fish species is minimal. Therefore, the new dock should have little impact on juvenile salmon predation". This statement is misleading for several reasons:

1. Juvenile chum salmon occur both in shallow and deep water areas depending on variables such as fry size and age, hydrographic conditions and bottom profile.

2. A careful reading of fresh et. al, 1979 will show that beach seine and townet surface trawls were taken very close to the Dupont shoreline. In fact, townet samples were taken as shallow as the towing vessel could maneuver (k, fresh, personal communication). This area is representative of the site of the proposed dock. The baseline study (fresh et. al, 1979) states (page 58) that "overall mean townet catch per unit effort was greatest along the Dupont shoreline." It is clear from the statements of state and federal biologists that chum salmon migrants do occur offshore (i.e., in mid Puget Sound) as well as in shore. The DEIS is misleading since it suggests that juvenile (chum) salmon avoid or do not occur at the Dupont shoreline.

The baseline study, although apparently well planned and executed was not designed to measure the impacts of a new dock. For instance, the stomach analysis that were performed used fish caught in beach seines and townets throughout the area. This sampling may not be representative of predation occuring at the old Dupont Dock or that may occur at the proposed new dock.

In summary, I feel the draft EIS to be inadequate in its description of adverse impacts on juvenile salmonids. A greater use of the baseline study in the DEIS would have been appropriate and studies designed to assess this impact are still needed.

Sincerely,

Jack Rensel
Biologist

JR/pjd
cc: Gary Cline, U.S. Fish & Wildlife
Nisqually Delta ASsociation
Cal J. Peters
Nisqually Indian Tribe
Hank Lippet

SQUAXIN ISLAND TRIBE

Route 1, Box 257 Shelton, Washington 98584

Calvin J. Peters - Chairman
Bryan A. Johnson - Vice Chairman
Sally Ann Norman - Secretary

Wesley Whitener - Treasurer
John Krise - Councilman
Florence Bigo - Tribal Historian

September 27, 1979

TO: Tribal Council

FROM: Jack Rensel, Biologist

SUBJECT: Nisqually/Dupont Dock Meeting

On September 25, 1979, I met with representatives of the Army Corp of Engineers, Weyerhaeuser Company, URS Consultants, Fisheries Research Institute, Nisqually Tribe and Department of Fisheries concerning the proposed Dupont Dock. The meeting was called to discuss my objections to the draft environmental impact statements that the salmonid resource would not be endangered by the proposed Weyerhaeuser dock.

I had two points:

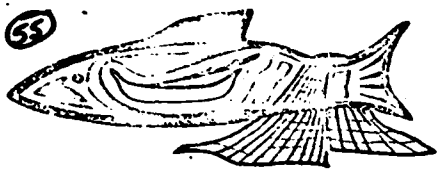
1. Juvenile salmon migrate extensively through the proposed dock area.
2. The dock will harbor numerous fish capable of inflicting a substantial mortality upon juvenile salmon.

The consensus was that I was correct about number one and the EIS will be changed. We could not agree on number two. Dr Ernest Salo of the University of Washington stated that his experiences in studying juvenile salmon around the Trident-Navy development had shown that during the March-May period juveniles would pass under the docks, but later they would be attracted to them.

The big question was predation. He felt there was massive predation occuring in the first 30 to 60 days of marine life, but not necessarily associated with dock structures.

The URS consultants immediately interpreted this to mean there would be no significant predation. I did not agree especially since the data collected at Dupont was very limited.

The main point I tried to make was that the baseline study was not designed to assess the effects of a dock (existing or proposed) and therefore the EIS was inadequate.



Nisqually Indian Tribe

4820 She-Nah-Num Drive S.E.
Olympia, Washington 98503
Phone: 456-5221

September 28, 1979

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Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

REF: 071-0YB-1-005084
Weyerhaeuser Company

The Nisqually Indian Tribe, as a signatory tribe of the Treaty of Medicine Creek of 1854, holds certain Federally guaranteed treaty rights, including the right for its members to earn an adequate income from fishing, both on-reservation and at all usual and accustomed places off-reservation. The Tribe also possesses the right to water of adequate quality to maintain its fishery resources. Thus, the Nisqually Indian Tribe has a vital interest in any shoreline development on or adjacent to the Nisqually River estuary, including the proposed Weyerhaeuser Export Facility at DuPont.

We have thoroughly reviewed the Federal Draft Environmental Impact Statement (D.E.I.S.), dated July 30, 1979. Our evaluation of the D.E.I.S., the proposed project, and its possible impacts is based on the following Tribal goals:

1. Maintaining high quality salmonid rearing environment in the Nisqually Delta area.
2. Maintaining a safe and productive marine fishery area for our fishermen.
3. Protecting the archaeological resources and gravesites of the Nisqually Tribe.

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We are also mindful of the importance of development and that risk must be tolerated if the benefit of development is to be obtained. We have concluded, however, that the proposed project places unacceptably high risks upon the Nisqually Tribe and its treaty-protected fishery. We are, therefore, requesting that you deny the permit for the proposed project.

REF: 071-0YB-1-005084 (9/28/79)

Our reasons for opposing the proposed Weyerhaeuser DuPont project are as follows:

1. Unacceptably high increase in risk to the millions of Nisqually River salmon that rear in the Nisqually River estuary and are the basis for our treaty-protected fishery.
2. The proposed dock and export operations constitute unacceptable navigation hazards with an unacceptably high increase in risk to our marine water treaty fishermen operating along the DuPont shoreline, and loss of optimum gill net drift locations at the dock site.
3. Increased risk of damage or destruction of archaeological sites and burials, a risk that should be avoided if possible.
4. Our unwillingness to agree with the idea that the Nisqually Indian Tribe should accept the risk and inevitable loss associated with the proposed project, but the applicant company get the benefit.
5. Our belief that the wisest use of the public resources of the Nisqually River delta area lie not in developing a private port, but rather in preserving the delta in a near-natural condition for future generations to experience.
6. Our mistrust of the strength and integrity of the applicant company's commitment to environmental protection.

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Attached to this letter is our detailed statement and discussion of each of these points, and additional criticisms and comments on the D.E.I.S.

As you know from the ruling in Confederated Tribes of Umatilla vs. Alexander, 440 F. Supp. 553 (1977), no project that affects treaty fishing rights may be granted a Corps of Engineers permit without the approval of the affected Tribe. We believe that the proposed Weyerhaeuser project will have such affects. By this letter and the attached statement, you are formally notified of the opposition of the Nisqually Indian Tribe to the granting of a Corps of Engineers permit to the proposed project.

Sincerely,

Dorian S. Sanchez
Chairman

DSS/sjw

cc: Bureau of Indian Affairs
Western Washington Agency
U.S. Fish and Wildlife Service
Ecological Services

Statement of the Nisqually Indian Community Concerning the

Proposed Weyerhaeuser Export Facility at DuPont

September 28, 1979

The Nisqually Indian Tribe, through its Business Council and Chairman, in response to the Federal Draft Environmental Statement (DEIS) submits the following statement concerning the proposed Weyerhaeuser export facility at DuPont. In preparing this statement, the Tribe has thoroughly reviewed the DEIS, as well as the State-level Draft and Final EIS and various of the baselines studies, including Fresh et.al. 1978 and 1979, O.I.W. 1977 and 1978, and Onat et.al. 1977. We replied to the State DEIS with a Statement of Concerns, dated September 20, 1978.

I. The Marine Habitat

The Nisqually Tribe is and always has been a fishing people. Today, over 20 Nisqually families depend on the tribal fishery as the major source of family income, and another 20 supplement their family income through fishing. The Tribe's fishery is based upon Federally protected treaty fishing rights. Our primary fish resources are the salmonid species, chinook, chum, coho, and pink salmon and steelhead trout. Tribal members also fish for sole and other bottomfish, and gather shellfish, in the Nisqually Reach and adjacent areas.

Recognizing the importance of fishing to the future of the Tribe, we have acquired and invested in recent years over $1 million in salmon enhancement projects. We are also seeking funding for additional major hatchery facilities on the Nisqually River. The total release from these projected facilities will be over 20 million fish per year. In addition, the Tribe has taken steps to insure that natural reproduction on the Nisqually River is maintained. Such natural production contributes uncounted additional millions of juvenile salmonids from the river each year. Obviously, it is vital to the future of our fishery that the Nisqually Reach remain as pollution-free as possible.

We have, therefore, examined with great care the DEIS and supporting studies of the proposed project at DuPont. The Fresh et.al. study (1978, with revisions 1979) is designed as a baseline study. It has not attempted to assess the impacts of the project on salmonids. Yet, on page 137 of the DEIS a number of conclusions are asserted, generally to the point that salmonid fish are not expected to be significantly affected by the project. We ask, from what study are these conclusions drawn? If they are derived from Fresh et.al., then we suspect that that study is being misused since it was not designed to evaluate impact. If not from Fresh et.al., upon what authority is the DEIS depending for its conclusions?

As an example of mistaken conclusions, we quote from the DEIS as follows (p. 137): "Data gathered in the baseline studies (Fresh et.al. 1978) indicate that juvenile salmon occur in deep water naturally and that salmonid predation by resident fish is minimal." Of course juvenile salmon occur in deep water, but they also occur in shallow inshore water! There are data in the baseline study to support this statement, but apparently these data were ignored. In fact, on page 58 of the baseline study, the authors point out that many factors influence seasonal spatial distribution of chum salmon relative to use of inshore and offshore areas. We conclude that juvenile salmon occur both offshore and inshore areas, depending on numerous variables. Since the proposed dock will create new predator habitat, we think it inevitable that predation on juvenile salmon will increase, and will be a significant impact of the project. The magnitude of this impact we cannot assess, but we ask upon what authority does the DEIS depend in concluding that predation will be minimal?

Adult migration and milling areas - The DEIS concludes, again of page 137, that fish migration would be largely unaffected (also see page XIV). We wonder upon what study this conclusion is based. Adult chum population tagging studies have been conducted by the Nisqually Indian Tribe for the past five years. Native Nisqually late chum are captured by purse seine in marine waters, tagged, and then released. Tagged fish are subsequently recovered in the Nisqually River gill net fishery and on spawning grounds so that an estimate of total run size can be calculated. In order for this technique to provide statistically accurate population estimates it is desirable to capture and tag a significant percentage of the particular stock being studied. Marine milling areas provide excellent sites for capture and tagging of a particular stock. In these areas a salmon stock is generally considered to be geographically separated from other stocks and are schooled allowing high capture rates by purse seine vessels.

During the past five years the Tribe has collected considerable data pinpointing the major migration route and milling area of the Nisqually native chum stock. This milling area is in the area immediately north of the existing DuPont wharf and extends northward to Tatsolo Point and southward to the Nisqually Reach (see accompanying map). Adult chum often occur inshore in large numbers along the entire DuPont shoreline. Obviously, the proposed location of the Weyerhaeuser dock facility is centered in the milling and migration area for Nisqually chum.

As for coho salmon, Fresh et.al. 1978 describes the results of an adult coho tagging study in the DuPont shoreline area. Adults were captured by purse seine and tagged in a manner similar to the Tribe's chum studies. In the 1978 baseline study report (p. 45) it is stated that "tag returns from all directions from the DuPont dock area suggests the DuPont shoreline may be used as a milling area by coho salmon."

Enough data is presently available to indicate that the location of the proposed Weyerhaeuser dock facility is centrally located in the major migration and milling area of Nisqually and Sequalitchew coho stocks as well as Nisqually native chum. This fact is not adequately addressed in the DEIS. What will the impact of the proposed project be on these milling areas? What studies have been conducted to determine the impact?

Oil Spill Impact Analysis

In our view the DEIS, including the oil spill impact analysis in Appendix I, fails to adequately discuss the impact of a major oil spill or of chronic oil leakage from small vessel activity around the dock and from runoff from the dock and dock road. The Tribe's major concern is on the effects of oil on the epibenthic fauna, as it is widely recognized that oil is retained in bottom sediments and is toxic to epibenthic fauna.

The study conducted by Fresh et.al. (1979) indicated, as have all other studies on juvenile salmonid food items during the estuary rearing period, the great reliance of juvenile salmonids on epibenthic fauna at certain stages of their life history. Chum salmon, currently the Nisqually River's species of greatest commercial importance, are dependent on harpacticoid copepods and gammarid amphipods during the initial stage of their outmigration. Coho salmon, currently the second most important species to the tribal fishery, also utilize to a large extent epibenthic species. Further, the chinook salmon prey spectrum is also composed largely of epibenthic organisms.

Obviously, a major spill could have immediate and devastating effects on an entire age class of Nisqually salmon. What is less obvious, and what is not addressed in the DEIS, are the long term effects of such a catastrophe (or what are the long term effects of chronic low-level oil contamination). How long would it take for the epibenthic fauna to return to it's normal population levels and structures, and whether there is a tendency for toxic oil fractions to concentrate at higher trophic levels? If harpacticoid copepods are affected seriously by continual exposure to the small amounts of oil that would certainly be present in sediments for several years after a spill, this would obviously endanger the entire Nisqually chum population, not just one or two run cycles. If harpactocoid copepods absorb or ingest toxic oil fractions in an unaltered manner, then the possibility of lethal concentrations occurring at higher trophic levels, i.e., juvenile chum, must be considered. This could also severely depress chum population levels for enough run cycles to endanger the entire species as a commercially viable one.

Our point is this: oil is detrimental to salmonid production without regard to season, wind, tidal conditions, etc., because, even if the juvenile salmon themselves are not killed, the food base will be severely impacted, perhaps for several years. We conclude that the risk to our fishery resources is much greater than what has been indicated in the DEIS. An oil spill anywhere on the Nisqually Reach at any time of year will result in juvenile salmon mortality, possibly on a large scale. Why is this threat represented as being only a "minor impact" (see p. XIV) when additional road kills of animals on the site is listed as a "major impact" of the project? Surely the chipmunk population on the proposed development site is of less importance than the preservation of strong salmon runs in the Nisqually River.

Heavy metals are another area of concern to the Tribe, as they are also contaminants that are toxic. The DEIS merely indicates that very low levels of contamination will be experienced and toxicity is not expected at these levels. What studies are these assurances based on?

II. Fishing Activities

The proposed project docking facilities are located within the usual and accustomed fishing areas of the Nisqually Tribe. Since 1977, Nisqually fishermen have fished Sequalitchew stocks of salmon along the DuPont shoreline and will continue to do so as long as harvestable fish are available there. The map accompanying this statement indicates the fishing area. The gear used at present is limited to gillnets up to 1800 feet in length and fishing occurs at night.

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The DEIS concludes that fisheries in the project area will not be significantly affected. We dispute this conclusion. Our fishery will be negatively impacted in several ways. First, the dock will eliminate 1300 feet of optimum g net drifting area along the DuPont shoreline. This is a significant portion of the milling area around Sequalitchew Creek, and would be a major loss. At present, when fishing an ebb tide our fishermen set their nets adjacent to the present DuPont wharf and drift northward. The shoreline between the wharf and Tatsolo Point is the optimum area. This is an uncontrovertable and unmitigatable impact of the project, yet the DEIS ignores it entirely (as well as ignoring the DuPont site as a milling area for salmon, see our discussion above).

Second, the proposed dock (and the old wharf, for that matter), constitute a navigation hazard for Nisqually fishermen. During the autumn fishing period, the project area is frequently subjected to dense fog throughout the night (a fact not mentioned in the DEIS discussion of climate, page 35-36). The fog, and the sometimes swift currents of the DuPont area, make navigation difficult for our fishermen. Where in the DEIS has there been any effort to assess the impact of this new dock as a navigation hazard to our fishermen working the area? All we read is a short assertion that there will be no significant impacts, and a reference to "Barriers and Corridors." Where is the discussion of barriers and corridors in the DEI

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Third, we are not convinced that there will be no significant impact on our fishery from vessel calls at the new dock. The O.I.W. report (1978 Addendum) states that at the time of their studies "there was no commercial Indian or non-Indian fishing in the Nisqually Reach area" (p. 20). If this is true, then the study is now out-of-date and should be redone. The report further states "...that the 28 Weyerhaeuser port calls per year is only two percent of the total commercial traffic in the study area, and that these port calls will add little to the potential for fishing gear damage in the study area." We reject these figures and conclusions as not being applicable specifically to the Nisqually Reach area. There are no port calls along the DuPont shoreline now; the addition of 2-5 calls per month is, percentage-wise, a great increase and must greatly increase the potential for fishing gear damage, not to mention more serious accidents and possible loss of life.

We are convinced that the O.I.W. studies have not in any way portrayed the risk probabilities for our gillnet fishermen operating in the DuPont area. What are the probabilities for gear loss with the proposed project in place? What steps could be taken to mitigate these losses? What are the risk probabilities for the project area specifically?

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III. Risk

The DEIS addresses the risk of oil spill and other risks on page 139-142. We have examined this section and the two DuPont Navigational Risk Assessment studies (O.I.W. 1977 and O.I.W. 1978) upon which it was based. In these studies risk probabilities for Southern Puget Sound are established using accident statistics from selected smaller port systems (see O.I.W. 1977, p. IV 2-5). Unfortunately, the criteria for selection of the sample, beyond merely size, are not specified. This leads us to certain questions: Why were the specific small ports in the sample chosen and others eliminated? Are these ports at all similar to Southern Puget Sound (i.e., do they have narrow areas with strong tidal flow

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and dense fog? Do they have an extensive commercial net fishery and high numbers of recreational boaters?)? The reliability of the O.I.W. risk assessment hinges on the applicability of figures derived from these other ports to Souther Puget Sound. We believe that is is difficult to place much faith in these studies, yet that is exactly what the DEIS does. Are the O.I.W. studies sufficient for the Corps to accurately assess the impact of the project operation on navigation risk in Southern Puget Sound?

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Even if the O.I.W. studies are accepted for Southern Puget Sound in general, they offer us no information concerning the increase in risk for our fishermen along the DuPont shoreline. This is because the studies have not recognized the existence of a commercial fishery at the immediate project area, and because their research methodology focused on the larger Southern Puget Sound area only. Let us ask again the questions we posed in section II - what is the risk, and what is the increased risk, to our fishermen of gear damage and collision at the project area? The DEIS states that "the risk of disruption of commercial fishing activities by increased shipping in Southern Puget Sound is low..." (p. 137). Upon what authority is the DEIS basing this conclusion? On p. 141 of the DEIS concludes that "hazards to small boats and fishing vessels would increase only slightly." Upon what authority is the DEIS basing this conclusion? What is the exact increase in risk? What is the present risk?

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The O.I.W. studies provide the basis for the risk probability figures for oil spills (.0085 risk of a spill of 100 gallons or more occuring in any one year - p. 140). However, does the DEIS calculate the increase in probability from the present. If it did, we should find in the discussion of present environmental setting (p. 78) some mention of the present risk of a 100 gallon or more oil spill. What is that present risk? We suspect that the present risk has not been calculated. Thus, we conclude that what is stated to be a probability factor of increased risk (see p. XV and 140) is not that at all. It is stated (p. 140) that a probability of .0085 represents a 123% increase over present risks. If this is accurate, and we cannot know since present risks are never specified, it is stated in a misleading way on p. XV.

Assuming that the risk figures do accurately tell us the increased risk of oil spill (and we do not believe they do), they are not accurate probability estimates for the Nisqually Reach specifically, but rather for the entire Southern Puget Sound. Since we are concerned with the risk of oil spill on the Nisqually Reach, we wish to know: What is the risk, and the increase of risk, of an oil spill at the project site specifically?

IV. Archaeological Resources

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In our Statement of Concerns dated September 20, 1979 we commented extensively about our expectations for any archaeological site or gravesite uncovered during construction of the proposed project. We note that the Federal DEIS is essentially in conformation with these expectations. However, we feel some additional clarification is needed.

First, simple salvage excavation (as suggested on p. 155 of the DEIS) is not adequate mitigation. No real contribution to knowledge is made unless data recovery is made using an integrated research design, with analysis in line with

that overall design and full publication of the data and analysis. The DEIS does not meet these criteria. We request that, if destruction of a site by construction is unavoidable, mitigation as discussed in the final EIS include full data recovery from any site affected by the project. Such data recovery should not be a simple dig and catalogue process but should be done according to a scientifically valid research design, including provision for full curation and analysis of all data; and that full publication of the results of any excavation be included in the mitigation plans.

Second, the DEIS recommends the "presence of an archaeologist during construction in sensitive areas..." (p. 2-125). At a minimum we would expect that such a person be present during construction at all times and all areas and that this person would be authorized to halt construction immediately if cultural materials are uncovered. Sites discovered during construction must not be further disturbed until their significance is assessed and mitigation of impact carried out. Finally, contracts with the companies doing the actual construction should include a provision that such companies will not suffer financial losses if construction is delayed by the necessity to mitigate impact on cultural resources.

We are pleased and relieved that the DEIS states that gravesites should not be disturbed. If a grave must be moved, you are hereby informed that the "affected Indian nation" is the Nisqually Indian Tribe. Should the project be licensed, meetings should be held with the Nisqually Indian Tribe (not merely Nisqually Indians, see p. 156) to determine further procedures. We are concerned that the Weyerhaeuser Company make a strong commitment to the preservation rather than merely the salvage excavation of cultural resources. Lumber products may be shipped from many places; but if cultural resources are destroyed or inadequately excavated, knowledge of our past, our cultural heritage, will be forever lost.

V. Alternatives

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We are puzzled by the discussion of the No-action alternative on page 205, since it seems to be limited to what might happen to the project site itself. Would not a complete discussion of alternatives include a no-action evaluation not only in terms of the site but also in terms of overall Weyerhaeuser operations? The whole alternatives discussion seems to assume that it is essential to build the export facility, the only matter to be determined is where. But is that a valid assumption?

As we read the DEIS, the applicant has not demonstrated that their needs cannot be met without the project (constructed at DuPont, or elsewhere). A discussion of the impact of no-action on Weyerhaeuser operations would provide a clearer picture of what Weyerhaeuser stands to lose if the permit is denied - a sort of cost-benefit study in reverse. Would not such an addition to the Alternatives discussion aid the Corps in its final determination? Why was not such a discussion part of the DEIS?

VI. Reputation of the Applicant

Weyerhaeuser Company has made a great effort in the DEIS to portray themselves as "exercising the highest level of responsible stewardship of natural and environmental resources" (see Appendix A). They have repeatedly stated their desire to safeguard the environment, including the Nisqually Delta.

These statements and pledges should be viewed as what they are, self-serving propaganda. Based on past Weyerhaeuser actions, we think such commitments are empty. They should be ignored by the Corps in making your evaluations and decision. Let us share our experience with Weyerhaeuser environmental "protection."

The Nisqually Indian Tribe has watched for years as the logging activities of Weyerhaeuser have degraded the spawning tributaries of the Nisqually River. Tanwax Creek, a tributary of the Nisqually at river mile 30.8, has been virtually destroyed as far as salmonid production is concerned because of Weyerhaeuser clearcut logging to the stream's very edge. Furthermore, this "steward of the environment" last year coerced the Pierce County Commissioners to change their non-logging buffer strips along streams designated Natural from 200 feet (a width providing maximum salmonid protection and esthetic appeal) to 50 feet (the Company has requested 25 feet, a width totally inadequate to protect the stream habitat). The County was unable to protect even a few miles of stream in natural conditions.

VII. Precedent

In our view, the DEIS has not adequately discussed what may be the most significant adverse impact of the proposed Weyerhaeuser project. We are convinced that licensing of this facility will set a precedent for licensing other projects having similar environmental and cultural impacts. Accumulative effects, ultimately traceable to the Weyerhaeuser project, could be quite severe. We think that the environmental impact statement should include a full and accurate assessment of the long term effects of the project as a precedent for establishing an expanded port facility at DuPont or expanded industrial center with an associated increase in shipping traffic and damage to cultural resources. We ask, what will be the long term effects of the project as a precedent? B

VIII. Wise Use of Public Resources

A natural river estuary relatively free of major development is a rare thing in 1979. Will coming generations even have the opportunity to experience such a natural estuary? We want our grandchildren, and their grandchildren, to experience the Nisqually and its delta area as we have experienced it - relatively free of freighters, oil slicks, pollution, 24 hour-a-day docks, etc. If these coming generations are to have this experience, the present generation must exercise some restraint in development.

We already have numerous ports in Puget Sound/Western Washington. We cannot agree that the Weyerhaeuser Company should be permitted to develop its own private port on the Nisqually Delta. This port will come at the public, and Nisqually Tribal, risk and loss. Surely the wisest use of this precious public resource, the Nisqually delta and estuary, would be to preserve it from port development. C

IX. Summary and Conclusion

Nisqually Indians have fished and otherwise utilized the Nisqually River and estuary from time immemorial. We feel strongly that in evaluating a project of the magnitude and impact of the proposed Weyerhaeuser project, we must think not only in terms of today but also in terms of future generations of Nisqually Indian

fishermen. In our judgement, the DEIS consistently seeks to minimize and if possible ignore the impacts of the proposed project, especially those impacts relevant to the Nisqually Indian Tribe. We have, in our evaluation of the DEIS, attempted to determine what, over the long term, could be the maximum negative impact of the proposed project on the Tribe and its treaty-protected rights. We have determined that the risks of the proposed project are too high, and thus have decided to oppose the granting of a Corps of Engineers permit for the project. Our reasons are as follows:

1. The project places an unacceptably high increase in risk to the millions of Nisqually River salmonids that utilize the Nisqually River estuary area and Nisqually Reach for rearing and transport. These fishery resources are the basis of our treaty-protected fishery and an important part of our culture. There can be no doubt that the proposed project constitutes a major threat to the quality of the marine environment in the Nisqually Reach.

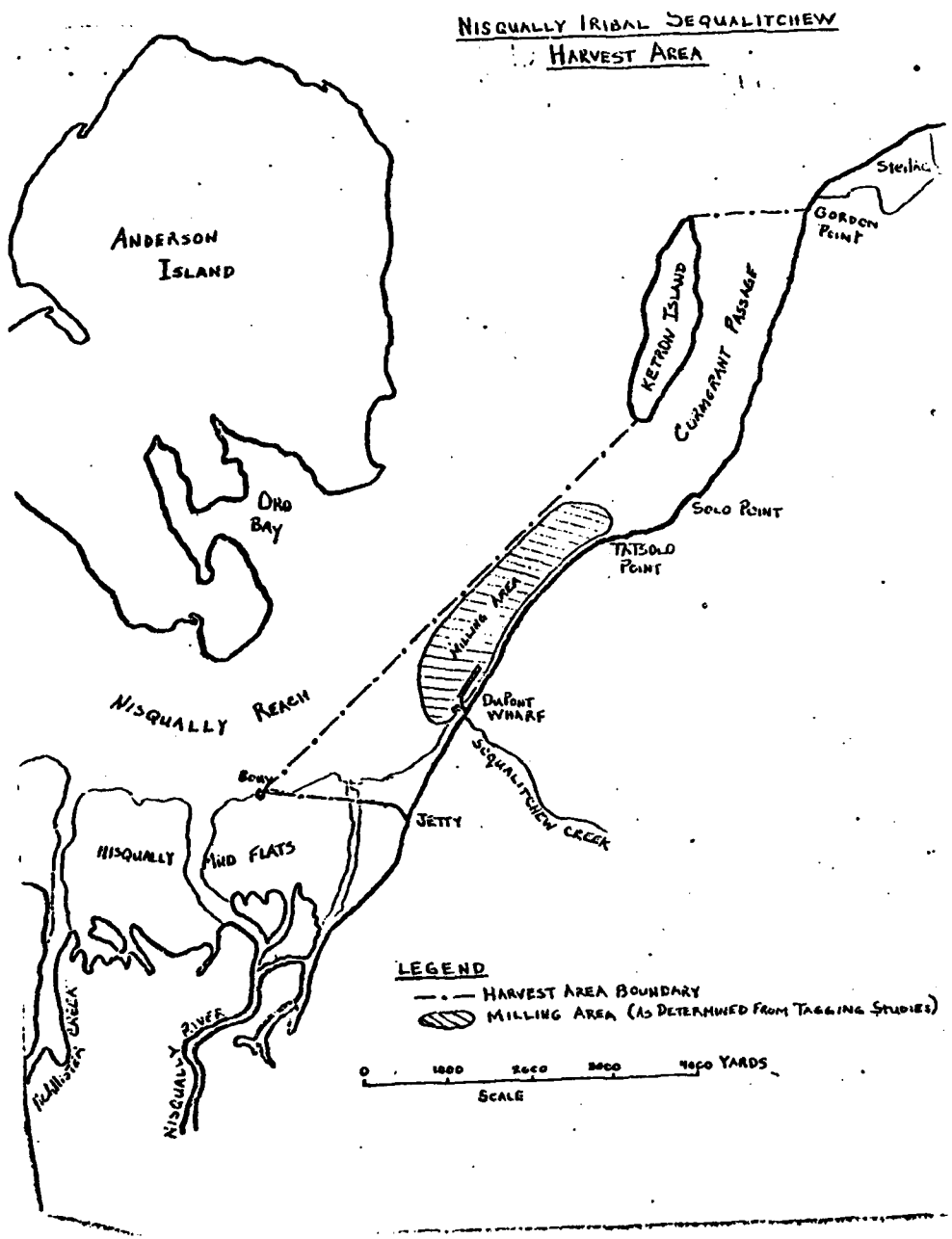
2. The proposed dock and export operations constitute unacceptable navigation hazards with an unacceptably high increase in risk to our marine water treaty fishermen operating along the DuPont shoreline. In the long term, risk of collision with vessels calling at the dock would be high, and loss of fishing gear would be inevitable. Also, the proposed dock is located in the optimum gillnet drift location along the DuPont shoreline and would result in the loss of a major portion of this optimum drift.

3. The proposed project increases the risk of damage and/or destruction of archaeological sites and Indian gravesites, a risk that should be avoided if at all possible.

4. We are unwilling to agree that the Nisqually Indian Tribe should accept the risk and inevitable loss associated with the proposed project, but the applicant Company get the benefit. Our rights to quality water for fish rearing, and to a safe fishery, preceed any rights the applicant may have acquired and we insist these rights be honored.

5. It is our belief that by far the wisest use of the public resources of the Nisqually River delta area lie not in developing a private port, but rather in preserving the delta and adjacent areas in a near-natural condition for future generations to experience. There are many possible locations for a Weyerhaeuser export facility, if indeed one is really essential to the future of the Company. There are few, if any, river delta areas left that are sufficiently free from development to justify a commitment to preservation. An undeveloped estuary is rare - export facility sites are much more common.

6. We do not trust the strength and integrity of the applicant Company's commitment to environmental protection. Our experience with Weyerhaeuser actions, rather than Company policy statements, lead us to this conclusion.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HARVEST AREA
ANDERSON ISLAND
DRO BAY
NISQUALLY REACH
KETRON ISLAND
CUTTHROAT PASSAGE
GORDON POINT
SOLO POINT
TATSOLD POINT
MILLING AREA
DUPONT WHARF
SEQUALITCHEW CREEK
BOUY
JETTY
NISQUALLY MUD FLATS
NISQUALLY RIVER
LEGEND
HARVEST AREA BOUNDARY
MILLING AREA (AS DETERMINED FROM TAGGING STUDIES)
0 1000 2000 3000 4050 YARDS
SCALE

Nisqually Indian Tribe

4820 She-Nah-Num Drive S.E.
Olympia, Washington 98503
Phone: 456-5221

March 3, 1980

(7)

Colonel Leon K. Moraski, District Engineer
Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

REF: 071-0YB-005084
Weyerhaeuser Company
(Addendum to the Nisqually Indian Tribe's Response of Sept. 28, 1979)

Dear Colonel Moraski,

Over the past several months the Nisqually Indian Tribe has requested and received from various agencies and groups their evaluations of the NEPA Draft Environmental Impact Statement (DEIS) of the proposed Weyerhaeuser Export Facility at DuPont. We have carefully examined these evaluations and have conducted our own review and assessment of the proposed project. In doing so it has become readily apparent that the DEIS is deficient in major respects, and that a new DEIS is required.

The DEIS is insufficient in that it (1) discusses major impacts that are important to us in terms that are too vague, too broad and general, and too conclusionary; (2) includes gross miscalculations of the risk of potential impacts that would lead to an irreversible destruction of certain resources and to the impairment of treaty fishing rights; and (3) fails to adequately discuss alternatives to the project. In addition, there is significant new information pertaining to the identification of logical and feasible alternatives that has not been available for public consideration.

Of particular concern is the failure of the DEIS to adequately discuss the project's impact on our treaty fishing rights. The taking of particular treaty fishing sites, recognized as such by the federal courts and regularly utilized by tribal fishermen, will result from the construction of the proposed dock and from the location and utilization of shipping lanes associated with the project. The Tribe's treaty right to environmental protection of the salmon and steelhead resources themselves is also threatened by modification of the near-shore and shoreline

N

habitat and by substantial likelihood of such secondary impacts as collisions causing major spills of oil or other toxic substances. These impacts are either not mentioned in the current DEIS or are discussed in such broad generalities as to mislead the public and prevent an understanding of the proposed project's actual and likely environmental impacts.

We understand that NEPA requires that these points be fully studied and set forth for public review. However, we are concerned that the results of such studies will be made public only when they are published as part of a Final EIS for the proposed project. In this case, we (and other agencies and groups) would be denied the opportunity to review and comment on this new information. Since we have substantial treaty rights at stake, we believe that we and other federal agencies responsible for the protection of our treaty fishing rights must have the opportunity to adequately review and comment formally and publicly on the impacts uncovered by the corrected and new analyses and studies. Since the omissions and errors of the DEIS are of major significance, we believe that the opportunity to comment on a Draft EIS that more closely complies with the NEPA requirements is necessary if our comments are to be fully and fairly weighed and incorporated into the development of the Final EIS. Therefore, we request that the Corps of Engineers issue a new DEIS or a supplemental DEIS for the Weyerhaeuser Export Facility and accept comment on such a document prior to issuing the Final EIS.

The supplemental DEIS should include at least the following:

1. A full description of the Nisqually Indian Tribe's treaty right to fish at the dock site and at other usual and accustomed fishing sites in the vicinity of the dock and nearby shipping lanes, including identification of the legal basis for our property right to fish there. This should also include a full determination of the proposed project's actual and probably impacts on the operation of that fishery, both as it presently exists and as it is likely to grow (as it has a right to) when planned enhancement projects produce increased fish returns to southern Puget Sound.

2. A full study and evaluation of the impact of the proposed project on the quality of the aquatic habitat of the marine and stream areas adjacent to the project site. Specifically, there is inadequate information on the potential destruction of salmonid rearing and spawning areas by facility construction and oil spills, and the potential of further degradation from future development at or near the DuPont shoreline. The Fresh et.al. study was designed as a baseline study only; it was <u>not</u> designed to determine potential and actual impacts and cannot be relied upon to make such determinations. Such a study should be distributed well before the Final EIS is published to allow for full evaluation and comment.

H

3. A reanalysis of risk (Sec. 4.11, page 140) based on a correct calculation of the risk of a major oil spill. The DEIS states that an oil barge and a Weyerhaeuser vessel may be expected to be in the same area of southern Puget Sound once every 3200 years; thus, the risk of collision and a major oil spill is dismissed as very low. But by the figures on page 140, the odds of both being present are 1 in 10,000, or one hour every 3200 hours, not years.

4. An analysis of alternate locations for the proposed project, including the proposed Solo Point site. (The Solo Point site may be a logical and feasible alternative with less impact on southern Puget Sound marine life and fish resources. However, since this alternative has not been examined, it would have to be studied and the results published before we could be certain of this.)

We also think that the Corps should evaluate the selection process whereby the DuPont site was determined to be the only possible location for the proposed project (Sec. 6, pages 159-170). Conflict with treaty rights was not considered in the selection process. A complete review of all logical and feasible alternate sites should be undertaken with a view to determine which of the alternatives would be compatible with Indian treaty fishing rights.

5. A full study and discussion of secondary and/or indirect impacts of the project should it be licensed. Such secondary impacts could be substantial for this project. The cases interpreting NEPA, as well as the new Council of Environmental Quality regulations require full evaluation of such indirect effects of a proposed project. Such an evaluation would therefore seem to be required of the Weyerhaeuser project.

6. Any additional areas of substantial deficiency, omission, or new information that have come to the attention of the Corps.

We also request that the Corps hold a public hearing on the newer supplemental DEIS for the purpose of receiving public comment in a public forum.

Sincerely,

Dorian S. Sanchez, Chairman

George M. Kalama, Vice-Chairman

DSS/GMK/sjw

cc: Bureau of Indian Affairs
U.S. Fish and Wildlife Service

(1)

Advisory Council On *Historic* Preservation

1522 K Street NW
Washington D.C.
20005

Reply to: **P. O. Box 25085**
Denver, Colorado 80225

August 6, 1979

(8)

Lt. Colonel Maxey B. Carpenter, Jr.
Acting District Engineer
Corps of Engineers, Seattle District
Department of the Army
P. O. Box C-3755
Seattle, Washington 98124

Dear Lt. Colonel Carpenter:

This is to acknowledge receipt of the draft environmental statement for the Weyerhaeuser Export Facility At Dupont, Washington, on August 3, 1979. We regret that we will be unable to review and comment on this document in a timely manner pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969.

Nevertheless, the Corps of Engineers is reminded that, if the proposed undertaking will affect properties included in or eligible for inclusion in the National Register of Historic Places, it is required by Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended, 90 Stat. 1320) to afford the Council an opportunity to comment on the undertaking prior to the approval of the expenditure of any Federal funds or prior to the issuance of any license. The Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800.4) detail the steps an agency is to follow in requesting Council comment.

Generally, the Council considers environmental evaluations to be adequate when they contain evidence of compliance with Section 106 of the National Historic Preservation Act, as amended. The environmental documentation must demonstrate that either of the following conditions exists:

1. No properties included in or that may be eligible for inclusion in the National Register are located within the area of environmental impact, and the undertaking will not affect any such property. In making this determination, the Council requires:

--evidence that the agency has consulted the latest edition of the National Register (Federal Register, February 6, 1979, and its monthly supplements);

--evidence of an effort to ensure the identification of properties eligible for inclusion in the National Register, including evidence of contact with the State Historic Preservation Officer, whose comments should be included in the final environmental statement.

2. Properties included in or that may be eligible for inclusion in the National Register are located within the area of environmental impact, and the undertaking will or will not affect any such property. In cases where there will be an effect, the final environmental statement should contain evidence of compliance with Section 106 of the National Historic Preservation Act through the Council's regulations, "Protection of Historic and Cultural Properties".

Should you have any questions, please call Jane King at (303) 234-4946, an FTS number.

Sincerely,

Louis S. Wall
Chief, Western Division
of Project Review

(2)

UNITED STATES GOVERNMENT FISH AND WILDLIFE SERVICE

Memorandum

TO : Gary Kline, Fish and Wildlife Biologist
Ecological Services, Olympia, Washington

DATE: August 14, 1979

FROM : Dave Paullin, Wildlife Biologist
Area Office, Olympia, Washington

(9)

SUBJECT: Comments on the Draft EIS for Weyerhaeuser Export Facility at Dupont

I have not reviewed the entire subject document; however, I would like to comment on pages Q-6 and Q-7 which pertain to bald eagles. Since I have been used as a reference throughout these pages I would like to clarify and correct several points which I feel are incorrect and misleading on the part of the author(s).

First, the entire section is based on very "shaky" biological ground; namely, the potential use of the site by bald eagles. Bald eagle biology is in its infancy and the state of the art is not such that anyone can predict where and what eagles will do in the future. The fact that the site was actively used for nesting as late as 1976 indicates that the area has value for eagle nesting and because of its past historical use it is very likely that it could be used again in the future providing other factors remain the same.

Secondly, there is no way of knowing that the eagles which used the Dupont site moved across to Anderson Island. Nest sites on Anderson Island have been used for several years and without actually marking these birds nobody can tell where the "Dupont" birds went.

Third, the document indicates that I had expressed my ideas on the value of site for communal roosting. To the best of my recollection I did not discuss communal roosts with anyone; however, I do recall discussing nesting via telephone with a faculty member of the University of Puget Sound. Communal night roosts are one of the least understood habitat requirements for eagles. I would not eliminate the possibility of an existing or potential communal roost on the site without further investigation.

Fourth, I have absolutely no data on the regularity with which bald eagles use the site for perching. Yet, the EIS indicates that it is my opinion that perching use is irregular. I deny having made such a statement and have no basis or reason for saying so.

Fifth, the document states, "D. Paulliain (pers. comm.) believes that if bald eagles wanted to use.....the likelihood of their doing so in the future is remote." Such a statement is totally ridiculous. I am

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not an eagle expert and even if I were no one has the perfect crystal ball to know what eagles want let alone predict what they may or may not do in the future. Such a statement and conjective on the part of the authors is nonsense. I never made such a statement.

In conclusion, the entire section in my opinion is slanted in such a fashion to make it appear that the entire Dupont site has no value (nesting, perching, and/or roosting) to bald eagles. To make matters worse, the authors repeatedly used my name (misspelled) to carry out this misrepresentation. In actuality, portions of the Dupont site are included in my recommendation for bald eagle critical habitat for Wahsington. I hope this clarifies some of the misinterpretations.

David G. Paullin

DGP:ne

cc: Dr. D.J. Martin, University of Puget Sound

(7)

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
2625 Parkmont Lane, S.W., Bldg. B-3
Olympia, WA 98502

(10)

September 10, 1979

U.S. Army Corps of Engineers
Environmental Resources Section
P.O. Box C-3755
Seattle, WA 98124
ATTN: Steve Martin

Dear Mr. Martin:

The Seattle District Corps of Engineers recently released their draft NEPA environmental impact statement on the proposed Weyerhaeuser Export Facility at DuPont, Washington. On September 12, running from 1:00 p.m. to as late as 11:00 p.m., the Corps of Engineers will be conducting a public workshop on the export facility in Tacoma.

We note from pages 217 and 218 of the EIS that a number of agencies reviewing the associated Corps permit (see EIS Appendix O) have asked that the permit be held in abeyance pending full review of environmental documents. The Fish and Wildlife Service does not plan to comment on the permit before reviewing the final EIS; however, it is recognized that input at the draft EIS stage is rather critical. We intend to develop our EIS response soon after the workshop.

F

There appears to be a need for interagency exchange and coordination which might not occur at the workshop due to people coming or going at different times. We are interested in determining which aspects are being covered by the different agencies in response to the EIS and permit. In particular, we would like to know the schedule for detailed spill controls, runoff controls and treatment designs to be submitted and whether approval would come before or after the point at which we anticipate commenting on the Corps permit. We would also like to discuss ideas for addressing impacts of future development of the DuPont site, beyond what is covered by the EIS.

Since most agencies are either in Olympia or will be travelling through enroute to the workshop, we have scheduled a pre-Muskoxen meeting in the Rose Room, Washington Game Department, 600 Capitol Way for a one-hour get-together at 9:00 a.m. on September 12 to discuss the above items.

The attached list indicates the agencies being invited. I hope you are able to come or send a representative.

Sincerely,

R. L. Warden for

George L. Capp
Field Supervisor

Attachment: Agency List

Weyerhaeuser/DuPont Project Coordination

Agency List

Department of Ecology
S.W. Regional Office
Olympia Airport
Olympia, WA 98504
ATTN: Jim Krull

U.S. Environmental Protection Agency
Water Compliance & Permits Branch M/S 521
1200 Sixth Avenue
Seattle, WA 98101
ATTN: Duane Karna

National Marine Fisheries Service
811 N.E. Oregon Street
P.O. Box 4332
Portland, OR 97208
ATTN: Dale Evans

U.S. Army Corps of Engineers
Environmental Resources Section
P.O. Box C-3755
Seattle, WA 98124
ATTN: Steve Martin

Washington Department of Ecology
Shorelands Division
St. Martins Campus
Olympia, WA 98504
ATTN: Don Peterson

U.S. Environmental Protection Agency
Regulatory Affairs
1200 Sixth Avenue
Seattle, WA 98101
ATTN: Dan Steinborn

Washington Department of Game
Environmental Management Division
600 N. Capitol Way
Olympia, WA 98504
ATTN: Fred Maybee

Washington Department of Fisheries
Natural Production Division
Room 115, General Admin. Bldg.
Olympia, WA 98504
ATTN: Earl Finn

(91)

Abstract
18 Oct 79

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
2625 Parkmont Lane, S.W., Bldg. B-3
Olympia, Washington 98502

(11)

October 17, 1979

Dr. Steven Dice, Chief
Environmental Resources Section
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

Dear Dr. Dice:

Some factual errors in the draft EIS on the Weyerhaeuser Export Facility concerning the Nisqually National Wildlife Refuge and Nisqually Delta were brought to our attention by Refuge Manager Bill Hesselbart. Since these errors were not covered in our initial review and therefore could not be incorporated into the Interior Department response to the Corps, we are supplying them directly to you in order that needed corrections may be made for the final EIS.

Z

On page 54 the acreage of Nisqually Delta is stated as 3,768 whereas on page 91 it is stated as 3,690. To our knowledge, the Delta has not been precisely defined; however, we would estimate its acreage to exceed 4,000 acres. Until there is an agreed upon definition or delineation of the Delta, it would appear that a precise acreage figure cannot be stated.

Subtracting the figure of 2,000 acres for privately owned lands from the 3,690 figure on page 91, it may be inferred that the total Fish and Wildlife Service ownership is 1,690 acres. This is incorrect. On page 108, the legend indicates Service ownership is limited to the Brown Farm, an area of about 1,285 acres. However, the map on this page and others (e.g. pp. 110 & 114) shows the Refuge size to be comparable to the Weyerhaeuser ownership (3,200+ acres).

As of this date, Service ownership is 2,783 acres (see attached map). The enclosed brochure from the Refuge Conceptual Plan illustrates the target area for the Refuge and gives the ultimate acreage as 3,780. Thus, approximately 1,000 acres remains to be acquired. Of this, approximately 650 acres in three large parcels is presently owned by the Washington Department of Game.

E
Z

The maps on pages 107 and 108 indicate City of Dupont jurisdiction overlaps a considerable portion of the Nisqually Refuge. Perhaps some explanation of the nature of this jurisdiction is needed. Also, it should be pointed out that the City's adopted Shoreline Master Program does not cover this area of its jurisdiction. This area presently is included in the Pierce County Shoreline Master Program. To the extent these Programs and the Coastal Zone Management Program pertain to federal lands, clarification is needed here. In addition, the map on page 107 indicates Weyerhaeuser ownership in the dock vicinity extends well out over bedlands that are actually State owned. The EIS should clarify Weyerhaeuser tideland ownership within Nisqually Reach or Delta.

On page 117 it is inferred that all of the Delta is in Service ownership and/or that the National Natural Landmark (not depicted on any maps) is owned by the Service. Neither of these inferences is correct. The National Natural Landmark is administered by the Heritage Conservation and Recreation Service. The HCRS office in Seattle may be contacted regarding these boundaries. Our understanding is that the landmark consists of 2,765 acres encompassing essentially all of the Delta tideflats but excluding the diked Brown Farm area. The northerly boundary parallels the minus 60-foot depth contour.

The southerly boundary of the Nisqually Delta is generally (if arbitrarily) agreed to be Interstate 5. The easterly and westerly borders are readily defined by bluffs or the railroad embankment. The northerly boundary is more difficult to define. We consider the Delta to extend waterward, far beyond the line of vegetation, to at least the line of extreme low water (minus 4.5 feet). The Refuge boundary essentially follows that line, except for a portion of the Delta tideflats on the northwest. On the northeast side, we cannot say where the Delta should be considered to terminate. If the Refuge boundary is used, the distance from the proposed pier to the Delta would be 2,800 feet or slightly over one-half mile. If the National Natural Landmark boundary is used, the distance is closer to 2,000 feet.

Finally, we point out that the Corps of Engineers public notice (see page O-1) states the proposed pier would be located in Nisqually Reach which may or may not lie beyond the Delta boundary. However, according to the Shoreline Management Act, Nisqually Delta extends from De Wolf Bight to Tatsolo Point between ordinary high water mark and the line of extreme low tide. This would place the proposed pier (or portions of it) within Nisqually Delta rather than 1.6 miles distant from it (see pages 5 & 153).

Sincerely,

George L. Capp

George L. Capp
Field Supervisor

Attachments

cc: Area Manager
Nisqually Refuge
Regional Director, AE
Regional Environmental Officer (USDI)

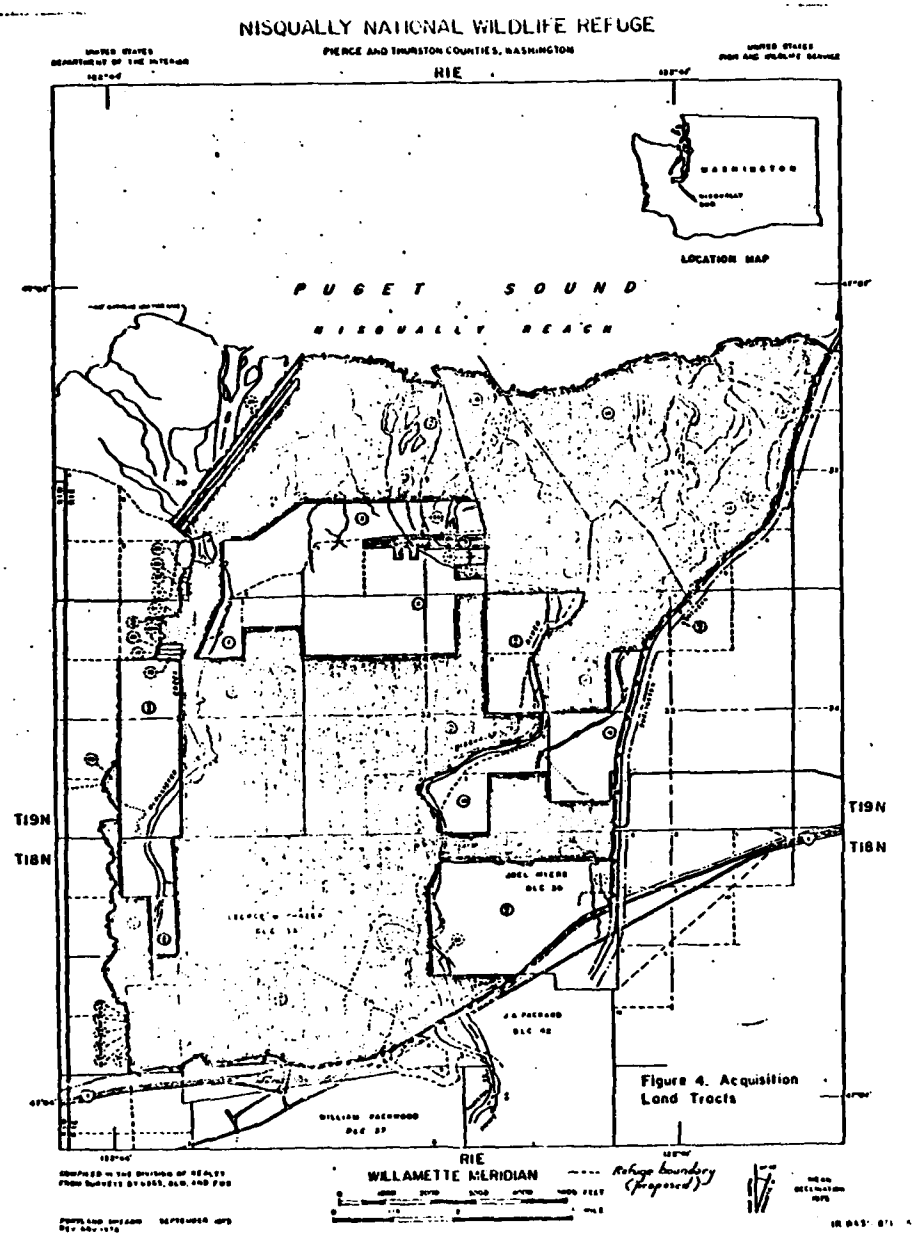

Figure 4. Acquisition Land Tracts

(19)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGIONAL OFFICE
ARCADE PLAZA BUILDING, 1321 SECOND AVENUE
SEATTLE, WASHINGTON 98101

September 19, 1979

REGION X
Office of Community Planning
& Development

IN REPLY REFER TO:
10C

(12)

Maxey B. Carpenter, Jr.
Lt. Colonel, Corps of Engineers
Acting District Engineer
Department of the Army
P.O. Box C-3755
Seattle, Washington 98124

Dear Lt. Colonel Carpenter:

Re: Draft Environmental Impact Statement
Weyerhaeuser Export Facility at Dupont

We have reviewed the statement submitted with your July 27, 1979 letter.

The proposed action is the construction and operation of a 250 acre export facility by the Weyerhaeuser Company for the purpose of shipping forest products from manufacturing and wood operations in Western Washington.

We have the following comments:

1. Page 117, paragraph 3.2.2 Shoreline Plans - Although the preferred location is not consistent with Pierce County's approved Shoreline Master Plan, we concur with you that it is a better location then the south location, even though the south location is consistent with the Shoreline plans.

2. Page G-1, Federal Guidelines - HUD on July 12, 1979 issued 24 CFR Part 51, Subpart B, Noise Abatement and Control. This subpart replaces our previous HUD circular and was effective as of August 13, 1979. The major change is our using the DNL discriptor. A copy is enclosed for your information and use.

Thank you for the opportunity to comment.

Sincerely,

Robert C. Scalia
Director, Regional CPD

Enclosure

AREA OFFICES
Portland, Oregon • Seattle, Washington • Anchorage, Alaska • Boise, Idaho
Insuring Office
Spokane, Washington

federal register

Thursday
July 12, 1979

Part V

Department of Housing and Urban Development

Office of the Secretary

Environmental Criteria and Standards

HOUSING AND URBAN DEVELOPMENT

24 CFR Part 51

[Docket No. R-79-595]

Environmental Criteria and Standards

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule

SUMMARY: This final rule adds a new Part 51, Environmental Criteria and Standards to Title 24 of the CFR. The rule sets forth Subparts A and B covering General Provisions and Noise Abatement and Control respectively.

EFFECTIVE DATE: August 13, 1979.

FOR FURTHER INFORMATION CONTACT: James F. Miller or Gretchen Van Hyning, Office of Environmental Quality, Room 7246, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, 20410 D.C. (202) 755-6000 (this is not a toll free number).

SUPPLEMENTAL INFORMATION: A Notice of Proposed Rulemaking was published on December 27, 1978 [43 FR 60398] indicating that HUD proposed to add a new Part 51, Environmental Criteria and Standards to Title 24 of the CFR. The proposed rule would include Subpart A, General Provisions, and Subpart B, Noise Abatement and Control. The Notice invited public comment until January 26, 1979.

Subpart B establishes Departmental standards, requirements, and guidelines on noise abatement and control, replacing and revising the noise policies, standards and procedures previously set forth in HUD Circular 1390.2, which is cancelled when this final rule becomes effective.

Subpart B converts the existing noise policy to regulation format and makes revision and improvements intended to make the policy more flexible and consistent with other Federal agencies' noise programs. Revisions to the current policy (1) bring into conformance through the use of the day night average sound level, separate standards and measurements for aircraft and non aircraft noise; (2) afford Field Offices more flexibility in implementing the policy thus reducing the number of cases having to come into the Region and Headquarters Offices; (3) remove the dual exterior and interior standards hence, if exterior noise levels are found to be acceptable, the interior noise will be considered acceptable using normal building techniques; and (4) allow easy use of already existing data, particularly from HUWA and DOD. The standards apply primarily to HUD support for new residential construction in certain noise zones, as does the existing policy.

Overall, the comments indicated strong support for the revisions to the noise policy, particularly the use of the day night average sound level descriptor and the acceptability thresholds used by the Department. The one topic which generated substantial discussion and a divergence of opinion was the methodology for describing "loud impulsive sounds."

The following discussion summarizes the significant comments and the changes that were made in the final rule.

1. *Use of the Day Night Average Sound Level (DNL) to Describe Noise.*—Of the 38 responses, 15 commented on the proposed noise descriptor. Only two of these expressed reservations (one Federal agency and one industry group) about use of the day night average sound level; these two comments were directed to use of a nighttime penalty in DNL. Both parties recommended substituting a computer based model which itself, among other things, incorporates a nighttime penalty. The same agency has also issued advisory materials containing noise metrics which include the nighttime correction.

The proposed methodology for describing noise has been widely used to relate individual and community reaction to aircraft and road traffic noise, to predict the likelihood and the severity of interference with speech and sleep, and to correlate hearing loss with noise exposure. The simple concept of average sound level must be somewhat refined to account for the fact, documented by most community response and public opinion surveys, that the same noise level is considered more disturbing or annoying during the nighttime than during daytime. Not only do the requirements for undisturbed sleep and relaxation make a lower nighttime noise level desirable, but the exterior background noise level in most communities drops during the night by 10 dB or more and reduced activity inside homes contributes to a general lowering of interior noise levels. Consequently, intrusive noises are more disturbing during the night. To assess nighttime noise events in a way that accounts for their increased potential for causing disturbances a weighting factor of 10 dB is applied to all nighttime noises; i.e., nighttime noises are treated as if they were 10 dB noisier than they actually are. The need for a nighttime correction has also received international concensus through the International Organization for Standardization (ISO).

In view of the acceptance and support for the DNL descriptor, HUD is publishing the final rule using the DNL with the nighttime correction for application of the standards.

2. *Proposed Standards.*—Most responses indicated the appropriateness of the general goals and levels proposed by HUD. Two responses however indicated concern that noise transmitted within multifamily dwellings was not addressed. This problem is however covered in Section 51.101(a)(10); the relevant reference to the Minimum Property Standards for Multifamily Housing is Section 404 on Acoustic Control.

Several comments related to conversion of existing data to DNL. The conversion factors have been clarified in the final rule and the conversion indicates the measures "are approximately equal to" rather than the same. In the final rule one descriptor for aircraft noise was added—(Community Noise Equivalent Level, used in California) and one was deleted (Composite Noise Rating). The Composite Noise Rating methodology was developed in the early 1960's and is subject to error and is used only infrequently and therefore it has been dropped from the final rule (see Section 51.106).

Conversion of highway levels (Section 51.106) to DNL is discussed in the National Cooperative Highway Research Program Report No. 173 on "Highway Noise Generation and Control," published by the Transportation Research Board in 1978.

3. *Analysis of Loud Impulsive Sounds.*—Five responses were directed to the methodology for calculating "loud impulsive sounds." The method for characterizing noise from explosions or sonic booms proposed by HUD in Section 103(b) is consistent with the interim procedures of the Department of Defense. HUD recognizes that the subject is currently undergoing technical debate, but no alternative has emerged upon which the technical community has agreed. This method is likely to be applied mostly in rare instances where sites are proposed in the vicinity of artillery firing ranges or other similar activities. In view of the current debate the final rule has been amended, in the text and in the Appendix, to emphasize that this methodology is to be used on an interim basis. When a final procedure is adopted by all the concerned Federal agencies, HUD's rule will be changed to incorporate the agreed upon methodology.

4. *Noise Attenuation.*—It was recommended by one reviewer that noise attenuation be expressed in terms of total sound attenuation rather than the requirement for attenuation measures in addition to the attenuation provided by housing as commonly constructed in the area. The results are essentially the same and both approaches have been considered. It was determined that the suggested approach by the reviewer may overstate the requirements while HUD's policy is to state minimum requirements to provide adequate protection at minimum cost. The final rule was changed to indicate that the additional noise attenuation measures are minimum requirements.

5. *Other Comments.*—Several reviewers provided editorial and technical corrections which have been included in the final rule. Some comments were not relevant to the specific rule, while other suggested that the Department prepare documents setting forth the rationale for the HUD standards and provide guidance to local governments. This work is underway, and a revised "Noise Assessment Guidelines" document should be available by the time the rule becomes effective. A technical background report on the policy is also in preparation and will be available at a later date. Two reviewers also suggested that HUD develop a procedure for notifying purchasers of existing properties if noise levels exceed those of the established regulation. HUD does consider noise as a marketability factor in Section 51.101(a)(4) in determining the amount of insurance or other assistance that may be given but does not propose to include a specific additional notification procedure in the appraisal process.

Some reviewers suggested that HUD take a major role in Federal efforts to control noise. HUD is cooperating with the EPA, DOT and DOD in interagency noise programs, these other agencies have responsibility for controlling noise at the source. HUD's regulations are necessarily limited to programs administered by the Department; however, the standards and guidance material should assist local governmental agencies and others in formulating policies to achieve quieter urban environments.

OTHER INFORMATION: A Finding of Inapplicability with regard to Environmental Impact has been prepared in accordance with HUD's environmental procedures. Copies of the statement and findings are available for inspection and copying in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Title 24 of the CFR is amended by adding a new Part 51 to read as follows:

PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS

Subpart A—General Provisions

Sec.
51.1 Purpose.
51.2 Authority.
51.3 Responsibilities.
51.4 Program coverage.
51.5 Coordination with environmental clearance requirements.
51.6 [Reserved]

Subpart B—Noise Abatement and Control

51.100 Purpose and authority.
51.101 General policy.
51.102 Responsibilities.
51.103 Criteria and standards.
51.104 Special requirements.
51.105 Exceptions.
51.106 Implementation.

Appendix

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 51.1 Purpose.

The Department of Housing and Urban Development is providing program Assistant Secretaries and administrators and field offices with environmental standards, criteria and guidelines for determining project acceptability and necessary mitigating measures to insure that activities assisted by the Department achieve the goal of a suitable living environment.

§ 51.2 Authority.

This Part implements the Department's responsibilities under the following statutes:

(a) The National Housing Act of 1934 (Pub. L. 73-479) which was enacted "to encourage improvements in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes," thus providing the basis for HUD's Minimum Property Standards (MPS) which have evolved as required by legislation over the past 44 years.

(b) The Housing Act of 1949 (Pub. L. 81-171) which sets forth the national goal of "a decent home and a suitable living environment for every American family," affirmed by the Housing and Urban Development Act of 1968 (Pub. L. 90-448).

(c) The Department of Housing and Urban Development Act of 1965 (Pub. L. 89-174) which provides that the Secretary may make such rules and regulations as may be necessary to carry out functions, powers, and duties, and sets forth, as a matter of national purpose, the sound development of the Nation's communities and metropolitan areas.

(d) The National Environmental Policy Act of 1969 (Pub. L. 91-190) which directs Federal agencies to develop procedures to carry out the purposes of the Act.

(e) Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577) which, under Title IV, directs that Federal programs and projects serve the objectives of appropriate land use for housing, commercial, industrial, governmental, institutional, and other purposes to achieve sound and orderly development of all areas, both urban and rural.

§ 51.3 Responsibilities.

(a) *Assistant Secretary for Community Planning and Development.* The Assistant Secretary for Community Planning and Development shall be responsible for administering environmental regulations, and shall provide oversight, interpretation and guidance, and shall update the regulations as required. The Assistant Secretary shall also maintain liaison with other Federal agencies on matters of environmental policy implementation.

(b) *Assistant Secretary for Policy Development and Research.* The Assistant Secretary for Policy Development and Research shall undertake research and demonstration studies necessary for the technical development of environmental standards, criteria, and implementing techniques as a basis for the development and implementation of environmental regulations. The Assistant Secretary shall also maintain liaison with Federal agencies on related technical matters.

(c) *Other Assistant Secretaries, Administrators, and the General Counsel.* Other Assistant Secretaries, Administrators, and the General Counsel shall:

(1) Incorporate adopted environmental regulations by reference into program regulations, guidance documents, and administrative forms and procedures.

(2) Evaluate the effects of, and compliance with Departmental environmental regulations policy and report significant issues and problems to the Assistant Secretary for Community Planning and Development, and

(3) Identify program areas under their jurisdiction in which additional

environmental regulations are needed, and refer them to the Assistant Secretary for Community Planning and Development.

(d) *Regional Administrators, Area Office Managers and Service Office Supervisors.* Regional Administrators, Area Office Managers and Service Office Supervisors shall assure that adopted environmental regulations are implemented in relation to program decisions and recommendations. They shall also monitor projects to assure that mitigation measures are implemented.

§ 51.4 Program coverage.

Environmental standards apply to all HUD actions except where special provisions and exemptions are contained in each Subpart.

§ 51.5 Coordination with environmental clearance requirements.

Environmental standards shall be implemented prior to commitment in the decision-making process and, where environmental clearances are required, the decision points shall be identical. Compliance with HUD environmental standards shall be addressed in the environmental clearance process.

§ 51.6 [Reserved]

Subpart B—Noise Abatement and Control

§ 51.100 Purpose and authority.

(a) *Purpose.* The Department of Housing and Urban Development finds that noise is a major source of environmental pollution which represents a threat to the serenity and quality of life in population centers and that noise exposure may be a cause of adverse physiological and psychological effects as well as economic losses.

It is the purpose of this Subpart to:

(1) Call attention to the *threat of noise* pollution.

(2) Encourage the control of noise at its source in cooperation with other Federal departments and agencies;

(3) *Encourage land use patterns for housing and other noise sensitive urban needs that will provide a suitable* separation between them and *major noise sources;*

(4) Generally prohibit HUD support for new construction of noise sensitive uses on *sites having unacceptable noise* exposure;

(5) Provide policy on the use of structural and other noise attenuation measures where needed; and

(6) Provide policy to guide implementation of various HUD programs.

(b) *Authority.* Specific authorities for noise abatement and control are contained in:

(1) The Noise Control Act of 1972 (Pub. L. 92–574) which directs Federal agencies to administer their programs in ways which reduce noise pollution.

(2) The Quiet Communities Act of 1978 (Pub. L. 95–609) which amended Pub. L. 92–574.

(3) The General Services Administration, Federal Management Circular 75–2: *Compatible Land Uses at Federal Airfields* prescribes the Executive Branch's general policy with respect to achieving compatible land uses on either public or privately owned property at or in the vicinity of Federal airfields.

(4) Section 1113 of the Housing and Urban Development Act of 1965 (Pub. L. 89–117) directs the Secretary "* * * to determine feasible methods of reducing the economic loss and hardships *suffered* by homeowners as a result of the depreciation in the value of their properties following the construction of airports in the vicinity of their homes, including a study of feasible methods of insulating such homes from the noise of aircraft."

§ 51.101 General policy.

(a) It is HUD's general policy to provide minimum national standards applicable to HUD programs to protect citizens against excessive noise in their communities and places of residence.

(1) *Comprehensive planning assistance.* HUD requires that grantees give adequate consideration to noise exposures and sources of noise as an integral part of the urban environment in HUD assisted comprehensive planning, as follows:

(i) Particular emphasis shall be placed on the importance of compatible land use planning in relation to airports, highways and other sources of high noise.

(ii) Applicants shall take into consideration HUD environmental standards impacting the use of land as required in 24 CFR Part 600.

(iii) Environmental studies, including noise assessments, are allowable costs.

(2) *Community Development Block Grants.* Recipients of community development block grants under the Housing and Community Development Act of 1974 (Pub. L. 93–383), as amended by the Housing and Community Development Act of 1977 (Pub. L. 95–128), must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas. Grant recipients shall address deviations from the standards in their environmental reviews as required in 24 CFR Part 58.

Where CDBG activities are planned in a noisy area, and HUD assistance is contemplated later for housing and/or other noise sensitive activities, the CDBG grantee risks denial of the HUD assistance unless the HUD standards are met. Environmental studies, including noise assessments, are allowable costs.

(3) *HUD support for new construction.* HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with Unacceptable noise exposures and is discouraged for projects with Normally Unacceptable noise exposure. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, college housing, mobile home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, new communities, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance programs which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance provided that has the effect of restoring facilities substantially as they existed prior to the disaster.

(4) *HUD support for existing construction.* Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings. However, environmental noise is a marketability factor which HUD will consider in determining the amount of insurance or other assistance that may be given.

(5) *HUD support of modernization and rehabilitation.* For modernization projects located in all noise exposed areas, HUD shall encourage noise attenuation features in alterations. For major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level or exterior noise exposure. In Unacceptable noise zones, HUD shall strongly encourage conversion of noise exposed sites to land uses compatible with the high noise levels.

(6) *Research, guidance and publications.* HUD shall maintain a continuing program designed to provide new knowledge of noise abatement and control to public and private bodies, to develop improved methods for anticipating noise encroachment, to develop noise abatement measures through land use and building construction practices, and to foster better understanding of the consequences of noise. It shall be HUD's policy to issue guidance documents periodically to assist HUD personnel in assigning an acceptability category to projects in accordance with noise exposure standards, in evaluating noise attenuation measures, and in advising local agencies about noise abatement strategies. The guidance documents shall be updated periodically in accordance with advances in the state-of-the-art.

(7) *Construction equipment, building equipment and appliances.* HUD shall encourage the use of quieter construction equipment and methods in population centers, the use of quieter equipment and appliances in buildings, and the use of appropriate noise abatement techniques in the design of residential structures with potential noise problems.

(8) *Exterior noise goals.* It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not take into account cost or feasibility. For the purposes of this regulation and to meet other program objectives, sites with a day-night average sound level of 65 and below are acceptable and are allowable (see Standards in § 51.103(c)).

(9) *Interior noise goals.* It is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels. Attenuation measures to meet these interior goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms. Minimum attenuation requirements are prescribed in § 51.104(a).

(10) *Acoustical privacy in multifamily buildings.* HUD shall require the use of building design and acoustical treatment to afford acoustical privacy in multifamily buildings pursuant to requirements of the Minimum Property Standards.

§ 51.102 Responsibilities.

(a) *Authority to approve projects.* (1) Decisions on proposed projects with acceptable noise exposures shall be delegated to the program personnel within field offices, including projects where increased noise levels are considered acceptable because of non-acoustic benefits under § 51.105(a). Field office program personnel may also approve projects in normally unacceptable noise exposed areas where adequate sound attenuation is provided and where the project does not require an Environmental Impact Statement under § 51.104(b).

(2) Other approvals in normally unacceptable noise exposed areas require the concurrence of the Regional Administrator.

(3) Requests for approvals of projects or portions of projects with unacceptable noise exposures shall be referred through the Regional Office to the Assistant Secretary for Community Planning and Development for approval pursuant to § 51.104(b).

(4) In cases where the Regional Administrator determines that an important precedent or issue is involved, such cases shall be referred with recommendations to the Assistant Secretary for Community Planning and Development.

(b) *Surveillance of noise problem areas.* Appropriate field staff shall maintain surveillance of potential noise problem areas and advise local officials, developers, and planning groups of the unacceptability of sites because of noise exposure at the earliest possible time in the decision process. Every attempt shall be made to insure that applicants' site choices are consistent with the policy and standards contained herein.

(c) *Notice to applicants.* At the earliest possible stage, HUD program administrators shall:

(1) Determine the suitability of the acoustical environment of proposed projects;

(2) Notify applicants of any adverse or questionable situations; and

(3) Assure that prospective applicants are apprised of the standards contained herein so that future site choices will be consistent with these standards.

(d) *Technical assistance.* Technical assistance in the measurement, estimation, interpretation, or prediction of noise exposure is available from the Office of Community Planning and Development and the Office of Policy Development and Research. Field office questions shall be forwarded through the Regional Office to the Assistant Secretary for Community Planning and Development or his designee.

(e) *Interdepartmental coordination.* Regional Administrators shall foster appropriate coordination between field offices and other departments and agencies, particularly the Environmental Protection Agency, the Department of Transportation, Department of Defense representatives, and the Veterans Administration. HUD staff shall utilize the acceptability standards in commenting on the prospective impacts of transportation facilities and other noise generators in the Environmental Impact Statement review process.

§ 51.103 Criteria and standards.

These standards apply to all programs as indicated in § 51.101.

(a) *Measure of external noise environments.* The magnitude of the external noise environment at a site is determined by the value of the day-night average sound level produced as the result of the accumulation of noise from all sources contributing to the external noise environment at the site. Day night average sound level, abbreviated as DNL and symbolized as L_{dn}, is the 24-hour average sound level, in decibels, obtained after addition of 10 decibels to sound levels in the night from 10 p.m. to 7 a.m. Mathematical expressions for average sound level and day-night average sound level are stated in the Appendix.

(b) *Loud impulsive sounds.* On an interim basis, when loud impulsive sounds, such as explosions or sonic booms, are experienced at a site, the day night average sound level produced by the loud impulsive sounds alone shall have 6 decibels added to it in assessing the acceptability of the site (see Appendix). Alternatively, the C-weighted day-night average sound level (L_{dn_c}) may be used without the 6 decibel addition, as indicated in Section 51.106(a)(3).

Methods for assessing the contribution of loud impulsive sounds to day night average sound level at a site and mathematical expressions for determining whether a sound is classed as "loud impulsive" are provided in the Appendix.

(c) *Exterior standards.* The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the

building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site.

The noise environment inside a building is considered acceptable if (a) the noise environment external to the building complies with these standards, and (b) the building is constructed in a manner common to the area or, if of uncommon construction, has at least the equivalent noise attenuation characteristics.

Site Acceptability Standards

	Day night average sound level (in decibels)	Special approvals and requirements
Acceptable	Not exceeding 65 dB(1)	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (4)
Unacceptable	Above 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (5)

Notes: -(1) Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to Section 51.105(a).
(2) See Section 51.104(b) for requirements.
(3) See Section 51.104(b) for requirements.
(4) 5 dB additional attenuation required for uses above 65 dB but not exceeding 70 dB and 10 dB additional attenuation required for uses above 70 dB but not exceeding 75 dB. (See Section 51.104(a).)
(5) Application disfavored to be submitted to the Assistant Secretary for CPD for approval on a case by case basis.

§ 51.104 Special requirements.

(a) *Noise attenuation.* Noise attenuation measures are those required in addition to attenuation provided by *buildings as commonly constructed in* the area, and requiring open windows for ventilation. Measures that reduce external noise at a site shall be used wherever practicable in preference to the incorporation of additional noise attenuation in buildings. Building designs and construction techniques that provide more noise attenuation than typical construction may be employed also to meet the noise attenuation requirements.

(1) *Normally Unacceptable noise zone.* Approvals in this zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day night average sound level is greater than 70 decibels but does not exceed 75 decibels.

(2) *Unacceptable noise zone.* Noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. (See § 51.104(b)(2).)

(b) *Special Approvals and Environmental Review Requirements.* Environmental clearances shall be conducted pursuant to the requirements of HUD's Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality (38 FR 19182 as amended) or other environmental regulations which may be issued by the Department. The Special Clearance and Environmental Impact Statement (EIS) threshold requirements are hereby modified for all projects proposed in the Normally Unacceptable and Unacceptable noise exposure zones as follows:

(1) *Normally Unacceptable noise zone.* (i) All projects located in the Normally Unacceptable Noise Zone require a Special Environmental Clearance except an EIS is required for a proposed project located in a largely undeveloped area, or where the HUD action is likely to encourage the establishment of incompatible land use in this noise zone.

(ii) When an EIS is required, the concurrence of the Regional Administrator is also required before a project can be approved. For the purposes of this paragraph, an area will be considered as largely undeveloped unless the area within a 2 mile radius of the *project boundary is more* than 50 percent developed for urban uses and infrastructure (particularly water and sewers) is available and has capacity to serve the project.

(iii) All other projects in the Normally Unacceptable zone require a Special Environmental Clearance, except where an EIS is required for other reasons pursuant to HUD environmental policies.

(2) *Unacceptable noise zone.* An EIS is required prior to the approval of projects with unacceptable noise exposure. Projects in or partially in an Unacceptable Noise Zone shall be submitted through the Regional Administrator to the Assistant Secretary for Community Planning and Development for approval. The Assistant Secretary may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor sensitive activity will take place on the site. In such cases, a Special Environmental Clearance is required.

§ 51.105 Exceptions.

(a) *Flexibility for non-acoustic benefits.* Where it is determined that program objectives cannot be achieved on sites meeting the acceptability standard of 65 decibels, the Acceptable Zone may be shifted to L_{dn} 70 on a case-by-case basis if all the following conditions are satisfied:

(1) The project does not require an Environmental Impact Statement under provisions of section 104(b)(1) and noise is the only environmental issue.

(2) The project has received a Special Environmental Clearance and has received the concurrence of the *Environmental Clearance Officer.*

(3) The project meets other program goals to provide housing in proximity to *employment, public facilities and* transportation.

(4) The project is in conformance with local goals and maintains the character of the neighborhood.

(5) The project sponsor has set forth reasons, acceptable to *HUD, as to why* the noise attenuation measures that would normally be required for new *construction in the* L_{dn} 65 to L_{dn} 70 zone cannot be met.

(6) Other sites which are not exposed to *noise above* L_{dn} 65 *and which meet* program objectives are generally not available.

The above factors shall be documented and made part of the project file.

§ 51.106 Implementation.

(a) *Use of available data.* HUD field staff shall make maximum use of noise data prepared by others when such data are determined to be current and adequately projected into the future and are in terms of the following:

(1) *Sites in the vicinity of airports.* The noise environment around airports is described sometimes in terms of Noise Exposure Forecasts, abbreviated as NEF or, in the State of California, as Community Noise Equivalent Level, abbreviated as CNEL. The noise environment for sites in the vicinity of airports for which day-night average sound level data are not available may be evaluated from NEF or CNEL analyses using the following conversions to DNL:

DNL = NEF + 35
DNL = CNEL

(2) *Sites in the vicinity of highways.* Highway projects receiving Federal aid are subject to noise analyses under the procedures of the Federal Highway Administration.

Where such analyses are available they may be used to assess sites subject to the requirements of this standard. The Federal Highway Administration employs two alternate sound level descriptors: (a) The A-weighted sound level not exceeded more than 10 percent of the time for the highway design hour traffic flow, symbolized as L_{10}; or (b) the equivalent sound level for the design hour, symbolized as L_{eq}. The day-night average sound level may be estimated from the design hour L_{10} or L_{eq} values by the following relationships, provided heavy trucks do not exceed 10 percent of the total traffic flow in vehicles per 24 hours and the traffic flow between 10 p.m. and 7 a.m. does not exceed 15 percent of the average daily traffic flow in vehicles per 24 hours:

DNL = L_{10} (design hour) − 3 decibels
DNL = L_{eq} (design hour) decibels

Where the auto/truck mix and time of day relationships as stated in this Section do not exist, the HUD Noise Assessment Guidelines or other noise analysis shall be used.

(3) *Sites in the vicinity of installations producing loud impulsive sounds.* Certain Department of Defense installations produce loud impulsive sounds from artillery firing and bombing practice ranges. Noise analyses for these facilities sometimes encompass sites that may be subject to the requirements of this standard. Where such analyses are available they may be used on an interim basis to establish the acceptability of sites under this standard.

The Department of Defense uses day-night average sound level based on C-weighted sound level, symbolized L_{cdn}, for the analysis of loud impulsive sounds. Where such analyses are provided, the 8 decibel addition specified in 51.103(b), is not required, and the same numerical values of day-night average sound level used on an interim basis to determine site suitability for non-impulsive sounds apply to the L_{cdn}.

(4) *Use of areawide acoustical data.* HUD encourages the preparation and use of areawide acoustical information, such as noise contours for airports. Where such new or revised contours become available for airports (civil or military) and military installations they shall first be referred to the Regional Office (Environmental Clearance Officer) for review, evaluation and decision on appropriateness for use by HUD. The Regional Office shall submit revised contours to the Assistant Secretary of Community Planning and Development for review, evaluation and decision whenever the area affected is changed by 20 percent or more, or whenever it is determined that the new contours will have a significant effect on HUD programs, or whenever the contours are not provided in a methodology acceptable under § 51.100(a)(1) or in other cases where the Regional Office determines that Headquarters review is warranted. For other areawide acoustical data, review is required only where existing areawide data are being utilized and where such data have been changed to reflect changes in the measurement methodology or underlying noise source assumptions. Requests for determination on usage of new or revised areawide data shall include the following:

(i) Maps showing old, if applicable, and new noise contours, along with brief description of data source and methodology.

(ii) Impact on existing and prospective urbanized areas and on development activity.

(iii) Impact on HUD assisted projects currently in processing.

(iv) Impact on future HUD program activity. Where a field office has determined that immediate approval of new areawide data is necessary and warranted in limited geographic areas, the request for approval should state the circumstances warranting such approval. Actions on proposed projects shall not be undertaken while new areawide noise data are being considered for HUD use except where the proposed location is affected in the same manner under both the old and new noise data.

(b) *Site assessments.* Compliance with the standards contained in § 51.103(c) shall, where necessary, be determined using noise assessment guidelines, handbooks, technical documents and procedures issued by the Department.

(c) *Variations in site noise levels.* In many instances the noise environment will vary across a site, with portions of the site being in an Acceptable noise environment and other portions in a Normally Unacceptable noise environment. The standards in § 51.103(c) shall apply to the portions of a building or buildings used for residential purposes and for ancillary noise sensitive open spaces.

(d) *Noise measurements.* Where noise assessments result in a finding that the site is borderline or questionable, or is controversial, noise measurements may be performed. Where it is determined that noise measurements are required, such measurements will be conducted in accordance with methods and measurement criteria established by the Department. Locations for noise measurements will depend on the location of noise sensitive uses that are nearest to the predominant noise source (see § 51.103(c)).

(e) *Projections of noise exposure.* In addition to assessing existing exposure, future conditions should be projected. To the extent possible, noise exposure shall be projected to be representative of conditions that are expected to exist at a time at least 10 years beyond the date of the project or action under review.

(f) *Reduction of site noise by use of berms and/or barriers.* If it is determined by adequate analysis that a berm and/or barrier will reduce noise at a housing site, and if the barrier is existing or there are assurances that it will be in place prior to occupancy, the environmental noise analysis for the site may reflect the benefits afforded by the berm and/or barrier.

In the environmental review process under § 51.104(b), the location height and design of the berm and/or barrier shall be evaluated to determine its effectiveness and impact on design and aesthetic quality, circulation and other environmental factors.

Appendix—definition of acoustical quantities

1. *Sound Level.* The quantity in decibels measured with an instrument satisfying requirements of American National Standard Specification for Type 1 Sound Level Meters S1.4-1971. Fast time averaging and A-frequency weighting are to be used, unless others are specified. The sound level meter with the A weighting is progressively less sensitive to sounds of frequency below 1 000 hertz (cycles per second), somewhat as is the ear. With fast time averaging the sound level meter responds particularly to recent sounds almost as quickly as does the ear in judging the loudness of a sound.

2. *Average Sound Level.* Average sound level, in decibels, is the level of the mean square A-weighted sound pressure during the stated time period with reference to the square of the standard reference sound pressure of 20 micropascals.

Day-night average sound level, abbreviated as DNL, and symbolized mathematically as L_{dn}, is defined as:

$$L_{dn} = 10 \log_{10}\left[\frac{1}{86400}\left(\int_{0000}^{0700} 10^{[L_A(t)+10]/10}\,dt + \int_{0700}^{2200} 10^{L_A(t)/10}\,dt + \int_{2200}^{2400} 10^{[L_A(t)+10]/10}\,dt\right)\right]$$

Time t is in seconds, so the limits shown in hours and minutes are actually interpreted in seconds. $L_A(t)$ is the time varying value of A-weighted sound level, the quantity in decibels measured by an instrument satisfying requirements of *American National Standard Specification for Type 1* Sound Level Meters S1.4–1971.

3. *Loud Impulsive Sounds.* When loud impulsive sounds such as sonic booms or explosions are anticipated contributors to the noise environment at a site, the contribution to day-night average sound level produced by the loud impulsive sounds shall have 8 decibels added to it in assessing the acceptability of a site.

A loud impulsive sound is defined for the purpose of this regulation as one for which:

(i) The sound is definable as a discrete event wherein the sound level increases to a maximum and then decreases in a total time interval of approximately one second or less to the ambient background level that exists without the sound, and

(ii) The maximum sound level (obtained with slow averaging time and A-weighting of a Type 1 sound level meter whose characteristics comply with ANSI S1.4–1971) exceeds the sound level prior to the onset of the event by at least 6 decibels; and

(iii) The maximum sound level obtained with fast averaging time of a sound level meter exceeds the maximum value obtained with slow averaging time by at least 4 decibels.

Issued at Washington, D.C., on July 5, 1979.

Patricia Roberts Harris,

Secretary of Housing and Urban Development.

[FR Doc. 79-21688 Filed 7-11-79; 8:45 am]

BILLING CODE 4210-01-M

(23)

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
REGION TEN
412 Mohawk Building
222 S. W. Morrison St.
Portland, Oregon 97204

September 24, 1979
IN REPLY REFER TO
HED-010.6

(13)

Lt. Colonel Maxey B. Carpenter, Jr.
Acting District Engineer, Seattle District
U.S. Army Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

Dear Sir:

Per your July 27, 1979 request, the Federal Highway Administration, Region 10 staff has reviewed the DEIS "Weyerhaeuser Export Facility at Dupont, Washington" and offer the following comment for your consideration:

Since the proposal will require modification to the I-5 access control at Mounts Road Interchange, the FEIS should include a layout of the Mounts Road Interchange area showing the revisions that would be required by this proposal. T

Sincerely yours,

Elmer J. Leland, Regional
Traffic Operations Engineer

(64)

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

REPLY TO ATTN OF: M/S 443

OCT : 1 1979

(14)

Colonel John A. Poteet, Jr., District Engineer
U.S. Army Engineer District, Seattle
P.O. Box C-3755
Seattle, Washington 98124

Dear Colonel Poteet:

We have completed our review of the Corps' Draft Environmental Impact Statement (DEIS) on the proposed Weyerhaeuser Export Facility at Dupont, Washington. The DEIS is basically the same substantive document as the final EIS issued by the City of Dupont under the Washington State Environmental Policy Act, with minor editorial revisions. We considered that State EIS to be adequate and we consider this Federal DEIS to be similarly adequate. We have also reviewed the revised Public Notice for the Section 10 permit to construct the pier which would support the export facility. We will have no objection to the issuance of this permit provided the Weyerhauser Company complies with all state and federal resource agency conditions that may be necessary to protect the aquatic resources.

We do have a few suggestions regarding corrections and additions which should be made in your Final EIS and one suggestion regarding a mitigating measure which we believe the Corps should consider for inclusion in any permits which it may issue for this proposed facility. Q

First, the State final EIS contained a revised discussion of the electrical power supply sources for this facility in response to comments which EPA made on the State draft EIS. This discussion was omitted from your DEIS and should be included in your FEIS so that it provides an accurate picture of the energy impacts of the facility.

Second, the discussion of alternative sites and alternative facility configurations is, in part due to the complexity of the alternatives, somewhat confusing. Futhermore, it does not really give the reader a clear picture of the depth to which alternatives were analyzed. We suggest that you have your staff re-examine this portion of the EIS to see if it can be clarified. C

Third, although both the applicant and the Port of Tacoma maintain that the Port is not a feasible site, the EIS consultant has not analyzed that question. Although there is not a single parcel of land over 120 acres in size at the Port, it would appear from Figure 58, on Page 167, that there are a collection of parcels in the Southwest corner of the Port which might be useable at a reasonable cost for this proposed facility. This question should be examined by the EIS consultant. C

Fourth, the DEIS does not provide noise contours for existing noise levels in the vicinity of the proposed project site. It is therefore not possible to determine where significant changes in noise levels will occur and whether noise sensitive receptors will experience such changes. Regardless of the resulting absolute noise levels and their compliance or violation of any appliable standards, regulations, or guidelines, we believe that changes of 10 dBA or more at noise sensitive receptors are very significant and merit mitigation. Therefore if such changes occur, the final EIS should evaluate possible mitigation measures which might be required as conditions of any Corps of Engineers permits that might be issued for the proposed facility. P

Finally, we understand that one of the principal concerns expressed by some of the local citizens groups and the U.S. Fish & Wildlife Service centers on the potential for future industrial development on the remainder of the 3200 acre Weyerhaeuser site and the possible adverse impacts that such development might have on the Nisqually Delta and the Nisqually National Wildlife Refuge. The potential for such development is increased by the fact that the City of Dupont's zoning ordinance zones the entire site as industrial. Although these potential impacts are outside of EPA's statutory jurisdiction, we share these concerns. B

Therefore we suggest that the final EIS, and the Corps, consider a binding agreement between the Corps and the applicant, or alternatively appropriate permit conditions, which would prevent further industrial development on the site until such time as the City of Dupont can complete a comprehensive plan update which provides appropriate buffer zones to protect the delta and the wildlife refuge. Recent conversations with City staff indicate that the City intends to intiate such a planning process at the beginning of 1980.

Based upon this review we have rated this DEIS LO-1 (LO: lack of objections, 1: adequate information). You should note that this does not constitute an endorsement of the proposal. It simply means that the facility, as proposed, will not have any unacceptable environmental impacts which are within EPA's statutory jurisdiction. This rating will be published in the Federal Register in accordance with our responsibility to inform the public of our views on proposed Federal actions in accordance with Section 309 of the Clean Air Act, as amended.

You should be aware that our Air Quality staff is currently re-examining the air quality impact analysis and air pollutant emissions estimates in response to some citizens questions. This review should be completed by October 12, 1979 and, if it results in any additional comments or questions we will forward them to you as soon as possible, so that your staff will have adequate time to address them in the Final EIS.

We appreciated the opportunity to review this EIS and would be glad to answer any questions which you or your staff may have about our suggestions. Your staff may address their questions to Mr. Daniel Steinborn, of my Environmental Evaluation staff, at 442-1285.

Sincerely,

L Edwin Coate

Donald P. Dubois
Regional Administrator

cc: National Marine Fisheries Service
United States Fisheries and Wildlife Service
Department of Ecology
Washington Department of Fisheries
Washington Department of Game

(72)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Region 6
P. O. Box 3623, Portland, Oregon 97208

(15)

1950

October 9, 1979

Colonel John A. Poteat Jr., District Engineer
U.S. Army Engineer District, Seattle
P. O. Box C-3755
Seattle, WA 98124

Dear Colonel Poteat Jr.:

Thank you for the opportunity to review the Draft Environmental Impact Statement for the Weyerhauser Export Facility at Du Pont.

We have no substantive comments to offer in our area of expertise or jurisdiction.

Sincerely,

for R. E. WORTHINGTON
Regional Forester

cc: Chief - (P&L)
Mt. Baker-Snoqualmie NF

United States Department of the Interior
OFFICE OF THE SECRETARY
PACIFIC NORTHWEST REGION
500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232

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ER 79/783

Colonel Leon K. Moraski
District Engineer
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Dear Colonel Moraski:

The Department of Interior has reviewed the draft environmental statement for Weyerhauser Export Facility at DuPont, Pierce County, Washington, and offers the following comments for your consideration when preparing the final document.

General Comments

In general this is a well-written draft EIS on a large and complex project. In most respects it deals with beneficial and adverse impacts in straightforward fashion. The EIS evidences a good grasp of resource values, ecological principles, and concepts of environmental analysis. The planning process for the project and site generally employs good suitability analyses and design methods for fitting the proposed terminal area to the limitations and sensitive aspects of the site. At the same time, the location of the project on Nisqually Reach, near one of the most important and productive estuaries of the state, raises questions about the environmental compatibility of this project and its potential for expansion.

We found the draft EIS to be deficient in several major areas and believe that they should be addressed in the final document. They are as follows:

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1. Analysis of alternative locations for the proposed export facility.

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2. Consideration of secondary or induced impacts caused by probable future development of the remaining Weyerhauser property at DuPont.

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3. Details of water pollution control and treatment and measures to prevent degradation of Class AA waters or harmful effects from spills and discharges on nearby Nisqually National Wildlife Refuge.

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4. Measures to minimize aesthetic impact and disturbances to wildlife from noise and operational activity in the proposed dock vicinity.

5. Commitment to mitigative measures and limitations on maximum levels of operation upon which risk and impact assessments are based.

Regarding our concern over secondary impacts, it is worth noting that the new CEQ regulations, effective July 30, 1979, the date the DES was filed with EPA, clearly require disclosure of indirect effects. Those CEQ guidelines also require a description of such impacts, and point out that secondary effects may often be even more substantial than the primary effects of the original action itself. It is believed that such could be the case in this action. The proposal is involved with development of only 250 of the 3,200 acres held by Weyerhauser Company on the DuPont site. In the absence of adequate evidence to the contrary, the project could stimulate further industrial development of the remainder of the site which could in total seriously impair the integrity of the neighboring Nisqually Delta.

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The Secretary of the Interior designated the Nisqually Delta as a National Landmark in April 1971. Such designation is given only to those natural areas containing geological or ecological value of such distinctive quality as to be of national significance. The Nisqually Delta presently is one of only six natural landmarks in the State of Washington. It is the only undeveloped delta of any size on the Pacific coast south of the Skagit River. It is an unusually fine example of estuarine ecosystems, which are becoming critically depleted, and is an outstanding dynamic illustration of river delta formation. The Delta also contains a National Wildlife Refuge and is the only known important resting area for migratory waterfowl in the southern Puget Sound region. In the 1978 annual report to Congress under Section 8 of the General Authorities Act of 1976, the landmark was reported as threatened by development and was recommended for inclusion in the 1979 report.

The DES provides a thorough presentation of known cultural resources and contains recommendations by the Deputy State Historic Preservation Officer (page 155) for testing in the vicinity of the Fort Nisqually and other sites. However, there is no commitment for carrying out these and other procedures required by 36 CFR Part 800 in advance of ground-disturbing activities. The final statement should contain such a commitment, and should include correspondence from the State Historic Preservation Officer reflecting consultation required by the above regulation, as amended in the Federal Register, January 30, 1979. These requirements include consultation on: the need for and type of survey(s) to identify historic and archeologic properties

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eligible for inclusion in the National Register, survey boundaries, application of National Register criteria to identified properties, determination of effects of the proposal on National Register or eligible properties, and other 36 CFR Part 800.4 procedures if such properties will be affected. The latter procedures apparently will apply due to the stated potential impact on the 1843 Fort Nisqually site. Particular attention should be called to procedures required of the Federal Agency Official under 36 CFR 800.4(b), Determination of Effect.

Specific Comments

Summary, p. xii - The proposed facility is described as intended for finished wood products and logs. A large terminal and log debarker would be constructed. However, the export of logs is said to be merely an interim measure. Impacts from future industrialization are not evaluated, even though only eight percent of the site would be utilized for the present proposal and it is acknowledged (p. xiii) that DuPont would be a candidate site for Weyco projects in Western Washington and the property could encourage related forest product industries to locate on the site (page xiv and 115). This is supported by company and industry predictions of a dramatic decline of log exports by 1985. B

P. xiii - The statement is made that Weyco has no other plans for the site and any future development will require a complete, independent review by all applicable government agencies. Unless future development involves additional federal permits or actions, there will not be further opportunity for the federal agency review that is presently afforded under purview of the National Environmental Policy Act (NEPA). However, considering that nearly 3000 acres of industrially "zoned" land will be available, probable industrial development and cumulative effects induced by establishment of this new "port" should be comprehensively assessed in the final EIS. Without sufficient information on the total scope of the proposals for this site, the complete evaluation needed to make a decision on this proposed action cannot be made.

P.xiii - The EIS states that in light of the attributes of the Delta belonging to all the people of the nation, any future development would be so designed and operated as to protect the Delta and its varied resource values. Only through identification and evaluation of such developments at this time or adoption of a land use plan for the entire site can we be assured of the Delta's long-term protection.

P.xiii - Under "Moderate to Severe Impacts" the EIS should list water quality deterioration from cumulative spills and land runoff of pollutants generated from shipping, vehicles, and industrial H

operations. This effect can not be buffered from impacting the Delta. The prospect of chronic low-level discharge resulting in serious decrease of regional long-term productivity is mentioned on page 212.

P.xiv - Blocking animal movement across Sequalitchew Creek is described as a major impact. However, on page xx it is stated that this will be mitigated by modification of the pier access road. An explanation of the proposed mitigation is needed. F

P.xiv - The draft states that, "The transportation networks (road, water and rail), utilities constructed for the proposed project, and the availability of adjoining property could encourage related forest product industries to locate on this site over time." The nature and level of environmental impacts resulting from such future industrial development are not presented. However, on the basis that Weyerhauser presently has made neither plans for, nor decisions regarding, any facilities on this site other than the proposed export facility, we believe that projections of future industrial growth and resulting environmental impacts should be made. This additional information is necessary to comply with CEQ directives and is particularly needed because of the special and fragile nature of the Nisqually Delta. B

P.xiv - The EIS states construction would cause alteration of shoreline aesthetics. This should be changed to read "lowering of aesthetic values of the shoreline" to correspond with the identification of adverse effects on page 157. Also on page xxi under "Unavoidable Adverse Impacts" it should be stated that the aesthetic character of the shoreline would be lowered. Except for the former DuPont Company industrial area, the site is described as attractive (page 96).

P.xv - The statements (under "Minor Impacts") about risks and incidence of oil spills and vessel collisions are contingent on ship calls remaining at 2 to 4.5 per month and evidently do not include projections of increases in commercial and recreational vessel traffic. R S

P.xv - Noise from dock operations are expected to significantly increase nighttime noise levels on Anderson Island; however, no mention is made in the summary of noise impacts on Nisqually Rufuge wildlife (see page 168) which is closer to the proposed pier. P

Project Description, page 1 - We note that the final decision of the Corps on issuance, denial or conditioning of the requested permit will be based, in part, on information contained in the final EIS. Under "Jurisdiction" the statement is made that the Corps' concerns are confined to development waterward of mean high water. A statement should be added that the National Environmental Policy Act (NEPA) requires evaluation of all significant environmental impacts stemming

from the project, including those occurring shoreward of mean high water and that such evaluations should be a factor in the decision making process.

Page 3 - Under "Location" the EIS should add that the Weyerhauser property is bounded on the west by Burlington Northern (B-N) railroad tracks and beyond the tracks the City is bounded along the west side (in sections 27, 28 and 33) by the Nisqually Refuge (see page 116). Z

Page 5 - Figure 2 is misleading since it indicates the Nisqually Delta lies considerably south of the jetty whereas it actually extends north of the jetty and is about 1/2 mile from the DuPont pier.

Page 9 - Under "Physical Description" it is stated that the area south of Sequalitchew Creek will be directly affected only by the road and rail access. This presumes no subsequent development in that area or the Creek canyon. There is no assurance in the EIS these areas of high biological, archeological, and historical importance would not be damaged by later phases of development resulting from the establishment of the export facility.

Page 17 - Under item "m" the EIS states storm runoff from the dock and dock access roadway will be collected and treated. Treatment is apparently limited to settling of solids and skimming of floating materials. No indication is given of how the skimmed materials are to be ultimately disposed of or whether the settled material will be removed and disposed on land. H F

Reference is made under this same item to a 158,000 gallon holding tank to be installed under the dock. While detailed engineering features may not be needed at this point, the dimensions and placement of the tank should be shown in the EIS and incorporated directly into the permit application drawing rather than being incorporated by reference at a later date.

Page 17 - Under item "n" the approximate location of the upland septic drainfield should be shown in Figure 9 (page 14). A portable secondary sewage treatment plant for the dock is described. This plant is not shown in the DES or permit drawings and details have not been provided for review by appropriate agencies. The proposal calls for discharge of the effluent at minus 90 feet and the rationale is given (page 128) that dilution by the clean waters of Nisqually Reach would insure negligible impact. If this rationale is accepted and allowed to set a precedent for the Class AA waters of the area, they would inevitably be degraded by cumulative future discharges. Z H

In view of the exceptional water quality of this reach, possible decertification of shellfish beds in the vicinity, and the special status the Nisqually Delta is accorded under state and federal

legislation mandating protection of its natural character, the Department strongly recommends that trucking or pumping of the effluent to upland septic tanks be implemented on a permanent basis as suggested on page 128.

Page 21 - The statement is made that no liquid industrial wastes would be produced on the site. This is essentially true of the debarking facility which would be designed to minimize leacheate runoff, detain, and recycle process waters. However, prospective discharges and levels of treatment for future forest product operations should be part of the comprehensive assessment of probable secondary impacts resulting from the proposed action permitting construction of the pier, terminal, and debarking facilities. H B

Page 22 - As noted on this page (and the previous page) the proposed export facility would require just 250 acres of the 3200 acre site which is presently "zoned" entirely for industry. Accordingly, the site encompasses a much larger area than is required for the export facility and thus could eventually be developed for additional industrial facilities. A possible lumber mill is mentioned. The export facility, in fact, was designed "...to maintain maximum flexibility for possible future development." At numerous other places (pages 23, 115, 162, 206, A-1, A-3, A-4, and xiii) the EIS discusses the likely prospect of such development. Establishment of this "port" facility and industrial operations would tend to set in motion the industrialization of the entire site. Unless visually and physically buffered, the airsheds and watersheds of the Nisqually Delta could be seriously impacted. As noted on page 96 Hoffman Hill, the waterfront bluff, DuPont dock, and some DuPont buildings are presently visible from the Delta. Since the Nisqually Refuge can not be buffered across the Nisqually Reach, it is particularly vulnerable to spills and discharges generated in the pier vicinity.

In view of the above, the Department is particularly interested in the proposed cooperative review of existing land use policies and regulations mentioned on page 22. On page 115 this proposal is expanded upon with reference to establishing a plan for buffers. The U.S. Fish and Wildlife Service welcomes the opportunity to work with the City of DuPont, Weyco, and other agencies on this and other aspects such as Greenbelts and redesignation of the Sequalitchew Creek shoreline classification discussed on page 135. E

Page 68 - Under "Subtidal Fauna" it should be mentioned that significant geoduck and hardshell clam populations exist in the dock area. K

Page 71 - Under "Salmonids" we note that observations in 1977 and 1978 indicated juvenile chum salmon from Nisqually Delta tended to migrate westerly toward Anderson Island and later (June-July) to disperse throughout the Reach. However, in June 1978, they were found in O

greater numbers near the DuPont shoreline, "particularly offshore." Further, on page 73 it says, "It is significant that more chum salmon were found in offshore stations than near the beach."

Beach seine sampling by the Fish and Wildlife Service at the DuPont dock during the period June 14 through August 27, 1979 produced catches ranging from 0 to approximately 1,000 chum salmon (on June 14). About 200 were caught on June 18. On July 16 the sample was 71 and on August 2 it was 21. This sampling also yielded chinook and coho juveniles. On July 2, there were 22 chinooks; on July 16, there were 77; and 34 on August 2. Coho were caught in 2 of the 11 sampling efforts. The high count was 20 on June 28. A catch of 60 herring was made on July 16.

Although there does appear to be appreciable dispersal of juvenile salmon from the Nisqually River system and other stream or artificial propagation sources such as the Squaxim Tribe hatchery, chum salmon characteristically follow closely to the shoreline and the DuPont shoreline is a significant migratory pathway for juveniles as well as adults, as suggested on page 73. Also, use of this shoreline by the thousands of coho salmon released from Department of Fisheries rearing operations in Sequalitchew Lake does not receive due recognition in this section.

Relationship to Land Use Plans, p. 106 - The EIS mentions Washington Department of Natural Resources jurisdiction over beds of navigable waters, but fails to comment on the state requirement that a harbor area and harbor lines be established before permitting the project. Also not discussed are state policies relative to full utilization of established ports before new ports are created.

Page 108 - Figure 47 incorrectly identifies Fish and Wildlife Service ownership. A map of current land ownership status within the Nisqually National Wildlife Refuge is attached.

Page 109 - The statement is made that designation of this area as a "Shoreline of Statewide Significance" under the Shoreline Management Act does not preclude development. However, it is not clear how the proposed development satisfies use preferences listed on this page. The EIS does not explain how a Conservancy shoreline designation governs industrial zoning or would apply in the event that a harbor area is established in front of the city.

Page 111 - Under "Comprehensive Land Use Plans" we note that the city of DuPont has done a comprehensive planning study but does not have an adopted comprehensive land use plan. Thus, the statement on page 117 that the proposed project is compatible with existing comprehensive plans is misleading. In the absence of a comprehensive plan the zoning status is questionable.

Page 115 - Reference is made to the proposed pier lying north of the DuPont wharf whereas the base would actually be south of it and closer to Sequalitchew Creek.

Page 117 - Under "Shoreline Plans" it is stated that the State of Washington will review the proposed project's compliance with the Coastal Zone Management Act. It should be noted that federal permits cannot be issued until this determination is made. Also the relevance of the area's designation as an "Area of Particular Concern" under the Coastal Zone program and as a "Shoreline of Statewide Significance" should be mentioned.

Environmental Impact, page 119 - The EIS identifies a number of impacts regarded as most significant to the physical environment. Disregarding future development and expansion impacts, we think the most significant adverse impacts would be; 1) gradual deterioration of water quality from buildup and cumulative effects of petroleum spills, bilge pumping, road runoff, heavy metals, sewage, and other pollutants described on pages 126 and 128; 2) noise and human activity disturbances added to the Refuge environs; 3) aesthetic deterioration experienced by boaters and Refuge visitors; and 4) lack of definite mitigative measures regarding terrestrial habitat losses, sensitive wildlife, and effects on Sequalitchew Creek. Loss of terrestrial habitat, lowered aesthetic values, and increased human activity and noise are identified as unavoidable adverse impacts which cannot be avoided (page 157). While not certain to occur, we would add the prospect of a major oil spill which would severely impact the Delta and other vulnerable habitats or wildlife concentrations before it could be contained or cleaned up.

Pages 121 and 122 - Reference is made to possible paving or building stairs to eliminate erosion from the path leading down the bluff. We urge that the final EIS express commitment to do this. Also, in any area where the dock access road would cross unstable Kitsap formations, we recommend they be spanned. This serves the double purpose of mitigating problems of animal movement across the canyon which is described on page 157 as an unavoidable adverse impact.

Pages 125 to 127 - Freshwater Quality. Because most of the hydrocarbons and dissolved organic materials in runoff diverted to detention ponds for settling and recycling may drain to the shallow ground-water regime and subsequently migrate to Sequalitchew Creek, water-quality monitoring of the shallow ground-water, especially within the terminal area, should be considered. Such monitoring, in addition to the proposed salt-water-intrusion monitoring for the south side of the creek (p. 127), could be helpful in evaluating any adverse effects on ground- and surface-water environments.

Page 125 - Clarification is needed on the referenced "treatment" to be given runoff water constituents in the holding tank prior to discharge

into Puget Sound. The constituents would include asphalt, oils, grease, cadmium, lead, tropolones, lignins, fungicides, etc. We recommend this effluent also be pumped to an upland drainfield as suggested on page 128. In view of the high quality waters and highly significant resources of this sensitive area, special precautionary measures are warranted.

Page 125 - We would encourage executing agreements on streamflow augmentation with Fort Lewis by the Departments of Game and Fisheries and Weyco to improve water quality and fish propagation. F

Page 126 - While open- bottomed culverts would be better than regular culverts at the upstream crossing of Sequalitchew Creek, a bridge completely spanning the Creek would entail the least environmental impact.

Page 126 - A septic tank drainfield to accommodate a loading of 8000 gallons per day is described. We suggest consideration of a drainfield to also accommodate sewage generated at the pier. Thus adding additional protection to the Class AA waters of the area. The location should be shown in the final EIS.

Page 127 - Under "Marine Water Quality" it is stated that, "Potential degradation of water quality of the Nisqually Reach adjacent to the site is of concern because marine water from this area is carried into the Nisqually Delta by tidal action." The significance of this is that the high productivity and variety of organisms occurring in the Nisqually estuary depends on maintenance of high quality waters. Loss of food organisms in this intertidal area at the mouth of Sequalitchew Creek and sublethal effects on fish and wildlife living in Nisqually Reach waters could also result in significant declines of fish and wildlife due to project generated spills, discharges, and runoff. For these reasons, marine outfalls should be avoided for this project. Also any measures which rely on dilution as a substitute for treatment should not be allowed. H F

Page 128 - In connection with the proposed package treatment plant at the dock, the Department of Ecology has stated it is questionable that it could consistently meet secondary treatment requirements. Also an invalid comparison is made with the Solo Point plant. The inference is that thorough treatment by the package plant is not important.

Page 129 - According to the EIS, if a fuel truck spill (up to 2800 gallons) were to occur on the road or dock, the material would be detained in the large holding tank under the dock until "...appropriate spill contingency measures could be taken." The EIS should be more explicit on how this would be done and how the fuel would be prevented from eventually reaching Sound waters.

Page 129 - The statement is made that "the project is not expected to cause or be a significant contributor to any violations of water quality standards for marine waters, except in the unlikely event of a major accident." Conditions are already borderline for maintaining Class AA water standards for both dissolved oxygen and temperature (page 47). The final EIS must reveal decisions on the chosen modes of control, treatment or disposal, and provide sufficient details to enable reviewers to assess their adequacy. This aspect of the proposed project is too important to leave undetermined in the EIS.

Pages 131 and 132 - The statement is made that the risk of major oil spill from shipping would be "less than one 300 gallon spill every 118 years." This statistic is based on a stated frequency of ship calls (two to five per month). However, the EIS contains no assurances that this frequency would not increase dramatically in the future. Also it does not appear to account for other shipping increases that may occur in southern Puget Sound which would raise the risk of collision and spillage. We question that this can be regarded an acceptable level of risk to this special environment of national significance. S R

As indicated on page 132, marsh plants are highly sensitive to oil. Salt marshes and mudflats would be seriously affected for at least a year and eelgrass beds for two years. Even small spills are acknowledged to have serious adverse impacts on birds, intertidal life, and migrating salmon. Contrary to statements on page I-8, oil spills are especially difficult to cleanup in salt marsh and mudflat habitats. Please refer to the 1978 Department of Ecology report on North Puget Sound Baseline Program.

Page 132 - The statement is made that, "Workable contingency plans for oil or other material spills should be designed, response equipment and personnel maintained, and response activities practiced regularly." We agree. Appendix J states that a final contingency plan will be prepared after construction. This contradicts the statement on page I-8 which says it will be prepared after the facility is fully designed and before construction occurs. We think the plan should be prepared and reviewed by appropriate agencies before construction and this should be a permit condition.

Page 133 - The statement is made that noise and human activity are unlikely to result in a decrease in the total population of birds in the Delta. Also, on page 132, it is stated that waterfront activities would be expected to have little impact on water birds near the DuPont wharf. In part these conclusions are based on the existence of other noise factors around the Refuge (highway, railroad, and aircraft) and the assumption in the absence of data, that noises not intolerable or frightening to humans would not disturb wildlife. The addition of this new major noise source and activity on a frequent and irregular basis, including some nighttime activity (page 138), would be disturbing P

to wildlife. The EIS conclusion fails to take into account the prospect of even further disturbances and intrusions in the area. The EIS seems to be contradictory in stating (page 133) that sensitive species may be affected by increased dock activity and dock lighting. Also, on page 168, it is stated that increased noise levels might adversely affect the waterfowl and other fauna on Nisqually Refuge.

Page 134 - The Department basically concurs in the section on endangered species except that numerous inaccuracies and unwarranted conclusions occur in regard to bald eagles in Appendix Q. The particulars will be supplied separately to the Corps of Engineers.

Page 137 - Under "Nisqually Reach" the statement is made that three groups of organisms are resident in this habitat. The statement is simplistic and ignores such obvious groups as shellfish and benthic invertebrates that are important as fish food organisms. Also, the statement is made that neither adult nor juvenile salmonid fish are expected to be significantly affected. We think this conclusion is unsubstantiated. It appears likely that significant predation upon juvenile fish would occur, particularly at nighttime when dogfish and ratfish have been observed by fishermen to move in under the DuPont wharf. We do not think the 1978 and 1979 studies by Fresh, et al. were designed to adequately assess the predation factor.

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While young salmon do disperse at times in this region, it is not accurate to state that few salmon migrate along the DuPont shoreline. However, since most of the dock would be in deep water about 100 feet offshore at low tide, these fish may pass behind it. We do not see the pier structure as a barrier funneling small fish to predators under the pier; however, this could be a partial effect if schools of fish are unwilling to pass under the 57 feet wide ramp section. More investigation is needed on fish passage and predation at the DuPont wharf before the conclusion stated in the DES can be substantiated.

Page 138 - The EIS says Anderson Island, which is 8000 feet west of the DuPont wharf, would be noticeably affected by noise (also see pages 76 and G-8 and G-9). However, Nisqually Refuge about 2900 feet to the south is acknowledged to be the closest sensitive area. Even though State noise regulations would not be exceeded, dock operations would significantly interfere with outdoor speech as far away as Anderson Island. No evaluation was made of the impacts of noise and ship movement on water bird populations and harbor seals that congregate within less than a mile from the proposed dock.

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Page 138 - The EIS states that lighting will be shielded. In view of possible disturbances to migrating and resting birds, we would like to see greater detail in the final EIS on how this would be done and glare avoided over water. We are willing to assist the Corps and Weyco in developing these details.

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Page 139 - The EIS notes that navigation risks are a major public concern. We foresee conflicts between DuPont ships and recreational and commercial fishing craft, especially in light of plans to greatly increase salmon production in the Nisqually River basin. The Department of Fisheries (letter of October 5, 1978 to DuPont Mayor) states that this area will probably support a major terminal area fishery in the future.

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Page 140 - Statistics on the risk of collisions (also bottom of page 139), spill rates and sizes are based on a limited number of port calls and current levels of traffic. A spill of major proportions (1000 gallons or more) could result from collisions of a DuPont bound vessel and a tanker barge. However, it should be noted that DuPont ships may be carrying as much as a million gallons of oil and diesel fuel. Increases in general shipping are not accounted for and no assurances are provided that ship calls to DuPont would not increase greatly in the future. Since the risk assessment is presumably a significant factor in a determination to issue or condition the Corps permit, an annual limitation of ship calls (ranging to 53, page 139) should be specified in the permit application.

Page 141 - The EIS discusses navigation procedures including vessel speeds and turning radius. It states that hazards to small boats will increase slightly and damage to fishing nets may occur in Nisqually Reach. The Service is also concerned about the approach route and closest distance to Nisqually Refuge. We suggest a map be added showing probable routes in and out of the proposed dock and indicating distances offshore and speeds in various legs.

Page 145 - In regard to the discussion of traffic, the draft indicates that Route 510, bordering the Nisqually Indian Reservation, will have very little change. It would be good to provide projection of anticipated traffic rates (that apparently are available in the "DuPont site development access road-Engineering Design Report") either in a table or on a map similar to the figure 35 which shows existing average daily traffic volumes.

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Page 152 - The section on aesthetics speaks in terms of aesthetic impacts, changes in the view, and minimizing visual impacts. Unfortunately, it does not present clearly the adverse effects of removing trees, visibility of the dock access road, imposition of the pier, cranes, and large ships on the site, etc. This could be better described in the narrative or drawings.

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Page 155 - In spite of procedures such as fencing and patrolling, the increase of "pot hunters" appears unavoidable. Therefore, this factor should be included in the "unavoidable adverse impacts".

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Alternatives, page 159 - The EIS mentions imposing conditions such as providing greenbelts between the Nisqually Delta and project site. It

should be noted here that the Delta cannot be physically buffered across waters of Nisqually Reach regardless of property boundaries; thus, special conditions may be needed to protect the Delta from water pollutants generated by the project. It should be clarified that the Delta extends considerably waterward of the vegetation line. This conception may well have influenced their assessments of impacts upon the Delta and its biological resources. H

Page 160 - The EIS states that Weyco carried out as thorough a search as possible for alternative locations. Very little information is available on when and how this was done. It appears that Weyco set certain constraints not directly related to the currently planned development in their site search which eliminated other less environmentally sensitive locations. C

Page 162 - We note that the mandatory site characteristics require a marine or deep water access capable of berthing ships of a 40 foot minimum draft. The minimum acreage is given as 200 acres and a central location is sought. We are unclear on the meaning of central location. In the context of western Washington (as shown on page 161), DuPont is obviously central, but this mandatory characteristic seemingly would have thrown out locations such as Cherry Point and Longview. Some explanation of the area intended to be served is needed. Also, we understand that Weyco's Longview facilities presently has 200 acres available for expansion. An explanation of why it was ruled out is needed since low navigation risk is not listed as a mandatory requirement.

We also note on this page that a critical, but not mandatory requirement is for an additional "...minimum of 300 acres within the site, contiguous or available in the vicinity for future wood products conversion facilities. Also this site must be available to be purchased. Both the contiguous land requirement and the requirement that the site be available for purchase (rather than lease) are self-imposed constraints of Weyco and should not be factors in the Corps of Engineer's consideration of suitable alternative locations. Further, in view of the scope of the project revealed in the EIS, no location should be ruled out for lack of addition or contiguous acreage. Weyco has stated (page 22) that they have many optional locations for future industrial development and may not need the DuPont site for this.

Page 164 - According to the EIS, "The Port of Tacoma was considered in Weyerhauser's site selection process because of expressed public concern that new export shipping facilities not be established if existing ports can meet the new needs." The EIS further states that "Potential sites in the Port of Tacoma did not satisfy the 'mandatory' or 'critical' acreage requirements, were rated marginal in terms of depth of the currently maintained channel in the waterway and are unavailable for purchase." We find all this inconsistent with the Corps of Engineers' 1975 report on Blair and Sitcum Waterways in

Tacoma Harbor which partly justified deepening Blair Waterway from 30 feet to 45 feet on the basis that it preserves other areas around Puget Sound and develops existing ports to their full potential. C

Specifically, the Corps report states "...the environmental quality plan would be full development of port facilities at Tacoma, which would preclude the need for developing port facilities at Nisqually or Padilla Bay." Elsewhere the report states, "Current policy in shoreline planning being implemented through the Washington State Shoreline Management Act and the Federal Coastal Zone Management Act promotes full development of existing port before any new port is considered."

Blaire Waterway has since been deepened to 45 feet which meets the mandatory criterion for depth and marine access. Further, the Corps report states, "The availability of land in Tacoma Harbor industrial area does not present a problem for present or potential users. Almost 1400 acres of undeveloped lands are available for industrial development. Over 800 acres of these lands are available in the port terminal area." Brochures obtained recently from the Port of Tacoma state that there are 824 acres available in their industrial district in close proximity to deep draft terminal facilities. On Page 166 the EIS states there are a total of 421 acres available for receiving and storage, with two large parcels of 115 and 120 acres. Thus the mandatory requirements are apparently satisfied at Tacoma.

Page 166 - Only a very brief discussion is provided on DuPont as one of four final sites analyzed. Although other sites were analyzed in regard to compatibility of the export facility with surrounding uses, apparently little consideration was given to the incompatibility of such a high intensity use with the existing low intensity uses of the Delta and nearby Wildlife Refuge.

Page 170 - We note that development of the Port of Tacoma would be consistent with present zoning. Also, it would not increase adverse visual impact and is favored overall in environmental impact comparison. In view of this, we urge the Corps to make a rigorous examination of the Port of Tacoma as a feasible alternative to the DuPont location to supplement the information in the draft EIS.

Page 171 to 183 - We have no concerns with the selected road and rail accesses into the site, provided care is taken to minimize damage to the oak savannah habitat which is especially important to the rare and declining western gray squirrel (see pages 129 and 131). We would be pleased to work with Weyco in design and layout of their facilities to avoid conflict.

Relationship of Short-Term Uses and Long-Term Productivity, page 212 -We note that in contrast to the Port of Tacoma or possibly other public port sites, the long-term biological productivity of the DuPont

site would be reduced. At least 245 acres of habitat would be lost or seriously disturbed. Some loss of timber production would also occur. Also the prospect of a serious decrease in productivity of the region and adverse impacts to the Nisqually Delta is presented. This could occur as consequence of chronic, low-level spills and discharges or a major oil spill.

We note that construction of the proposed facility "...would enable the continuation and expansion of an existing deepwater dock operation in Puget Sound." Our understanding of the approval of the Shoreline Master Program for DuPont by the Department of Ecology (see pages 111 and 117) was conditioned on the present industrial uses not being expanded or intensified. In the Department's letter of June 11, 1975 which approved the Program, the following statement is made: E

> "...We remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of Nisqually delta as a natural area consistent with its recognition as a National Wildlife Refuge and a National Landmark. Any activity which might be contrary to the intent of the Act, which specifically identified the Nisqually delta as a shoreline of statewide significance to be preserved in its natural condition." (emphasis added)

It is particularly relevant to point out that the Nisqually Delta has been placed in a Threatened Category II status pursuant to Public Law 94-485 by the Heritage Conservation and Recreation Service (HCRS) of the Department of the Interior. The reason for this status is the prospect of imminent industrial development on both sides of the Delta, including specifically the Weyco export facility and and associated future development. This action of the HCRS should be noted in the EIS. W

Summary

In view of the nationally significant resources and environmental values of this area and possible precedent set by taking the proposed action, we believe that the highest environmental standards should be applied to any development on the project site and surrounding area. The Department of the Interior would view with concern and take appropriate action against any development that poses a threat to the Nisqually Delta.

Weyerhauser Company (Weyco) has applied for a Section 10 permit for construction in navigable waters from the Corps of Engineers (Public Notice 071-OYB-1-005087, revised September 4, 1979). The Department of Interior expects to make a separate evaluation of the proposed facility in connection with the Corps of Engineers permit pursuant to provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661, et seq.). In addition, a National Pollution Discharge Elimination System (NPDES) permit may be required pursuant to Section 402 of the Clean Water Act. These separate reviews will include a recommendation on whether the

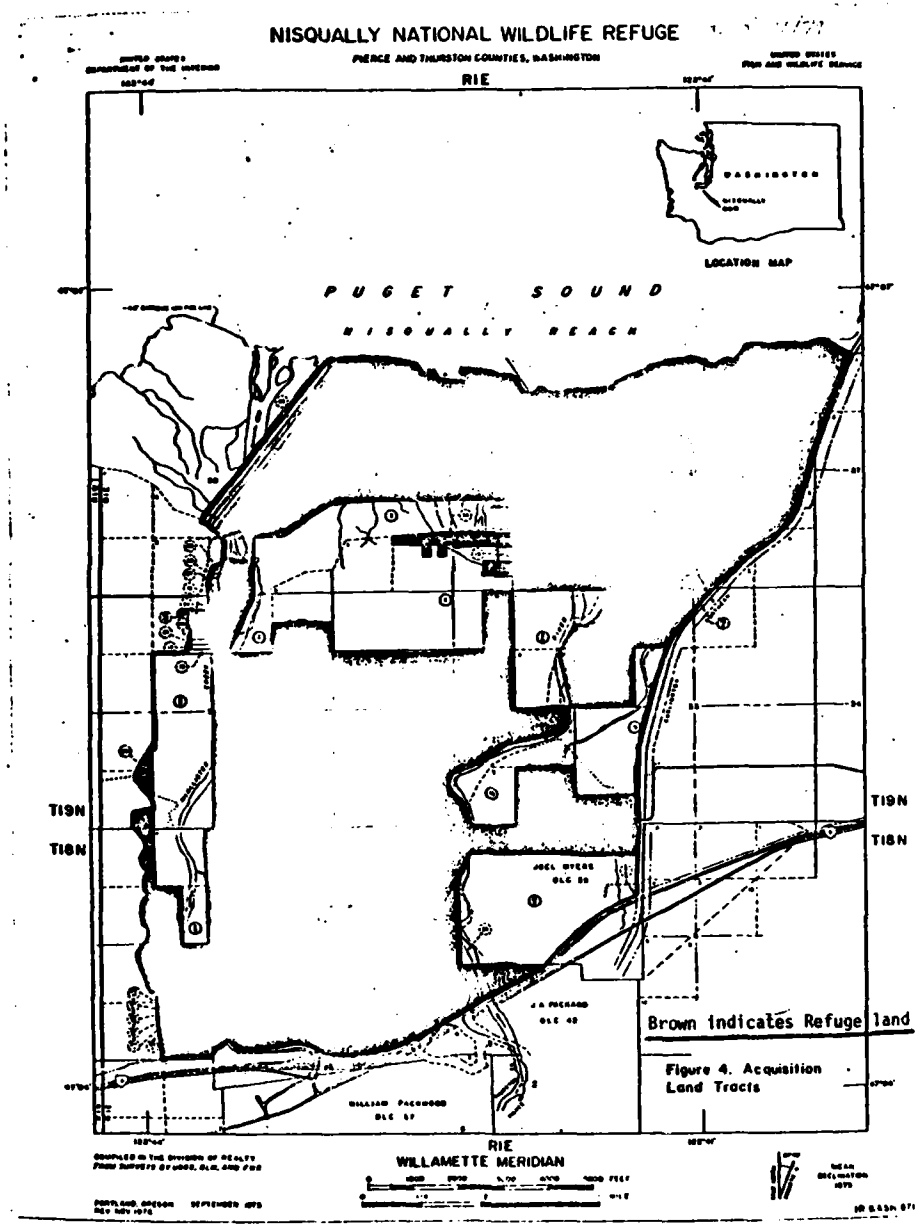
permits should be issued, conditioned, or denied depending on probable impacts to fish and wildlife resources and other resources for which this Department has jurisdiction and responsibility.

Sincerely yours,

Charles S. Polityka

Charles S. Polityka
Regional Environmental Officer

Attachment


NISQUALLY NATIONAL WILDLIFE REFUGE
PIERCE AND THURSTON COUNTIES, WASHINGTON
R1E
WASHINGTON
LOCATION MAP
PUGET SOUND
NISQUALLY REACH
T19N
T18N
T19N
T18N
Brown indicates Refuge land
Figure 4. Acquisition Land Tracts
R1E
WILLAMETTE MERIDIAN

(4).

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION
7150 Cleanwater Lane, Olympia, Washington 98504 206/753-5755

Dixy Lee Ray
Governor

August 27, 1979

35-2650-1820
DEIS-Weyerhaeuser Export
Facility at Dupont

(17)

Mr. Maxey B. Carpenter
Lt. Colonel, Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, WA 98124

Dear Col. Carpenter,

The staff of the Washington State Parks and Recreation Commission has reviewed the above noted document and has the following comments. In our response to the City of Dupont's Draft EIS, we stated that the map of existing recreation sites omitted two State Park facilities. This comment also applies to Figure 39 in the Corps Draft EIS. The facilities omitted are as follows:

Tolmie State Park (Section 23, Twn. 19N, Range 1W W.M.)-105 acres, 1,800 lineal feet of saltwater shoreline.

Eagle Island State Park (Section 28-29, Twn. 20N, Range 1E W.M.)-10 acres, 2,600 feet of saltwater shoreline.

Y

A copy of our comments to the City of Dupont is attached for further reference to our concerns.

In regard to the alternative actions available to the Corps; I feel it is necessary to recognize that not all impacts are "mitigatable", even if a Corps permit was granted with a variety of conditions.

Thank you for the opportunity to review and comment.

Sincerely,

David W. Heiser, Chief
Environmental Coordination

NAM/DWH:nam

f

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION
7150 Cleanwater Lane, Olympia, Washington 98504 M.S. KY-11 206/753-5755

Dixy Lee Ray
Governor

September 14, 1978

35-2650-1820
EIS - Draft
Weyerhaeuser -
DuPont - Export
Facility
(Tolmie State Park
& Eagle Island
State Park)

(E-1358)

Honorable John G. Iafrati
Mayor, City of DuPont
Post Office Box 159
DuPont, WA 98327

Dear Sir:

The staff of the Washington State Parks and Recreation Commission has reviewed the above-noted document and offers the following comments:

1. Figure 2-34 appears to omit two state parks within a relatively close proximity to the project site. They are:

   Tolmie State Park (Section 23, Twp 19N, Range 1W, W.M.) - 105 total acres, 1,800 lineal feet of saltwater shoreline. Primary recreational opportunities are day-use, including fishing, moorage facilities, swimming, hiking trails and an artificial underwater reef.

   Eagle Island State Park (Section 28-29, Township 20N, Range 1E, W.M.) - 10 acres total, 2,600 feet of saltwater shoreline. Primary recreational opportunities are day-use, including moorage facilities, limited swimming beaches, fishing and SCUBA diving.

2. The Navigational Risk Assessment Study prepared for this proposal by the Oceanographic Institute of Washington (OIW) appears to adequately address hazards to recreational boating. A mitigating measure which was not considered would be the prohibition of ingress/egress to the site on three-day summer holiday weekends when peak small boat traffic would probaly occur.

3. As depicted in Figure 3, the proposed export facility site will retain approximately 1.75 lineal miles of shoreline in its present condition south of the export dock. Due to the adjacent proximity of this shoreline to the Nisqually Estuary, its potential recreational value may be acknowledged by the following quotation from the Washington State's Coastal Zone Management Program (pp. 14):

"The Nisqually has the potential to provide significant opportunities for recreational activities ranging from wildlife photography, fishing, digging for clams, oysters and geoducks in the summer to waterfowl hunting in the fall. The delta is of historical significance as the site of the earliest settlements in the state. It is also the site of the signing of the Medicine Creek Treaty and the home of the Nisqually Indians."

The need for recreational opportunities within the Southern Puget Sound area is identified by the Washington Statewide Comprehensive Outdoor Recreation and Open Space Plan, Volume II, 1973, which states:

"The greatest identified needs are for the acquisition and development of both freshwater and saltwater shorelands. Development needs are for freshwater shorelands, regional recreation areas, non-urban trails, historical cultural sites and forest areas."

The desirability of allowing for recreational activities within port and water-related industrial developments is expressed in the City of DuPont Shoreline Master Program. Specifically, the following policy statement appears on page 32:

"Multiple use concepts should be used in the development of port areas."

In addition to being consistent with the above mentioned facts, the development of recreational trails, historical cultural sites, and nature observation/interpretive materials would also be consistent with the eight shoreline policies expressed on pages 2-72 - 2-73 along with recreational uses referenced for the conservancy environment on page 2-73 of the Draft Environmental Impact Statement.

Thank you for the opportunity to review and comment.

Sincerely,

David H. Heiser, E.P., Chief
Environmental Coordination

DHH:PAK:eg

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF GAME
600 North Capitol Way, GJ 11 Olympia, WA 98504 206/753-5700

September 14, 1979

(18)

Maxey B. Carpenter, Jr.
Lt. Colonel, Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, Washington 98124

RE: Draft Environmental Impact Statement - Weyerhaeuser Export Facility at DuPont

Dear Colonel Carpenter:

As you are aware, separate Environmental Impact Statements have been prepared for this proposal to comply with both the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA). Though one document could have been prepared which would have complied with the requirements of both Acts, this option was not chosen.

Rather than extensively duplicate previous work, and considering that many already expressed concerns remain; we have attached a copy of our response to the SEPA document for your use, as well as our response to the NEPA document.

We hope this information will provide additional assistance in your preparation of a final document.

Sincerely,

THE DEPARTMENT OF GAME

Fred H. Maybee

Fred H. Maybee, Assistant Program Manager
Environmental Affairs
Habitat Management Division

FM:mjf

cc: Regional Manager
Agencies

Attachment

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF GAME
600 North Capitol Way, GJ 11 Olympia, WA 98504 206/753-5700

September 14, 1979

Maxey B. Carpenter, Jr., Lt. Colonel
Department of Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

RE: Draft Environmental Impact Statement - Weyerhaeuser Export Facility at DuPont

Dear Colonel:

Your document was reviewed by our staff as requested; comments follow.

In general, we feel that more information should be provided regarding secondary impacts. This would include both the proponent's future use and plans for the site, and the secondary impacts of urbanization. Ultimately, land use decisions can result in substantial impacts on fish and wildlife resources. Unfortunately, being an indirect result of another action, these impacts are often overlooked or unforeseen. Crucial habitat is lost as a result.

B

More specific comments follow:

H

p. 38 A small spring is mentioned as discharging to Sequalitchew Creek. We agree that this spring and groundwater seepage are important sources of inflow to the stream; however, additional springs along the ravine are also present. These should be discussed. What is the overall volume of water that they contribute to Sequalitchew Creek? Would the proposed three inch weepholes of the access retaining wall (page 125) adequately provide for existing rates and volumes of groundwater discharge? If discharge levels are reduced, resulting low flows in the stream could adversely impact aquatic life. L

Discussion of Freshwater Hydrology appears to focus on monitoring studies conducted in 1977. Since this was a year of severe drought, conditions were abnormal. This is an important consideration. For example, does the one spring mentioned (page 38) still contribute less than one cubic foot per second of groundwater? It is important to adequately identify such resources before impacts can be accurately determined.

p. 64 It is stated that benthic invertebrate populations were sampled but sampling may not be representative of normal conditions because of the 1977 drought. Would this also be true for studies of fishes and amphibians in Sequalitchew Creek?

Also, inaccurate reference is made to Figure 22 for sampling station information. Please correct this.

p. 111 In the Comprehensive Land Use Plans section, reference is made to a "Comprehensive Planning Study for Annexation: (completed in 1971). Is this an official Comprehensive Land Use Plan? If so, what provisions does it contain which would directly or indirectly affect fish and wildlife resources? E

p. 125 In discussing Sequalitchew Creek hydrology, it is stated that impacts from diversion of stormwater would have negligible effect "during the wet season". This may be true; however, diversion of stormwater during the dry season could have substantial effects by further aggravating low flow conditions. This would impact aquatic life, and could also alter the overall composition of streamside vegetation. Since summer rainfall is likely to be one of the limiting factors, effects of impermeable surfaces during the dry season should also be considered. F

It is stated that, "Culverts would be placed under the road to drain existing springs and natural drainage channels." (page 125). Have these springs and drainages been identified?

We note that the creek would be culverted to accommodate the primary access road. Culverts often interfere with streamflow and reduce fish passage. Increases in turbidity, sedimentation, siltation and channel scouring can also occur to the detriment of fishery resources. A bridge could result in fewer impacts. We recommend such mitigation.

p. 126 We are concerned about possible impacts on stream biota and water quality in Sequalitchew Creek from septic leaching. As indicated in Table 2 (page 31), Spanaway and Everett soils are limited by their susceptibility for groundwater contamination. Is the proposed 500 foot setback sufficient protection? As indicated on page 127, the exact pattern of groundwater flow is not known. Leachate could enter the groundwater system and be discharged via springs without receiving adequate percolation. H

p. 127 Discussion of monitoring to detect groundwater contamination appears somewhat vague. Would monitoring occur, and what criteria would be used to determine "contamination"? We feel a monitoring program is essential, here, and with other water and air quality issues. F

p. 128 In discussing marine water quality, zinc and anti-fouling paints would be emitted. What chemicals would be contributed by anti-fouling paints? We are concerned because many heavy metals are extremely toxic. Zinc, as an example, can be lethal to salmonids in concentrations as low as 0.01 mg/L. H F

Regarding a sewage treatment facility on the dock, a more detailed discussion would help. What would be the relation of this facility to Public Law 92-500? Would best available technology be used? How would the diffuser affect species compositions? Would there be increased incidence of disease in fish? Would chlorine be used in secondary treatment, and if so, what provisions would be included for its handling? If acceptable drainfield sites can be located, pumping sewage to the uplands could reduce potential impacts. Pumping of the dock settling basin/holding tank might also be considered as an alternative to discharge into the Sound. A monitoring program should be established for this aspect of the proposal as well.

p. 131 It is stated that, "Careful routing of the access route will mitigate disturbance of habitats next to roads or avoid loss of rapidly decreasing Oak Savannah habitat." However, it appears that both rail and road access to the terminal area would pass directly through about one-half mile of the Oak Savannah habitat. Routing from the southeast would avoid destruction and disturbance of this habitat type which is unique to western Washington both for its size and for its associated gray squirrel population.

Also on this page it is suggested that loss of 169 acres would be mitigated by habitat enhancement elsewhere. Could you be more specific? Possible mitigation programs might be developed to provide public access to portions of the shoreline, fish rearing, eelgrass planting, buffer strips for marshes and wetlands, selective downgrading of zoning and shoreline designations, and habitat improvement at the old DuPont facility.

Mitigation could also be provided if dock access were not located within Sequalitchew Creek canyon. Wildlife species in the canyon are perhaps more diverse than in any other habitat type on-site. Dock access north of the creek and removed from the ravine would be substantially less damaging to habitat and wildlife, and could reduce possible impacts on fishery resources. Several of the site development alternatives (pp. 189-195) could accomplish this.

p. 135 In the section, Intertidal Flora and Fauna, it is stated that, "Assessment of impacts must consider ecological interactions. An adverse impact on any one species or group of species may have severe indirect consequences for other species that depend on the first as an important food source." We strongly agree with this statement and suggest that this basic, but exceedingly important, ecological principle be reflected in other sections dealing with flora and fauna, or discussed at the beginning or end of pages 124 to 137. M

p. 137 In reference to baseline studies (Fresh, et al, 1978) it is stated that, "An intensive analysis of feeding behavior of local fish found that stomachs of most species contained no fish or larvae..." We feel that this statement should be qualified. The referenced study (Fresh et al, page 119) states that, "In many instances, most notably in the case of the DuPont Dock assemblages, stomachs were not or could not be obtained even though the species occurred there often or in significant numbers." We contend that conclusions concerning predation cannot be accurately drawn without more extensive data. L O

Concerning cooling water, it is indicated that, "...the temperature of the cooling water would increase by 20°F, a temperature change fatal to most plankton. Plankton entrained in cooling water intake would be killed, but the impact would be insignificant in comparison to the very large numbers of plankton in the region." This statement concerns us. Since water temperature in the Nisqually already exceeds 13°C at times, discharge of water 20°F warmer than receiving water would seem to aggravate the situation. Aside from plankton kills, other fishery resources could be adversely affected as well, both directly and indirectly such as through disruption of habitat and the overall foodweb of the Delta. H

Though the above concerns are of major importance, it is likely that the Department of Game will have additional issues for resolution. These may arise as project design details become available and field investigation occurs for determining issuance of permits (Hydraulics Project Approvals administered jointly by the Department of Game and Fisheries, and U. S. Army, Corps of Engineers, Public Notice).

Thank you for the opportunity to review your document. We hope that you find our comments helpful.

Sincerely,

THE DEPARTMENT OF GAME

Fred H. Maybee, Assistant Program Manager
Environmental Affairs
Habitat Management Division

FHM:mjf

cc: Regional Manager
Agencies

STATE OF WASHINGTON

DEPARTMENT OF GAME
600 North Capitol Way/Olympia, Washington 98504 206/753-5700

Dan Lee Ray
Governor

October 5, 1978

Mayor John Iafrati
City of DuPont
DuPont, Washington 98327

DRAFT EIS: Weyerhaeuser Export Facility at DuPont

Mr. Mayor,

Your document was reviewed by our staff as requested; comments follow.

In general, our conclusion is that this proposal could result in substantial, adverse environmental impacts. Not only would these impacts occur directly through the construction and operation of the proposed export facility, but also indirect and secondary impacts on the Nisqually Delta should be expected. There is no assurance that the creation of a new port and the availability of more than 3,000 acres of an industrial site will not ultimately lead to large scale damage or destruction of an irreplaceable natural resource that is both unique and significant to this state, as well as the western United States.

We urge that alternative sites be more fully explored with the intent to locate the proposed export facilities at an existing port.

More specific comments on the proposal follow.

1-13 It is indicated that a "portable treatment plant" on the dock would provide secondary treatment for sanitary wastes before they are discharged into the Sound. Could you supply additional information for the size, capacity, and type of secondary treatment this plant would provide? Without a proper chlorine application system, chloramines could be generated which even in small concentrations would have deleterious affects on aquatic life. Also, would a diffuser be constructed, or would wastes be discharged directly into the Sound?

Also on page 1-13, it is stated that, "Ship's holding tanks would not be pumped out at DuPont". This point would appear to be difficult to enforce. What guarantee is there that ships would refrain from pumping their holding tanks?

1-14 Several forest products (logs, pulp, newsprint, etc.) are listed for export; however, forest products can include a vast array of materials and chemicals. Could you provide a more detailed list as to what would, and what would not be handled at this facility? For instance, would any distillates or extractives be exported?

1-15 Are there any estimates for the amount of bark that would be produced by debarking operations? And, how much would be stockpiled *prior to sale or shipment* to other Weyerhaeuser facilities? Would barks be stored under cover? When woodwaste (barks, sapwoods, sawdust) come into contact with water, leachate is generated. Tropolones are perhaps the most toxic component of this leachate. For steelhead trout the 96-hr. LC50 is 0.21 mg/l (p. 2706, J. Fish. Res. Board Can., Vol 33, 1976). This leachate is also a potential groundwater contaminant. Down gradient wells in Oregon's Willamette Valley were affected by leachate at a distance of 500 meters, despite soil filtration (Ground Water, Sweet and Fetrow, 1975). We are concerned that if leaching occurs, Shoreline areas could be affected as well as the aquatic life of Sequalitchew Creek. Leaching of sublethal concentrations could also affect the resources by imparting an undesirable taste to the flesh of fish.

1-16 (On page 1-16) you state that planning processes "...sought to maintain maximum flexibility for possible future development of the site". A lumber mill is mentioned as a possible facility. What other facilities are a possibility? *As we understand*, the planned debarker would also be a prerequisite for a pulp mill. Could you explain the function and necessity of the debarker for the proposed action, and the probable technology (soap, TM, etc.) for a possible pulp mill? More discussion of secondary development would be helpful in determining the extent of environmental impacts.

1-17 On this page it is indicated that the proponent "has made no plans for new industrial facilities on this site", and reference is made to a detailed discussion of corporate planning processes presented as Appendix A. From Appendix A, it would appear that the Long Term Plans are proprietary information of the Weyerhaeuser Company and therefore, will not be disclosed to the public. Unfortunately, this does not facilitate processes of environmental review. It is difficult to adequately assess the extent and severity of environmental impacts if insufficient information is provided for the total scope of the proposal.

2-2 The second paragraph submits that themost significant impacts on the physical environment would occur as water quality degradation in the dock area, removal of 169 acres of wildlife habitat on the immediate site, and degradation of habitat and water quality in Sequalitchew Creek. We concur that these impacts could be some of the most significant. However, this presupposes that impacts on the Nisqually Delta will not occur. We do not feel that such an assumption is justified.

Also on page 2-2 it is stated that, "Many of the adverse impacts could be substantially reduced by the use of appropriate mitigating measures". This could be true, but it does not appear that impacts on Sequalitchew Creek and its wildlife and habitat will be substantially reduced despite the availability of less damaging alternatives for dock access. As stated on pages 2-50 and 2-51, the Sequalitchew Creek ravine supports the "most diverse bird population on the site" and, "...the habitat value of the ravine is higher than any other portion of the site..." Alternative dock access routes located north of the ravine could substantially reduce impacts. The apparent reasoning for the selection of the Sequalitchew Creek route is listed on pages 5-42 and 5-44 as, "...evaluation of costs, environmental impacts (including aesthetics), flexibility, and property acquisition requirements led to selection of a road through Sequalitchew Creek Canyon as the proposed action". Could you provide more information and data as to how these aspects were evaluated and the final route selected? We are concerned that environmental considerations may have been sacrificed for lower cost and expedient route regardless of the biological significance of the area. We notice on page 5-23 that constraints were placed on the alternative conceptional design studies to be cost-effective, minimize environmental impacts, and restrict all industrial development to the north of Sequalitchew Creek. Technically, the preferred access route (as are all) is north of the creek, but this route certainly does not minimize environmental impacts. And, since the other alternatives included constraints to be cost-effective, we suggest that an alternate access route be considered.

2-20 As indicated on pages 2-20 and 2-22, Sequalitchew Creek experiences typical low summer flows and dried up during the 1977 drought. We point out that this drought has a direct bearing on the flora and fauna sampling conducted in late 1977 and early 1978. It will take time for this system's biota to fully recover. Therefore, the section dealing with freshwater biology is probably not typical of normal conditions, but rather a worse case representation. On page 2-53 it is stated that, "Probably the most important single factor affecting Sequalitchew Creek habitat is that it periodically dries up." Could you explain what is meant by "periodically"? How often does the creek and its habitat dry up, and to what extent? It is mentioned on pages 2-22 that stream flow records are "limited to a few scattered dates". The only indication of continuous monitoring is from April, 1977 to March, 1978. We are concerned that the phrase, "periodically dries up," may be misleading. To some extent or another, most streams could be said to "dry up"; however, this is a natural process and a function of the overall ecology of the area. Without further baseline data, we do not feel that this drainage system can be fairly represented.

2-31 It is noted that water temperature and dissolved oxygen levels in the Nisqually Reach occasionally exceed standards, primarily because river water flows slowly over the organic mud flats of the Delta. The poor flushing characteristics of the Reach are probably another contributing factor worth mention. Also, regarding elevated temperatures, an important conclusion was reached by the referenced study (Thut, et al, part 2, page 27, 1978). "The temperature of the Nisqually Reach consistently exceed 13°C in the summer. Consequently, no measurable increase resulting from human activity would be permitted". Can it be adequately demonstrated that no measurable increase in temperature would occur as a result of a new port in the Reach?

Because of the lethal effects on aquatic biota of increased temperatures, we are greatly concerned. One incidence of thermal pollution is listed on page 2-37 and 2-66. Engine cooling water for ships would be discharged at a rate of 60 to 170 gallons per minute and at temperatures 20°F warmer than ambient water temperature. Dillution will occur but there is insufficient information as to whether dillution would be adequate to sustain existing temperatures. What would be the total volume of cooling water discharges? Would there be temporary violations? Considering poor flushing, could temperatures build up and result in cumulative impacts on either water quality or biota? Is there a possibility of thermal stratification? High, near surface temperatures could have direct and immediate effects on plankton and salmonid smolt.

2-32 As stated on this page, "groundwater recharge would be altered", "groundwater contamination may occur", and "streamwater flow in Sequalitchew Creek might be reduced". We do not consider these impacts to be "relatively minor". Groundwater reserves are being destroyed beyond human use and tapped at increasing rates. This is no longer an unlimited resource even in the Pacific Northwest. Also, alteration of groundwater recharge could seriously affect Sequalitchew Creek. Streamflow in this creek is maintained by groundwater. However, there is inadequate information to determine the extent of streamflow dependence on springs and groundwater seepage. Studies conducted free of drought year influence may provide better information. A very serious question regarding Sequalitchew Creek is, what effect will the concrete retaining wall have on reducing streamflows? If streamflow is substantially reduced or increasing "dry ups" occur, serious long-term impacts on the fishery, riparian habitat, and associated wildlife would occur.

Also on page 2-32, it is stated that, "...pollutants might be carried toward the Nisqually Delta, however, only a major oil spill is likely to cause significant adverse impacts on the Delta". This statement is inaccurate. It neglects the cumulative impacts of small oil spills, temperature increases, trace metals, lignins and discharge of polluted ballast water from vessels. This section also fails to discuss potential impacts from new facilities, subsequent increases in use-intensity, vessel traffic, and secondary development which would be encouraged to locate because of the availability of a new port and a 3,000 acre industrial site.

2-32 It appears that surface runoff will be intercepted by the dock access road (reducing streamflow in the creek) and directed to holding tanks located on the dock. What would happen if an accident occurs on the access road? Would oil, gas, pulp, or other cargo spill into Sequalitchew Creek or flow to the dock? Would dock facilities have adequate capacity to handle an accident spill? It would be helpful to know what types of cargoes and vehicles would use this route. We assume that tanker trucks would be necessary to refuel equipment that must be fueled on the dock itself.

2-34 For the primary road crossing of the creek a culvert is proposed. Culverts often interfere with streamflow and reduce fish passage. A bridge completely spanning the stream could be a mitigating measure, and it would reduce construction impacts such as sedimentaiton, siltation and turbidity.

2-36 It is noted that on-site wells will be monitored to detect ground water contamination. What are the parameters and criteria that will be used, and what constitutes "appropriate action" if indications of salt water intrustion are observed? It is stated earlier on this page that, "Water for domestic use could

be pumped from a well elsewhere on the site if contamination results from these methods of sewage and storm water disposal". The implication seems to be that there is little concern about groundwater contamination because drinking water could be obtained elsewhere.

2-36 In the section on Marine Water Quality it is stated that, "Any pollutants that enter into Sequalitchew Creek will flow into Nisqually Reach; however, dilution would be great enough so that no significant degradation of water quality can be expected from this source". This statement fails to take into account continuing build ups of pollutants and the cumulative impacts from other sources as well.

2-37 In the first paragraph a treatment plant is mentioned. Does this refer to the portable treatment plant on page 1-13, and could you supply information for its design, capacity, and type of secondary treatment that would be provided?

2-38 Your discussion on pages 2-38 to 2-43 of flora and habitat types is generally well done. It demonstrates that this area is rich and diverse. Twelve different habitat types, not including the Delta, within this area make this a unique regional resource. It might be noted that the Oak Savannah area may support one of the largest grey squirrel populations in the state. However, we disagree with the statement on page 2-38 that, "Flora on the DuPont site has been drastically altered by human activity..." Certainly, portions of the site were drastically affected by previous industrial operations and facilities, but as a whole, the site provides extremely valuable habitat and portions are still undisturbed by any human activity.

2-49 We take exception to the statement on page 2-49 that, "The habitat at the DuPont site is neither unique nor regionally significant". As productive and diverse upland habitat associated with the Nisqually Delta, this area is both unique and regionally significant. Without the supportive habitat and wildlife, and the buffering function of these uplands, the Delta would not survive in its existing state. We also disagree with the statement, "Impacts on the Nisqually Delta would be minor in the absence of an oil spill or other major accident". We do agree with the semantics of this statement; that is, in the event of a mjaor oil spill or accident impacts on the Delta would be major if not devastating, but this still fails to account for cumulative impacts. If one element of the ecosystem is disrupted or destroyed, the entire ecosystem could be adversely affected. General ecological principles and the inter-dependence of such is an area in which your document is somewhat lacking in discussion. For example, since plankton will be killed by discharge of cooling water (p. 2-66) from ships, discussion of the role of plankton in the foodchain would

be helpful to give a better understanding of potential impacts and how they could affect the overall species composition of the Reach.

2-49 It is stated that, "Although deer frequently favor such habitat, none were (sic) observed during site studies (Melchiors and Motobu, 1978)." This statement is incorrect. Table 17, page 65 of the Melchoirs and Motobu study (also see Table 18) indicates that more than 30% of blacktailed deer observations were made in the Oak Savannah transect. And on pages 68 and 69 of this study it is stated that, "Deer are normally associated with forested areas but utilized all habitat types at DuPont... In addition to deer observed on transect studies, a total of 78 blacktails were (sic) observed throughout the study period".

2-50 On this page it is stated that, "A small spill would have serious short-term adverse impacts on water birds, intertidal life, migrating salmon (if present), and marsh grass; however, recovery would occur once oil was removed". This statement is misleading. Once recovery begins, it could take years, and may not ever be complete. Depending on what species are affected and to what extent, ramifications could be ecosystem wide. Therefore, even small spills could result in serious long-term adverse impacts.

2-51 We concur with the statement that, "The 30-foot retaining wall... would create an impassable barrier to large mammals, particularly deer". Such barriers decrease range availability and reduce overall productivity. An alternate dock access route could mitigate this impact, and possibly reduce road kills. As indicated, loss of habitat on the terminal site will decrease wildlife populations. The same would be true for future and related actions - those activities of expansion, functionally related, or that facilitate the operations of the proposal. Information and discussion of the indirect impacts of secondary development is necessary for adequate environmental evaluation.

2-56 It is stated on this page that, "Studies in Hood Canal and northern Puget Sound (Wisseman, et al, 1978) have found many more algal species than observed in the Nisqually Reach. A variety of factors, such as salinity variation, slope, turbidity, and temperature, may be responsible for the variation". The Wisseman study points out that algal sampling occurred at at least five different beaches in Greater Puget Sound and "various points in Hood Canal" (page 57). It would seem natural that more species and more variables would be encountered within a larger study area. We hope that your statement is not misconstrued to mean that algal populations in the Reach are insignificant because of more diverse populations elsewhere. Species diversity is a general indication of stability.

Comparative paucity of algal species, regardless of limiting factors, may be a telltale sign of the fragility of the Nisqually Reach.

2-61 The third paragraph on this page is somewhat confusing and does not appear to be stated very well. Substantial numbers of juvenile salmonids migrate along both shores of the Reach. However, this point is detracted from by such phrases as, "Few juvenile salmonids were seen moving along the DuPont shoreline", "juvenile salmon are abundant to the west", "chinook ...were far more prevalent west of the Delta", etc. We would like to point out that the referenced study (Fresh et al, 1978) was still in progress and findings were of a preliminary nature. As stated on page 21 of the study, "...conclusions concerning the juvenile salmon outmigration are speculative and incomplete". The study also indicates that because of wind and cloudy weather, too few visual surveys were made to warrant presentation (page 31). And on page 45 it is stated that, "Tag returns from all directions from the DuPont Dock area suggests that the DuPont shoreline may be used as a milling area by coho salmon". Because the study findings are not yet complete we suggest that it is too early to indicate that juvenile salmonid outmigration is predominately to the west of the DuPont shoreline.

2-65 We concur with your discussions that potential impacts on juvenile salmonids could take the form of increased predation by fish associated with docks and pilings, or occur because juveniles might be forced into deeper water by the dock structure and become prey of larger fish. Harbor seals and killer whales could also be potential predators. On page 2-63 it is stated that, "...stomach analyses of potential predators, indicated little predation on juvenile salmon by fish near the DuPont Wharf. (Fresh, et al, 1978)". And, on page 2-66 it is stated that, "...stomachs of most species contained no fish or larvae ..." We feel that these statements and findings should be qualified. The referenced study (Fresh, et al, page 119) states that, "In many instances, most notably in the case of the DuPont Dock assemblages, stomachs were not or could not be obtained even though the species occurred there often or in significant numbers". We contend that conclusions concerning predation cannot be accurately drawn without more extensive data.

2-66 It is stated that, "...cooling water would increase by 20°F, a temperature change fatal to most plankton." This could represent a significant disruption of the food chain, and affect habitat and overall species composition. Considering that waters of the Reach periodically are 13°C or greater, additional temperature increases could have drastic effects on the ecosystem. The importance of plankton cannot be underestimated. In one manner or another, the entire marine

ecology of the area rests on phytoplankton. These small plant organisms are the food source for animal organisms such as zooplankton - copepod and crustaceans - and larvae. These in turn support larger organisms. The reduction of plankton populations, either through kills by the discharge of cooling water, leachates, or the buildups of trace metals, could be the first step in altering the diversity and productivity of the whole area.

2-71 In the section dealing with land use, it may be helpful to indicate that the Department of Game manages approximately 625 acres of land immediately west of the Delta. Two main features of this are a public fishing and boat launch area, and a field laboratory which is presently being leased to the Evergreen State College for research.

Regarding Shoreline Plans, your list of mangement priorities (pages 2-71 and 2-73) for Shorelines of state-wide significance is accurate. However, it is not indicated with any certainty how this proposal conforms to these goals. It would appear that the proposal is inconsistent with goals 1 through 7.

As mentioned on page 2-73, there are four categories of shoreline designation and determined by "the degree of man's intrustion into the shoreline and the degree of uniqueness (sic) of the shoreline". Though much of the DuPont shoreline is designated "Urban", during review of the DuPont Shoreline Master Program, agencies expressed concern for the lack of diversity in designations and the intensity of use that could result because of the urban designation. Due to the proximity to the Nisqually Delta, it was recommended at that time that Use Regulations and Environmental Designations be modified to provide multiple-use and better resource protection. It was also expressed that, while the existing DuPont dock has very little impact, a change in use would be incompatible with management of the Nisqually Delta. On these points, we remain concerned.

2-76 In the section, Present Land Use, it is indicated that the entire site is zoned industrial. Could you discuss the types of industrial development that would be allowable, and applicable restrictions if any?

2-83 As indicated, your discussion of navigational risks is based on a risk assessment (OIW, 1977 and 1978). We wish to express concern regarding the findings of the DuPont Navigational Risk Assessment. We are not certain that the conclusions are pertinent or indicative of actual risks involved with vessel traffic in the DuPont vicinity. It is for some of the following reasons that we question the general findings.

On page III-1 it is stated that, "...the results of the hazards analysis are subject to modification by changes in the basic assumptions after Weyerhaeuser has selected detailed vessel and dockside designs, trade route, port calls and schedule." This seems to imply that conclusions regarding possible oil spills cannot be firmly drawn because of basic assumptions

which are all variable.

On page 1-7 it is indicated that spill rates for southern Puget Sound are based on spill rates for smaller U.S. port systems. These ports are located in Maine, California, Florida, etc. (Table IV-10). However, it is not clear that any of these ports have navigational risks characteristic of the DuPont vicinity or that their waters and vessel traffic is representative of that of Puget Sound.

On page II-3 it is noted that Weyerhaeuser vessels would constitute only two percent of the total 1975 traffic volume. It is not certain that figures for "overall vessel traffic" include pleasure craft, sports fishing or Indian Fishing operations, all of which would seem to represent some form of navigational risk. And, figures are shown only for decreasing traffic from 1969 to 1975. Since that time, has not vessel traffic been increasing substantially?

As indicated on page II-10, the stopping distance of the "DuPont Class" vessels is not known.

On page I-1 it is stated that, "The purpose of this study was to assess the potential navigational risks...and derive ship design and contingency plans which will ameliorate any such impacts". We fail to see major examples of ship design that were derived to ameliorate impacts. It would seem to us that ships with double skin side walls, twin screws, and bow/stern or side thrusters could operate more safely. These features appear to be totally lacking for the "DuPont Class" ships, and all but double side walls are lacking for the "M" class vessels.

Also, a great many harbors of Japan are highly contaminated. Ballast water taken on in these waters will be discharged in Washington waters. A basic assumption is made that no deliberate or routine release of ballast water will occur in the DuPont vicinity. How can this assumption be safely made, and how will it be enforced?

3-1 It is stated on this page that, "A possible, though unlikely, impact, that would constitute a severe decrease in the long-term productivity of the region would be any adverse impact on the Nisqually Delta..." We agree that a reduction in productivity would constitute a severe impact; however, we question whether such an impact would be unlikely. If unlikely within a short-term frame, it would seem more and more likely within a larger time frame.

Also on this page, it is indicated that the export facility, "...would enable the continuation and expansion of a deep water

dock operation in Puget Sound". Further discussion of such expansion and its potential impacts could help to provide sufficient information to better determine the likelihood of impacts on the Delta.

5-2 We endorse and concur with expressed public concern that new ports should not be established if existing ports can meet needs. And, we feel that environmental impacts associated with new export facilities at the Port of Tacoma would be substantially less than at the DuPont site. On page 5-6 it is stated that at the Port of Tacoma the dock and shipping area "...are not contiguous and would be difficult to develop ..." It would seem that the same statement could be made for the DuPont site. Greater detail and discussion of site selection criteria would be helpful as it is not apparent why other sites, many of which have adequate capacity projections through the year 2000 and would be less environmentally damaging, are not found to be acceptable.

5-7 We concur with the statement that, "Both the Hawks Prairie and the DuPont sites are sufficiently close to the Nisqually Delta Wildlife Refuge that increased noise levels might adversely affect the waterfowl and other fauna using that area". The associated uplands and adjacent waters would also be affected. It would be helpful if this impact were mentioned in the noise section of the text as well. It might also be noted that as species affected by noise attempt to relocate, competition for food and territory will occur. The end result is a reduction in populations and species diversity.

APPENDIX F

Table F-1 does not seem to be truly representative of the species of the area. Though these species are common and abundant at the DuPont site, it would be helpful to indicate species less common but present as well. This would help to accurately portray existing species diversity. Diversity is one of the features that contributes to the area's rich biologic value. The Melchiors and Motobu study (1978) lists more than 200 species of birds. So also does, A Study of Terrestrial Organisms on the Nisqually River Delta, the Evergreen College (1978).

To add to the completeness of this appendix, better representation of Delta species would be helpful.

Thank you for the opportunity to review your document. We hope that you find our comments helpful.

Sincerely,

THE DEPARTMENT OF GAME

Fred H. Maybee

Fred H. Maybee, Applied Ecologist
Environmental Management Division

FHM:bj
cc: Agencies
Regional Manager

10

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF GAME
600 North Capitol Way/Olympia, Washington 98504 206/753-5700

19

October 5, 1979

Maxey B. Carpenter, Jr., Lt. Colonel
Department of Army
Seattle District, Corps of Engineers
PO Box C-3755
Seattle, Washington 98124

DRAFT ENVIRONMENTAL IMPACT STATEMENT:
Weyerhaeuser Export Facility at DuPont
Addendum to Game Department Response
(September 14, 1979)

Dear Colonel:

As you are aware, through formal review of both the NEPA and SEPA environmental documents, our Department has expressed concern regarding the proposed dock access route. For example, on page three and page six of our SEPA response we stated:

> Also on page 2-2 it is stated that, "Many of the adverse impacts could be substantially reduced by the use of appropriate mitigating measures." This could be true, but it does not appear that impacts on Sequalitchew Creek and its wildlife and habitat will be substantially reduced despite the availability of less damaging alternatives for dock access. As stated on pages 2-50 and 2-51, the Sequalitchew Creek ravine supports the "most diverse bird population on the site" and, "...the habitat value of the ravine is higher than any other portion of the site..." Alternative dock access routes located north of the ravine could substantially reduce impacts.
>
> 2-51 We concur with the statement that, "The 30-foot retaining wall ...would create an impassable barrier to large animals, particularly deer". Such barriers decrease range availability and reduce overall productivity. An alternate dock access route could mitigate this impact, and possibly reduce road kills.

F

On page four of our NEPA response we stated:

> Mitigation could also be provided if dock access were not located within Sequalitchew Creek canyon. Wildlife species in the canyon are perhaps more diverse than in any other habitat type on-site. Dock access north of the creek and removed from the ravine would be substantially less damaging to habitat and wildlife, and could reduce possible impacts on fishery resources. Several of the site development alternatives (pp. 189-195) could accomplish this.

We continue to believe that an alternative dock/access network could reduce both direct and potential impacts. In evaluating the Public Notice and applications for Hydraulic Project Approval, the proposed location of the dock/access remains a serious issue.

C

In exploring various alternatives, an additional alternative has come to our attention. Impacts could be greatly reduced if the dock were located at Tatsolo Point, near the existing sewage treatment plant. This would involve an access route almost due north and an easement through federal land (maps are attached). This alternative would seem to meet dock/access criteria in that it could provide 60 foot deep berthing, remain the same distance from the terminal area, and be cost-effective. At the same time, it could remove impacts on Sequalitchew Creek's fishery, water quality, flow levels, and wildlife and habitat. It would also locate the dock outside of a shoreline of State-Wide significance and substantially increase the distance from the Nisqually Delta. As a result, oil spill response times would have a greater margin for error, flushing rates could be more desirable, and potential water quality degradation would be diminished. Aesthetic impacts may be lessened, and impacts on the Delta from noise would be decreased. Such a reduction in environmental impacts may be much more acceptable to resource agencies.

We strongly urge that this alternative be discussed in your final Environmental Impact Statement. This alternative is suggested in what we feel are the best interests of the public, our responsibilities for resource management, and as a constructive effort to work with all parties involved in this proposal.

Thank you for taking this into consideration. We look forward to continuing coordination and cooperation.

Sincerely,

THE DEPARTMENT OF GAME

Fred H. Maybee
Assistant Program Manager
Environmental Affairs Program
Habitat Management Division

FHM:bj
cc: Agencies

Enclosure

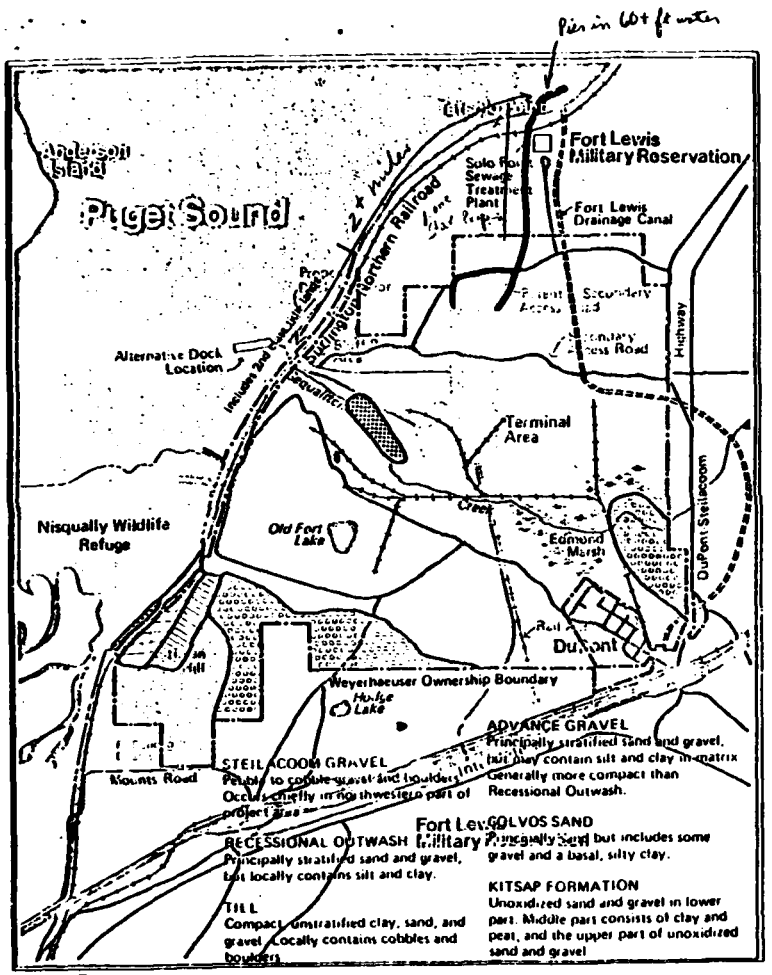


Figure 16
Surficial Geology

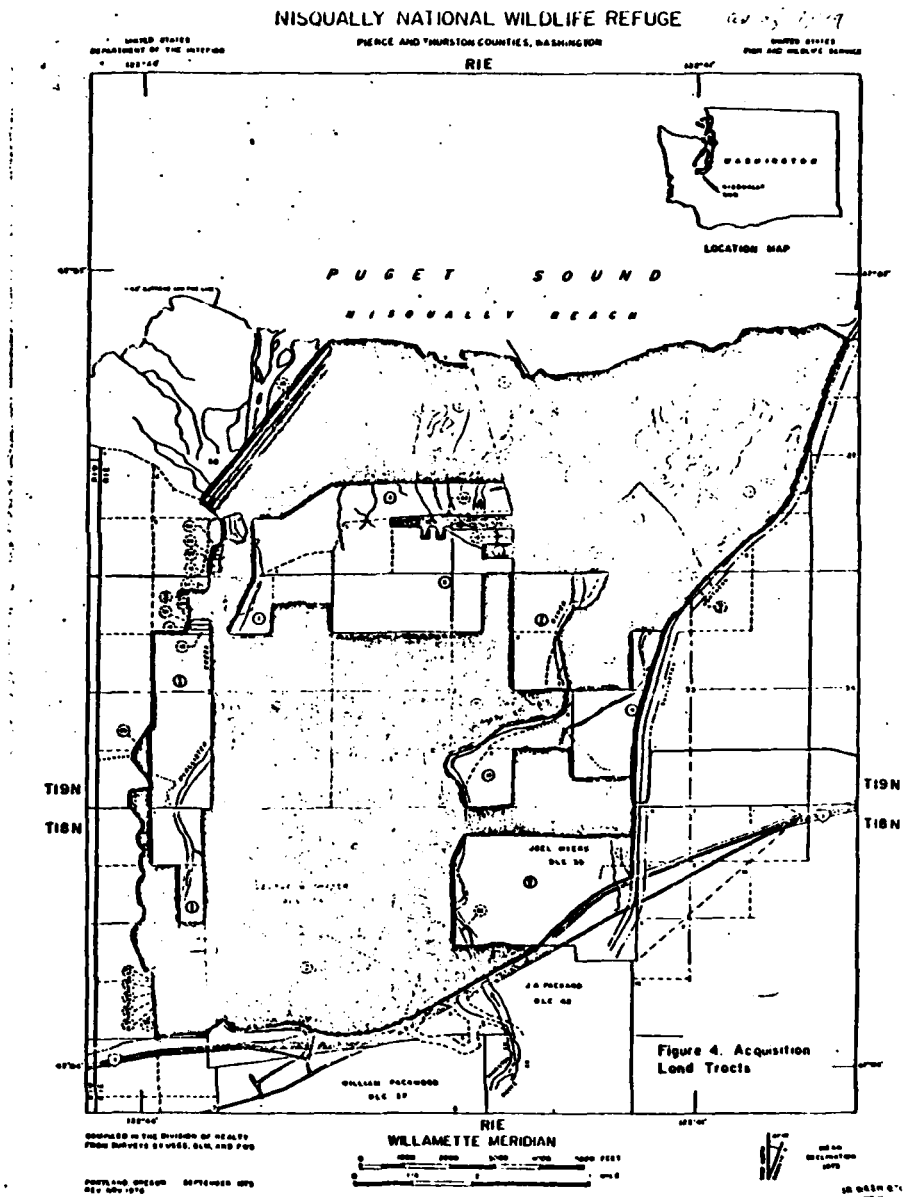


Figure 4. Acquisition Land Tracts

STATE OF WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF TRANSPORTATION KF-01

Highway Administration Building, Olympia, Washington 98504 206/753-6005

September 19, 1979

20

Colonel John A. Poteat, Jr.
U.S. Army Engineer
District - Seattle
P.O. Box C-3655
Seattle, Washington 98124

City of DuPont
Weyerhaeuser Export Facility
Draft Environmental Impact Statement

Dear Colonel Poteat:

We have reviewed this document and have the following comments:

T

Our comments are concerned with the road access alternates shown on Pages 174 and 175. As we understand the text of the document alternates 1, 4 and 6 are dropped because of objections from the Department of Transportation and the Fort Lewis authorities. We do not believe that alternatives 2 or 3 are acceptable because of the extensive construction which would be required and the inconvenience to Army truck traffic which is presently served at the Du Pont Interchange. Alternatives 5, 7 and 8 may be satisfactory to this Department subject to the approval of the design configurations.

As we reviewed other portions of the document, we were lead to believe that Alternative 8 is the preferred alternate for road access to the facility. We have had extensive discussions with the Weyerhaeuser people and are in agreement that a satisfactory design configuration can be reached. On page 11, we cannot approve the proposed off-ramp which Y's off of the existing ramp. This would require two off ramp cross road terminals within a short distance and would not be operationally feasible.

Before the final EIS is circulated, we suggest that the sketch on page 11 be revised to a plan meeting the approval of the proponent and the Department.

If you have any questions concerning these comments, please call me at 753-3811.

Sincerely,

ROBERT S. NIELSEN
Assistant Secretary for
Public Transportation and Planning

By: WM. P. ALBOHN
Environmental Planner

RSN:yw
WPA:WJG

cc: A. R. Morrell
Barbara Ritchie, DOE, Olympia
R. Albert
Environmental Section

(27)

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF ECOLOGY
Olympia, Washington 98504 206/753-2240
Mail Stop PV-11
Wilbur G. Hallauer, Director

(21)

September 25, 1979

Colonel Leon K. Moraski
District Engineer
U.S. Army Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, Washington 98124

Dear Colonel Moraski:

Thank you for the opportunity to comment on the draft environmental impact statement for the "Weyerhaeuser Export Facility at DuPont, Wa." We have coordinated the review of this EIS with other state agencies. Comments from the Departments of Fisheries, Game, Transportation and Ecology are attached.

On June 4, 1979, I wrote to Lt. Colonel Carpenter about moving ahead on this project so decision makers can make decisions. The Department of Ecology appreciates the effort by the Corp to expedite release of this draft EIS. I am confident you will continue to conclude the NEPA process in a timely manner.

If you have any questions, please contact the appropriate state agency or the Department of Ecology's Environmental Review Section at 753-6892.

Yours truly,

Wilbur G. Hallauer
Director

mgh

cc: Donald O. Provost, DOE
Fred H. Maybee, Department of Game
Gordon Sandison, " " Fisheries
Robert Nielsen, " " Transportation
John G. Iafrati, Mayor, City of DuPont

Enclosure

STATE OF WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF FISHERIES
115 General Administration Building, Olympia, Washington 98504 206/753-6600

September 10, 1979

22

Ms. Barbara Ritchie
Environmental Review Section
Department of Ecology
Mail Stop PV-11
Lacey, Washington 98504

Dear Ms. Ritchie:

We have reviewed the Corps of Engineers Draft Environmental Impact Statement (DEIS) for the proposed Weyerhaeuser Export Facility at DuPont. As you are aware, this is the second EIS we have reviewed for the proposed project. The majority of our original comments on the first document have been incorporated into this second one. Therefore our following comments are relatively minor and listed by page:

Page xvii. We note the potential for increased turbidities along the shoreline during removal of the old dock and driving of pile for the new dock. Based on recent work in Hood Canal, we believe increased turbidities during juvenile chum or pink salmon outmigration should be avoided along the beach March through June of any year. F

Page xix. June through September is the time period suggested for work in Sequalichew Creek Canyon. The exact timing which may vary based on releases of coho from Sequalichew Lake would be specified through Hydraulics Project Approvals if the project proceeds.

Page 17, Sanitary Wastes. We note secondary treated sanitary wastes are planned to be discharged from the dock to the 90 foot depth into Puget Sound. Our concern is for any possible shellfish decertifications in/or adjacent to the project site. If this poses a potential problem we suggest pumping of wastes to appropriate upland systems as mentioned on page 128 of the DEIS. F H

Page 68, Subtidal Fauna. We find no mention in the text on private oyster lands and geoduck tracts in the area. However, Figure 30 shows the sites and the SEPA FEIS covers the subject. K

Page 135. In the paragraph relating to impacts on fauna of Sequalichew Creek, we note reference to spawning bed improvements and stream box or other propagation methods could be used to increase fish runs. The first two methods are adaptable for chum salmon propagation but this creek is already utilized for large numbers of yearling coho. In addition, a small egg box program would not be economical compared to other department egg box programs, and there are questions on managing the harvest of a small number of returning adult chum to this creek. We suggest O

deleting further reference to fish propagation facilities at this site and concentrate efforts toward mitigative measures to protect the existing water quality and flow of the stream to eliminate any need for mitigation.

Page 139. We are pleased to note that lighting for the dock will be closely coordinated with the Department of Fisheries.

Thank you for the opportunity to comment.

Sincerely,

Ray C. Johnson for

Gordon Sandison,
Director

mr

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF GAME
600 North Capitol Way, GJ 11 Olympia, WA 98504 206 753 5700

September 14, 1979

Barbara Ritchie, Environmental Review Section
Department of Ecology
Olympia, Washington 98504

RE: Corps of Engineers, Draft Environmental Impact Statement, Weyerhaeuser Export Facility at DuPont

Ms. Ritchie:

Enclosed is our formal response to this document. We thank you for allowing additional time for submittal.

Sincerely,

THE DEPARTMENT OF GAME

Fred H. Maybee, Assistant Program Manager
Environmental Affairs
Habitat Management Division

FM:mjf

cc: Regional Manager
Agencies

Attachment

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF GAME
600 North Capitol Way, GJ 11 Olympia, WA 98504 206 753 5700

September 14, 1979

Maxey B. Carpenter, Jr., Lt. Colonel
Department of Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

RE: Draft Environmental Impact Statement - Weyerhaeuser Export Facility at DuPont

Dear Colonel:

Your document was reviewed by our staff as requested; comments follow.

In general, we feel that more information should be provided regarding secondary impacts. This would include both the proponent's future use and plans for the site, and the secondary impacts of urbanization. Ultimately, land use decisions can result in substantial impacts on fish and wildlife resources. Unfortunately, being an indirect result of another action, these impacts are often overlooked or unforeseen. Crucial habitat is lost as a result.

More specific comments follow:

p. 38 A small spring is mentioned as discharging to Sequalitchew Creek. We agree that this spring and groundwater seepage are important sources of inflow to the stream; however, additional springs along the ravine are also present. These should be discussed. What is the overall volume of water that they contribute to Sequalitchew Creek? Would the proposed three inch weepholes of the access retaining wall (page 125) adequately provide for existing rates and volumes of groundwater discharge? If discharge levels are reduced, resulting low flows in the stream could adversely impact aquatic life.

Discussion of Freshwater Hydrology appears to focus on monitoring studies conducted in 1977. Since this was a year of severe drought, conditions were abnormal. This is an important consideration. For example, does the one spring mentioned (page 38) still contribute less than one cubic foot per second of groundwater? It is important to adequately identify such resources before impacts can be accurately determined.

p. 64 It is stated that benthic invertebrate populations were sampled but sampling may not be representative of normal conditions because of the 1977 drought. Would this also be true for studies of fishes and amphibians in Sequalitchew Creek?

Also, inaccurate reference is made to Figure 22 for sampling station information. Please correct this.

p. 111 In the Comprehensive Land Use Plans section, reference is made to a "Comprehensive Planning Study for Annexation: (completed in 1971). Is this an official Comprehensive Land Use Plan? If so, what provisions does it contain which would directly or indirectly affect fish and wildlife resources?

p. 125 In discussing Sequalitchew Creek hydrology, it is stated that impacts from diversion of stormwater would have negligible effect "during the wet season". This may be true; however, diversion of stormwater during the dry season could have substantial effects by further aggravating low flow conditions. This would impact aquatic life, and could also alter the overall composition of streamside vegetation. Since summer rainfall is likely to be one of the limiting factors, effects of impermeable surfaces during the dry season should also be considered.

It is stated that, "Culverts would be placed under the road to drain existing springs and natural drainage channels." (page 125). Have these springs and drainages been identified?

We note that the creek would be culverted to accommodate the primary access road. Culverts often interfere with streamflow and reduce fish passage. Increases in turbidity, sedimentation, siltation and channel scouring can also occur to the detriment of fishery resources. A bridge could result in fewer impacts. We recommend such mitigation.

p. 126 We are concerned about possible impacts on stream biota and water quality in Sequalitchew Creek from septic leaching. As indicated in Table 2 (page 31), Spanaway and Everett soils are limited by their susceptibility for groundwater contamination. Is the proposed 500 foot setback sufficient protection? As indicated on page 127, the exact pattern of groundwater flow is not known. Leachate could enter the groundwater system and be discharged via springs without receiving adequate percolation.

p. 127 Discussion of monitoring to detect groundwater contamination appears somewhat vague. Would monitoring occur, and what criteria would be used to determine "contamination"? We feel a monitoring program is essential, here, and with other water and air quality issues.

p. 128 In discussing marine water quality, zinc and antifouling paints would be emitted. What chemicals would be contributed by anti-fouling paints? We are concerned because many heavy metals are extremely toxic. Zinc, as an example, can be lethal to salmonids in concentrations as low as 0.01 mg/L.

Regarding a sewage treatment facility on the dock, a more detailed discussion would help. What would be the relation of this facility to Public Law 92-500? Would best available technology be used? How would the diffuser affect species compositions? Would there be increased incidence of disease in fish? Would chlorine be used in secondary treatment, and if so, what provisions would be included for its handling? If acceptable drainfield sites can be located, pumping sewage to the uplands could reduce potential impacts. Pumping of the dock settling basin/holding tank might also be considered as an alternative to discharge into the Sound. A monitoring program should be established for this aspect of the proposal as well.

p. 131 It is stated that, "Careful routing of the access route will mitigate disturbance of habitats next to roads or avoid loss of rapidly decreasing Oak Savannah habitat." However, it appears that both rail and road access to the terminal area would pass directly through about one-half mile of the Oak Savannah habitat. Routing from the southeast would avoid destruction and disturbance of this habitat type which is unique to western Washington both for its size and for its associated gray squirrel population.

Also on this page it is suggested that loss of 169 acres would be mitigated by habitat enhancement elsewhere. Could you be more specific? Possible mitigation programs might be developed to provide public access to portions of the shoreline, fish rearing, eelgrass planting, buffer strips for marshes and wetlands, selective downgrading of zoning and shoreline designations, and habitat improvement at the old DuPont facility.

Mitigation could also be provided if dock access were not located within Sequalitchew Creek canyon. Wildlife species in the canyon are perhaps more diverse than in any other habitat type on-site. Dock access north of the creek and removed from the ravine would be substantially less damaging to habitat and wildlife, and could reduce possible impacts on fishery resources. Several of the site development alternatives (pp. 189-195) could accomplish this.

p. 135 In the section, Intertidal Flora and Fauna, it is stated that, "Assessment of impacts must consider ecological interactions. An adverse impact on any one species or group of species may have severe indirect consequences for other species that depend on the first as an important food source." We strongly agree with this statement and suggest that this basic, but exceedingly important, ecological principle be reflected in other sections dealing with flora and fauna, or discussed at the beginning or end of pages 124 to 137.

p. 137 In reference to baseline studies (Fresh, et al, 1978) it is stated that, "An intensive analysis of feeding behavior of local fish found that stomachs of most species contained no fish or larvae..." We feel that this statement should be qualified. The referenced study (Fresh et al, page 119) states that, "In many instances, most notably in the case of the DuPont Dock assemblages, stomachs were not or could not be obtained even though the species occurred there often or in significant numbers." We contend that conclusions concerning predation cannot be accurately drawn without more extensive data.

Concerning cooling water, it is indicated that, "...the temperature of the cooling water would increase by 20°F, a temperature change fatal to most plankton. Plankton entrained in cooling water intake would be killed, but the impact would be insignificant in comparison to the very large numbers of plankton in the region." This statement concerns us. Since water temperature in the Nisqually already exceeds 13°C at times, discharge of water 20°F warmer than receiving water would seem to aggravate the situation. Aside from plankton kills, other fishery resources could be adversely affected as well, both directly and indirectly such as through disruption of habitat and the overall foodweb of the Delta.

Though the above concerns are of major importance, it is likely that the Department of Game will have additional issues for resolution. These may arise as project design details become available and field investigation occurs for determining issuance of permits (Hydraulics Project Approvals administered jointly by the Department of Game and Fisheries, and U. S. Army, Corps of Engineers, Public Notice).

Thank you for the opportunity to review your document. We hope that you find our comments helpful.

Sincerely,

THE DEPARTMENT OF GAME

Fred H. Maybee

Fred H. Maybee, Assistant Program Manager
Environmental Affairs
Habitat Management Division

FHM:mjf

cc: Regional Manager
Agencies

(39)

September 27, 1979

Memo to: Lt. Colonel Maxey G. Carpenter, Jr.
Department of the Army
Seattle District, Corps of Engineers

(23)

From : Delbert J. McBride, Curator
Washington State Capitol Museum

Re : Archaeological and historic sites at the original Fort Nisqually location

Section 2.19 - There seems to be some material missing after the words "including the..." Z

In general I agree there are a number of esthetically pleasing areas, which are also valuable for showing the encroachment of trees and shrubs on what was open prairie in Hudson's Bay Company days.

Section 2.20 - Written records and interviews with pioneers indicate there were tree or canoe type interment of Native Americans prior to contact with the Catholic missionaries in the 1830s, while burial in graves took place around the Fort after that time, both Indians and in some cases, non-Indian employees continued to be buried there. Because there were wooden rather than stone markers, as early as the 1890s it was very difficult to locate the burials. W

I realize we do not have anything comparable to the Egyptian tombs, or even American Mound builder cultures on the site. Because of the minimal nature of the remains, if encountered during heavy construction activity, they might be very difficult to identify without expert advice being called in immediately. There have been instances in the past, where contractors meeting deadlines have been reluctant to delay their work schedule by having archaeological experts examine material uncovered. I fail to see that we have a firm guarantee this will not happen here.

My personal concern, as well as that of a number of Mounts Family descendants residing at Nisqually or on the Nisqually Indian Reservation, is that the grave sites which may be desecrated are those of our ancestors and relatives, since our family has had very colse ties with the Sequalitchew Creek site during both prehistoric times and historic fur trade days.

Delbert J McBride

(79)

STATE OF WASHINGTON
Dixy Lee Ray
Governor

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION
111 West Twenty First Avenue, Olympia, Washington 98504 206/753-4011

October 15, 1979

(24)

Fred Weinmann
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

In reply refer to:
63-F-COE-S-05

Re: Weyerhaeuser Export Facility
at DuPont

Dear Applicant:

A staff review has been completed of your Draft Environmental Impact Statement. The document exhibits a well considered concern for the cultural environment. We have been pleased with Weyerhaeuser's cooperation and concern for the preservation of the historic and prehistoric resources present in the project area.

We suggest the following minor revisions to correct or clarify parts of the document.

The reference on page 155 to 36 CFR Part 800.10 should be changed to 36 CFR Part 60.6; criteria for eligibility to the National Register of Historic Places have been deleted from the revised Part 800. We also would like to request that better definition be given Table 14 on page 103. The material is titled "Historic Sites Located During Field Survey," but it seems that the list also includes structures -- the Town of DuPont, for example. We also are confused by item four, listed only as "DuPont Company." To what does that refer? Both the Town of DuPont and the munitions manufactury complex are considered to have sufficient qualities to be evaluated for the National Register of Historic Places. While it is understood that there are no direct project impacts contemplated for either property, nor should be taken of their potential Register eligibility. We also suggest that Table 13 be retitled to reflect the nature of the listings, since several historic sites have been subsumed under the prehistoric category. Z

Please accept our sincere appreciation for your commendable efforts to protect our cultural heritage.

Sincerely,

JEANNE M. WELCH, Deputy State
Historic Preservation Officer

Sheila A. Stump, Archaeologist

lre

received 13 Sept 79

STATE OF WASHINGTON

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

General Administration Building, Olympia, Washington 98504 206/753-5630

Dixy Lee Ray
Governor

September 10, 1979

(25)

Mr. Steve Martin
Environmental Resources Section
U. S. Army Corps of Engineers
Seattle District
C-3755
Seattle, Washington 98124

(25)

Dear Mr. Martin:

Attached are copies of testimony and related background material we wish to submit into the record of your hearing scheduled for September 12 on the proposed Dupont-Weyerhaeuser export facility. This work was prepared by economists in our Research Division.

If you have any questions on the materials, please contact Dennis Matson (phone 206-753-3065), a member of our staff.

Sincerely,

Paul Anton
Deputy Director

PA/bd

Attachment

WEYERHAEUSER DUPONT EXPORT FACILITY

TESTIMONY BEFORE THE

ARMY CORPS OF ENGINEERS

SEPTEMBER 12, 1979
BICENTENNIAL PAVILION
TACOMA, WASHINGTON

TESTIMONY ON THE PROPOSED
WEYERHAEUSER DUPONT EXPORT FACILITY

Our agency's direct involvement in the matter stems from a request by the Department of Ecology to review and comment on the existing analysis of the economic impacts of the proposed Weyerhaeuser Export Facility. In particular, we were asked to comment on whether the Weyerhaeuser Export Facility will cause changes in the company's level of production or the mix of their products, particularly the volume of log exports. Further, it was asked whether these possible changes will affect statewide employment and income.

Based on available evidence supplied by the "Dupont Export Facility Socio-Economic Impact Study" (URS Company, 1978) and supplemental analysis completed by our department, we feel that the proposed export facility is not likely to have any significant negative impact on the Washington economy. Log export levels from Washington State are not expected to be affected by the development of the Dupont-Weyerhaeuser Export Facility.

The facility itself is not likely to induce a greater foreign demand for logs, nor will it remove any constraint on the region's ability to export logs. This conclusion is based on the following results from our analysis.

- Log exports are not sensitive to the small price effects that might be related to the Dupont facility. In fact, they do not appear to be sensitive to major price changes.

- Exports of logs would not be affected by the increase in port capacity represented by the Dupont Facility because there already exists more than adequate port capacity for present and future log exports from Washington.

These conclusions, of course, should not be construed to mean that the broader log export question is an unimportant economic issue for the state.

According to the Weyerhaeuser Company, the primary cost savings from this facility would result from more efficient transportation and handling of exported <u>processed</u> forest products. If this facility does result in greater efficiencies, these cost savings should make Weyerhaeuser processed products more competitive on world markets, upon which their reliance is expected to increase in the future. This improved competitive position would result in greater statewide employment and income in this industry than would have occurred had the facility not been constructed.

<u>Conclusion</u>

The state review process with respect to this facility has been completed, and it has been concluded that the project will not have any significant negative [redacted] impacts. We believe that the public interest, with respect to the economic impacts, has been protected by this review process. We therefore urge that the project not be further delayed on the basis of economic considerations.

DAM:53/44-46

A COMMENT ON

THE ECONOMIC IMPACT OF THE PROPOSED DUPONT-WEYERHAEUSER EXPORT FACILITY

PREPARED BY

RICHARD CONWAY
AND
MICHAEL NELSON

WASHINGTON STATE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
RESEARCH DIVISION
101 GENERAL ADMINISTRATION BUILDING
OLYMPIA, WA 98504

DIXY LEE RAY
GOVERNOR

ROBERT C. ANDERSON
DIRECTOR

MALCOLM D. MCPHEE
ASSISTANT DIRECTOR

JUNE 1979

STATE OF WASHINGTON
Dixy Lee Ray
Governor

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
General Administration Building, Olympia, Washington 98504 206/753-5630

June 1, 1979

TO: Don Provost, Assistant Director
Department of Ecology

FROM: Malcolm McPhee, Assistant Director
Research Division

SUBJECT: Statewide Economic Impact of Weyerhauser-DuPont Export Facility

The enclosed analysis is in response to your request for a statewide economic impact review of the Weyerhauser-DuPont project. The project was produced through the collaborative efforts of Mike Nelson and Dick Conway. Please let me know if you have any questions and feel free to contact Mike or Dick directly.

MN:MM:12/24

Enclosure

A COMMENT ON

THE ECONOMIC IMPACT OF THE PROPOSED
DUPONT-WEYERHAEUSER EXPORT FACILITY

Summary and Recommendations

1. The DuPont-Weyerhaeuser Export Facility is not expected to have any significant negative impact on the Washington economy based on available evidence supplied by the socio-economic impact study and analysis completed by the Department of Commerce and Economic Development.

2. Log export levels from Washington State are not expected to be affected by the development of the DuPont-Weyerhaeuser Export Facility. The facility itself will not likely induce a greater foreign demand for logs, nor will it remove any constraint on the region's ability to export logs.

   - Log exports are not sensitive to the small price effects that might be related to the Dupont facility. In fact, they do not appear to be sensitive even to major price changes.

   - Log exports would not be affected by the increase in port capacity represented by the DuPont facility because there already exists more than adequate port capacity for the present and the future to export logs.

3. According to Weyerhaeuser, the primary cost savings from this facility would result from more efficient transportation and handling of exported processed forest products. If this facility does result in a greater efficiencies, these cost savings should make Weyerhaeuser products more competitive on world markets, upon which their reliance is expected to increase in the future. This improved competitive position would result in greater statewide employment and income in this industry than would have occurred had the facility not been constructed.

4. The relatively small magnitudes involved in this analysis suggests that further study would yield no more conclusive results about the long term statewide economic impact of the DuPont facility.

Introduction

Since the socio-economic impact study of the proposed DuPont-Weyerhaeuser export facility (URS Company, 1978)* has been released, questions have been raised concerning how well the study addresses the statewide economic impact of the facility. The primary question is whether the Weyerhaeuser export facility will cause changes in the level of production or the mix of their products, particularly the volume of log exports. Further, it has been asked whether these possible changes will affect statewide employment and income.

This analysis comments on two existing studies as they pertain to these questions. In addition, recommendations are made in the conclusion as to whether additional analysis is warranted concerning the statewide economic impacts of the proposed DuPont export facility.

Two Current Views

The most extensive study to date on the economic impact of the DuPont facility is the URS socio-economic impact statement. The impact assessment by URS assumes that, at least initially, the DuPont facility would have essentially no effect on Weyerhaeuser's level of production or mix of products. The shipment of some of Weyerhaeuser's current exports would only be shifted from existing facilities (primarily Tacoma, Longview and Everett) to the proposed DuPont facility. In particular, the contention is that the operation would neither lower nor raise log exports in any significant amount, raw logs being the primary commodity to be initially handled by the facility. The implication of this finding is that the job and income losses or gains in Washington State with the operation of the DuPont facility would be negligible.

According to URS, future changes in the Weyerhaeuser level of production or mix of products will depend on regional changes in resource supply and external changes in the forest products market. It is important to note that these changes would occur whether or not the DuPont facility were constructed. No further attention is given to the long-term production-mix question by URS. In particular, no consideration is given to how the proposed facility itself (through cost saving) might affect Weyerhaeuser's production-mix.

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* The complete citations referred to herein can be found at the conclusion of the main text.

In a more recent analysis of the log export question in general (see Appendix II), Broadhead (1979) concluded that, considering the likelihood of dwindling timber supplies in the next 25 years, as many as 25,000 jobs would be lost to the Washington economy if log exports remained at their current volume and were unavailable for processing by local mills. The Nisqually Delta Association (1979) has interpreted this finding to mean that "construction of the Weyerhaeuser Export Facility at DuPont is not in the State's economic interest and that this facility is likely to result in a major loss in jobs and output in the state."

Comment

Job losses, if any, associated with the DuPont facility itself would depend upon whether its operation would appreciably affect future log export volumes. If the facility resulted in higher log exports from the state than would otherwise be the case, and this expansion meant reduced amounts of logs for processing by local mills, one could persuasively argue that jobs would be lost in the state.

The DuPont facility would result in greater volumes of log exports only under either of two conditions: (1) The facility led to lower log prices that increased the quantity of logs demanded for export; or (2) The DuPont facility relieved a current or future capacity constraint for handling logs exported from the state.

(i) The effect on the quantity of logs demanded

Weyerhaeuser has indicated that the DuPont facility would reduce their transportation costs for the forest products it exports. In the case of logs, this transportation cost savings has not been estimated, although Weyerhaeuser suggests that it is negligible. Whatever the cost savings, it is likely that some portion of this savings would be passed on to the buyer in the form of lower log prices. Traditional economic theory suggests that this decline in price would tend to stimulate positively the quantity of log exports demanded.

How much log purchases would increase would depend on the price elasticity of logs. The elasticity measures the percentage change in demand in response to a percent change in price. For example, an elasticity of -0.5 means that a one percent decrease in price would raise quantity demanded by one-half of one percent.

An analysis of the past 16 years of log exports from Washington suggests that the price elasticity is close to zero (see the appendix for a brief technical discussion of the demand model and the estimate of the price elasticity). In other words, the purchases of logs for use in Japanese housing, the principal market for Washington logs, appears to be independent of the price of logs. The implication of this finding is that no matter what impact the DuPont facility has on log export prices, the quantity demanded would be essentially unaffected.

Because of statistical estimation problems, the price elasticity measure is not precise. Suppose instead that its value were -2.0 (i.e., relatively price elastic). Further suppose that the cost-savings passed on to the buyer reduced log export prices by 5 percent (a cost-savings well above what Weyerhaeuser expects). Under these apparently extreme assumptions, the quantity of log export demand would increase by only 10 percent.

(ii) The effect on log export handling capacity

Clearly, the DuPont facility would add to the state's log export handling capacity. The facility would therefore lead to relatively larger export volumes in the future if currently existing capacity were insufficient to meet present or future needs.

Evidence on hand indicates that no such capacity constraint is likely to occur. An analysis in 1974 (Reid, Middleton and Associates) concluded that existing public and private facilities are sufficient to handle log exports to the year 2000. Log exports forecast in that study for 1980 were estimated to use 62 percent of capacity of ports in the study area (includes Puget Sound, Pacific Coast and Lower Columbia). These 1980 log volume forecasts are consistent with actual present volumes of log exports.

Given the present excess log handling capacity, it is unlikely that expected future growth in log exports will be constrained by existing port facilities. Log exports to Japan are not expected to grow appreciably and may actually decline during the remainder of the century due to the following events occuring in the Japanese economy (Ueda):

- Declining household formations in Japan.
- Shifts to less wood intensive multifamily housing due to land scarcity.

- Greater supplies of domestic Japanese sawlogs.
- General slowing of the Japanese economy over recent years.
- Increasing ability of domestic mills to cut to Japanese standards; and movement of Japan to American standards.

This assessment agrees with preliminary forecasts of total U.S. log exports recently released by the U.S. Forest Service (Forest Service, Review Draft). This study forecasts that total U.S. log exports will decline slightly by 1990 over existing levels and even more rapidly in the following decade. Historically, 80 percent of U.S. log exports have been exported from the Pacific Northwest.

Conclusion

On the basis of the analysis presented here, it appears that the future level of log exports, and therefore jobs in the wood processing sector, would not be affected by the construction and operation of the DuPont facility. Consequently, the statewide economic impact of the proposed *facility seems to be minimal*, at least as to how the facility would affect the level of log exports. This conclusion of course should not be construed to mean that the broader log export question is an unimportant economic issue for the state.

The transportation cost savings resulting from the new facility should also make Weyerhaeuser's processed wood products more competitive on world markets. This, Weyerhaeuser claims, would be the primary economic advantage of the new facility. That is, the firm maintains that the primary efficiencies from the proposed facility would stem from transportation cost savings on processed forest products exports. Lower costs might lower prices of processed forest products and stimulate the level of demand for them. Other things being equal, this would result in greater levels of employment and income in the processed forest products industries over what would be the case if the facility were not constructed.

As a final note, it is worth mentioning that two related studies on the long-term prospects for the Northwest forests products industry are scheduled to be published in June 1979 (Ueda) and February 1980 (P.N.R.C.). These studies may provide significant insight into changes in the level of production and mix of Northwest forest products in the coming years.

References

Broadhead, J. A., "The Log Export Issue: Two Scenarios of Employment and Output in Washington," mimeographed, Department of Geography, University of Washington, 1979.

Hollie, P. G., "Growing Slow--Like the Trees," Seattle Post-Intelligencer, April 30, 1979, P. A-5, A-6.

Nisqually Delta Association, letter to Wilbur G. Hallauer, Director, Washington Department of Ecology, 10 May 1979.

Pacific Northwest Regional Commission (P.N.R.C.), Forest Policy Project (forthcoming).

Reid, Middleton and Associates, Inc., Port System Study for the Ports of Washington State and Portland, Oregon, Volume II, Technical Supplement/Part 6, March 1975.

Ueda, Michihiko., "Japanese Housing Outlook 1979-2000," U.S. Forest Service (forthcoming).

URS Company, Socioeconomic Impact Study for the Proposed DuPont-Weyerhaeuser Export Facility, San Mateo, California, 1978.

U.S. Forest Service, Production, Prices, Employment, and Trade in Northwest Forest Industries, Third Quarter, 1978.

_____, "Resources Planning Act Assessment," (review draft).

APPENDIX I

TECHNICAL APPENDIX

LOG EXPORT DEMAND MODEL

In order to estimate the determinants of log export demand, a simple model is postulated:

$$Q_t = b_o I_t^{b_1} P_t^{b_2} u_t, \qquad b_1>0,\ b_2<0$$

where

Q_t = demand for log exports by Japan from Washington and Oregon Customs Districts (in millions of board feet in time t)

I_t = Japanese housing investment (in billions of 1970 yen)

P_t = price of logs in yen relative to the Japanese GNP *implicit price deflator*

u_t = error term

The dependent variable is defined only as log export demand by Japan, the primary export market for Pacific Northwest logs. For example, in 1977 log exports to Japan comprised 92 percent of total log exports from Washington and Oregon customs districts.

Since Washington logs are used almost exclusively for the construction of Japanese houses, the basic demand variable is Japanese investment in residential structures. If the assumption of fixed factor inputs is reasonable, ceteris paribus, the investment elasticity, b_1, should be positive and close to unity.

The price variable, which is postulated to capture the substitution away from the use of Washington logs as their relative price rises, is adjusted for the U.S.-yen exchange rate. The sign of the price elasticity, b_2, is expected to be negative. The error term, u_t, is assumed to be a random variable that is normally distributed with a mean of zero and a constant variance.

Using the Ordinary Least Squares method with annual observations from 1963-1978 on the double-log form of the equation yields the following results:

$$\ln Q_t = \underset{(-1.07)}{-0.2576} + \underset{(8.29)}{0.9514}\ln I_t - \underset{(-0.10)}{0.0282}\ln P_t$$

$R^2 = 0.909$, SEE = 0.1515 (2.0%), DW = 1.041

The statistical results appear satisfactory. The notable finding is that the price elasticity is estimated to be zero, implying that the Japanese demand for Washington logs is independent of their price. Nevertheless, the limited number of observations, collinearity between the two independent variables, and evidence of first-order autocorrelation suggests imprecision in the elasticity estimates.

Data Sources

1. Log exports to Japan, average U.S. price of logs exported to Japan

   U.S. Forest Service, Production, Prices, Employment, and Trade in Northwest Forest Industries, Third Quarter 1978.

   Note: Data on fourth quarter 1978 log exports to Japan were unavailable and estimated at 575 million board feet. In addition, the 1978 average price of log exports to Japan was assumed to be $350.00 per thousand board feet.

2. Data on the Japanese economy and U.S.-Japan currency exchange rates were taken from the following sources.

   a. 1963-1975

      Organization for Economic Co-operation and Development (OECD), Main Economic Industries, Historical Statistics 1960-1975, October 1976.

   b. 1976-1977

      OCED, Main Economic Indicators, February 1979.

   c. 1978

      Economic Research Department, The Bank of Japan, "Monthly Economic Review," January 1979.

APPENDIX II

Comments on

"The Log Export Issue: Two Scenarios of Employment and Output in Washington"

By Jeffrey A. Broadhead

Based on an assumption of declining timber harvests over the next 25 years, Broadhead analyzes the economic impacts of two scenarios for the Washington forest products industries: (1) Log exports will remain at their current level during the next two and one-half decades; and (2) log exports will decrease by the amount of the reduction of future timber supplies. In the first case, using the state input-output model, Broadhead estimates that the reduced availability of timber to Washington wood processors would lead directly and indirectly to a loss of 42,500 jobs in the economy. In the second scenario, in which timber supplies to processors would remain constant, the job losses would amount to only 17,450 jobs. The implication of this analysis is that if log exports were restricted according to the second case, 25,050 state jobs could be saved.

Broadhead's paper is a good contribution to the study of a very important regional economic issue. Nevertheless, before his findings and conclusions are accepted as valid, particularly with respect to the DuPont facility siting decision, at least four questions should be addressed:

1. Is either of the two postulated scenarios realistic?

   According to Broadhead, the first scenario appears to be the most likely one, assuming that the log export market were allowed to operate without restrictions. This view is in turn based on two other assumptions: (1) Timber harvests will decline by 25 percent in the next 35 years; and (2) the market demand for log exports will remain relatively constant during this period.

   The U.S. Forest Service forecast (Gedney) which was used in Broadhead's analysis is only one of several available forecasts on Washington timber supply for the remainder of the century. There appears to be considerable difference of opinion among these forecasts about future timber supplies. For example, while the Gedney study forecasts a 26 percent decline in the supply of timber from all owners by the year 2000, the

Department of Natural Resources (DNR - Phase I Report) projects the conifer harvest to increase moderately over the same period given current management techniques.

More serious doubts are currently being expressed about expected log exports. The commonly held contention is that log exports will remain constant in the foreseeable future. Even the Department of Commerce and Economic Development (Conway, 1978) has only recently made a projection of little growth through 1985. However, a study conducted by U.S. Forest Service (Forest Service, Review Draft) forecasts total U.S. log exports to decline slightly by 1990 and even more rapidly in the following decades. This decline in log exports could be even more rapid if the Japanese are successful in increasing the available supply of local timber.

2. If the two log export scenarios were realistic alternatives, are the job loss estimates reasonable?

   In estimating the job impact using the state input-output model, Broadhead makes four explicit and implicit assumptions about future economic activity in the forest sector and *related industries: (1) Apart from the sale of logs, no* change in the mix of wood products delivered to final demand; (2) no advances in wood technology; (3) constant labor productivity; and (4) no change in the state's interindustry structure.

   Clearly, each assumption will be violated, at least to a degree. How these violations would affect the number of regional jobs supported by future timber supplies is not clear, but consider the following possibilities. Shifts in mix over time toward wood products with a greater degree of fabrication would tend to mean more jobs supported by a given supply of timber. Developments in wood technology leading to more efficient use of timber would have a similar effect on jobs. On the other hand, gains in labor productivity would *mean fewer workers per unit of output.*

   To suggest quantitatively how these factors could alter the Broadhead findings, consider further the effect of labor productivity. Under an assumption of constant productivity at the 1972 rate, the regional output generated in the first and second scenarios by the year 2000 would require 42,500 and 17,450 job losses, respectively. Suppose instead that labor productivity (defined here as real output per worker) were to increase at an annual rate of two percent, which is a reasonable assumption based on historical evidence. This would mean that by the year 2000, approximately 50 percent fewer

workers would be needed to produce a given volume of output. Applying this reduction in labor requirements to the two scenarios would give job loss projections of 90,290 and 77,770 respectively, which are estimates much greater than the Broadhead calculations. However, the difference between these two figures, representing the potential job saving through log export restrictions, would only be 12,520 job losses, an estimate which is only one-half the size of Broadhead's.

3. Should the export of logs be restricted?

Stated in more general terms, Broadhead's central finding is that if logs were fabricated rather than exported there would be a significantly greater number of jobs in the economy supported by the forest sector. On the basis of this consideration alone, one would be tempted to opt for log export restrictions.

Of course, this is not the only factor that policymakers should take into account. Other questions relevant to the log export issue include the following:

If exports were restricted, would the additional supply of logs to local mills in fact be fabricated? What would be the effect of lost profits to exporting firms, such as Weyerhaeuser, on their ability to finance capital expansions for non-exporting operations? What would be the impact on the national balance of trade? In particular, would the loss of foreign revenues make it more difficult for domestic households and industries to purchase needed materials from abroad, such as oil?

4. Is the broader log export issue relevant to the DuPont facility siting decision?

Some readers (e.g., the Nisqually Delta Association) have received the following message from the Broadhead study:

Since log exports mean lost jobs to the state economy, operation of the DuPont facility to ship logs overseas would not be in the state's interest.

This interpretation of the analysis presumes that the construction of the DuPont facility would lead to greater log export volumes and less timber available for processing than otherwise would be the case. As argued in the main body of this report, this presumption appears to be incorrect.

(9)

CITY of DUPONT

P.O. Box 150
DUPONT, WASHINGTON 98327

Telephone (206) 964-8121

JOHN G. IAFRATI
MAYOR
CITY COUNCIL
JESSE C SHAVER
LORRAINE H OVERMYER
DEVON C SCHILLING
KENNETH C KARNES
JOHN E WILLIAMS

MRS POLA A ANDRE
CLERK-TREASURER

MARK B JACKSON
ADMINISTRATIVE ASSISTANT

August 20, 1979

(26)

Lt. Colonel Maxey B. Carpenter, Jr.
Acting District Engineer - Corps of Engineers
Department of the Army
Seattle District Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Colonel Carpenter:

This office has completed review of the Draft Environmental Impact Statement, "Weyerhaeuser Export Facility at DuPont".

The document is found to be reflective of the State EIS, which was adopted by the City of DuPont and deemed adequate by the State Department of Ecology. Thus, the City finds the Corps EIS to be comprehensive in addressing all environmental concerns associated with the Weyerhaeuser proposal.

Finally, the City is engaged in Weyerhaeuser related administrative decisions. The Corps document will be of assistance as DuPont continues to process the Weyerhaeuser Export Facility proposal.

Sincerely,

CITY OF DUPONT

JOHN G. IAFRATI
Mayor

JGI/paa

(80)

CITY of DUPONT

P.O. Box 150
DUPONT, WASHINGTON 98327

Telephone (206) 964-8121

JOHN G. IAFRATI
MAYOR
CITY COUNCIL
JESSE C SHAVER
LORRAINE H OVERMYER
DEVON C SCHILLING
KENNETH C KARNES
JOHN E WILLIAMS

MRS POLA A ANDRE
CLERK-TREASURER

MARK B JACKSON
ADMINISTRATIVE ASSISTANT

October 16, 1979

(27)

Colonel Leon K. Moraski
District Engineer
U.S. Army Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, Washington 98124

Dear Colonel Moraski:

In January of 1977, the City of DuPont began preparation of an Environmental Impact Statement (EIS) upon the Weyerhaeuser Export Facility proposal. This phase of EIS preparation included pre-draft consultation with federal agencies in the design of environmental baseline studies.

During the spring and summer of 1978, Federal agencies were again consulted in review of the interim results of these studies. The purpose of this extensive pre-draft consultation was to insure that both Federal and State agency informational needs were adequately addressed in the city's Draft EIS (DEIS).

The agencies' assistance in attaining this goal proved invaluable. The DEIS was issued and commented upon by all concerned parties, including Federal agencies. These comments and responses thereto are included in the Final Environmental Impact Statment - Weyerhaeuser Export Facility at DuPont, (FEIS).

Subsequent to issuance of the FEIS, the State Department of Ecology (DOE) determined that document to be adequate for purposes of state and local permit actions requiring State Environmental Policy Act (SEPA) compliance. That determination was recently reaffirmed by the Environmental Protection Agency, Region X, director in his letter to the Corps dated October 3, 1979.

As the foregoing illustrates, substantial amounts of Federal, State and Local agency resources have been devoted to environmental analysis of the Weyerhaeuser Export Facility proposal over the last 34 months. As a result, the City of DuPont finds that the public interest cannot be served by prolonged and redundant Federal EIS preparation. The city is confident, therefore, that the Corps' Final EIS upon the Weyerhaeuser Export Facility will be prepared and issued in an expedient manner.

Your consideration of these matters is appreciated.

Sincerely,

JOHN G. IAFRATI
Mayor

JGI/paa
CC: Mr. Don Provost, DOE
Mr. William A. Johnson, DNR
Mr. Richard H. Lucas, Weyerhaeuser Company

(20)

410 West Harrison Street, P.O. Box 9863 (206) 344-7330
Seattle, Washington 98109

September 21, 1979

(28)

Lt. Col. Maxey B. Carpenter, Jr.
Dept. of the Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Dear Colonel Carpenter:

Weyerhaeuser Export Facility at DuPont

Z

The following comments are submitted in response to the Draft Environmental Impact Statement for the Weyerhaeuser Export Facility at DuPont.

On page 37, the last sentence of Section 2.3.1 states, "It is not yet known in which class DuPont will be placed." DuPont's class is Class II pursuant to Section 162(b) of the federal Clean Air Act Amendments of 1977.

On page 224, the last two references on the bottom of the page should read "Puget Sound Air Pollution Control Agency" rather than "Puget Sound Air Pollution Control Association."

On page D-4, Table D-3 should be changed so that the heading "Sulfer Oxides" reads "Sulfur dioxide." The standard for photochemical oxidants for Puget Sound region should be changed from "same as National" to "160 $\mu g/m^3$."

Thank you for the opportunity to comment.

Very truly yours,

A. R. Dammkoehler
Air Pollution Control Officer

tp

SERVING
KING COUNTY
410 West Harrison St
P O Box 9863
Seattle, 98109
(206) 344-7330
KITSAP COUNTY
Port Operations Dept
Port Orchard Branch 98366
Bainbridge Island, 98110
(Port) 344-7330
PIERCE COUNTY
3049 Main Building
Tacoma, 98402
(206) 383-9884
SNOHOMISH COUNTY
(206) 259-0888

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(65)

PT DLT

PSCOG

Grand Central on the Park • 216 First Avenue South • Seattle, Wash. 98104 • 206/464-7090
Puget Sound Council of Governments

October 3, 1979

(29)

Department of the Army
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

RE: Weyerhauser Export Facility EIS

Gentlemen:

The Pierce Subregional Council of the Puget Sound Council of Governments has reviewed the Draft Environmental Impact Statement of the Weyerhauser Export Facility at Dupont. The document appears to be substantively identical to the SEPA document which was finalized in February of this year. The Council reviewed that earlier document and transmitted comments to the City of Dupont. So that you may have a record of that response we are attaching them hereto.

We would be glad to answer any questions you may have concerning this response and/or the involvement of the Council in the SEPA review process.

Sincerely,

Francesca Shultz
Subregional Coordinator

FS/sn

Enclosure

PSCOG Grand Central on the Park • 216 First Avenue South • Seattle, Wash. 98104 • 206/464-7090
Puget Sound Council of Governments

September 22, 1978

John Iafrati, Mayor
City of DuPont
P. O. Box 159
DuPont, Washington 98327

RE: Environmental Review of Weyerhaeuser Export Facility

Dear Mayor Iafrati:

The Pierce Subregional Council has reviewed the DRAFT EIS for Weyerhaeuser's proposed export facility. Our staff has worked closely with the City on this review and document for the past eighteen months and have offered suggestions to the City and its consultants from time to time during that period. We appreciate the City's efforts to involve affected jurisdictions and communities prior to engaging in the official DEIS review stage. However, we feel that several fundamental concerns remain to be addressed in the DEIS and permit process. We hope that our attached comments will assist the City of DuPont in reaching a fair, well-informed decision; we recognize that the increasing complexity of environmental laws and regulations creates possible problem areas that require the utmost precision in our permit-granting processes.

If we can assist you in any other way, please contact me at 922-6633 or the staff at 464-6383.

Sincerely yours,

/s/

Joe A. Vraves, Chairman
Mayor, City of Fife

PSCOG Grand Central on the Park • 216 First Avenue South • Seattle, Wash. 98104 • 206/464-7090
Puget Sound Council of Governments

ACTION ITEM

September 22, 1978

TO: Pierce Subregional Council

FROM: Francesca Shultz, Pierce SRC Coordinator

SUBJECT: DEIS on Proposed Weyerhaeuser Facility in DuPont

As you know, subregional staff have been participating informally with City of DuPont staff and consultants in the preparation of the City's DEIS on the proposed Weyerhaeuser facility. The DEIS is now out for review, and we feel that there are concerns that can best be expressed in a letter of comment signed by the chairman. These issues are briefly summarized below:

1. The City lacks a comprehensive plan and implementing ordinances. At the least, a schedule to complete and adopt these should be in place prior to any commitments or permits for the proposed facility.

2. The DEIS does not address the "welfare" of surrounding jurisdictions (which, in this case would include most of the jurisdictions in the central Puget Sound region, given the magnitude of the proposal), raising questions with regard to the mandates of the recent SAVE v. Bothell decision (WSC #44505).

3. The DEIS indicates that the proposal is an historical continuation of industrial uses and zoning of the site. This statement is misleading, since the activities of the DuPont company were carried out under guidelines and regulations that restricted actual use of the site to less than 10%; the remainder was in open space or buffer (safety) use. Unless Weyerhaeuser expects to place no more than 10% of the property in actual use, the reference should be deleted or amended.

4. The DEIS describes expected fiscal benefits for the City. We urge that this analysis be approached with caution, as a growing body of research indicates that the costs of such development may equal or exceed the increased revenues.

We have prepared a draft letter that more fully expresses these concerns. It is my recommendation that you review it, make any modifications you feel are necessary, and authorize the chairman to sign and foward the letter.

Comments on the Draft Environmental Impact Statement:

Weyerhaeuser Export Facility at DuPont

1. Future land use types and intensitites should be determined for the entire City of DuPont prior to the granting of development permits. It is of concern that future plans for the whole site have not been clearly identified by Weyerhaeuser in the DEIS for the "first phase". While such determinations have been considered to be beyond the scope of the DEIS, it must be noted that the city's future is the legal responsibility of its citizens and elected officials; their desires, executed in their plans, determine the future of the City. It is DuPont's planning process, not Weyerhaeuser's, that is relevant. E

   Ideally, a comprehensive plan and its implementing ordinances would be established prior to any major land use commitments within the city. At the least, these should be adopted before any further permits or commitments beyond the "First Phase" facility are granted. A schedule should be adopted before action on the Final EIS is completed.

2. Any decision that DuPont makes on this facility (as well as potential expansion of it) will likely affect much of the Central Puget Sound Region and the jurisdictions therein. A recent Washington Supreme Court decision clarified the necessity to consider the welfare of the "entire affected community" in local decisions. This consideration cannot be limited to notification and comment; the decision itself must "serve the welfare" of that community "whether inside or outside of its jurisdictional boundaries". "Areas which would experience pressure to alter the land uses contemplated by their comprehensive plans would be part of the affected community". (See SAVE vs. Bothell, No. 44505, March, 1978).

   This DEIS review process is only one input to the City of DuPont's decision regarding the proposed facility (and any subsequent additions to it). It is recommended that great care be exercised in this process in order to be sure that the welfare of affected communities outside of DuPont's boundaries is "served". This task would be facilitated by a more clear definition of DuPont's future shape through a comprehensive land use plan and program. In the absence of such a plan, "affected communities" may feel that their interests have not been adequately incorporated.

3. An implication is made in the DEIS that the current development and its subsequent expansion is merely an historical continuation of industrial uses and zoning. This implication is misleading and should be deleted or amended. With many unique land uses in remote areas of a county, the zoning designation applied is that which most nearly fits the unique use. The intent is to permit that unique use to exist, not to allow development to the maximum potential of the zoning classification. The explosives activity that existed prior to the Weyerhaeuser purchase operated under regulations and guidelines that resulted in less than 10% of the site being actually used; over 90% of the site remained in open space or buffer (for safety). Since the proposed uses have changed and those restrictions no longer apply, the reference to historic permitted uses is inaccurate unless the intent of DuPont and Weyerhaeuser is to continue a similar industrial density (i.e. less than 10% of the land in active uses). There is very little commonality between what was on the site and what is potential under an unrestricted zoning classification.

   We recommend that this reference be deleted or clearly qualified.

   In a more general context, we also suggest that all references that appear to be included to justify the approval of the project be deleted or modified. Justification is a Weyerhaeuser role and will be argued separately from the DEIS in the decision making process. The DEIS should be as factual and informational as possible.

4. Reference is made in the DEIS to fiscal benefits to the City. While the information presented may be a relatively accurate assessment, the discussion is far too narrow to be conclusive. A recent study evaluated the long-term impact of more than 700 manufacturing plants in 245 communities within 34 states between 1945 and 1973. It was found that many of the plants brought unanticipated constraints on added revenue and that the costs to towns had beengrossly underestimated. The three major constraints on added revenue were payroll leakage, small multiplier effects, and the inability of local governments to convert growth in the private sector into public revenue. Residents generally resisted converting the added tax base into revenue. In many cases, new industry tended to ~~exacerbate~~ the very conditions it was supposed to relieve. (See Industrial Invasion of Nonmetropolitan America. U

Sommers, Evans, Clemente, Beck and Minkoff, Office of Economic Research, Economic Development Administration, New York, 1976).

While we are not prepared to argue the fiscal benefits to the city, either short-term or long-term, we must caution against "automatic" assumptions that the city will definitely prosper. These fiscal impacts are extremely complex and variable. The DEIS should therefore present its data in a factual, non-conclusive format and offer a more balanced assessment of potential fiscal constraints as well as potential benefits.

Studies done in many communities across the country, including Santa Barbara and Pike's Peak, suggest that any growth in a community will cost the community more in combined social and economic terms. While these studies are inconclusive, the message to be conveyed is one of doubt and caution about fiscal and social benefits. The City's DEIS review should attempt to bring these doubts and cautions to light so that their decision can be based on the broadest information sources.

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Memo to: Lt. Colone
Department
Seattle Di

From : Delbert J.
Washington

Re : Archaeolog
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CITY OF TACOMA
Office of the Mayor

MIKE PARKER
Mayor

September 21, 1979

(30)

Maxey B. Carpenter, Jr.
Lt. Colonel, Corps of Engineers
Acting District Engineer
Department of the Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Dear Sir:

The City of Tacoma has reviewed the Draft Environmental Impact Statement for the Weyerhaeuser Export Facility at DuPont. As you know, the City of Tacoma has no jurisdiction in this matter; however, we are interested in the outcome of the project as we will be indirectly affected.

The proposal brings up a number of issues. The Nisqually Basin is a shoreline area of statewide significance and probably is the last estuary in Western Washington which has not been encroached upon by development. It is a valuable natural resource for marine life, water fowl, and aesthetic quality. The project will, of course, have a great economic influence on the area. However, the impacts upon the environment will have to be balanced against the economic impacts of the project.

Thank you for the opportunity to review this information.

Sincerely,

MIKE PARKER
Mayor

MP:KM:jp

U

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(23)

2211 NE 50th, #14
Seattle, Washington 98105

September 24, 1979

(31)

Attention: Mr. Fred Weinmann
Department of the Army
Seattle District, Corps of Engineers
P.O.Box C-3755
Seattle, Washington 98124

Subject: Public comment on the draft environmental impact statement, entitled "Weyerhaeuser Export Facility at Dupont, Washington"

Dear Sir:

The Washington Kayak Club opposes any change in The Shorelines Management Act of 1971 of the designation of "Shorelines of State-wide Significance" for the Nisqually Delta, from DeWolf Bight, west of the Delta, along the Weyerhaeuser shoreline to Tatsolo Point, north of the Dupont boundary(DEIS ,pg.106).

The Conservancy designation for the Weyerhaeuser shoreline in The Shoreline Master Program of the City of Dupont must not be changed to Urban designation (DEIS , pg.111)

The Washington Kayak Club questions the need for the MAJOR, new, RAPID-EXPORT,WASHINGTON WOOD PRODUCTS port,and questions its' proposed location beside the NATIONAL Nisqually Delta Wildlife Refuge, on which over two million dollars of public funds have been committed for acquistion of Delta lands.

With concern,

The Washington Kayak Club

STATE OF
WASHINGTON
Dixy Lee Ray
Governor

Mr. Steve Hart
Environmental
U. S. Army Cor
Seattle Distri
C-3755
Seattle, Washi

Dear Mr. Marti

Attached are c
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Attachment

NISQUALLY DELTA ASSOCIATION

1821 WATER STREET, OLYMPIA, WASHINGTON 98501

September 26, 1979

(32)

Colonel Leon K. Moraski
District Engineer
U.S. Army Engineer District, Seattle
P.O. Box C-3755
Seattle, Washington 98124

Reference: 071-OYB-1-005087
Weyerhaeuser Company

Dear Colonel Moraski:

The Nisqually Delta Association and the Washington Environmental Council are pleased to submit their comments on the draft Environmental Impact Statement prepared for the proposed log export facility at DuPont.

The Nisqually Delta Association is a citizen organization that has a long-standing interest in preservation of the Delta and protection of the environment in southern Puget Sound. The Washington Environmental Council is composed of more than 80 organizations and 1,000 individual members with special interests in protecting the environment. Both organizations have long expressed their opposition to the Weyerhaeuser proposal.

The port, if built, would be located on lands adjacent to the Nisqually Delta Wildlife Refuge. More than $2 million in public funds have been spent on the wildlife refuge, an investment which the federal government made to preserve one of the last unspoiled estuaries on the West Coast.

The draft Environmental Impact Statement prepared by the URS Company for the Corps of Engineers is similar to that prepared under the State Environmental Policy Act (SEPA) for the City of DuPont, also by the URS Company. Accordingly, there is similarity between the comments we made on the SEPA document, and those we are submitting today. However, our comments have been updated to reflect revisions.

A number of deficiencies in the original documents have not been remedied in the EIS prepared for the Army Corps. The attached comments outline the principle problems in detail:

- State and federal policies oppose proliferation of ports. Before a permit for construction of a private port along an undeveloped stretch of shoreline is granted, the applicant should be required to make a strong showing of the necessity for such a facility. Weyerhaeuser has not met this burden. **A**

- The possibility of expanding existing Weyerhaeuser facilities was not discussed, although this alternative method of expansion would be less detrimental environmentally. **C**

- The proposed port will apparently displace operations at existing Weyerhaeuser docks. Impacts on jobs, other than longshoring jobs, at Tacoma, Everett and Longview should be more fully discussed. **U**

- The discussion of negative impacts on other commercial and recreational uses of southern Puget Sound is inadequate. Attention needs to be focused on possible detriments to commercial and sports fishing, and on related economic impacts. **U**

- Facilitation of log exporting procedures may have a devastating effect on Northwest timber resources. It should not be encouraged unless it can be shown to be in the public interest. Granting of necessary government permits to facilitate this scheme encourages the export of logs and undermines efforts by the federal government to limit log exports. **A**

- A Cost-benefit analysis should be done to determine whether this facility will be in the long-term interest of the state. **U**

- Weyerhaeuser's future plans for the remaining 2950 acres it owns should be discussed. Before the scope of the EIS was limited to the port, the company made public statements concerning its future plans for pulp and/or sawmills on the site. It now maintains that such plans are not specific enough to be disclosed. Although final plans for future development may not exist, impacts for each possible type of development should be disclosed and analyzed. **B**

- The proposed port would be constructed on a shoreline of statewide significance; that classification under the state Shoreline Management Act, is reserved for portions of the shoreline which are intended to be preserved in their natural character, and for which recreational uses are preferred. **E**

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WEYERHAEUSER EXPORT FACILITY AT DUPONT. VOLUME III. APPENDICES --ETC(U)
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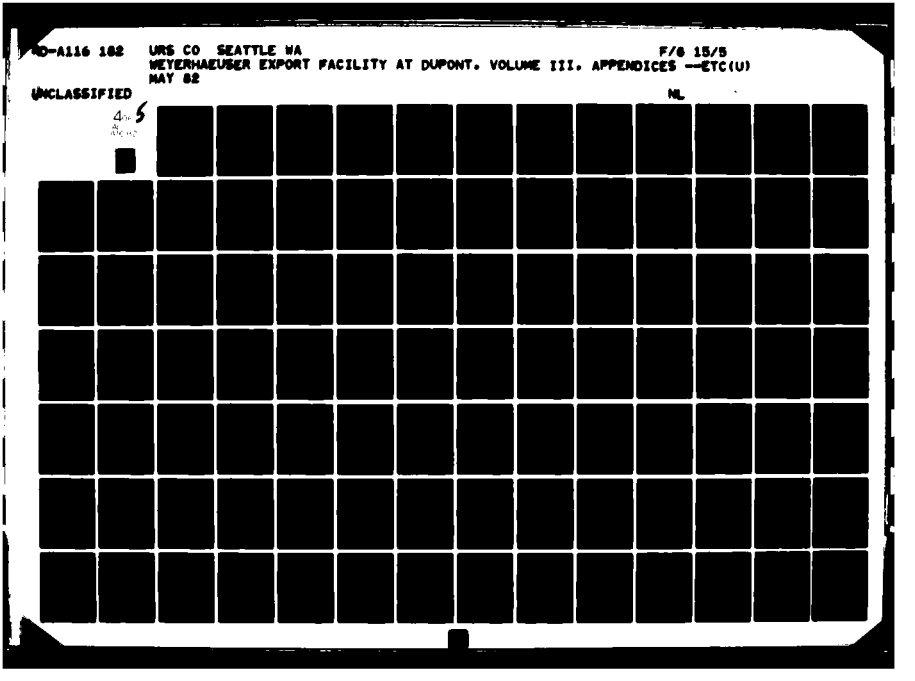

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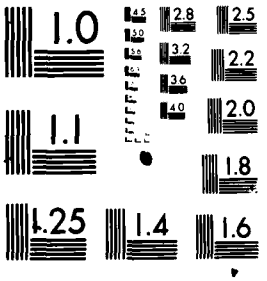

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- The EIS should have examined adverse impacts on a broader area. Anderson Island, for instance, will perhaps be the most significantly affected area, particularly by increased noise, glare and pollution, but the EIS almost ignores impacts on areas other than the DuPont site and the Nisqually Delta. P

- Historically significant sites will be threatened by this project. They include remains of a 10,000 year old Indian village and locations of the earliest English and American settlements on Puget Sound. W

- Class AA water quality in the Nisqually Reach will be difficult to maintain with the chronic introduction of pollutants into the waters of the South Sound. H

- Conclusions in the EIS that the proposed port will have no adverse effects on fisheries were based upon incomplete baseline studies and incorrect reading of other studies. Those conclusions have been disputed by reputable fisheries biologists. L O

Even though the draft EIS is deficient in many ways, the disclosures it does make compel the conclusion that a Section 10 River and Harbor permit should not be issued. Department of the Army regulations state that "no permit will be granted unless its issuahce is found to be in the public interest." 33 CFR 320.4. We have carefully examined the factors set forth in that regulation and it appears that issuance of the permit for which Weyerhaeuser is applying would not be in the public interest. We urge the Corps to reject Weyerhaeuser's application.

Sincerely,

Flo Brodie

Flo Brodie

FB:ae

COMMENTS AND ANALYSIS OF
NISQUALLY DELTA ASSOCIATION
AND
WASHINGTON ENVIRONMENTAL COUNCIL
CONCENRING THE PROPOSED
WEYERHAEUSER EXPORT FACILITY AT DUPONT

September 26, 1979

Submitted to:

District Engineer
Corps of Engineers
U.S. Army
P.O. Box C-3755
Seattle, Washington 98124

For Further Information Contact:
Henry E. Lippek
Theodore Paul Hunter
Ann Eschenbach
612 Pioneer Bldg.
600 First Avenue
Seattle, Washington 98104

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PART I

REVIEW COMMENTS OF THE NISQUALLY DELTA ASSOCIATION
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
WEYERHAEUSER EXPORT FACILITY AT DUPONT

September 25, 1979

I. THE SCOPE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT IS DEFECIENT.

A. Discussion of Many Public Policy Questions is Inadequate.

Weyerhaeuser proposes to develop a private port facility that requires the exclusive use of state-owned bedlands. The draft environmental impact statement (DEIS) fails to discuss many of the public policy questions which arise from the nature of the proposal. Economic and environmental tradeoffs involved are not adequately discussed. The proposed facility must be shown to be in accord with state and national interests.

1. There is no discussion of the numerous problems inherent in placing an industrial site and export facility in the immediate vicinity of a wildlife refuge. Numerous statutes have recognized the necessity of comprehensive and coordinated planning to provide for the implementation of rational land use policies.[1] These policies reflect among other things, a public desire to place compatible uses adjacent to eath other. E

2. There is inadequate discussion of the possible effect of the proposed facility on commercial and recreational activities in Puget Sound. Tourist and recreational industries contribute substantially to the economic vitality of the region and the potential for growth in this industry is significant because of the tremendous population increase in the southern Puget Sound region. Dollar figures on the economic value of sports fishing and recreational boating in the area should be included in the Final EIS. Commercial fishing, as well as the expanding goeduck and shellfish industries, may be adversely impacted. Future development of south Puget Sound for aquaculture may be foreclosed. U

3. The State's current port policy discourages the proliferation of port areas and encourages the use of public over private ports.[2] The DEIS fails to address the incompatibility of the proposed project with this policy. The discussion of the need for a private port facility is wholly inadequate and D

totally conclusory. The DEIS does not provide sufficient data and economic analysis to allow the Corps of Engineers, interested public agencies or members of the public to independently assess the need for, and the desirability of, a new private port in Puget Sound.

Questions such as the following should be addressed: Specifically how large would the economic benefits derived from centralized operations at DuPont be? How do these benefits compare with those generated by present decentralized operations? How would they compare with centralized operations at other alternative proposed sites? What evidence, if any, is there that the economic advantages to the public from the proposed project will be sufficient to warrant the environmental risks and degradations which would result from the proposed project? A U

4. The DEIS does not address national and state interests in terms of short and long term benefits and costs. U

a. The decrease in Weyerhaeuser jobs at other sites and additional indirect local effects are not fully disclosed. Impacts on longshoremen's jobs are discussed, but there is no discussion of possible job losses in other types of jobs.

b. There is no discussion concerning the loss of domestic job opportunities with other timber processing concerns due to continued and increasing exports of unfinished timber products.

c. The DEIS does not discuss the probable economic consequences of the log export facility. Such a program implies the long-range liquidation of the Northwest's old growth timber inventory and milling operations, a loss of 25,000 -55,000 jobs in the Northwest by the year 2000 and disruption of scores of small Northwest communities for the purpose of supplying Japanese lumber requirements.

d. Benefit-cost analysis from a public perspective other than that of the city of DuPont should be conducted according to The Principles and Standards of the U.S. Water Resources Council, (1973). This analysis is necessary to determine gains or

losses in economic terms from specific land and water resources investments. This analysis should be conducted with and without a limitation on subsequent development, to allow the public to evaluate the economic pressure which would be generated for further site development. Economic impacts on the entire region must be considered.

5. There is no discussion in the DEIS regarding the ability of Northwest forests to sustain exports on the scale envisaged by Weyerhaeuser. The following questions need to be addressed: A

a. How many tons of forest products are now exported by Weyerhaeuser from each of the Northwest ports it now uses and will this be affected by the proposed facility?

b. Where will the timber and wood products to be exported originate, and how much of Weyerhaeuser's future timber needs for its facilities in the State of Washington are assumed to come from national forests? Specifically, if logs are to be exported from DuPont from Weyerhaeuser's own forests, does the company purchase National Forest Service logs for processing at its domestic manufacturing sites, thereby getting around the federally imposed ban on timber exports from National Forests by companies exporting more than the specified percentage.

B. Alternatives are not adequately considered in the DEIS. C

The information provided in the DEIS concerning alternatives is insufficient to provide a basis for an independent evaluation of the need for the proposed facility to locate at the DuPont site. The statement by Weyerhaeuser that DuPont is the most acceptable site is by itself inadequate. Likewise, statements by officials of the Port of Tacoma that its facilities are not well suited to Weyerhaeuser's project are unsatisfactory and in conflict with statements of ample room contained in the Port's advertising brochures.

1. Alternatives related to presently operating Weyerhaeuser facilities (e.g. Longview, Everett) were not adequately discussed. The possibility of more efficient use of Weyerhaeuser's private facilites is not included. For example, changes in the schedules and routes of Weyerhaeuser ships might lessen the

need for numerous port calls. Also additional storage and marshalling areas within Weyerhaeuser ports could also increase efficiency. Additional lands might be obtained in areas adjacent to Weyerhaeuser port facilities.

2. The alternatives of expanding, or of more efficient use of, public port facilities should be subjected to more detailed discussion and analysis. State harbor polcicy currently requires public port facilities to be utilized to capacity prior to allowing development of new port facilities.[4] Also, other public port tenants not using port facilities for higher priority water-related uses must be relocated to make room for export facilities. The possibility of Weyerhaeuser obtaining adequate space within public harbor areas through implementation of these polcies cannot be dismissed.

C. Information Concerning Total Site Development is not Disclosed. B

1. The proposed facility would encompass about 250 acres of the 3200 acre DuPont site. The DEIS does not adequately disclose the future use of the remainder of the site, or the environmental impacts of such use. The DEIS essentially states that the nature of such future use is uncertain and therefore no environmental impact study is now necessary[5]. However, Weyerhauser concedes the likelihood of extensive future industrial development[6] and plans for the export facility were drawn so that maximum flexibility for future development could be maintained[7]. One reason for choosing the DuPont site was its potential capability for manufacturing operations.[8]

From the beginning, Weyerhaeuser has referred to subsequent phases of development involving expansion of light manufacturing activities and pulp and paper facilities.[9] The environmental impact of these facilities should be evaluated in detail. Other industries would be attracted. The potential for heavy industrial use of the area (including all potential uses which could be allowed in the industrial zone category of the City of DuPont) and the possible effects of such use, should be evaluated on a generic basis.

2. Statements that any future development will require complete, independent review by governmental agencies are misleading because no shoreline or section 10 permits would be required if a manufacturing facility were built on the DuPont site.[10]

3. The environmental impacts of existing comparable public port facilites should be assessed and used as an indication of the possible impacts to be expected from the development of the DuPont facility.

D. Regional Growth Inducement is not Adequately Considered. B

Although the DEIS acknowledges growth-inducing factors will be presented by the facility, it fails to adequately address the growth inducement that will result from the construction and operation of the proposed port.[11] If Weyerhaeuser is permitted to construct this port, it will create irresistible pressures for subsequent development. The appearance of one port facility and industrial complex in southern Puget Sound inevitably sets a precedent for the approval of similar activities in the area.

E. Cumulative Effects are not Adequately Discussed. B

In order to fully evaluate the desirability of the port, it is necessary to consider the cumulative effects of the use of the facility itself, and in conjunction with the impacts and effects of other activities in the area. The Weyerhaeuser facility cannot be properly considered in isolation.

1. The combined impact of the Weyerhaeuser proposal and the Burlington Northern proposal for an industrial and port development to the south of the Nisqually Delta could be devastating to the refuge area. The combined impact of the two development plans should be assessed in the EIS.

2. The possibility of synergistic and cumulative effects of the various environmental degradations imposed by this project, and other projects in the vicinity is not discussed. The total environmental degradation may be greater than the separate categories of air, water and noise impacts would indicate. The long-term buildup of toxins and pollutants is not seriously addressed. These effects must be considered in the final EIS.

II. THE DEIS FAILS TO ADEQUATELY CONSIDER THE RELATIONSHIP OF THE PROPOSAL TO EXISTING LAND USE POLICIES. E

The necessity for a planned and integrated approach to land use development has long been recognized. A project of the magnitude and impact of the Weyerhaeuser proposal cannot be adequately assessed as to its compatibility with existing land uses without a complete inquiry into the land use policies for the affected area. There are several deficiencies in the DEIS which would affect decision-making regarding the compatibility of the proposal with land use policies for the area.

A. Characterization of the Present Use of the Site as Industrial is Inaccurate.

Only a small portion of the site was developed by the DuPont Company for its manufacturing activities. This non-conforming use has been abandoned. The majority of the land exists largely in its natural state which served as a buffer zone for DuPont activities. References to the duPont de Nemours Company as if it were still in operation are misleading.

B. A Comprehensive Plan, Which is a Prerequisite to Valid Decision-making, has not been Adopted.

Under "Comprehensive Land Use Plans", the DEIS implies that the City of DuPont has adopted a comprehensive plan.[12] This is misleading. The City has not adopted a comprehensive plan as required under the Optional Municipal Code (RCW 35A) which the City has elected to operate under. Without the guidance of such a plan, and the opportunity for public input into the development of land use policies, the proposal cannot be said to be compatible with existing land use policies.

C. The DEIS states that the entire site is zoned industrial.[13] This is in error. While the City of DuPont has adopted a pre-zoning ordinance which applies to the proposed project site, that ordinance is ineffective until annexation of the land upon which the port would be built is approved by the Pierce County Boundary Review Board. At the time the DEIS was issued, the Boundary Review Board had not even begun its process of review of the proposed annexation. Clearly inaccurate statements such as this undermine the credibility of the DEIS as an objective and thorough document.

Because neither a comprehensive plan nor a zoning ordinance have been adopted by the City of DuPont, it should not be implied in the DEIS that the proposal is compatible with existing land use policies.

D. The Proposal is in Violation of the State Shoreline Management Act and the Federal Coastal Zone Management Act.

The entire border of the Weyerhaeuser site is a shoreline of state-wide significance. Shorelines of this classification are intended primarily to preserve the natural character of the shoreline and protect the environment of the area. Only five Puget Sound shorelines were given this designation.[14] Alternative sites considered by Weyerhaeuser and discussed in the EIS are not on shorelines of state-wide significance.

1. The DEIS fails to adequately discuss the significance of the "shoreline of state-wide significance" designation. The final EIS should contain an analysis of each of the six statutory preferences for such shorelines, as set forth in RCW 90.58.020, showing how each factor relates to the porposed port .

2. The DEIS states that "the preferred location for the proposed port would be partially on land presently classified as "conservancy" by Pierce County's (approved) Shoreline Master Plan"[15]. The DEIS suggests that a "trade"[16] could be arranged so that the dock would be allowed. Such an approach is in conflict with the Shoreline Management Act and the Federal Coastal Zone Management Act. The function of both Acts is to provide a framework and regulatory controls for guiding future development. The County has designated the area "conservancy" which would not allow for dock construction. The Shoreline Management Act designations are part of the Coastal Zone Management Plan which has been approved by the Federal Department of Commerce. Changes could not occur without approval by both state and federal officials. A change in designation would be undermining of these planning acts.

3. The DEIS states that the alternative dock location "would be in conformance with the shoreline plans."[17] This is in error. A section of shoreline which now contains the existing dock is designated urban environment. However, the Department of Ecology in approving this designation as part of the City of DuPont's Shoreline Management Master Program conditioned this approval upon assurances that the intensity of future uses would be no greater than historic levels. DuPont Company operations resulted in dockings on the average less than two small, twin screw escorted vessels per month. Weyerhaeuser proposes to dock from 2 to 4.5 huge ships per month. On its face, the intensity of the activity proposed by Weyerhaeuser is in violation of the conditions attached to the state's approval of DuPont's Master Shorelines Program.

E. The Proposal does not Comply with Regional Growth Policies.

The following policies of the Puget Sound Council of Governments are relevant; they should be quoted in the body of the EIS and appropriate responses made:

- o "Encourage port commissions and general purpose governments to plan jointly for any expansion of existing or construction of new marine facilities to assure the net impact is in the short and long-term interest of the community."[18]
- o "Support the construction of the new transportation facilities when up-to-date projections of demand show that present facilities fully utilized will not meet the demand".[19]
- o "All planning should recognize the need to conserve areas where critical natural processes would be endangered by development."[20]
- o "Assure that land use planning properly considers stream and marine fishing resources and their recreational/economic benefits."[21]

The DEIS has not supplied information sufficient to suggest that the proposed facility is necessary because present facilities are incapable of serving Weyerhaeuser's export needs or that the net impact of the proposed facility is in the short and long-term interest of the community. A

F. The Proposal in Incompatible with Washington State Marine Land Use Policies. D

The DEIS fails to address the incompatibility of the proposal with current state policy on the use of marine lands. This policy discourages the development of new port facilities when present facilities can be expanded to meet current needs.[22] In addition, future port development is required to take into account state and national needs for new facilities.[23] The final EIS should directly address the relationship of the proposed export facility to these policies.

III. THE IMPACT OF THE PROPOSED DEVELOPMENT ON HISTORICAL SITES IS NOT ADEQUATELY ADDRESSED. W

The DuPont site is an important archaeological and historical area in Puget Sound. It was the center of a well developed Indian culture as well as in important trade center for early British and American settlers. The native village of the Nisqually people was located in the DuPont area. It is probable that the DuPont area contains important prehistoric and archaeological sites which could provide clues to human habitation there for as long as 10,000 years.

A. The Proposed Development would Violate National Polcies on Historic Site Preservation.

National policy is to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people.[24] The 1833 Fort Nisqually site[25] and the Sequalitchew site[26] are listed in the National Register of Historic Places. Other sites appear to be of equal historical and archaeological significance. These revered historical sites should be preserved, reconstructed and open to public access for educational purposes. The DEIS should discuss the proposed export facility in relation to each of these policies.

B. Historic Site Preservation Must be Assured.

The final Environmental Impact Statement should contain plans for historic site preservation, reconstruction and public access; comments of the National and Washington State Advisory Councils on Historic Preservation created under section 470 of Title 16, United States Code, and RCW 43.51.750, respectively; and binding assurances that persons qualified to evaluate archaeological and historic finds will be present during construction and that those present will have the authority to stop construction, order project modifications or take such other appropriate action as necessary to preserve the find.

IV. FAUNA AND FLORA STUDIES AND ANALYSIS ARE INADEQUATE.

A. The Areas Studied do not correspond to the Areas Potentially Impacted. J K

Areas surrounding the DuPont site (e.g. adjacent portions of Pierce County, Anderson and Ketron Islands) do not appear to have been studied at all. The impacts on these adjacent areas need to be addressed and their possible effects on the flora and fauna of the entire vicinity need to be assessed.

B. Many of the Studies did not Obtain Sufficient Data to Allow Proper Interpretive and Predictive Analysis. L

1. During the time in which the studies were undertaken, the climatological factors were substantially different from those normally occurring in the area. This factor may have substantially affected the conditions in the areas studied. The results obtained, therefore, cannot be considered to adequately reflect the actual characteristics normally encountered in the area, unless, and until, further study is undertaken to substantiate the results.

2. No discussion is made of the noise-intolerant species P using areas close to the DuPont site or potential impacts on the feeding areas close to the dock. Assumptions cannot be made that noise tolerance levels for animals are the same as those for humans.

3. The Nisqually Delta Terrestial Study, and the report, Terrestial Ecology of the DuPont Site, do not provide J sufficient detail of the feeding habits of birds and mammals on the site and in the site vicinity.

4. The absence of certain bird species from data tables and bird lists suggests that observations were not sufficient, possibly because the marine areas were not observed frequently enough, particularly during the peak migration periods (April - September) and the mudflats were not censused at low tides.

V. THE CONSIDERATION OF NOISE IMPACTS FROM THE PROPOSED PROJECT IS INADEQUATE. P

The physical and psychological effects of noise on humans and animals are not completely understood. However, anyone who has lived or spent time nearby a source of noise realizes how bothersome loud or constant noise can be. Therefore, it is essential that the increase in noise resulting from construction and operation of the facility be clearly discussed. The DEIS fails to do this.

A. The DEIS Fails to Address the Cumulative Impacts of Noise Generated by the Proposed Facility.

1. The DEIS discusses the impact of increased noise only in terms of decibels. This is misleading. An increment increase in noise may have an effect other than linear. The DEIS does mention this effect with reference to Anderson Island nighttime noise - where it is stated that a 10 dba increase resulting from operations would be perceived as twice as loud - but the DEIS fails to mention this effect for other areas impacted by the proposed operations. Such a discussion is particularly essential as to the impact on the existing wildlife within the Delta Refuge and the possible impact on birds using the flyway above the Delta.

2. Comments to the SEPA FEIS disclose that the dock will be a point source for Anderson Island.[27] The significance of this characterization should be specifically addressed in the final EIS.

3. The DEIS states that "ambient noise levels in the village of DuPont are presently higher than the levels that would be generated by the access road, rail access, or operations in the terminal area. Therefore, residents in DuPont would not experience any increase in noise levels."[28] This statement is misleading. While the existing ambient noise may mask any noise increase, any additional noise generation will add an additional increment to existing noise. This effect should be discussed.

4. The DEIS fails to address the possibility of reverberation and magnification of sound on adjacent areas. This effect would be particularly significant in the harbor area of Anderson Island. The noise level could be increased and the effects be more intrusive because of this effect. It should be discussed in the final EIS.

B. The Frequency and Quality of Noise Generated by the Proposed Facility was not Adequately Discussed.

1. The DEIS does discuss the increase in noise generally expected to occur from construction and operation. However, the DEIS fails to discuss with specificity the times of

day the noise increases would occur. The DEIS notes that existing noise reached its lowest levels between Midnight and 5 a.m.[29] The DEIS states that the "on-site operations of unloading, debarking, and staging would occur between the hours of 7 a.m. and 11 p.m."[30] The hours of delivery of the timber by rail and truck (95-110 per day) are not mentioned. If truck deliveries are made at night to avoid traffic congestion on I-5, noise impacts would be signficantly greater than indicated in the DEIS. A discussion of the times noise would be generated and the frequency with which it would occur must be addreased before an adequate assessment of the noise impacts can be made.

Mitigation measures are discussed in the DEIS, but there are no assurances that they will be carried out. Many will be of little significance. Serous consideration should be given to the possibility that nighttime operations be curtailed to control noise impacts. Statistics should be included in the FEIS which disclose the hourly noise levels for Anderson Island and for the Delta.

2. The quality of the noise generated is not discussed in the DEIS. Such a discussion is crucial to an assessment of the impact of the project. Although the decibel levels may be identical, the sound of frogs around a lake is generally recognized as less intrusive than the sound of a train whistle in the middle of the night. Annoyance levels may vary depending upon whether the noise generated is steady or intermittent. The nature of the noise quality produced should be discussed in the final EIS.

VI. THE DISCUSSION REGARDING THE EXISTENCE OF RARE ENDANGERED OR PROTECTED SPECIES ON THE DUPONT SITE IS INCOMPLETE AND MISLEADING.

A. The Study Fails to Consider the Necessity of the Site as a Feeding Area and/or Refuge for Endangered or Threatened Species Known to Exist in the Area. J

The DEIS states that the northern bald eagle, a juvenile gray whale and perhaps an American peregrine have been observed on the DuPont site. The DEIS dismisses the impact of the proposal on these species as "minor". However, if the feeding grounds of these species are to be disturbed, these impacts should be discussed.

B. The DEIS does not Contain Sufficient Data. L

The DEIS states that peregrine falcons have been observed on the Delta and that the endangered American peregrine "probably" occurs in the area.[31] Subsequently the EIS states that "The only endangered species likely to occur near DuPont are the whales and the bald eagle."[32] American peregrine falcons are an endangered species[33] and further study needs to be done to determine whether they are using the DuPont site for feeding or nesting.

C. The Impact of Water Pollutants and Shipping Activity Generated by the Proposed Facility on the Endangered Gray Whale Must be Addressed. H

The DEIS notes that a gray whale was observed near the DuPont wharf and hat these mammals occur "sporadically" in Puget Sound. The gray whale is an endangered species. The degree to which chronic water pollutants from the DuPont facility and shipping activity may affect the gray whale should be discussed.

VII. NAVIGATIONAL RISKS ASSOCIATED WITH THE PROPOSED FACILITY ARE NOT ADEQUATELY ADDRESSED. S

A. The Data Presented is Insufficient to assess the Increase in Navigational Risks.

The DEIS states that the increase in vessel traffic would be "relatively small" and that the proposal "would probably add little to the existing collision and swamping hazards."[34] The accuracy of this statement cannot be assessed without a full discussion in the DEIS of the strong currents in the area immediately surrounding the DuPont site, in the Tacoma Narrows area, the fetch and possibility of large wave buildup, and the unusual wind shear in the area. The approaches and turning patterns of ships calling at the export facility must be disclosed so that possible impacts can be adequately assessed.

B. The DEIS does not Discuss the Scheduling of Ships Which will Call at the Dock.

It is important to an assessment of navigational risk to know if the ships will be docked during stormy weather or, if not, where they would be held until docking.

C. The Possibility of Future Breakwater Construction is Not Addressed in the DEIS.

The DEIS states that dredging will not be necessary. This conclusion, however, assumes the continued use of the jetty within the refuge area. This jetty is now deteriorating. To maintain it would affect the refuge area. The effects of maintenance of the existing jetty or construction of a new one should be discussed.

D. Navigational risks arising from congestion are not discussed.

The South Sound is heavily used by small boats. Introduction of large ships into this body of water is likely to cause disruptions larger than those disclosed in the EIS. A collision between two freighters may be somewhat unlikely, but collisions between two small boats as they maneuver to get out of the way of a large ship may be somewhat more common.

VIII. THE IMPACTS OF THE PROPOSED FACILITY ON WATER RESOURCES AND WATER QUALITY IN THE AREA ARE NOT ADEQUATELY DISCUSSED.

The DEIS states that "the increased risk of oil spills due to ships calling at DuPont would be one spill greater than 100 gallons every 118 years in southern Puget Sound."[35] This statement implies that there is only a slight chance of oil pollution resulting from the activities of the proposal. However, this assessment ignores the impacts of chronic low-level pollution which results from shipping activities. The impact of small spills on the water resources in the area should be calculated. Material contained in Appendix I should be synthesized into the main body of the EIS so that the impacts can be accurately assessed. R H

A. The Difficulty of Cleaning Up Any Oil Spill is not Addressed in the DEIS.

The DEIS states that a "spill contingency plan" would be developed to mitigate the adverse impact of any oil spill. The impact of large (over 100 gallons) or chronic oil spills on wildlife and fisheries in the area should be more thoroughly addressed. The difficulty of cleaning up any spill once it occurs in a way so as to avoid adverse impacts should be disclosed in the main body of the final EIS. L

B. The Model Used to Predict Current Directions and Velocities in the Nisqually Flats is Deficient and does not Supply Sufficient Data to Assess the impacts of the Proposed Facilities.

The design of the computer model and the data collection procedures were not accurate in the hydrological study. The nodal network used for data collection did not employ sufficient nodes to accurately describe the complete current behavior in the Nisqually estuary. No data was collected on the shallow area of the flats. The model used to predict current behavior was also inadequate. The degree of error between predicted and observed current velocities was 50% for the movement of surface water to the Delta and averaged 32% for the entire study.[36] Conclusions based on data collected in this manner is misleading and should be omitted from the EIS. R

C. The DEIS does not Adequately Discuss the Impact of Contaminents from the Proposed Activities on the Nisqually Estuary.

The DEIS states that a Nisqually River plume would keep an oil slick from entering the estuary.[37] There is no data to support this. Drifting material was used to discover the plume, but drifting matter does not have the spreading properties of an oil slick. The final EIS should include accurate data on the potential damage to estuary life as a result of contaminants entering the water at the DuPont site.

D. The Effect of the Project on Sequalitchew Creek was not Adequately Assessed. J

1. The DEIS itself identifies significant shortcomings: "Streamflow records for Sequalitchew Creek are limited to a few scattered dates between 1942 and 1949 and continuous monitoring from April, 1977 to March, 1978, an unusually dry period...Rainfall data on the site are not available for the period when streamflow was measured, therefore, no exact time required for rainfall to cause increased streamflow can be identified."[38] It would appear obvious that these shortcomings need to be corrected before a meaningful analysis can be prepared.

2. Sequalitchew Creek is nearly pristine, supports a substantial salmon run, and its water flows toward the Nisqually Delta with tidal currents twice daily.[39] Some nitrate contamination is described. The effect of clearing off vegetation along the creek and building a 40 to 50-foot wide highway, resulting in increased turbidity from erosion, petroleum contaminants, thermal pollution, possible increase in nitrate levels, and toxicants from the proposed activities are not discussed.

E. Impacts on Water Resources are not Quantified. H

Discussion of Marine Water Quality is inadequate because it fails to include any specific data. The lack of quantification is a generic problem inherent in the entire DEIS. It leads to these kinds of questions which must be answered before an assessment can be made of the proposed project and its environmental impacts: What are the possible impacts on the quality of water resources? How probable is each type of impact? What do "relatively minor" and "more serious" mean? Objective data, not subjective statements, are needed.

F. All Water Quality Baseline Studies were prepared by the Applicant. L

Independent studies are needed before objective data can be obtained. When the applicant is the sole organization responsible for baseline studies in a major area of research, it suggests that the objective data necessary has not yet been obtained.

G. The Significance of Class AA Water Quality needs to be Addressed. H

The waters of Nisqually Reach are classified as Class AA waters.[40] The significance of this classification needs to be discussed in the final EIS. Particularly, the permitted uses of such waters and the policies behind the classification need to be addressed.[41]

IX. THE DEIS DOES NOT ADEQUATELY CONSIDER THE IMPACTS OF THE PROPOSED FACILITY ON AIR QUALITY IN THE REGION. **G**

A. The DEIS Air Pollution Assessments are not Based on Adequate Data, or Proper Application of Available Data.

1. Vehicular exhaust created in the moving of materials between the staging operation and the dock was not considered but may be significant. Comparative air quality impact of other methods of transporting material between the staging area and the loading dock needs to be set out.

2. Discussion of impacts associated with dockside ship time was minimized and the resulting probable air emissions not fully considered. Vessel emissions while approaching, docking and departing were not considered.

3. The sampling should have included a longer time period to obtain accurate information about variable weather conditions, including air stagnation episodes and their effects.

4. With evening loading operations, the nighttime inversions at DuPont and their effect downstream must be more fully determined.

5. The technique used of averaging data on air mass stability and wind over long periods (by months) masks the real significance of any unusual weather conditions that may have occurred, such as acute air pollution episodes.

6. Available data is not fully utilized, both as to upper air observations in the region and surface weather observations from nearby stations over a significant period of time.

7. The effect of the use of the debarking facilities on air emissions was not discussed. To what extent are small airborne bark slivers a danger to health, human or non-human?

B. The DEIS Fails to Address the Effect of the Clean Air Act on the Potential for Site Development.

The Clean Air Act may have a direct bearing on the type and extent of activity which can be allowed on the site. The vessel while docked may be a point source of pollution subject to certain restrictions not otherwise applicable while not at dockside. If this project is allowed, other uses may be precluded because of the cumulative effect on air quality. The Clean Air Act amendments of 1977 require a classification of areas in a manner so as to prohibit any air emissions from damaging nationally significant preservation areas. This

may lead to a Class I classification of the DuPont site. The implications of these results need to be addressed.

X. THE IMPACT OF THE PROPOSED PROJECT ON FISHERIES IS NOT ADEQUATELY DISCUSSED IN THE EIS.

The South Sound area is essential to Northwest fisheries. Salmon and other species of fish abound. Geoduck and other shellfish are harvested in the area. The potential use of the area for aquaculture is high. The potential for damage to these uses from the impacts of the export facility are also high. They must be addressed in the final EIS.

A. The Conclusions on Fish Resources were Based on Incomplete Data and Misrepresented Available Data. L

1. The background study was for the time period March. 1977 to June, 1978. The year 1977 was an unusual low flow year and thus not representative. Only studies completed to June 1, 1978 were included in the report, and studies were in progress on juvenile salmonid outmigration at the time the report was written. A later report was scheduled completing the 1978 out migration studies.[42] There is no indication that the results of these studies were incorporated into the draft EIS. The results of studies of at least two representative base years need to be available because some species only run in alternate years. O

2. The DEIS played down the outmigration of juvenile salmonids along the DuPont shoreline and indicated the migration route "appears to vay seasonally and may change from year to year."[43] However, the baseline study indicates that "preliminary analysis of data collected after mid-May, 1978, indicated extensive use of the DuPont shoreline later in the year, especially by juvenile Chum salmon."[44] This again issustrates the need for further multi-year and multi-seasonal studies in the final EIS to reflect such additional information.

B. The Total Effect of the Project on Commercial and Recreational Fishing was not Assessed.

1. The outmigration of juvenile salmon from southern Puget Sound, the return of mature salmon along the DuPont shoreline, and the effect of the facility and vessel movements on this resource have not been adequately quantified. Questions need to be answered, such as: What species of salmon, and from what streams of origin, are involved: What are the results of building a port in either location as they relate to attraction of predator fish and resulting escapement? What mitigating design configurations for the dock facilities and for lighting and ship usage would be most desirable to protect this resource?

2. The DEIS does not include an economic impact analysis on the sport fishing industry. We need to know not only how much of our scarce salmon resources will be adversely affected, but also whether and to what extent the increased waterfront and vessel activity in this area will decrease the enjoyment and attractiveness of sport fishing, and with a resulting far-reaching adverse economic impact, both direct and indirect. U

XI. THE SOCIOECONOMIC DATA PRESENTED IS INADEQUATE TO ASSESS THE IMPACT WHICH MAY RESULT FROM THE PROPOSED DEVELOPMENT.

A. The Study Fails to Adequately Consider the Socioeconomic Impact of the Shift of Business Activity from Other Areas to the DuPont Site. U

The proposal estimates that there will be two million tons of log export activity as well as other industrial activities . While the impact of the shift in log export activity is briefly treated, there is no discussion of the socioeconomic impact of the shift of other industrial activity to the DuPont site. The alternative development possibilities for the DuPont site and the socioeconomic impacts of each should be discussed in the final EIS.

B. The Discussion Concerning Labor Relocation is Inadequate.

The discussion of population, employment, income, and housing impacts in the DEIS and the socioeconomic impact study is based on the assumption that there is a large supply of available local labor and that a small percentage of the construction and operational labor force will relocate in Pierce and Thurston counties. This assumption should be reexamined in light of the impacts of construction of the U.S. Navy Trident Base in Kitsap County and construction of the Satsop Nuclear Power Plant in Grays Harbor County. These construction operations will impact the availability of certain types of labor. If peak construction periods coincide with those for the DuPont facility, there may be a deficiency in the local construction labor supply. This could result in greater labor relocation to Pierce and Thurston counties. Impacts resulting from this greater relocation should be discussed.

C. The Study Fails to Address the Incentive for Subsequent Development Offered by Weyerhaeuser Ownership of Hawks Prairie Land. B

Weyerhaeuser owns about 1,000 acres of residential land six miles west of the City of DuPont. Employment growth at the DuPont site would have an impact on the housing market in northern Thurston County where the property is located. Development of industrial activities on the DuPont site could create the growth in demand needed to permit development of the six to eight thousand households Weyerhaeuser has proposed for the Hawks Prairie site. The presenceof this incentive should be disclosed in the final EIS.

XII. APPROPRIATE CONDITIONS MUST BE IMPOSED IF A PERMIT IS GRANTED. F

A. The Permit Should be Conditioned so that Mitigation Measures discussed in the EIS are Required.

The DEIS is sprinkled with references to mitigation measures. We have noted that the language used in association with references to many of these mitigation measures has been changed from the "should" used in the SEPA EIS to "will" in the NEPA draft EIS. Does this change in language manifest Weyerhaeuser's commitment to perform mitigation measures specified in the EIS? Specifically, what assurance does the Corps have that these commitments will be adhered to?

B. Mitigation Measures Discussed in the EIS are insufficient to Protect the Public Interest.

The mitigation measures referred to in the EIS, even if all are performed, are insufficient to protect the public interest in the qualities of the Nisqually Delta and the South Sound generally. If a permit is granted, additional mitigation measures must be imposed as conditions on the permit to protect the shorelines and water quality of Nisqually Reach as well as the uplands south of the proposed export facility.

C. A Buffer Zone must be Established to Protect the Nisqually Delta Wildlife Refuge.

At a minimum a large buffer zone is necessary to protect the Nisqually Delta against pollution from the proposed facility and to minimize disturbances to wildlife by noise and glare originating from the port. This could be accomplished by conveyance to an appropriate governmental unit of either a fee interest in the lands south of Sequalitchew Creek or by transfer of development rights thereto. Development along Sequalitchew Creek should be limited to facilities which would protect fish and wildlife migration as well as water quality. No development should be allowed within 200 feet of Puget Sound, except for the dock. Edmond Marsh should be left in its present state, and no development should be allowed within 200 feet of its perimeter.

D. All State, Local and Federal Standards Must be Complied With.

Activities on the site should not be conducted in any manner or on any scale that would prevent such activities, individually or collectively, from meeting all current and subsequent federal, state, and local standards and requirements. Serious consideration should be given to prohibition or limitation of nighttime operations on the dock because of the adverse impacts of noise and glare originating therefrom.

E. Shipping Activities must be Limited to those Disclosed in the EIS and Must be Carried on in the Safest Possible Vessels.

No imports should be allowed at the facility; export shipments should not be allowed to exceed 2 million tons per year and vessel callings should be limited to an average of 5 vessels per month. This is the design capacity of the facility proposed by Weyerhaeuser. That should be the ceiling on permitted activities. Shipping should be required to be via vessels which are properly designed and operated with appropriate safeguards to ensure no increase in the level of risks to the Nisqually Delta and the Wildlife Refuge. Design requirements relating to hull design propulsion systems, maneuverability devices and size should be imposed. Operational safeguards relating to speed, visibility, weather, tug escorts, fuels carried, exclusion of hazardous cargo, backup navigational systems and personnel, frequency of use, bans on discharge into navigable waters, limitations on air emissions to the same extent as a land-based point stationary source and non-degradation of water quality from existing ambient quality should be required. No ships should be allowed to proceed south of the Tacoma Narrows until berthing is available at the DuPont facility. Offshore anchoring should not be allowed south of the Tacoma Narrows.

It is with the utmost caution that we even suggest these conditions. We strongly object to issuance of any permits for this facility. However, we realize that our views may not prevail. In that event, because of the fragile nature of the Nisqually Delta and the dangers to the quality of the environment in the South Sound posed by this facility, we urge the Corps to impose the above conditions as a minimum.

FOOTNOTES

1. Federal Coastal Zone Management Act of 1972; 16 USCS 1451, et seq.
National Environmental Policy Act of 1969: 42 USCS 4321, et seq.
State Environmental Policy Act of 1971, RCW 43.21C
Shoreline Management Act of 1971, RCW 90.58.

2. The Land Use Allocation Plan, Department of Natural Resources Managed Marine Lands, February 14, 1973.
Marine Land Management in Washington, February 14, 1973.
Resolution 165, April 3, 1973, Board of Natural Resources.
Washington State Coastal Zone Management Program, June, 1976, p. 35.

3. Pacific Northwest Forest and Range Service Experiment Station, U.S. Forest Service, A report on timber activities and employment, by Brian Wall (1973).
The Log Export Issue: Two Scenarios of Employment and Output in Washington, by Jeffrey A. Broadhead.

4. Op. cit., note 2.

5. Draft Environmental Impact Statement, p. 22.

6. Ibid.

7. Draft Environmental Impact Statement, p. 2.

8. Op. cit, note 5.

9. March 25, 1976 letter by Mr. D.R. Callahan, Weyerhaeuser Vice-President, to U.S. Fish and Wildlife Service.

10. Draft Environmental Impact Statement, p. xiii.

11. Draft Environmental Impact Statement, pp. 115, 142-44.

12. Draft Environmental Impact Statement, p. 111.

13. Draft Environmental Impact Statement, p. 112.

14. RCW 90.58.020.

15. Draft Environmental Impact Statement, p. 117.

16. Id.

17. Op. cit., note 15.

18. Draft Environmental Impact Statement, p. H-3.

19. Id.

20. Draft Environmental Impact Statement, p. H-2.

21. Id.

22. See Olsen & Janisen, Marine Land Management in Washington, for Department of Natural Resources, (Feb. 1973); DNR, The Land Use Allocation Plan--DNR Managed Marine Lands (Feb. 1973)

23. Washington State Board of Natural Resources, Resolution No. 165 (April 3, 1973).

24. 16 U.S.C. 461.

25. Draft Environmental Impact Statement, p. 104.

26. Draft Environmental Impact Statement, p. 102.

27. SEPA Final Environmental Impact Statement, p. L-69(B).

28. Draft Environmental Impact Statement, p. 138.

29. Draft Environmental Impact Statement, p. 76.

30. Draft Environmental Impact Statement, p. 20.

31. Draft Environmental Impact Statement, p. 62.

32. Op. cit., note 31.

33. Op. cit., note 31.

34. Draft Environmental Impact Statemnt, p. 141.

35. Draft Environmental Impact Statement, p. 140.

36. DuPont Site Hydrological and Modelling Studies, pp. 22 and 100.

37. Draft Environmental Impact Statement, p I-2.

38. Draft Environmental Impact Statement, p. 38.

39. Ibid.

40. Draft Environmental Impact Statement, p. 47.

41. ch. 90.48 RCW; 173-201 WAC.

42. Fish Ecology Studies in the Nisqually Reach Area of Southern Puget Sound, Fresh, et. al., p. 67.

43. Draft Environmental Impact Statement, p. 71.

44. Draft Environmental Impact Statement, p. xii.

PART II
PROPOSED FACILITY PERMIT IS NOT IN THE PUBLIC INTEREST AND SHOULD BE DENIED

I. ARMY REGULATIONS REQUIRE DENIAL OF THE PERMIT UNLESS ISSUANCE IS IN THE PUBLIC INTEREST

The Nisqually Delta Association (NDA) and the Washington Environmental Council (WEC) strongly object to issuance of a River and Harbors permit to the Weyerhaeuser Company for construction of the proposed log export facility over the navigable waters of Puget Sound.

Department of the Army regulations state that "No permit will be granted unless its issuance is found to be in the public interest." 33 CFR 320.4. We believe that if the Corps regulations are independently and objectively followed, it will be apparent that placing a major port in a natural area which lies midway between existing ports, in a spot of historical and archaeological significance, immediately adjacent to a national wildlife reserve on one of the last undeveloped estuaries in Puget Sound is not in the public interest.

This conclusion is born out by examination of factors which must be considered in making a determination that the public interest favors issuance of a permit. They include:

- o conservation
- o economics
- o aesthetics
- o general environmental concerns,
- o historic values
- o fish and wildlife values
- o flood damage prevention
- o land use
- o navigation
- o recreation
- o water supply
- o water quality
- o energy needs
- o safety
- o food production (See 33 CFR 320.4)

The Eis process is designed to disclose environmental impacts within each of these areas. While we have many reservations about the adequacy of the EIS as a document, it does reveal some significant impacts.

Upon examination of each of these factors separately, using disclosures of the EIS in part, it becomes clear that no supportab

argument can be made that issuance of the permit is in the public interest. Not only is the proposed facility incompatable with the Nisqually Delta Wildlife Refuge, and preservation of qualities unique to southern Puget Sound but it also disregards applicable local, state and national laws and policies.

A. Conservation

1. Port will adversely effect the Nisqually Delta Wildlife Refuse.

The proposed port would be located adjacent to the Nisqually Delta Wildlife Refuge and National Natural Landmark, an area identified by the federal government as one meriting the special protection afforded by purchase of the land and its management as a wildlife reserve. Its importance as well as its fragile nature are indicated by the following quotations from the draft Environmental Impact Statement (DEIS):

> The Nisqually River Delta is one of the most extensive and relatively undisturbed estuarine areas in the Puget Sound. Among the habitats found in the delta area are mudflats, small freshwater and brackish marshes, diked meadows, woodland and an extensive undisturbed salt march, unique in southern Puget Sound. (p. 54)
>
> Salt marshes are among the most productive vegetation communities in the world. (p. 56)
>
> The productivity of salt marshes is due to vegetation growth which traps nutrients and, through decay, breaks them down into the beginning of the food chain in the estuarine system. Salt march productivity is tied to the health of the vegetation. (p. 71)
>
> The Nisqually Delta is the major non-coastal nesting and feeding area for migrating waterfowl and shorebirds between Skagit Flats and the Columbia River...The importance of the Delta as a part of the Pacific Flyway was recognized by its designation as a National Wildlife Refuge. (p. 59)

Because estuaries present a delicate ecological balance, they are susceptible to damage from accumulations of low-level pollutants and from disturbances of the daily cycle caused by noise, light and glare, as well as from major accidents such as

oil spills. For this reason, residents of the South Sound have opposed industrial development adjacent to the Nisqually Delta for many years. Purchase of the estuary as a wildlife refuge was an important step in its conservation, but the estuary is still vulnerable to low-level long-term insults such as would arise if the export facility is constructed. Public investment in the Nisqually Delta must be preserved by denial of this permit application.

2. Fish and Wildlife Service views must be considered.

The Fish and Wildlife Service expressed its opposition to the proposal at the September 12 workshop. Department of the Army regulations state that:

> ...Corps of Engineers officials will consult with the U.S. Fish and Wildlife Services...with a view to the conservation of wildlife resources by prevention of their direct and indirect loss and damage due to the activity proposed in a permit application. They will give great weight to these views on fish and wildlife considerations in evaluating the application. (32 CFR 320.4 (c).

NDA and WEC urge that the statements of Fish and Wildlife Service be given the weight required by the regulations.

The proposed use of the port if constructed, must be considered by the Corps in its assessment of the conservation factor. Export of logs at least through 1990, is acknowledged to be its major function. Although Weyerhaeuser has claimed that there will be no increase in log exports over current activity in other ports, there is no guarantee of this. If an increased market for their logs materializes, it is unlikely that the company would hold to 1979 log export levels.

3. Log exports will be detrimental to Northwest forests.

At the September 12 workshop logs were described as a "renewable resource." This characterization obscured the need for extensive replanting and the time involved in the maturation of the replanted forest. Comments to the State Environmental Policy Act (SEPA) EIS include a statement by Weyerhaeuser that the additional profits generated by the export facility would enable the company to utilize improved silvicultural techniques, thereby increased the yields of Northwest forests.

It is necessary to know how many years the export facility

would have to operate before sufficient profits were realized to allow utilization of the sophisticated silvicultural techniques alluded to and how many years would have to elapse before the results would be apparent before the validity of this statement can be determined. It also should be noted that Weyerhaeuser is not required to apply any profits to that purpose. There would be many detriments to the conservation of resources if the facility were constructed and no benefits to conservation.

The export facility can hardly be said to be a conservation measure. A more economic method of exporting logs has the potential to be devastating to the region's conservation programs and the proximity of the proposed dock to the wildlife refuge is contrary to accepted planning methods as well as to state and federal policies. Using the balancing process, the permit should therefore be denied.

4. Endangered species may be threatened by the port.

Endangered species may be affected by construction of the dock. An eagles nest was found on the Weyerhaeuser property and bald eagles are known to live on Anderson Island. Although the EIS indicate that no eagles currently live on the Weyerhaeuser property, it is known that eagles often return to abandoned nests and this habitat would be favorable for them. Grey whales have been sited off-shore (p. 61) and the aster curtus may be affected.

B. Economics

1. Corporate economic considerations are not relevant.

The Weyerhaeuser Company claims that the proposed export facility is important because of its need to maintain a competitive world market position. It presented an extensive slide show at the September 12 workshop to illustrate its claims. But corporate plans are not the economic issue before the Army Corps of Engineers. The economic factors which the Corps must consider include the effect on the region'seconomy. A cost-benefit analysis is necessary for this purpose.

2. A regional cost-benefit analysis must be done.

The cost-benefit analysis in the EIS is wholly inadequate because it focuses on the city of DuPont. From the stand-point of the city, a cost-benefit analysis indicates that the project will be a tremendous boom. However, the real impact of this

project will be felt over a wider area than was addressed in the EIS. Regional costs and benefits arising out of the proposed log export facility must also be considered.

The impact of log exports on other Western Washington timber facilities may well be substantial; one study has estimated that 25,000 jobs will be lost if this facility is built.[1] In addition, the Washington State Department of Ecology (DOE) has indicated that Weyerhaeuser will make its gains at the expense of competing forest product's suppliers within the state.[2]

Other regional costs will include the indirect costs arising from the necessity of employee relocation or increased commuting distances, costs borne by state tax-payers and consumers because of additional stress placed on public roadways and utility resources, costs to municipalities and counties which will not derive any tax benefits from the project arising out of provision of services to Weyerhaeuser employees expected to live in Thurston County, and costs arising out of the possible negative impact on the Indian, commercial, and sports fishing industry in the southern Puget Sound.

Prior to issuing any permit, a thorough and objective cost benefit analysis for the region affected needs to be undertaken which includes both direct and indirect impacts. This study should include analysis of domestic markets for Northwest forest resources and must determine what the effect of log exports is on domestic lumber and domestic housing prices. The type of study is particularly important when one large timber company (Georgia-Pacific) is currently importing logs from South America to preserve jobs in the Northwest region.[3]

C. Aesthetics

1. The EIS identifies significant aesthetic impacts

Aesthetic impacts disclosed by the EIS include elimination of 169 acres of vegetation (p. xiii), construction of a raised access road (p. xiv), alteration of the shoreline (p. xiv). The most significant off-site impact is identified as "the change in the view of the shoreline from Anderson Island and Nisqually Reach, portions of the Delta and I-5." (p. 152)

2. The port will be out of scale with its surroundings.

The off-site impact will be the predominant aesthetic impact because a dock of the size proposed by Weyerhaeuser will

be totally out of scale with the surrounding land uses. The site of the dock is entirely undeveloped at present and, with the exception of the existing dock which is one-quarter the size of the proposed Weyerhaeuser dock, little evidence of human activity is visible from off-shore locations. This tranquil scene will be eliminated with the construction of a facility which will be one-quarter of a mile in length, 20.5 feet high with an access road 57 feet wide. Significant aesthetic impacts identified in the EIS will also adversely affect property along the eastern short of Anderson Island. A wildlife reserve particularly one situated on an estuary, is a fragile entity. Its value to present and succeeding generations is derived from its provision of a habitat for a variety of life-forms. The two million dollar investment in this unique property must be protected against industrial encroachment, which despite public relations-oriented gestures of mitigation, still represents an unwelcome neighbor for the inhabitants of the Delta and their human visitors.

D. General Environmental Concerns

1. The port is inconsistent with state and federal laws and policies.

Adverse environmental impacts disclosed in the SEPA EIS include:

(a) location of the proposed facility directly adjacent to the Nisqually Delta Wildlife Refuge, a unique and regionally significant biological habitat (2-45 in DEIS);

(b) industrial development on a shoreline of statewide significan which is inconsistent with the current shoreline designation of the area, inconsistent with the policies of the SMA and inconsistant with the policies of the DuPont Master Program (2-87);

2. Aesthetic and ecological degradation will be significant.

(a) elimination of 169 acres of vegetation and associated wildlife (2-54);

(b) increased noise, especially nighttime oise from train traffic and export facility operations which would be annoying to residents of Anderson Island (2-77);

(c) erosion, particularly along the shoreline of Sequalitchew Creek (2-13);

(d) construction of an elevated roadway which will block animal movement within the area and probably yield an increase in road kills (2-56);

(e) aesthetic degradation as the larger dock would be visible from Anderson Island (2-127);

(f) increased water pollution in an area of extremely pure present water quality (2-37, 2-40);

(g) increased ground water contamination (2-37);

(h) visible lighting annoying to residents of Anderson Island and the City of DuPont (2-77);

(i) alteration of drainage patterns with no provision for adequate drainage during storms (2-16, 2-36);

(j) increased air pollution (2-21);

3. Significant risks are associated with the port.

(a) increased navigational risks with resultant interference with commercial shipping, commerical fishing, sports fishing and pleasure boating (2-91,2-92, 2-112);

4. The port will facilitate subsequent development.

(a) construction of the necessary transportation network for the facility plus the availability of substantial amounts of additional land to encourage subsequent industrial development (2-87);

5. Congestion and increased drains on vital resources will result.

(a) increased traffic, including 95 log trucks and 3-8 trains per day as well as increased commuter traffic (1-13, 2-102);

(b) increased population and congestion as up to 60 households move into DuPont and many more employees are forced to commute by the lack of available space in the city for residential development (2-97);

(c) increased utility consumption (at a time when Northwest power resources are already strained) (2-115);

(d) increased ground water usage (2-36);

These burdens will be borne by Pierce County residents, particularly those of Anderson Island and Steilacoom, as well as by residents of Thurston County and the Puget Sound area in general. The benefits which may accrue to those residents due to employment opportunities and increased state income do not outweigh the general environmental burdens. A disclosure of the general environmental concerns indicates that the project would not be in the public interest.

E. Historic Values

1. Significant Indian and early European settlements were located on the DuPont site.

As is disclosed in the EIS, the DuPont site has historic and archeological significance. Archaeological remains of several Indian cultures may be present. The EIS identifies the DuPont area as "the site of a major village of the Nisqually people" (p. 96) The first European settlements on Puget Sound were in the Nisqually Delta. A Hudson's Bay trading cabin was built in 1832 at the mouth of the Sequalitchew Creek and Fort Nisqually was built the following year. The EIS lists 8 Prehistoric sites and 18 Historical sites and states that:

> These sites, particularly Site 1, have been judged as among the most important historical sites existing in the Pacific Northwest, and should be preserved and protected until they can be thoroughly studied. One of the historical sites the 1833 Fort Nisqually site, is currently listed in the National Register of Nistorical Places. (p. 104)

2. Federal laws require consideration of effects on sites listed in the National Register.

The Corps is required to take into account the effect of the proposed port on a site listed in the National Register and the Advisory Counsel on Historical Preservation shall also be given an opportunity to comment. (16 USC 470 f). Since the exact locations are not disclosed, the public is unable to determine if any valuable site will be destroyed during the construction process. There should be an independant assessment of the historic and archaeologic sites in relation to the location of the propsed facilities. This assessment should focus on both the valuable resources which will be destroyed by construction and the diminished value of the sites which will survive construction but be lost to the public as a potential cultural and recreational resource.

F. Fish and Wildlife Values

1. EIS conclusions concerning fisheries may not be accurate.

Although the EIS states that fisheries will not be adversely affected, this conclusion is open to question. Jack Rensell fisheries biologist for the Squaxin Island tribe stated at the September 12 workshop that there would be an adverse impact on chum salmon. He also questioned the adequacy of baseline studies used in the preparation of the EIS. If those studies

are not accurate, conclusions derived therefrom are of questionable value.

2. Fish from these waters are an important resource for the entire state.

The present and future importance of fishing in the DuPont area is disclosed in the EIS:

> Commercial and sport fisheries areas occur throughout Nisqually Reach. Commercial fisheries are likely to increase in the area with successful implementation of enhancement programs...The Nisqually Valley and adjacent areas have some of the best potential for future salmon enhancement in the state. (p. 74)

Note that the enhancement provisions referred to are recent (begun in 1977) and therefore data on fisheries in the DEIS is misleading because it was compiled before effects of this enhancement program could be measured. Released by the Washington State Department of Fisheries in 1981 are projected to be 66.4 million fish (p. 65). The Nisqually and Squaxin Indian Tribes also have enhancement programs.

The fisheries resources of Southern Puget Sound and, in particular, of Sequalitchew Creek, benefit the entire state. Construction of the proposed facility would do nothing to enhance these fisheries resources and, in fact, would be quite harmful to them due to accumulation of low level pollutants from ship discharges and contaminated runoff into Sequalitchew Creek. The likely burdens outweigh any unknown benefits.

G. Land Use

1. The port will be inconsistant with the Shorelines Management Act.

The port is inconsistent with the Washington Shorelines Management Act (SMA). The SMA is an integral part of Washington's approved coastal Zone Management Program. The EIS states that:

> The preferred location for the proposed dock would be partially on land presently classified "conservancy" by Pierce County's (approved) Shoreline Master Plan. To develop the dock in this location would therefore require: annexation of the land to the City of DuPont, amendment of

> that City's (approved) Shoreline Master Plan (with confirmation from the Department of Ecology) to include the shoreline as "urban"; or, comparable amendment of Pierce County's Shorelines Master Plan. The need for these changes indicates inconsistency of the project with existing shorelines plans.

THE SMA is a state-wide comprehensive plan for the shorelines of the state, designed to preclude "uncoordinated and piecemeal development of the state's shorelines." See RCW 90.58.020.

2. Master program changes would be necessary

Although master plan changes are referred to in the EIS as if they were easily obtainable, the process of securing changes is complicated calling for decision-making on several levels.

The SMA requires every local government to develop a "master program" to be submitted to the Department of Ecology (DOE) for comments and approval. Upon approval of a master program, it becomes a state regulation (RCW 90.58.100) and cannot be changed without complying with rule-making procedures, including provision for public hearings, as outlined in the Washington Administrative Procedures Act. See RCW 34.04.025; Harvey v County Commissioners, 90 Wn 2d 473 (1978). Changed circumstances or improved data must be shown before a master plan change can be approved. (See WAC 173-19-060). The only changed land use in this area since the master program was approved is the diminished intensity connected with cessation of DuPont Company operations. The state's coastal zone management program which includes the SMA and all approved master programs, were approved by the Secretary of Commerce and incorporated into the Federal Coastal Zone Management Program (CZMP). Major master program changes must, therefore, be approved by the Secretary of Commerce, in addition to DOE, before they become effective. The entire procedure for changing master program designations was designed to discourage changes which would benefit a few while being detrimental to the state as a whole by requiring several levels of government approval. Changes in the DuPont master program designations recently by the City of DuPont are acknowledged to be for the benefit of a single corporation. This is not the circumstance where a change in a master program is appropriate.

The present designation of the preferred dock site

"conservancy" is on the Pierce County Master Program. The purpose of the conservancy designation is for those areas "intended to maintain their existing character." WAC 173-16-040 (4) (b) (ii). As described above, the process of changing a master plan designation involves securing approval at several levels of government and requires opportunity for public participation.

A port of the sort proposed by Weyerhaeuser could only be built on shorelines designated as "urban." The only "urban" designation on the Nisqually Delta is the site of the present dock of the DuPont Company which DOE conditionally approved in recognition of the existing use. In John Biggs's letter approving DuPont's master plan, he stated that DOE was concerned about having an urban designation adjacent to the Nisqually Delta:

> Our primary interest is the preservation of the Nisqually Delta as a natural area consistent with its recognition as a National Wildlife Refuge and National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the delta as a shoreline of state-wide significance to be preserved in its natural state. (emphasis added)

Thus, any expansion or "shifting" of the urban window to the area proposed for the port would be contrary to the conditional approval conferred by DOE upon DuPont's urban designation, because that approval was conditioned upon maintaining current levels of intensity of use.

Thus, even though the DuPont City Council has indicated its intent to change the shorelines designation (Ordinance #227), to urban, approval of a change cannot be presumed. The DOE, which must approve a master program allowing change, has indicated that it cannot approve a master program change for land not under the jurisdiction of the government entity proposing the change. DOE action on the proposed change must await approval of annexation of the property. The final decision of the Pierce County Boundry Review Board on this matter has not yet been issued and approval will be stayed if appealed.

3. State policies favor non-proliferation of ports.

A land use factor related to the SMA, but also distinct from it involves state policies concerning needless proliferation of ports. Weyerhaeuser already has at least four ports in the Northwest. The Port System Study for the

Public Ports of Washington State (1975) demonstrates that there is an abundance of land available in public harbor areas. The Washington State Coastal Zone Management Program (CZMP), which was approved by the federal government and incorporated into the federal CZMP, opposes construction of additional ports unless there is a showing of need for such facilities:

> The current policy of the Department of Natural Resources is that no new harbors for deep draft commerce will be established until such time as all of the space economically and environmentally suited for commerce in existing harbors is occupied with water-dependent commerce or with existing industries, the continuing present of which is of greater economic importance to the community than would be use of the same area for water-dependent uses. (DNR policies, 1972)

Public statements of the company have indicated that log exports would not be increased and that products exported would represent a shift from existing ports at Everett, Longview, and Tacoma. If this is true, those ports would be utilized at less than full capacity if the export facility is built. Before it can be said that a need for additional ports exists, the applicant must demonstrate why existing ports are inadequate or cannot be expanded to meet his needs. Because these matters have not been adequately addressed, the Army Corps should undertake a detailed study on the need for an additional port before any permits are granted.

The Army Corps is required to consider state land use plans when determining whether or not the project proposal would be in the public interest. The Army Corps is also required to follow a state's approved Coastal Zone Management Plan. The land use plans encompassing the area of the proposed facility clearly preclude it.

H. Navigation

1. Hazards peculiar to Southern Puget Sound will create significant risks, including those arising from congestion

Navigation in the South Sound is risky for two reasons. First, the only access to the Nisqually Reach from the Pacific Ocean is through the Tacoma Narrows. Secondly, the area is known for its storms and winds. The EIS states that:

> The risk of vessel casualties involving dry-cargo freighters greater than 18 feet draft and of resulting oil spills would increase. The addition of the ships serving DuPont would introduce a potential increase of one casualty every 12 years in southern Puget Sound. (p. 139).

The South Sound is not the ocean, although it was referred to as such at the workshop. As a virtually enclosed body of water, it presents greater risks to navigation than either the ocean or any of Weyerhaeuser's current Puget Sound or Columbia River sites. Not only are the passageways narrow, but usage of the waters is already high, particularly by fisherman (3000/week in summer months) and recreational boaters. (p. 74). Large vessel traffic in the South Sound will introduce the potential of secondary collisions between freighters and small boats, or between 2 small boats as each maneuvers to get out of the way of a large vessel. Although the EIS assesses risks of freighter collisions, it doesn't adequately discuss the navigational risks arising from congestion.

These added burdens which make the South Sound waters less safe are not offset by any benefits to the public.

I. Recreation

Recreational impacts are inextricably intertwined with impacts on the quality of the Nisqually Delta, which serves as a recreational area in addition to its role as a wildlife preserve, on sports fishing in the Nisqually Reach and on recreational boating. Please see discussion of these topics under "conservation," "fish and wildlife values" and "navigation." The EIS statement that 3,000 sports fisherman use the Nisqually Reach per week in the summer deserves particular attention.

J. Water Supply

Ground water usage has been estimated to be 310 gallons per day. While this is claimed to be less than the DuPont Company used, that company ceased operations three years ago and demand for all public services, including water has increased in the interim. In addition, a substantial area will be paved, thereby affecting recharge of the aquifers.

K. Water Quality

1. Nisqually Reach water quality is presently Class AA.

Water quality in the Nisqually Reach is presently AA, the highest rating given by the state. That quality will be difficult to maintain, even if all mitigation measures referred to in the EIS are put into effect.

2. Flushing rates for Southern Puget Sound need further research.

Data on flushing rates included in the EIS are not conclusive. Although that document states that there is an eight day flushing rate for the Nisqually Reach and a 56 day rate for the South Sound, questions and answers at the workshop indicate that this conclusion is not firm and that the flushing rate of the bottom is a "very complicated area" for which exact data is not known. It has been suggested by other authorities that the flushing rate is as long as 25 years.

Mitigation measures promised in the EIS are merely that--promises. There are no assurances that they would be put into effect, and even if all are implemented, the water quality will almost certainly be adversely affected by construction of the export facility. Diminished water quality is an additional burden which would be borne by all members of the public if the facility were constructed.

L. Energy Needs

1. The DuPont project will be "highly technological".

The proposed export facility at DuPont was described at the workshop as "highly technological." Thus, it will have significantly non-human energy requirements. The EIS states that expected kilowatt consumption will range from 6.2-8.3 million kilowatts per year (p.20).

2. Energy resource statistics in the DEIS are not current.

Figures for present generating capacity and demands of Puget Power, the suppliers for DuPont, are misleading. Peak load capacity is given as 3.1 million kilowatt hours and the peak load for 1976 was given as 2.3 million kilowatts. These figures suggest a large surplus of generating capacity.

However, conversations with Bill Merry, Puget Power spokesman, reveal that while the current peak load capacity remains virtually the same as in 1976, a peak load of 3.1 million kilowatts was reached in December, 1979. This peak load had not been anticipated before 1981. Thus, there is currently little available surplus power to serve the proposed port.

Peak load capacity from hydroelectric sources is 2.6 million kilowatts. The remainder is generated by burning of fossil fuel and purchase from the Northwest power grid. The EIS assumes the availability of nuclear energy, although many uncertainties are associated with that form of energy and the earliest date Puget Power could expect to have nuclear energy would be 1986.

Electricity is not the only form of energy which the facility will demand. Expected fuel consumption is given as 500,000 to 600,000 gallons of diesel, 80,000 to 100,000 gallons of propane, and 4000 to 5000 gallons of gasoline (p. 19). These figures should be compared to present Weyerhaeuser consumption in facilities which will be supplanted if the DuPont dock is constructed to determine their significance.

Increased gasoline usage will also result from the additional commuting required of Weyerhaeuser's employees and from increased ground transportation of logs and manufactured products. The export facility, which has been described by Weyerhaeuser as a "centralized facility" is a considerable distance from each of its present facilities. Log trucks will apparently be covering greater distances with their heavily-loaded trucks than they were previously required to. Estimates of these figures are not disclosed in the EIS, but an estimated 95-110 log trucks will arrive at the export facility daily, with frequencies of twice that amount during peak periods. (p. 13) Increases in fuel consumption by these trucks could be of significance.

Fuel consumption of the ships themselves is also significant, and these figures are not contained in the EIS. These and other deficiencies referred to above must be addressed in the FEIS. If that data were fully disclosed, it may be that the additional burden on energy resources as a consequence of the facility would be a significant detriment to the public interest without compensating benefits.

M. Safety

Navigational risks were discussed under "navigation"; other safety concerns were addressed in the sections on "conservation" and "water quality."

N. Food Production

It must be remembered that fish are a major source of protein, a factor which should be of increasing importance as greater demands on the world's food supplies are made. (See "Fish and Wildlife" for a discussion of specific impacts on fish). Oyster beds, goeduck beds, and seaweed "farms" are also located in the Nisqually Delta area. These resources, which are dependend on pollution-free waters, have great, long-term benefits which must be balanced against a particular applicant's economic benefits and the burdens which construction of the facility would inpose on these food resources.

II. CUMULATIVE EFFECTS MUST BE CONSIDERED

The Summary to the dEIS contains the following statements:

> The proposed project evaluated in this EIS is an export facility only. it will require 250 of the 3,200 acres of about 8% of the site. "The fact that the Company now owns 3,200 actes does not mean that any or all of them necessarily will be used for any of the Company's current lines of business". (p. xiii)
>
> The transportation networks (road, water and rail), utilities constructed for the proposed project, and availability of adjoining property could encourage related forest product industries to locate on this site over time. The magnitude and type of environmental impacts both direct and cumulative associated with potential projects cannot be assessed at this time but should be assessed if and when projects are proposed (p. xiv, referring to p. 115)

Cumulative effects of any particular land use are an important factor in a decision affecting the use of that land. Department of the Army regulations which recognize this importance state:

> The following general criteria will be considered in the evaluation of every application: the probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated structures or works in the general area. 33 CFR 320.4IaO(2)(iv).

It is crucial that these cumulative effects of development be considered at the earliestpossible moment because when a project of the scale proposed by Weyerhaeuser is constructed, it acts as a "foot in the door". Not only would the natural character of the land be changed if the port is constructed but, as the EIS indicates, the proximity of port facilities and the existence of an industrial use on the site would encourage subsequent development of the site.

The decision not to address future development was a conscious one made by Weyerhaeuser and the City of DuPont. It followed public announcement of plans for possible construction of a pulp mill or a saw mill on the site[4]. Massive public opposition to the construction of manufacturing facilities on this site was voiced at public hearings conducted by DOE. Thereafter, the decision was made to limit the scope of the EIS to the dock facility; amnufacturing

facilities were described as not "sufficiently specific" to necessitate their inclusion in the EIS.

The purpose of an EIS is to disclose information necessary to make an informed decision. Cumulative effects of total site development at least in conceptual terms should therefore be included in the final EIS.

CONCLUSION

An examination of the factors which must be considered by the Army Corps when weighing the benefits and the burdens to determine if the proposed project is in the public interest reveals that there are overwhelming burdens associated with the facility with very few compensating benefits to the public. It would not be in the public interest to grant the applicant a permit to allow construction of the port facility. We therefore urge the Corps to deny the permit.

FOOTNOTES

1. The Log Export Issue: Two Secenarios of Employment and Output in Washington, by Jeffrey Broadhead.

2. DOE memo prepared by Bill Bafus, Comprehensive Planning Section, to Don Provost, May 23, 1979; copy sent to NDA.

3. Seattle Times, August 21, 1979 at B5.

4. Tacoma News Tribune, July 24, 1976.

5. Letter to Flo Brodie from DuPont Mayor Iafrati, February 11, 1977.

ADDENDUM

The Contractor's Disclosure Statement includes the statement that "Weyerhaeuser Company provided information only on project description and alternatives, with URS independently developing impact assessment" (p. xxiii). However, the list of organizations responsible for baseline studies discloses that Weyerhaeuser was the sole preparer of baseline studies on Marine Water Quality and Freshwater Ecology (no responsible individual was named for either) and Noise, Soils and Geology and DuPont Terrestial Ecology.

Since these studies were not prepared by a disinterested organization, their conclusions are suspect. Further study is necessary, particularly on such controversial subjects as the flushing rates of the South Sound. It has been suggested that this varies with the seasons; that while good flushing exists during most winters, this is not true during the summer or even during mild winters. (See Special Report # 18, Oceanographic Study of Carr Inlet, by Clifford Barnes)

(75)

NISQUALLY DELTA ASSOCIATION

1821 WATER STREET, OLYMPIA, WASHINGTON 98501

(33)

October 12, 1979

Col. Leon K. Moraski
District Engineer
U.S. Army Engineer District, Seattle
P.O. Box C-3755
Seattle, Washington 98124

Dear Col. Moraski:

An amendment to my letter of October 4 is as a result of Dr. Dice's statement at the House Legislative Ecology Committee Hearing on October 6, to the effect that he feels the dEIS is inadequate in several areas. Finally we have found a representative of the legislative body who is listening to many of the things that we have said over a long period of time.

Thank you. I remain,

Very sincerely yours,

Flo Brodie

Flo Brodie

cc: Rep. Joanne Brekke
Joe Blum, U.S. Fish & Wildlife Service
Ralph Larson, Department of Game
Henry E. Lippek, Attorney

enclosure 4

NISQUALLY DELTA ASSOCIATION

1821 WATER STREET, OLYMPIA, WASHINGTON 98501

October 4, 1979

Col. Leon K. Moraski
District Engineer
U.S. Army Engineer District, Seattle
P.O. Box C-3755
Seattle, Washington 98124

Dear Col. Moraski:

Thank you for the opportunity to comment on your draft Environmental Impact Statement (dEIS) concerning the Weyerhaeuser Project at DuPont. As president of the Nisqually Delta Association (NDA), I do not feel the necessity of commenting on the dEIS. My comments are already incorporated in the NDA's response (attached). This letter is my personal message to you about the people behind the Nisqually. I ask you to consider the thousands of ordinary citizens who have donated their time and money for preservation of this estuary over the last 14 years. I would ask you to consider the frustration these people have encountered in trying to work within the system. Finally, I would ask you to consider the effect that granting permits for this project may have on grass routes citizen efforts in the future.

I come from the eastern part of the United States. Over many years I have observed estuaries used as garbage dumps for raw sewage, as well as, industrial wastes. I have personally known many people in the higher echelon of large companies. One such group of people were in the manufacturing business. For years such businesses dumped their dye tanks into the Chuctanunda which flows into the Mohawk and finally into the Hudson. I asked these officials whether it was necessary for toxic liquids to be dumped into the stream? "What else would you do with them?", was the unanimous response. I have seen wastes from tanneries kill fish by the thousands, estuaries filled for housing developments, manufacturing sites, garbage dumps, airports all in the name of progress. I have seen many estuaries throughout New England, New York and other coastal areas of the Atlantic destroyed by our great industrialists.

I had a history professor who invariably started his classes by stating--"Why study history? The importance of history is to learn about the past so we can improve our future." Over many decades I have thought of the professor's statement and reflected on his good intentions. Now, I stand back in awe when I realize how little we have accomplished in many areas. We certainly have progressed in the areas of devastating the vital necessities of survival--clean air, clean water, pure food and the destruction of wildlife habitats.

My interest in the natural environment continued when I came out west to Washington. The first three years of my life in the Northwest was partially devoted to exploring the natural wonders that were abundant. From 1962 when I first met Margaret McKenny, one of our leading Northwest naturalists, my life became one of working with her to preserve these wonders. My first attempt was to assist her in trying to protect shellfish by stopping the dumping of effluent from the pulp mills into rivers and streams which flow into Puget Sound. We were involved in many smaller issues, albeit important.

Then came the issue of the Nisqually. Margaret McKenny left me with the legacy of doing all I could to protect and preserve the Nisqually estuary and the Nisqually River Basin. There are thousands of people who have worked to protect and preserve the Nisqually. To many people the Nisqually Delta has come to mean more than an area of smelly mudflats. It has become a symbol to people who care about natural resources and will devote their time and money to save them.

A group of citizens formed an organization in 1970 to protect the Delta, NDA. As an organization, NDA vowed from the very beginning that it would try to work within the system, which we have. The more involved we've become, the more we question if this system is really working.

One of the first examples of trying to work within the system was after Burlington Northern purchased the Atlas Power Site. The County Commissioners placed the area in the category of "Interim Zoning". We burned the midnight oil to learn about state and local statutes, rules and regulations. Of course neither the Planning Commission nor the County Commissioner were used to having hundreds of people challenge their way of progress for the county and in particular their control. After hundreds of hours were spent on research, study and attending public hearings, we asked in desperation how we could get the County Commissioners to listen and change their attitudes? The answer was, if we didn't like what they were doing we had the chance of voting them out of office. We worked very hard at this and in time (approximately 4 years) did vote them out and were able to get some more objective citizens in office.

This is only one example of what the people involved have fought. We have had to burn more midnight oil, expend more energy and earn a living to boot. Another of our successes is the establishment of the Nisqually Wildlife Refuge. Our grounds of battle have been reviewing studies (dEIS and EIS) and finding people knowledgeable in the narrow subject matter, which I feel we have been successful in doing. We have had to attend meetings and give testimony on such diverse topics as:

Water Quality
Growth Policies
Clean Air
Noise Pollution
Fisheries Rights
Wildlife Protection
Marina Establishment
Parks
Motor Vehicles on Beaches
All Terrain Vehicles In Forests
Can and Bottle Recycling
Energy Questions

Over the course of time with the NDA, I have seen many people become fatigued and discouraged. The law of fatigue is inexorable! However, in the 14 years of my being involved, every year there are more new people that become concerned than those who leave for the reasons of fatigue. They range in ages from the young to mature adults. Within the last few years there are some of us who have felt that our time has been wasted working within the system. The system has not only been time consuming but confusing. Yesterday I had to spend over an hour of my time explaining to a young lady on the phone the differences between the dEIS and EIS at the state level and the dEIS and EIS at the federal level. She was assigned to write an article for one of the newspapers. Can you see why citizens get frustrated by the system?

We have now reached a point where we hope you will listen and not disregard our years of research and activities. If this estuary falls apart, more will follow. I cannot be convinced from the reasons and incomplete data why we should have to take this on to the courts to try and prove a wrong when rationally you can deny the permits. If you issue the necessary permits for this project you will be destroying the faith of thousands of people who have tried to work within the system.

I do not fault anyone in particular however, our system of protecting our clean waters, our clean air and the use of our lands isn't working for the health, safety and welfare of the people. I object to any corporate structure who can by their size and number of dollars blithely go in and gobble up an area such as the Nisqually estuary for the purposes of economic gain. The industry has in this State taken over areas that were at one time like that of the Nisqually estuary; the Puyallup Valley, the Green River Valley and the Duwamish Valley are all prime examples.

There is alot of talk about man has to adapt to living with wildlife but not destroy wildlife. However, the true believers of this may be small in number but the numbers were greater before the lobbying, merchandising, brainwashing and the complexity of our system became weakened by the true reality of the needs of the people.

If the corporations who want their own private port or a place to expand their public ports cannot make a wise use in planning of the areas already set aside for such purposes then I would say that the system has failed. If the corporations cannot resolve their problems such as union wages and competition then they have failed. They're the ones who have much control and I see no reason why natural systems and our heritage should simply bow down to the unresolved problems and in the end only compound the problem.

I beleive that if this area is developed on either side of the estuary it will be the beginning of the end of an area which will defeat the purposes of the conservationists, environmentalists and historians and will certainly destroy one of the most important areas of our heritage. This area should be preserved for all future generations; black, white, red or yellow.

Very sincerely yours,

Flo Brodie

Flo Brodie

cc: Rep. Joanne Brekke
Joe Blum, U.S. Fish & Wildlife Service
Ralph Larson, Department of Game
Henry S. Lippek, Attorney

June 11, 1975

Honorable Kenneth C. Karnes
Mayor, City of DuPont
1209 Barksdale Ave.
DuPont, WA. 98327

Dear Mayor Karnes:

We have reviewed the revised shoreline master program dated June 3, 1975, for the City of DuPont and hereby approve the program. With the incorporation of the regulations, your program now contains the necessary administrative mechanism for succesful management of your City's shorelines.

While the program generally meets the requirements of the Shoreline Management Act, we still are concerned about the environment designations adjacent to the DuPont wharf on the Puget Sound shoreline and along Sequalitchew Creek. The Urban environment theoretically would allow intense industrial and commercial development. For this reason, we remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of Nisqually delta as a natural area consistent with its recognition as a National Wildlife Refuge and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the Nisqually delta as a shoreline of statewide significance to be preserved in its natural condition.

Thank you and the Citizen Advisory Committee, and particularly Mr. Henry Means, for your cooperation in preparing and revising the program. We are looking forward to working with you again in the future.

Sincerely,

John A. Biggs
Director

JAB:lja

cc: Mr. Henry Means, Chairman, Citizen Advisory Committee
Mr. Jerry Louthain, S.W. Regional Office - Department of Ecology
Mr. Joseph N. Shensky, Pierce County Planning Commission

Olympia, Washington 98504 Telephone (206) 753-2800

February 18, 1976

MEMORANDUM

TO: Marvin Vialle

FROM: Don Peterson

SUBJECT: DuPont Shoreline Program and Relationship to Weyerhaeuser Proposa

There are several misconceptions relating to the DuPont Shoreline Master Program and its relationship to the possible industrialization and urbanizatio of the 3,200 acre site. Specifically, it has been stated that the approved shoreline plan allows urban development and that the site lies to the north of the Delta. It should be clarified that our action on a 2,500 segment of the waterfront does not precommit us to sanctioning a major industrial proposal in that sensitive area.

1. The incorporated town and DuPont corporation property includes 2 1/2 to 3 miles of marine shoreline. Of that frontage, only the 2,500' adjacent to the existing company-owned 340' wharf, which was used to load explosives, has been designated Urban. The 2 miles to the south, which extends into the mudflats of the Delta, is designated Conservancy, consistent with Pierce and Thurston Counties on the management of the Delta. The tidelands off the southern two-thirds of the Dupont property have recently been transferred to the Nisqually National Wildlife Refuge bringing the refuge within 2,500' of the wharf.

2. While the Department approved the program, including the urban classification at the wharf, it was made clear to the city both in verbal and written correspondence that our action recognized an existing use that had minimal impact on the Estuary. Our correspondence further stipulated that we would be concerned about a change in use which would impact on the Delta.

Pertinent paragraphs from our letters indicate a "conditional" approval:

(1) Biggs to Mayor Karnes
Letter approving Program June 11, 1975

"While the program generally meets the requirements of the Shoreline Management Act, we still are concerned about the environment designations adjacent to the DuPont wharf on the Puget Sound shoreline and along Sequalitchew Creek. The Urban environment theoretically would allow intense industrial and commercial development. For this reason, we remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of the Nisqually delta as a natural area consistent with its recognition as a National Wildlife

Refuge and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the Nisqually delta as a shoreline of statewide significance to be preserved in its natural condition."

(2) Letter from Peterson to
Mr. Means (DuPont Citizen Advisory Committe) December 2, 1974

"The entire shoreline of Puget Sound within DuPont and to the north to Tatsolo Point is a "Shoreline of Statewide Significance." In these designated areas, especially since the establishment of the Nisqually National Wildlife Refuge, the Department has a responsibility to assure a coordinated shoreline management policy for the totality of the estuary and delta of the Nisqually River. Because three separate local jurisdictions are involved (Pierce Co., Thurston Co., and DuPont), we have some concern that a coordinated management program will be achieved and implemented. All shoreline areas along Puget Sound within the delta have been designated natural and conservancy by the three jurisdictions, with the exception of approximately 3,000 feet of urban within your jurisdiction. We realize the urban designation is intended to recognize an existing use, the wharf and rail facilities. However, we are concerned as to what might occur if the existing facility were to be discontinued. While the wharf, as it is presently utilized has very little impact on the area, a change in the use of site to the other uses suggested by the urban environment would be incompatible with management of the estuary, the management of a wildlife refuge and with the policices of your shoreline master program."

(3) Staff Report with
Letter of Denial September 27,1974

"We are concerned as to how the urban designation will regulate activities on the Puget Sound Shoreline north of Section 22. We realize that the designation was intended to accommodate existing docking and rail facilities. However, considering the very steep bank and the presence of the railroad, it would appear that the only possibility for additional development would require extensive filling of the tidelands. In light of the area's proximity to the new Nisqually Flats National Wildlife Refuge, we would be opposed to landfilling or industrial activity which would threaten the Nisqually Estuary.

These letters were included as part of the program and adopted under W.A.C.

3. Approximately two/thirds of the property fronts on the mudflats of the Delta. Visible sediments and mudflats are within 2,000 feet of the wharf, and the construction of a breakwater to protect the

wharf has probably prevented Nisqually sediments from encroaching even closer to the wharf. The legislatively defined "Shoreline of Statewide Significance" encompasses the entire property, and two/thirds of the shoreline property fronts on tidelands recently acquired for management by the Wildlife Refuge. It would be difficult to establish that this proposal is not on, or would have impact on, the estuary either geologically or politically.

4. The DuPont Shoreline Master Program is a fairly, complex policy document. The urban classification, in and of itself and especially in its application to a limited segment of shoreline, would not authorize or encourage an intensive industrial use. There is a considerable body of policy and regulation within the Act and in the Dupont Master Program which would be interpreted to discourage intensive industrialization and urbanization of the site. I have included some examples of policies in the master program which would conflict with intensive development of the site:

- It is the general goal of the City of DuPont to develop the full potential of DuPont's shoreline in accord with the unusual opportunity presented by its relation to the City and surrounding area, its natural resources values, and its unique aesthetic qualities offered by water, topography, views, and its maritime character. Any such development would be ordered and diversified with the goal of preserving and enhancing the environment to the end that it shall return to the community, state, private property owners, and public-at-large the greatest good compatible with the least possible disturbance to the environment.

- To encourage preservation and enhancement of fish and wildlife in this area for future generations in cooperation with State and Federal agencies.

- To define all appropriate shoreline uses and to assure that all such uses are compatible with the site, the surrounding area and the environment.

- To require that all shoreline uses conform to all applicable federal, state and local laws and regulations relating to environmental quality and resouce protection.

For that portion of the shoreline that is designated as "Shorelines of Statewide Significance", the following specific policies apply:

a. Recognize and protect the state-wide interest over local interest.

b. Preserve the natural character of the shoreline.

c. Result in long-term over short-term benefit.

d. Protect the resources and ecology of shorelines.

e. Increase public access to publicly owned areas of the shorelines.

f. Increase recreational opportunities for the public on the shorelines.

DP:lak

330.50.02

P.C. Thurston County
Side of Estuary

May 21, 1976

State of Washington
Department of Ecology

Honorable Marj Yung, Chairman
Thurston County Board of Commissioners
County Courthouse, 11th & Capitol Way
Olympia, Wa. 98501

Dear Commissioner Yung:

This letter summarizes the findings of the Department's review of the Thurston County Shoreline Master Program. Our review found the program commendable in its quality and its general consistency with the intent of the Act in providing for rational management of the County's shoreline and water areas. For this reason, we are approving the bulk of your master program.

However, based on resource management concerns and conflicts over the ultimate use of a shoreline segment on the Nisqually Reach, we are withholding approval of that segment in order to provide you the opportunity to reconsider its environment designation. Specifically, we urge reclassification of the segment to the less intensive Rural or Conservancy classification.

We have withheld approval of that segment based on the inconsistency of applying an intensive use classification to this relatively pristine reach of shoreline. Major industrial and harbor facility proposals, as authorized by the Urban environment, would likely result in adverse impacts to the Nisqually Estuary. Concern and public investment in land acquisition for the protection and management of this environmentally sensitive area is clearly embodied in public policy as expressed by legislative recognition of the delta as a shoreline of statewide significance, as an area of particular concern in the State Coastal Zone Management program, the establishment of the Nisqually National Wildlife Refuge, the declaration of the area to be a National Landmark, the recommendations of the Governor's Task Force for the Nisqually River, and the Pierce and Thurston County Shoreline Programs.

Therefore, our review found the Urban classification of approximately 2,500 feet of marine shoreline in section 24, T 19N, R 1 W, (the transportation corridor from the proposed Burlington Northern industrial park) to be inconsistent with the Shoreline Act, The Final Guidelines and the policies and criteria of the County Program. An enclosed staff report details the reasons for our request for modification.

The attached staff review and the state and federal agency reviews provide a more detailed description of findings brought out during the review process. The other review comments pertain to minor matters that could be accommodated during the normal updating. The text and the environment classifications for all shoreline segments, except the Nisqually Reach, can be considered approved and to be the basis for the administration of the permit system. The program is approved for the incorporated communities of Olympia, Lacey, Tumwater, Tenino, Bucoda and Yelm.

We wish to express our appreciation for the extensive and diligent efforts expended by the Citizen Advisory Committee, and planning staff and all others who have contributed to the development of this program. We were especially impressed with your program development process and its commitment to citizen involvement. We feel that with a cooperative effort to provide modification to the program, as it applies to the Nisqually Reach, you will have a sound management program which will reflect both the state and local interests. Should you desire information or further clarification, please feel free to contact Mr. Rod Mack, Division Head, Shorelands Division at 753-2808.

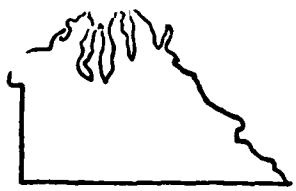
Very truly yours,

John A. Biggs
Director

JAB:mg

Enclosure

CC: Art O'Neal, Director, Thurston Regional Planning
Marj Yung, Chairman, Thurston Regional Planning Council



DEPT. OF ECOLOGY
AUG 24 8 41 AM '76

george f. yantis, jr. district one
ken stevens district two
marj yung district three

thurston county commissioners

olympia, washington 98501 206-753-8031

August 23, 1976

cc: MACK for JAB Response

Response prepared 26 Aug for JAB

John Biggs, Director
Department of Ecology
Shorelands Division
Lacey, Washington 98504

Dear Mr. Biggs:

This is to inform you that the Board of Thurston County Commissioners voted on August 2, 1976, to change from Urban to Rural the classification of the marine shoreline, commonly known as the transportation corridor for the proposed Burlington Northern industrial park. The legal description is as follows: shoreline between the west section line of Section 24, Township 19 North, Range 1 West, and the east line of the West half of the Northwest quarter, Section 25, Townhip 19 North, Range 1 West. A map showing the change in designation is enclosed.

We are hereby resubmitting our Shoreline Master Program, as amended, for your approval.

Sincerely,

Marj Yung

MARJ YUNG, Chairman
Thurston County Commission

MY:ke

cc: Clerk of the Board
Planning
file

Thurston County Commissioners

Olympia, August 27, 1976

August 23, 1976

The Honorable Mary Yung, Chairman
Thurston County Commissioners
County Courthouse
Olympia, Washington 98501

Dear Commissioner Yung:

It is with a great deal of personal pleasure that I hereby approve the Thurston County Shoreline Master Program, as amended by your letter of August 23, 1976. In reaching this point, I believe that the intent of our legislature has truly been realized in establishing, through the Shoreline Management Act, a joint local/state partnership to wisely manage and protect our shoreline resources.

The County Commissioners, Regional Planning staff, and the numerous citizens involved throughout the program development process, are to be commended for your judgement, courage and foresight.

Very truly yours,

John A. Biggs
Director

JAB:vh

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

No. 782652

SENT TO: Mary Yung, Chairman
STREET AND NO.: Thurston Co. Comm.
P.O., STATE AND ZIP CODE:
POSTMARK OR DATE: 8/27/76

OPTIONAL SERVICES FOR ADDITIONAL FEES
RETURN RECEIPT SERVICES
1. Shows to whom and date delivered ..... 15¢
With delivery to addressee only ..... 65¢
2. Shows to whom, date and where delivered ..... 25¢
With delivery to addressee only ..... 85¢
DELIVER TO ADDRESSEE ONLY ..... 50¢
SPECIAL DELIVERY (extra fee required)

PS Form Apr. 1971 3800 NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL (See other side)

21

NISQUALLY DELTA ASSOCIATION

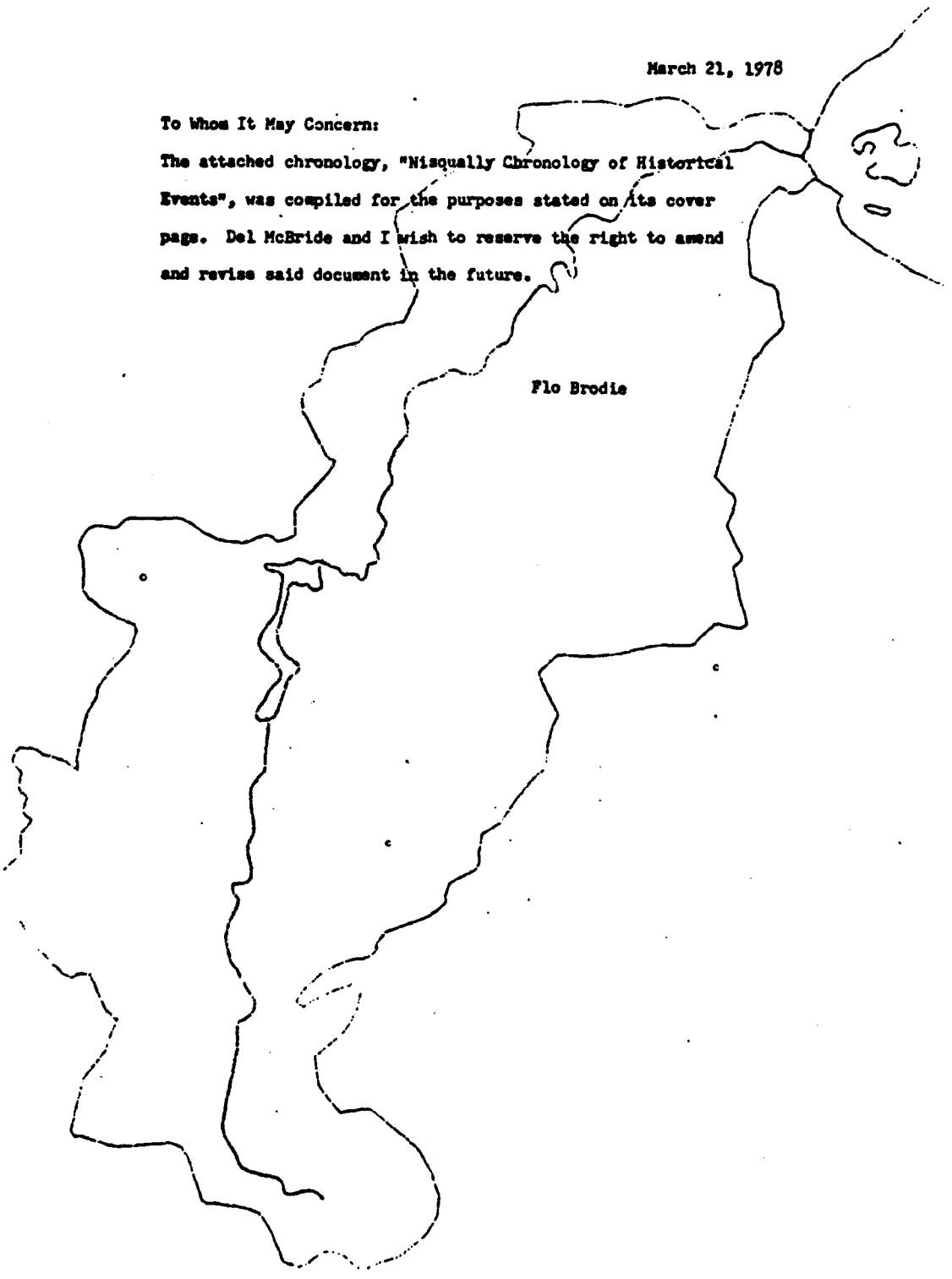
1821 WATER STREET, OLYMPIA, WASHINGTON 98501

March 21, 1978

To Whom It May Concern:

The attached chronology, "Nisqually Chronology of Historical Events", was compiled for the purposes stated on its cover page. Del McBride and I wish to reserve the right to amend and revise said document in the future.

Flo Brodie



Thurston County Commissioners

Olympia, August 27, 1976

August 23, 1976

The Honorable Marj Yung, Chairman
Thurston County Commissioners
County Courthouse
Olympia, Washington 98501

Dear Commissioner Yung:

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The County Commissioners, Regional Planning staff, and the numerous citizens involved throughout the program development process, are to be commended for your judgement, courage and foresight.

Very truly yours,

John A. Biggs
Director

JAB:vh

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No. 782652

SENT TO
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STREET AND NO.
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8/27/76

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1. Shows to whom and date delivered — 15¢
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2. Shows to whom, date and where delivered — 25¢
With delivery to addressee only — 25¢
DELIVER TO ADDRESSEE ONLY — 35¢
SPECIAL DELIVERY (extra fee required) — 50¢

PS Form Apr. 1971 3800

NO INSURANCE COVERAGE PROVIDED—NOT FOR INTERNATIONAL MAIL

(See other side)

THIS PRESENTATION PREPARED FOR

PUBLIC MEETING JUNE 23, 1976

WEYERHAEUSER - DUPONT SITE DEVELOPMENT

In August of 1965 many citizens of Thurston and Pierce County gathered under one roof for the sole purpose of preserving and protecting the Nisqually estuary for the future generations of man and animal. Many of the citizens were keenly aware of:

1. The near natural state of the Nisqually estuary.
2. The importance of preserving the food chain.
3. The value as a flyway for migratory waterfowl between the Skagit and the Columbia.
4. The pure aesthetics of the pastoral scene.
5. The importance of the area for its historical significance.
6. Its value as a scientific research area.

Attached are some dates and facts.

This chronology has been compiled by a joint effort of Flo Brodie and Del McBride. We would like to revise same at some future time as there are still many more facts which, in the limited time we had, we were unable to add.

NISQUALLY CHRONOLOGY OF HISTORICAL EVENTS

1792 - 1976

Previous to white contact in 1792, a stable population of aboriginal Native Americans occupied the area with numerous villages, fishing and clamming, root digging and berry picking areas, and had been here for many centuries.

1792, June -- Captain Peter Puget passed the Nisqually area while mapping Southern Puget Sound for the British Vancouver Expedition.

1818, October 20 -- Treaty of Joint Occupation between the U.S. and Great Britain opened the possibility for American settlement in the Nisqually area.

1824, November 6 -- John Work arrived at the Nisqually area on a trip exploring the area between Gray's Harbor and Southern Puget Sound.

1833, April 8-20 -- Building of the first Nisqually House, on the beach at the mouth of Sequalitchew Creek, by Hudson's Bay Co. men from Fort Vancouver.

1833, May 30 -- Archibald McDonald and Dr. W.F. Tolmie arrived at Nisqually House with 4 men, 4 oxen, and 4 horses, to begin active settlement of the area.

1833, June -- First cattle (3 cows, 3 calves and 1 bull) arrived at Nisqually House via the sailing ship "Llama". This start led to herds of thousands of Spanish cattle on Nisqually Plains.

1833, Sunday, July 21 -- First religious services north of the Columbia River, conducted by Francis Herron and Dr. W. F. Tolmie at Fort Nisqually for the Indians of the area.

1833, Summer -- First stockaded Fort Nisqually erected on top of the hill above Sequalitchew Creek.

1833, August 30-September 8 -- Dr. Tolmie made the first botanical expedition to the slopes of Mount Rainier with Nisqually Indian guides. Several native plants were later named for him.

1833, December 2 -- The Fort Nisqually whip saw pit was built, first in the Puget Sound area.

1838 -- Jason Lee visited Nisqually to locate a suitable site for a Methodist Mission.

1838 -- Fort Nisqually became the permanent home port of the steamer "Beaver" for trade to Russian America and the B.C. Coast.

1839, April 10 -- Construction began on the Nisqually Methodist Mission, by W.H. Willson and Rev. David Leslie.

1839, about April 20 -- Father Modeste DeMers held the first Catholic mass for a large group of Puget Sound Indians at Fort Nisqually.

1840, August 16 -- First full blood white couple married north of the Columbia River, Miss Chloe Aurelia Clark and W. H. Willson, by Dr. Richmond, at the Nisqually Mission House.

1840 to 1842 -- Nisqually Methodist Mission active, one half mile east of Fort Nisqually, with Dr. John P. Richmond in charge.

1841, May 11 -- The Wilkes U. S. Exploring Expedition dropped anchor in Nisqually Reach, with the "Vincennes" and "Porpoise".

1841, May -- Wilkes Observatory built at mouth of Sequalitchew Creek.

1841, July 5 -- First public observance of American Independence Day west of the Mississippi River, by the Wilkes Expedition.

1841, November 8 -- The Red River, Canada, group of settlers arrived at Fort Nisqually to begin farming. Most left by 1842.

1842, February 28 -- Francis Richmond, born of John and America Richmond, Nisqually, was the first white child born north of the Columbia River. He was baptized by Jason Lee.

1843 -- New site selected and rebuilding of Fort Nisqually by Dr. W. F. Tolmie, inland from the first site.

1844, June 27 -- The territory north and west of the Columbia River was included in the Vancouver District by the Oregon Provisional Gov't.

1845, July -- Col. M.T. Simmons visits Nisqually on an exploration of Puget Sound with plans to settle here.

1845, -- Sir Henry Warre and Lt. Vavasour, British agents, surveyed the Nisqually area for possible British fortification and takeover.

1845, October -- A party of over 30 Americans headed by Col. M. T. Simmons, arrived and settled at Tumwater Falls.

1846, June -- Dr. W. F. Tolmie, Fort Nisqually factor, elected first representative to the Oregon Territorial Legislature.

1846, June -- Treaty with Great Britain made; Article IV provided the U.S. may buy lands of Puget Sound Agricultural Co., including the Fort Nisqually claim of 221 square miles.

1846 -- Paul Kane, Canadian artist, sketched Indians at Ft. Nisqually.

1846, summer -- Sailors from the British warship "Fisgard" laid out a half mile horse race track with grandstand on Nisqually Plains, near Fort Nisqually.

1848, November 5 -- Meeting of American settlers held to protest the pasturing of Hudson's Bay Co. cattle south of the Nisqually River.

1849, May 1 -- Attack by Snuqualmie Indians under Patkanim, on Fort Nisqually. This led to the first murder trial on Puget Sound.

1850, January 10 -- Nisqually designated one of two ports of delivery by U. S. Presidential proclamation. (Portland, Oregon, was the other port.)

1851 -- Sawmill on McAllister Creek established. This sawed some of the first lumber exported from Puget Sound (to San Francisco).

1852, Jan. 22 -- Thurston County created, which included the Nisqually area.

1852, September 6 -- William Packwood granted a license to run a ferry over the Nisqually River.

1852, Nov. 17 -- New sawmill reported in course of erection on the south of the Nisqually River.

1852, December 22 -- Pierce County created by the Oregon Legislature, with boundaries established commencing at the middle of the mouth of the main channel of the Nisqually River.

1853, March 2 -- An act creating Washington Territory passed by Congress and signed by the President, putting Ft. Nisqually under jurisdiction of the territorial government.

1853, March -- A. B. Moses appointed surveyor of the Port of Nisqually.

1853, March 10 -- Donation Land Claim filed by Joel Myers at south of Nisqually River.

1853, February 14 -- Levant F. Thompson filed a donation claim of 157.3 acres at south of Sequalitchew Creek.

1855, October 14 -- Governor's proclamation calling out 1st Reg't. Territorial Volunteers, including Nisqually Ferry Guards, with Sgt. Packwood and 10 men.

1856, January 23 -- Proclamation establishing 2nd Reg't. Territorial Volunteers, including Nisqually Ferry Guards, 8 men.

1856, March 2 -- Nisqually settlers, ex-Hudson's Bay Co. employees, ordered sent to Fort Nisqually for internment by Gov. I. I. Stevens.

1856 -- Blockhouses built on the Nisqually River, Fort Raglin on Joel Myers DLC near river mouth, Fort Preston at Meshal Fork of the Nisqually.

1356, November 13 -- Capture of Chief Leschi At Nisqually; taken to Fort Steilacoom and imprisoned.

1857, September -- Edward Huggins, clerk at Ft. Nisqually, marries Letitia Work, sister-in-law of Dr. W. F. Tolmie.

1859, April 2 -- Earthquake in the area, not very severe.

1865, April -- Hudson's Bay Co. and Puget Sound Agricultural Co. filed statement of value of holdings at Ft. Nisqually for $798,133.33 plus additional for livestock, on claim of 167,040 acres.

c. 1869 -- First schoolhouse built by settlers about 1 mile from Fort Nisqually, District Number 7.

1869, September 10 -- U. S. acquires title to Fort Nisqually and other Hudson's Bay Co. lands for $650,000.00.

1872, November 9 -- Severe earthquake in Olympia, Nisqually area.

c.1875 -- George Shannon of N. P. Railway Co. acquired the George W. Shazer Donation Land Claim on the Nisqually Delta, about 1100 acres. Began diking the property which is now part of U. S. Fish and Wildlife Refuge.

c.1892 -- Plat filed for Nisqually City on land just south of Fort Nisqually, owned by Daniel and Catherine Mounts.

1906 -- Purchase of Fort Nisqually site by duPont Co. Crew arrives to start construction on plant and dock.

1912 -- Construction of the Northern Pacific Railway's Point Defiance line, and site of Wilkes Observatory destroyed by grading for railroad.

1917 -- Pierce County acquires former Puget Sound Agricultural land and larger part of Nisqually Indian Reservation by condemnation for a military training post.

1918 -- Port of Tacoma was created by the voters of Pierce County.

1927 -- Charles Lindberg flies over Fort Nisqually, duPont and Fort Lewis on a U. S. tour after his successful flight from New York to Paris.

1933 -- Metropolitan Park District, Tacoma, acquires remaining historic buildings at Fort Nisqually site for restoration in Point Defiance Park.

1934 -- Dedication of reconstruction of Fort Nisqually, with original granary and factor's house, at Point Defiance Park.

1947 -- The State Game Dept. became interested in acquiring land on the Nisqually Delta for the purpose of game management, which would also include some public hunting.

1949 -- The Port of Olympia included in its development plan the Thurston County side of the delta.

1952 -- The Port of Olympia filed for water rights of 100 cubic feet per second from the Nisqually River for industrial development on the Nisqually Delta.

1955 - A long range comprehensive plan for the Port of Tacoma was completed which recommended two deep draft terminals from Commencement Bay into 3000 acres of marginal land. Dredge material was to be used to reclaim adjacent land areas.

1964 - The City of Seattle explored the possibility of using the Nisqually Delta as a place to bury its garbage..

1965 - The Port of Tacoma held a public hearing on Aug. 25th, to amend it's comprehensive plan to include 2500 acres of land, for a deep water port in the Nisqually Delta. The hearing was continued to Sept.1st, as a number of people that attended the 25th hearing had not been heard.

The Port officals did not include some 1000 acres of upland owned by E. I. duPont deNemours. Said 1000 acres had been part of an earlier plan.

1965 - Margaret McKenny of Olympia, Wn., formed an organization known as "Washington Citizens Committee for Outdoor Resources". The purpose of the organization was to preserve the Nisqually Delta from any deep water port or industrialization in the area. Part of Margaret's campaign was to get citizens involved in writing their legislators, Congressman and various departments of Federal, State and local governments. Margaret did more than her share. She wrote to such people as Lady Bird Johnson, Sena[illegible] Jackson, Magnuson, the department of Interior - Fish and Wildlife, and many other preservationists throughout the country.Margaret was known in both the west and the east as a naturalist. One of her brochures states "The value of area is of great value to nearby colleges who may study plant life, animal life and water, as well as a resting area for the migratory waterfowl. Historically there is a wealth of data to be collected and assembled". Margaret died in 1969, however, others picked up the torch and carried on.

1965 - Bob Evans of Tacoma called a meeting of the Citizen's Planning Council, of which he was a member, to consider the problem of proposed development of the Nisqually Flats. Robert Eyre of Seattle, President of the organization, said "We feel the problem posed by development plans for the Nisqually Flats is a matter of concern for everone in the Puget Sound region". In the council meeting notice it stated,"the port of Olympia is also interested in the development."

1966 - In Jan. the Game department purchased 283 acres of land from Delta Park Inc. The ribbon like parcel runs from the mouth of McAllisters Creek to the Nisqually River. (The land had been on option at $424.00 an acre). The area is all in Thurston County and is part of the area the Port of Olympia included in its development plan in 1949.

1967 - The Port of Olympia attempted to locate an aluminum mill on the upland area above the delta and toward the west.

1967 - The State Game Dept.,made formal application for funds to purchase 170 acres of land on the flats as a public hunting area. State Interagency Committee agreed to consider a request for $120,000., to enable the Game department to purchase the land, which covers an area from McAllisters Creek just north of the freeway to the mouth of the creek.

1968 - The Port of Tacoma amended its comprehensive plan to include 544 acres of land adjacent to the 2500 acres placed in its plan of 1965.

1969 - The Burlington Northern Railroad bought the Atlas Powder Site.

1970 - The Nisqually Delta Association was formed.

1970 - Resolution 70-41 was adopted in the House of Representatives calling for a study of the delta by Dr. Dixy Lee Ray of the Pacific Science Center and Dr. Gordon Alcorn of the University of Puget Sound, for the purpose of determining a program for development of the area for a wildlife and game preserve not inconsistent with the industrial development of said delta for the citizens of the State of Washington.

1970 - League of Women Voters of Pierce and Thurston Counties issued a document entitled "Nisqually in Conflict".

1970 - The Puget Sound and Adjacent Water Study was released. The 14 volumes contained information of Washington River Basins. Public hearings were held concerning the study. Many people objected to some of the facts and findings. As a result a Task force was formed of citizens and experts. There were some additions and changes made in the study.

1970 - The Puget Sound and Adjacent Water Studies were released. The 14 volumes contained factual information concerning the basins of Puget Sound. Public Hearing were held and a task force for comprehensive study was formed which consisted of experts in many fields as well as members from the general public. Revisions were made and due to the controversy concerning the Nisqually final decisions were delayed.

1970 - A first attempt of a shoreline bill was introduced to the legislature. A Washington Supreme Court decision concerning Lake Chelan ---Wilbour vs. Gallagher gave us several important guidelines for a shorelines management act. The shoreline bill died.

1970 - Washington Environmental Council drafted Initiative 43 with several goals. Planning at the state level, zoning at the state level, licensing at state level, prohibiting oil drilling in Puget Sound, prohibiting high rises on the shorelines, and statutory enforcement provisions.

1970 - Thurston County Planning Commission called a public hearing on June 11th for the purpose of considering Interim zoning for an area generally known as the North Thurston area, which included the Burlington Northern purchase of the Atlas Powder site. Two more Planning commission hearings followed. A petition was circulated by those opposing the Interim Zoning asking for a moratorium on interim zoning until the county comprehensive plan was prepared. A Seattle representative, Bill Chatalas, who was prime sponsor of the resolution for a study of the delta requested a delay in the interim zoning until the Ray-Alcorn Study was presented in the fall. There were two County Commission hearings in Sept. and Oct. There was many hours of fine testimony, with many scientists who testified, the leagues of both Pierce and Thurston counties, bird watchers and people who did not want to see Atlas Powder site become industrialized but all to no avail. Both bodies passed on the interim zoning.

1970 - The conclusions of the Ray - Alcorn Study was presented to the legislative committee. The study stated that short development was incompatible with survival of the natural resource values of the Nisqually Delta.

1971 - Nisqually Delta Association sponsored H.B. 1030 which was an act relating to the preservation of the delta. The bill failed in the later days of the session.

1971 - Many legislators were unhappy with Initiative 43. As a result another Initative was drafted, which passed in both houses, and it was placed on the ballot too, known as 43B. 43B was approved by the voters.

1971 - Governor Evans named a task force of officials and citizens to explore a parkway from Nisqually Glacier to the Sound.

1971 - Secretary of Interior Morton proclaimed part of the Delta a Natural Landmark.

1972 - Governor's Task Force adopts recommendations calling for coordinated control of development between landowners, county officials and state agencies.

1972 - The Department of Game in cooperation with Evergreen College, Bureau of Sports Fish and Wildlife published a booklet entitled "A Resource Worth Saving". This was compiled by and written by Leslie Lyman.

1972 - The University of Washington published a book on Port Expansion in Puget Sound Region - 1970 to 2000. Compiled by Stewart Borland and Martha Oliver.

1973 - A memorial to the U. S. Congress, the President and the Department of Interior requesting that funds be made available for the purchase of a wildlife refuge on the Nisqually Delta.

1974 - The Brown Farm on the Nisqually Delta was purchased to create a National Wildlife Refuge.

1974 - The Evergreen State College published a book entitled Nisqually Delta. The book contains many most important facts about the history of the Delta, data on water quality, biology and numerous other scientific facts.

1975 - Evergreen came forth with another book on "Contributions to the Natural History of the Southern Puget Sound.

Port Jambo Weekly
E.C. 9/13/79

Bombards Corps

By JILL TOKARCZYK
Olympian Staff Writer

Arguments for and against the Weyerhaeuser Co.'s plan to build a forest products export center northeast of the Nisqually Delta yesterday bombarded the U.S. Corps of Engineers at a public workshop held in Tacoma.

The corps, which is trying to gather information to help it decide whether to issue Weyerhaeuser a permit allowing construction of a 1,315-foot-long export pier, was hit with some of the strongest words yet expressed about the timber giant's proposed $70 million development.

Weyerhaeuser top executives were out in force — with at least 10 present at two public sessions held Wednesday afternoon and evening. Phil White, project manager for the company's export complex, in the afternoon tried to sell the corps and public on Weyerhaeuser's export plan with a prepared speech, but after an afternoon of being verbally slapped by a number of environmentalists, he toughened his statement for the evening presentation.

White contended the timber giant's development at DuPont won't have any industrial discharges because it won't include manufacturing. "We have no plans for manufacturing. The export facility stands alone."

He asserted that the company may someday propose other things at DuPont, but the beliefs of some that industrial growth at the site is inevitable is just plain wrong. Several persons disagreed. They argued Weyerhaeuser isn't likely to leave nearly 3,000 acres undeveloped indefinitely.

The company's export center is planned to take up only about 250 of its 3,200-acre DuPont site.

Opponents of the industrial proposal repeated many of the same arguments given at earlier public forums but showed a growing worry on another front.

Jay Butts, spokesman for the Olympia-based Nisqually Delta Association, said the corps is going to have to take it upon itself to bring up the quality of the federal environmental impact statement for the Weyerhaeuser plan. He contended that state agencies are becoming less willing to press for environmental safeguards in the Nisqually area because they are under the arm of a strong leader, Gov. Dixy Lee Ray, who has already expressed her support of the Weyerhaeuser project.

Many persons from various walks of life claimed the draft environmental impact statement prepared on the export proposal is inadequate.

Gary Kline of the U.S. Fish and Wildlife Service said the basic problem with the project is the plan to locate it next to a sensitive wildlife area, the Nisqually Delta. It's his view that the corps needs to tighten up water quality protections.

Others said the environmental statement is weak in its investigation of potential negative effects on nearby residents and fish populations, and its likely discharge of pollutants. In addition, alternate site locations weren't given enough consideration, they believe.

The environmental document, when it is put in its final form during the next several months, will serve as a basis for the corps' decision on the Weyerhaeuser pier permit.

Corps representatives yesterday maintained that they remain undecided on the issue and will receive public comments until Sept. 28.

Those protesting the Weyerhaeuser development at DuPont included the Washington Environmental Council, several Audubon groups, a Save-the-Narrows association and a group of Anderson Island residents.

Those supporting Weyerhaeuser's plan include the Port of Tacoma; the Tacoma Sportsman's Club; a spokesman for Bert Cole, head of the state Department of Natural Resources; the Tacoma and Lakewood area chambers of commerce; Washington Contract Loggers and the Pierce County Central Labor Council.

Yesterday's positive comments by sports and labor groups displayed a weakening in the Nisqually Delta Association's efforts to establish a broad coalition of opponents to the Weyerhaeuser development. The timber company has been persistently presenting its case to any group which would listen during hte last several months.

Ken Braget, who runs a dairy farm in the Nisqually Delta area, dominated the floor for some 20 minutes, arguing that the rights of private property owners other than Weyerhaeuser are being neglected.

He said the landowner is a scapegoat for government projects, such as dike construction and changes to Interstate-5 near the delta. He asked for relief from what he considers an unfair burden.

In a related development, Weyerhaeuser's plan this week got a boost from some Pierce County officials.

The Pierce County Boundary Review Board gave approval for a requested annexation of an approximately 20-acre site owned by the timber company into the City of DuPont. Weyerhaeuser owns some 3,200 acres, already within DuPont City limits, which lies just south of the 20 acres.

The company wants to build an export dock along the 20-acre bayside property. The boundary review board's decision now opens the way for the City of DuPont to again commence giving approvals on the local level unless someone appeals the board's decision within 10 days.

Army Wants More Study On DuPont

D.O. 10/7/79

The U.S. Army Corps of Engineers yesterday said it has tentatively decided to require clarification or more study of several issues relating to the Weyerhaeuser Co.'s plan to develop a forest products export center at DuPont, northeast of the Nisqually Delta.

Speaking before the House of Representatives Ecology Committee, corps official Steve Dice said it has become obvious during the agency's review of the proposal that more information is needed. Additional coverage likely will be required on the following:

—The availability and acceptability of sites other than the 3,200 acres owned by Weyerhaeuser at DuPont for a Weyerhaeuser export center.

—Economic effects of logs and forest products exported via the planned export complex.

—The future development of DuPont lands because of the proposed export pier.

—Plans to prevent and handle potential oil spills at the site due to ship traffic it would generate.

—Energy requirements for the complex.

—The development's potential noise and glare effects.

—Relationship of the proposal to state and federal land-use plans.

—The effect of the center on salmon in the area.

—Measures to minimize and avoid effects on Sequalitchew Creek, which runs through the site.

What the corps requires is important for Weyerhaeuser's plan because construction of the company's proposed 1,300-foot export pier can't progress without a permit from the agency.

State Rep. Joanne Brekke, who presided over the House meeting, said she was encouraged by the corps thorough handling of the Weyerhaeuser plan. The Seattle democrat was the prime sponsor last legislative session of a bill aimed at barring Weyerhaeuser's export complex at DuPont. The bill never made it out of the Ecology committee.

The public hearing before the House Committee was called to give legislators an update on the hotly contested Weyerhaeuser export plan.

Dice indicated the corps won't make a permit decision until after the City of DuPont and the state Ecology Department give official go-aheads on the local and state levels. If they don't make decisions favorable to the Weyerhaeuser proposal, then the corps would not issue a permit, he said.

It's estimated to take several months before most governmental agencies having a say on the issue complete their review of the export plan.

However, at least one agency with clout in the matter, the state Ecology Department, yesterday said the Weyerhaeuser plan has been studied enough, and decision makers should get on with making permit rulings.

Mrs. Brekke said since her bill is in limbo now, the issue is in the hands of the corps. "At this point we're following the issue, because out of the legislative session that's the only role we have.

"We're talking about it, but the corps are the ones dealing with it," she added.

The corps continues to gather comments from the public and governmental agencies for use in preparation of a final federal environmental impact statement on the Weyerhaeuser plan. It has extended the comment period until Oct. 15.

After it reviews the various views and questions, a final environmental document will be issued - likely next year. Then the corps would be in a position to decide whether to issue a pier construction permit.

Several persons yesterday spoke in favor of legislation to bar the Weyerhaeuser complex at DuPont.

Rainier Visitors

ASHFORD, Wash. (AP) — Travel in Mount Rainier National Park was 18 percent higher this September from September of 1978, the National Park Service reported Friday.

The park service attributed the travel increase to warm, sunny weather. There were 322,990 park visitors last month compared with 274,640 for the month last year.

However, travel for 1979 remained down 5 percent from 1978 figures. Through the end of September, there were 1,672,478 visitors this year compared with 1,761,243 visitors through the end of September last year.

Driver Hurt

A 24-year-old Centralia man suffer
head early Saturday when his car hi
rail and then a bridge on Interstat
Creek, a state trooper said.

Randy L. Feir was drving south at
accident, which left his car totale
said. A passenger, Craig A.
Centralia, suffered cuts to his face an

1970

POSITION PAPER

FROM

MEMBERS OF THE PROFESSIONAL COMMUNITY

AN ANALYSIS

OF

THE ECOLOGY OF NISQUALLY REACH, DELTA

AND SOUTHERN PUGET SOUND

AND

IMPLICATIONS OF ZONING PROPOSALS

TO

LIFE IN THURSTON COUNTY

SUBMITTED TO

THURSTON COUNTY BOARD OF

COMMISSIONERS

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INTRODUCTION

The undersigned professionals in the biologic, physical and social sciences urge careful consideration of the unique economic, educational, ecologic and social values of Nisqually Delta and Nisqually Reach, a portion of South Puget Sound. These values are important to the County, State and Nation because few similar areas remain unaltered after a century of industrialization. We offer our professional advice as a service to the Thurston County Commissioners who are being asked to decide the frequently irreversible issue of land zoning and use. In a series of statements by specialists representing various disciplines, we have,

(1) evaluated the Nisqually area for its current use and potential for:

  (a) recreation

  (b) commerce

  (c) education

  (d) preservation

(2) discussed the possible effects of improper land and water use on the unique and fragile environment of Nisqually Reach and Delta.

(3) enumerated specific questions for consideration and/or objective investigation before zoning of these areas is approved

It is inevitable that conflict should arise over the most desirable use of the land and water in and around the mouth of the Nisqually River. There is a limit to the land and water available for man's developments. The "last frontiers" are eventually reached; man is then forced to curb his hitherto insatiable drive to break new ground and let nature heal the wounds of his previous activities.

The relatively underdeveloped Nisqually Delta and the shore and uplands along the Reach have the appearance of many other areas which have undergone extensive exploitation for economic returns from heavy industry. Because of deep water in the Reach, port development appears to be possible and is being considered for facilitating industrial development of the uplands.

The area currently supports or shelters large populations of fish and wildlife in a delicately-balanced estuarine environment.

Based on past experience and current knowledge, there is little room for compromising or trading the ecologic values in this local conflict of land use. The unique natural environment and its dependent fish and wildlife cannot be moved or substituted for at other locations. Moreover, a wide, undisturbed

buffer-zone must be maintained around the estuarine complex to prevent subtle changes which can irreparably upset its delicate balance: water-land-vegetation-animals.

Fortunately, however, previous surveys of potential areas for industrial development in Thurston County have located several sites which are likely alternatives to the Atlas Powder site near the Nisqually Delta. Thus, the industrial development interests in this conflict do have other options to explore.

This conflict over land use must be resolved by rational decision-making processes. Time and money will be needed to collect and analyze the facts. The long-term net economic and social benefits of the Nisqually Delta and Reach must be evaluated and compared to net benefits from proposed industrialization of the area.

R.M.

URBAN PLANNING

The total developed acreage, including roads, in the eastern section of North Thurston Area(*) is 966 acres. The total amount of land classified as "vacant" by the Regional Council is 11,950 acres. The existing land use pattern in the area is overwhelmingly residential in character. Of the 1,280 uses enumerated by the Regional Council, 1,238 are classified as residential. The residential character of the area is supported by the existence of 24 retail or service outlets and three outdoor recreation facilities. The remaining uses are institutional (5), warehousing (5), small-scale food manufacturing (2), and other unclassified (3). It is also worth noting that the area includes 30 water acres of highly-productive oyster beds.

There is no substantive indication that the mix or balance of land uses will change substantially, or that the artificial alteration of land use patterns, including introduction of industry, will be demonstratively beneficial to the North Thurston Area or to the County. It is possible that the introduction of industry, to that area at this time, will create artificial expectations in the form of land prices and taxes which will be detrimental to orderly and rational growth of the area and may actually serve to retard development. Industrial park zoning of the Hawks Prairie site could also reasonably be expected to prove physically disruptive and potentially prohibitively expensive when compared with the potential for similar development in other sections of the County.

As a conceptual model, industrial parks were designed to promote "clean and aesthetic" industrial development compatible with surrounding and predominately residential, institutional, and commercial uses. Successful industrial parks (those which both attracted and retained industry and maintained a satisfactory environment) have been few in number and have generally been those with a heavy concentration of aerospace, electronic, and research and development enterprises. Examples include some of the complexes adjacent to Route 128 near Boston, a few of the more than 30 industrial parks in Santa Clara County, California, and the Research Triangle in North Carolina.

Failures of industrial parks to attract tenants and retain environmental quality are numerous. By 1967, Santa Clara County (including cities) had at least five railroad-owned industrial parks which clearly demonstrated the difficulty of developing successful industrial parks without compromising already lenient regulations. Bona fide industrial parks failed to attract or retain many types of industry because of the high overhead necessary for compliance with regulations. Those industries which are most compatible with industrial parks tend to be the industries least needing regulation.

Establishment of industrial park controls is at best a ticklish matter. The regulation of all effluents, visual amenities, noise, waste disposal, circulation and parking, buffering, structure design, signs, drainage and utilities requires stringent standards. In practice, regulations and performance standards: (1) are susceptible to piecemeal modification to conform with the desires of the park owners; (2) tend to be waived to attract additional

(*) See Appendix for delinistion of eastern section of North Thurston Area and complete listing of land uses.

tenants to a marginal industrial park; and (3) generally are not sufficiently stringent initially.

In short, industrial parks, once considered a panacea have proven successful in only a few stringently regulated cases.

Information and suggestions for policy formulation and control of a site:

General Considerations:

(1) Is the zoning comprehensive in nature or is it merely spot zoning?

(2) Does the zoning conform with regional plans and regional policy?

(3) Are population, employment and transportation data available and consistent with other available data?

(3) Have the decisions been rational or merely opportunistic?

Industrial Park Considerations:

(1) Are all performance standards developed? Are they mutually compatible?

(2) Are performance standards sufficiently stringent to produce a bona fide industrial park?

(3) Will performance standards be administered by a single body which does not have a vested interest in the park?

(4) Are related and surrounding uses compatible? Will spin-off developments result? Will secondary development be detrimental to the industrial park or surrounding areas?

(5) Are there adequate buffer zones between the industrial park and surrounding potential uses and/or natural phenomena worthy of preservation or protection?

Nisqually Estuary Considerations:

(1) Have watershed, percolation, and drainage areas, volume, and content been analyzed?

(2) Will secondary development strain the capacity of the Delta and adjacent areas of the Reach and their watersheds?

(3) Have materials from Federal Estuary Studies been considered?

(4) What is the overwhelming rationale for risking damage to the Nisqually Delta, Nisqually Reach and surrounding buffer zones by selecting the Hawks Prairie site instead of one of the other top four industrial sites in the County?

H. S.

METEOROLOGY

Meteorological factors of the Nisqually Delta and the Puyallup Delta in Tacoma are quite similar. Both are aligned north and south with higher ground to the east and west. Both delta areas are notoriously susceptible to localized low-level inversions, which are conducive to entrapment of both gaseous and particulate pollutants.

Thus, the conditions now existing at the Puyallup Delta can be projected for Nisqually Delta if similar industrial expansion occurs. Climatological records for the Nisqually Delta show a northerly wind regime during the summer, as well as in all fairweather periods, and a prevailing southwesterly flow during the winter. One can reasonably assume that potential suspended particulate material would be carried southward as fallout into the future heavily residentialized sections of the Tumwater-Olympia-Lacey metropolitan area. I believe that use-zoning must investigate and evaluate the following meteorological factors before a comprehensive zoning plan for the Nisqually area can be formulated:

1. Frequency, duration, and effects of localized inversions.
2. Frequency, duration, strength, and effects of Lower Puget Sound inversions.
3. Wind-flow patterns for all periods of the year, including trajectories of suspended particulate and their fallout patterns.
4. Potential sources and types of particulate and gaseous pollutants and their effects on animal and plant life, soiling, nuisance, aesthetics, etc.

JT

WATER QUALITY

Despite increased public concern, industrial pollution of State waters continues to occur and cause irreversible damage to important public resources. For example, an industrial firm in Northwestern Washington discharged acid waste-water containing fluorides at a rate of ten-million gallons per day while repairing their discharge line; provisions were made for an alternate line which allowed wastes to cascade down a steep bank, caused severe erosion and spilled directly into State waters.

Another "accident" involved pumping 1,500 gallons of residual fuel oil into the Columbia River. A clean-up crew, hired to take care of the problem, used twenty-two, 55-gallon drums of oil dispersant which had a greater deleterious impact on the environment than the oil.

These are but two examples of many situations which dramatize that inadequate technology, enforcement problems, human error and mechanical failure do not support the premise that regulations and standards can prevent environmental degradation.

Washington's interstate and coastal waters have been categorized into broad classes based upon "... conformance with present and potential water uses of said waters ..." These classes, AA, A, B, and C, range from best-to-poorest quality. (Appendix)

Standards for each class are based on the following criteria:

1. Total Coliform organisms
2. Dissolved oxygen
3. Temperature
4. pH
5. Turbidity
6. Toxic or other deleterious materials (Appendix has details)
7. Aesthetic values

The following lists the relative quality of representative waters of the Puget Sound area:

Bellingham Bay ----------B	Commencement Bay----------A
Inner Bellingham Bay -----C	Inner Commencement Bay ---B
Mouth Nooksack River -----A	Tacoma Waterways ---------C
	Mouth Puyallup River -----B
Everett Harbor ----------B	
Inner Everett Harbor -----C	South Puget Sound --------A
Mouth Snohomish River ----B	Budd Inlet ----------B
Elliot Bay ----------A	Nisqually Reach ---------AA
Mouth Duwamish River -----B	Mouth Nisqually River ----A

Waters of the Nisqually Estuary and Delta are the only ones which rate "AA" and "A". The other estuarine areas have lower classification and possess a common denominator -- industrial and port development -- not present on or near Nisqually Delta.

The lowest classifications have been assigned to the water systems of the Puyallup estuary in the Tacoma Area. These aquatic environments have been polluted beyond their natural abilities to absorb, flush or disperse pollutants despite the fact that Commencement Bay is extremely deep and has more than average capability for water exchange. The current situation in Puyallup Estuary dramatically illustrates the effects of indiscriminate development of heavy industry and the impracticality of relying on standards and regulations to prevent water (and air) quality degradation.

South Puget Sound is a particularly sensitive area because of its comparative lack of dilution water and water exchange to protect a vast amount of valuable shoreline for existing and future development. The "AA" and "A" ratings applied to Nisqually Reach and Delta area are extremely tenuous in the face of proposals for developing heavy industry on or near these waterways. The consequences of premature zoning decisions are predictable if protection of water quality is to be based solely upon regulations, standards and existing technology.

If development of heavy industry occurs on the Delta or adjacent to Nisqually Reach <u>without</u> degradation of water or air quality, it will be the first instance where this will have occurred on any industrialized site located on any estuary in the State. The odds against this phenomenon occurring are astronomical. One only has to look at the aesthetics of the present Olympia Port, the poor quality of Budd Inlet waters and the effluent from the Olympia Sewage Treatment Plant to know the low priority evidently assigned to enhancing, protecting or remedying the quality of Puget Sound adjacent to Thurston County.

The history of industrial development in other sensitive areas, as well as the limitations inherent in waters of the Nisqually area, suggest that vital facts be available prior to making zoning decisions. Some questions that must be considered by those making these important decisions follow:

1. Estuaries vary in their capability to dilute, mix, transport or assimilate foreign materials. What are the capabilities of Nisqually Estuary to perform these dynamic functions and retain "AA" classification?

2. Industrial firms located on established ports are having difficulty absorbing costs of meeting even "B" and "C" water quality standards. The Atlas Site is situated on the extreme south end of Puget Sound which has "AA" classification. In the face of these realities, what steps should be taken to provide complete protection, retain "AA" classification and still successfully compete with established ports?

3. The costs of treatment facilities are generally borne by residents of the community. Urban growth of Thurston County and attendant sewage-disposal problems are well documented. Will the volume of industrial waste discharge if added to problems of upgrading present inadequate sewage treatment and handling storm water disposal, exceed the ability of

Southern Puget Sound to handle these enormous volumes? Can the citizens afford to pay the extra costs involved if the water available for dilution and assimilation of domestic waste is already being used by industrial effluents?

5. The recent "mercury crisis" demonstrates the need for research to fully protect humans and animals. If industries which emit heavy metal residues, pesticides or other deleterious elements, locate on Atlas Powder Site, will Thurston County or the industries conduct necessary research to determine toxic levels and assure that these levels are not exceeded?

M.P.

OCEANOGRAPHY

Oceanographic values associated with Nisqually Reach include:

1. Large water movements with extensive vertical mixing of plankton, nutrients, and sunlight.

2. High plankton production from March through September, which provides food for abundant clam and commercial oyster populations.

3. Aquatic medium for existing commercial shellfish (Pacific and Olympia oysters) and potential commercial geoduck harvest as well as potential seaweed and animal aquaculture.

4. Eel grass, which serves as prime nursery ground and feeding area for flat fish, other bottom fish, young salmon, crabs, shrimp and brant.

5. Prime sports fishing area for salmon and bottom fish.

Oceanographic values associated with Nisqually Delta Mud Flats include:

1. Sediment trap for Nisqually River-borne silt. This silt is a nutrient source which would otherwise be immediately lost to deep water. With existing conditions, the silt slowly dissipates into the delta and improves the biological productivity of Southern Puget Sound. The Nisqually Delta is the largest of its kind in Southern Puget Sound.

2. Abundant food organisms for juvenile and adult flat fish, rockfish, young salmon, and other species of fish, as well as some of the diving ducks.

3. Physical medium for commercial shellfish.

4. Extensive stands of eel grass which serve as refuge and protection area for many varieties of young fish and invertebrates.

The oceanographic values enumerated above are important for human food and recreation in Puget Sound.

In the past, reliance on existing State and Federal water and air pollution laws and enforcement has not guaranteed a satisfactory environment. Even with approved techniques in raw material handling and waste treatment, accidental or careless spills and leaks do occur. Human errors or equipment failures would adversely affect the resilience of the food chain and diversity of habitat of the Nisqually area. Existence of commercial shell and fin-fish, as well as potential aquacultural activities would be endangered.

A major spill of toxic or smothering material would not only cause economic and ecologic damage to the immediate Nisqually area, but, depending on rapid tidal currents and the density and volume of spilled material (such as oil), damage could spread throughout the entire Puget Sound. This would be a major economic disaster to the State and recovery might be extremely slow.

To develop information necessary for Thurston County to make proper land-use guidelines and to recommend types of industry that would be environmentally compatible, the following questions should be answered before interim zoning is enacted:

1. Industrial development will require pier facilities. How can these be constructed to allow for free exchange of water in the Nisqually area so sediment or fish movements will not be disrupted.

2. Bulk transport and loading/unloading of potentially toxic or smothering material is likely, how can a major spill or leaks due to transportation accident be prevented or effects minimized? Can spills and leaks be prevented during the unloading/loading process? How?

3. Industrial and residential wastes will require treatment and disposal. What back-up system or storage area will be required to safely handle the treated waste when the normal outfall is under repair or otherwise out of service?

4. What effect would the treated waste have on the abundance and distribution of eel grass? Rockfish? Caprellids? Ducks and Brandt?

5. What effect would the treated waste have on the commercial sports utilization and abundance of oysters, clams and salmon in the area?

6. Would the waste of the ships associated with the operation be discharged into an on-shore treatment facility?

7. Large volumes of freshwater will be necessary for urban and industrial development and waste-treatment facilities. Assuming that some of this water will come from the Nisqually River,

   a. What effect would a decrease in discharge at the river mouth have on salmon migration, oyster culture near the Delta, salt water intrusion upriver, upstream siltation, and soil-vegetation balance of the Delta?

   b. Conversely, assuming that some of this water will be transported from other sources, what effect would the increased fresh-water flow into Puget Sound near the Nisqually Delta have on plankton productivity, salinity distribution, local fish movements, and commercial oyster culture?

D. J.

FISHERIES BIOLOGY

The waters of Puget Sound south of the Tacoma Narrows must be regarded as a distinct, discrete system when discussing water quality and its effects on fisheries or other marine life. The waters must pass through the Tacoma Narrows for intermixing and eventual replacement by waters from upper Puget Sound and the ocean. Considerable time is required for this interchange; consequently, the waters of south Puget Sound, including the estuarine waters in the Nisqually Reach, require stringent protective measures to maintain the "AA" and "A" classification stipulated in the water quality standards of the State. Industrial waste or accidental waste discharge into these waters could degrade water quality with a subsequent decline in the fisheries resources of the area, especially those in the extremely susceptible intertidal zone.

Clean, unpolluted bodies of water are one of the primary reasons Thurston County and the State are attractive to the rapidly-increasing tourist industry, one of the main sources of revenue for the State. The shoreline south of Tacoma Narrows exceeds 275 miles and has an estimated value of $165,000,000 at the conservative rate of $100 per foot. At 25% assessed value and 40 mills, the land alone should bring over 1.6 million dollars per year in taxes. Much of the shoreline was purchased for water-oriented values that demand uncontaminated waters. This recreational value of south Puget Sound waters is increasing rapidly as population increases in the Pacific Northwest.

Commercial fisheries of south Puget Sound have a combined wholesale value of about $5,000,000 annually. At 5%, the capitalized value of these fish is $100,000,000. An average wholesale value of $2,560,000 can be reasonably assessed to chinook, coho, chum and pink salmon originating from south Sound streams, including the Nisqually River, the Deschutes River, Capital Lake fish farm, Minter Creek salmon hatchery and a large number of small salmon streams.

All three anadromous game fish species are reared and migrate in the area's waters; estimated annual juvenile production is 170,000 steelhead, [illegible]000 sea-run cutthroat and an unknown number of dolly varden. Of these, annual 5,000 steelhead, 15,000 sea-runs and several hundred dollies are harvested as adults by sportsmen who gain 50,000 man days of recreation each year. Economic value of this sports catch is approximately $200,000 annually.

Approximately 250,000 gallons of Pacific oysters, 5,000 gallons of Olympia oysters, 800,000 pounds of hardshell clams, 600,000 pounds of trawl-caught fish for mink food, 600,000 pounds of herring for sport fishing bait and 100,000 pounds of perch are harvested annually. The wholesale value of these fisheries is $2,450,000. A potentially valuable, undeveloped subtidal clam fishery also exists.

Recreational fishery is considerable. In south Sound the estimated economic value of the sport salmon fishery is $4,000,000 annually. In addition, large

numbers of bottom fish are caught incidentally by persons fishing for salmon. Over 25,000 angler days are spent by sport fishermen fishing specifically for bottom fish.

The Nisqually Estuary forms an important link in the water resources of south Puget Sound. The proposed Atlas Industrial Site and dock are located within the estuarine area that supports an extensive shellfish resource. An area containing 2 million geoducks would be bisected by the proposed industrial dock. Several species of clams, oysters and crabs also inhabit the area and add to its recreational value. (Appendix) Commercial oyster beds are located adjacent to the proposed dock and industrial site and would likewise be immediately affected by any change in water quality. Lyle Point on Anderson Island directly across Nisqually Reach supports one of the major sport fishery areas.

The Nisqually intertidal zone is inhabited by many forms of marine life. The basic productivity of the marine food chain is based in shallow areas and tide flats. If this is destroyed by land fill, docks, or pollution, the whole system declines. For example, juvenile chun salmon averaging 3,000 per mile of shoreland use this shallow nursery area for temporary residence. Safe passage is required if they are to survive in numbers.

Despite current legislation, examples of industrial pollution are numerous. Proposed industrialization poses a parallel threat to the Nisqually estuary. The Tacoma Flats and Snohomish Flats are virtually biological deserts. The depressed salmon runs of the Chehalis, Puyallup and Snohomish Rivers are caused largely by poor estuarial conditions, and these rivers are producing far below their potential. Shellfish in lower Budd Inlet have long been unfit for human consumption - a sad commentary on the impact of our own Port of Olympia. How can one expect scrupulous policing of industrial pollution at the proposed Atlas Industrial Site if virtually no progress is made with pollution problems in an area now developed by the Port of Olympia?

Our goal cannot be merely to maintain the status quo. The commercial and recreational fisheries in south Puget Sound must be increased to keep pace with the ever-increasing needs of our growing population. Clean water is essential to accomplish this. Past experience has indicated that any industry once established continues to operate with minimum regard to existing antipollution laws. In addition, once an industrial complex is established, it becomes increasingly difficult to get legal compliance until effects on the fisheries resource appear irreversible.

Before final decision regarding an industrial park adjacent to the Nisqually area is reached, answers to, or at least professional opinion about the following questions are needed:

1. What is the anticipated rate of flushing of water-carried pollutants from the Atlas Industrial Site to the area north of Tacoma Narrows and to the ocean?
2. What would be the travel pattern for floating, mixing and sinking pollutants at various tidal stages?

3. How will the shorelines and intertidal areas be affected by wastes and spills?
4. To what extent will the various fisheries suffer from proposed industrialization?
5. What will be the effect of industrialization on plankton that make up essential portions of the food chain?

J. T., J. D.

WILDLIFE BIOLOGY

The remaining undeveloped estuaries, though they are not adequately understood and appreciated, are among this Nation's most important resources. Estuarine waters are mixtures of fresh and salt water, and are more productive than either of these aquatic environments alone. This productive environment and the diversity of lower organisms produced an unparalleled assortment and profusion of fish, birds, mammals and vegetation.

The Nisqually Estuary with its associated delta is one of the very few examples of these intricate, unspoiled, fragile ecosystems remaining in the Nation. Recreationists, scientists, and citizens value the high quality of its waters, the profusion of its vegetation, and the abundance and variety of its wildlife. (See appendix.)

At least 22 varieties of terrestrial mammals live on the Nisqually Delta. Aquatic mammals which occur in Nisqually Reach include hair seal, Stellar sea lion, harbor porpoise and killer whale. Finback, false killer, little pike and humpback whale have also been recorded.

Major groups and species of birds found on Nisqually Delta and Estuary include:

NAME	NUMBER OF SPECIES
Loon, grebe & heron	9
Waterfowl	26
Hawk and owl	16
Gull and tern	11
Upland game birds	3
Auk	4
Dove and pigeon	2
Woodpecker	4
Crow and jay	5
Songbirds	70

Sixty-one plant families are represented by 190 species of vegetation on the Delta. These, along with aquatic vegetation, are extremely significant as habitat for the previously tabulated vertebrates and tremendous varieties of invertebrates.

Waterfowl are among the more obvious forms of life dependent upon the existing ecology of Nisqually Estuary and contribute greatly to the value of this site. About 125,000 ducks annually spend a total of more than 5,000,000 "duck days" in the Nisqually complex. A constant turnover of species and individuals takes place from September through March. Recreation, both hunting and viewing, in much of Thurston and Pierce Counties depends upon the capacity of the Nisqually area to harbor migrating and wintering waterfowl. About 20,000 ducks and geese are harvested each hunting season in Thurston County from these flocks. Annual expenditures by hunters to realize a harvest of this magnitude are estimated to be about $120,000.

The importance of Nisqually Estuary to wildlife is magnified by the virtual biologic sterility of other major estuaries in Puget Sound region - Nooksack, Snohomish, Duwamish and Puyallup. The nearest estuarine system, the Puyallup, typifies the poor quality of fish and wildlife habitat resulting from industrial development and contrasts greatly with that at the mouths of Nisqually and Skagit Rivers. Commencement Bay and Tacoma Tide Flats are hostile environments which no longer support the one-quarter million waterfowl carried there prior to industrial development and consequent ecologic degradation. Other vertebrate and invertebrate species were similarly eliminated because of poorer water quality and destruction of plant and animal organisms used for food and shelter.

Existing conditions on estuarine complexes throughout the United States illustrate the futility of our depending on regulations and legal standards to protect wildlife and their habitats. Technology has simply failed to provide adequate safeguards; evidence of even greater problems is increasingly apparent. The high incidence of deleterious heavy metals, chemicals and chlorinated hydrocarbons accumulated in fish and wildlife has resulted in prohibitions against human consumption of fish and game in affected areas.

If present levels of birds, fish, mammals and the biota upon which they depend are to be maintained in Nisqually Estuary and on the Delta, it is essential that serious investigations be made before this fragile environmental complex is affected by nearby exploitation or development. To avoid irreparable damage or loss of these unique areas, pertinent facts must be available and used to answer the following questions:

1. The existing balance of fresh and salt water is vital to vegetative composition and dependent vertebrates and invertebrates in the Nisqually Estuary and Delta. Has the anticipated demand for water by developers of the uplands surrounding the Nisqually been determined? If so, what assurances are there that this demand will not result in salt-water intrusion and subsequent reductions in site productivity?

2. Standards for tolerable levels of water- and air-borne contaminants are restricted to concentrations of single element. Safe levels of these elements in combination have not been established. Will development of the Nisqually area be restricted to prevent routine or accelerated discharges of elements which in combination may have a deleterious effect on wildlife in the Nisqually Estuary or on the Delta?

3. Each species of fish, bird and mammal has specific habitat and space requirements for survival. Have these requirements been considered in planning for use of the Nisqually area?

4. Industrial development of the Atlas Powder Site will undoubtedly require installation of port facilities. Can this development be made without disturbing marine bottom strata and dependent organisms or changing existing bottom configuration?

5. Aquatic mammals frequent shipping channels in Puget Sound. Will the anticipated level of sea-going transport exceed that tolerated by these mammals and cause them to reject the area? Where will they go?

6. Industrial and port development generally involves raw-material spillage, disposal of overburden or dredging. Have plans been made to accomodate these materials and do these adequately consider the impact of disposal on aquatic and terrestrial habitats?

7. What are the fresh water and salt water regimes in the Nisqually Estuary? How might these by altered by,

   a. Construction and existence of land and port facilities,

   b. Water consumption, and

   c. Waste discharge?

E. D.

SOCIOLOGY

Our society is finally becoming more concerned with its environment and whether it is more important to retain our remaining natural resources or to continue to erode them by industry and urban development. More important than the loss of natural environment, however, is the effect on people when such development would seriously affect their survival and way of life.

Historically, our State in its planning and law-making activities has disregarded its first citizens, the American Indians, who were the original owners of the lands and resources of the State. Although they have suffered more from the dominant society than have other minority groups, Indian people have not protested these injustices as vocally. Indians have generally tried to work "through the system" in seeking change and equal opportunities afforded non-Indian citizens. They often receive little understanding of their plight. Today, Indian people are voicing their opinions and claiming rights guaranteed by treaties with the Federal government and government officials are apparently listening with greater interest than ever before.

Since the Nisqually Indians depend on the river for a harvest of 20,000-to-30,000 salmon annually, it is time to evaluate and protect the needs of the people most directly affected by the proposed development in the Nisqually area.

Would the proposed or eventual development pollute the Nisqually River or Delta, thereby destroying or severely curtailing the chum or pink salmon runs?

Would this development jeopardize the prime source of livlihood of the Nisqually tribe, which is currently struggling for self-sufficiency?

How do the proposed goals and benefits of industrial development meet the needs of our first citizens, plus those non-Indian people who utilize resources in their natural state?

WRJ

AESTHETICS AND RECREATION

The problem of developing or not developing the Nisqually River Delta is an example of a fundamental issue which sooner or later must be faced by the whole Nation. Since public interest is deeply involved, it is important to understand what people are really interested in. Two basic aspects of public interest will generally arise: one of monetary consideration and a more difficult-to-define non-monetary interest.

The monetary or financial gains which would probably result from industrial development would rebound primarily to the immediate locality and to lesser degrees to the region and Nation.

The nonmonetary interests of the public - those of preserving a specific environment also affect a large part of society, but in a more diffused way. The very real aesthetic and recreational values of the Delta are difficult to qualify or quantify. This does not mean they are nonexistent. If such aesthetic values did not exist, we could simply compute a visit to a scenic area as being worth "X" gallons of gasoline, a pound of weiners and a six-pack of beer. Certainly the total value of such a visit includes the value of the "experiences" or personal pleasures derived, but unfortunately there are no equations for computing such values.

Society must ask itself whether the only measure of progress will continue to remain the degree of industrial or urban development at the expense of natural landscapes.

Society gains aesthetic and recreational values from a natural environment at the cost of nondevelopment. As population expansion continues, the benefits of nondevelopment have progressively greater value to society. Leisure time, disposable income, increased mobility and demand for "open spaces" continue to grow, but natural environments do not.

Admittedly, nondevelopment places a burden on some segments of society. However, the answer is not to avoid this burden by further industrialization, but to consider the entire public's need for open spaces. This takes courage on the part of local planning commissions, but such courage has become more common. It is important to realize that the "cash register approach" to open spaces does not ring the true values in every case.

The unique, natural environment of the Nisqually Delta provides recreational or educational benefits to numerous local and regional groups. For example, the Audubon Society has recently purchased approximately two acres of land to provide access to and protection for bird observation. Acting in the public's interest, the State Game Commission recently purchased approximately 600 acres on the Delta to protect waterfowl and fish habitat and provide access for recreationists. In recent decades, scientists and students of the University of Puget Sound have continuously used the Delta for an outdoor laboratory. Besides the benefits gained by these organized groups, aesthetic value is obviously gained by passing motorists from the broad, scenic vista readily seen from Interstate 5.

As long as part of the Nisqually area is zoned "industrial park", pressure and plans for expansion will eventually and surely lead to complete destruction of vital ecosystems. The prerequisite for effecting action in planning and controlling land use is public awareness of environmental benefits. Until all the facts are known concerning the ecological and aesthetic impact of development around the Nisqually, it would be a public travesty to encourage industry there.

Industrialization and urbanization are claiming many of our finest estuaries and river deltas. The Nisqually area presents a priceless natural asset which Thurston County is fortunate to have. The impact of development around or on the Nisqually Delta would undoubtedly affect this vast mixing bowl of fresh and salt water. The natural integrity of the estuary is necessary for the well-being of many species of terrestrial, aerial and aquatic life forms.

The damage and ecological alteration from such development is beyond recall, and steps must be taken by public representatives and commissions to conserve, restore and enhance the natural values of such areas. The primary value of our ever-disappearing estuaries and deltas should be for aesthetic and recreational enjoyment, education, and scientific investigation.

Some of the unanswered questions regarding aesthetics and recreational use of Nisqually area follow:

1. Demands for wildlife-oriented recreation are accelerating, yet available habitat is being seriously reduced by competitive uses of fish and wildlife areas. Are the full and unique values of the Nisqually complex for satisfying the present and future needs of the county, region and state being assessed?

2. A large segment of our population is attracted to hunting, fishing and to nature study to gain a feeling of being in the unspoiled out-of-doors. What levels of air or water contamination will such users tolerate before their outdoor experience is degraded and unacceptable?

3. Use of the Nisqually Estuary and Delta by recreationists is largely by water transport. What will be the extent of ship traffic; how will it affect recreational safety and use of the area?

H. J.

COMMUNITY HEALTH

Only after careful deliberation should the Atlas Powder Site and the lands adjacent to the Nisqually Delta be considered for industrial use. We need more information so we can predict the possible effects of industries on nearby human populations.

Past experience has indicated that the establishment of an industrial complex leads to an influx of workers. Thus, the industrial plant, even one initially located in an isolated area, soon becomes the focus of a sizeable population concentration. There is evidence that residents near many types of industrial plants may suffer adverse effects from industrial pollution even though these persons never enter the industrial facility. Prudence dictates considerable caution in permitting erection of certain industries in areas destined to become heavily populated. The greater Olympia area is already experiencing rapid growth.

A drastic change in land use, such as that proposed for the Nisqually area, should be undertaken only after careful study of the possible effects of the proposed industries on people living within an area of several miles. Hopefully this local plan would be part of a larger regional plan to provide a healthy development of the entire Puget Sound area.

J. M.

URBAN PLANNING APPENDIX

The inventoried area is bounded by the Olympia-Steilacoom Road on the south, the Nisqually Road on the north, Pierce County on the east and a line one mile west of Marvin Way on the west.

Uses existing in the area include:

Residential

669 single-family units
80 duplex units (40 structures)
144 multi-family units (3 or more families)
232 mobile homes
100 transient motel/apartment units
13 seasonal dwellings

Commercial

1 forest nursery
12 retail - convenience goods
9 retail - comparison goods
2 auto repair
1 service related
1 construction company
30 water acres of oyster beds

Manufacturing/Warehousing

5 warehouses
1 gravel pit
2 food manufacturers

Institutional/Governmental

2 schools
1 governmental office
3 outdoor recreation
1 garbage dump
1 church

WATER QUALITY APPENDIX

1. Class AA Extraordinary

   a. General Characteristic

      Water quality of this class markedly and uniformly exceeds the requirements for all or substantially all uses.

   b. Characteristic Uses

      Characteristic uses include, but are not limited to, the following:

      Water supply (domestic, industrial, agricultural)
      Wildlife habitat, stock watering
      General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing and boating)
      General marine recreation and navigation
      Fish and shellfish reproduction, rearing and harvest

   c. Water Quality Standards

      Total Coliform Organisms shall not exceed median values of 50 (FRESH WATER) or 70 (MARINE WATER) with less than 10% of samples exceeding 230 when associated with any fecal source.

      Dissolved Oxygen shall exceed 9.5 mg/l (FRESH WATER) or 7.0 mg/l (MARINE WATER).

      Temperature No measurable increases shall be permitted within the waters designated which result in water temperatures exceeding 60°F (FRESH WATER) or 55°F (MARINE WATER) nor shall the cumulative total of all such increases arising from nonnatural causes be permitted in excess of t= 75/(T-22) (FRESH WATER) or t= 24/(T-39) (MARINE WATER); for purposes hereof "t" represents the permissive increase and "T" represents the resulting water temperature.

      pH shall be within the range of 6.5 to 8.5 (FRESH WATER) or 7.8 to 8.5 (MARINE WATERS) with an induced variation of less than 0.1 units.

      Turbidity shall not exceed 5 JTU.

      Toxic, Radioactive or Deleterious Material Concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any usage.

      Aesthetic Values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch or taste.

2. Class A Excellent

   a. General Characteristic

      Water quality of this class exceeds or meets the requirements for all or substantially all uses.

   b. Characteristic Uses

      Characteristic uses include, but are not limited to, the following:

      Water supply (domestic, industrial, agricultural)
      Wildlife habitat, stock watering
      General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing and boating)
      Commerce and navigation
      Fish and shellfish reproduction, rearing and harvest

   c. Water Quality Standards

      Total Coliform Organisms shall not exceed median values of 240 (FRESH WATER) with less than 20% of samples exceeding 1,000 when associated with any fecal source or 70 (MARINE WATER) with less than 10% of samples exceeding 230 when associated with any fecal source.

      Dissolved Oxygen shall exceed 8.0 mg/l (FRESH WATER) or 6.0 mg/l (MARINE WATER).

      Temperature No measurable increases shall be permitted within the waters designated which result in water temperatures exceeding 65°F (FRESH WATER) or 61°F (MARINE WATER) nor shall the cumulative total of all such increases arising from nonnatural causes be permitted in excess of t= 90/(T-19) (FRESH WATER) or t= 40/(T-35) (MARINE WATER); for purposes hereof "t" represents the permissive increase and "T" represents the resulting water temperature.

      pH shall be within the range of 6.5 to 8.5 (FRESH WATER) or 7.8 to 8.5 (MARINE WATER) with an induced variation of less than 0.25 units.

      Turbidity shall not exceed 5 JTU over natural conditions.

      Toxic, Radioactive or Deleterious Material Concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

      Aesthetic Values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch or taste.

3. Class B Good

a. General Characteristic

Water quality of this class exceeds or meets the requirements for most uses.

b. Characteristic Uses

Characteristic uses include, but are not limited to, the following:

General recreation and aesthetic enjoyment (fishing, swimming, skiing and boating)
Fishery and wildlife habitat
Industrial and agricultural water supply
Stock watering
Commerce and navigation
Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvest.

c. Water Quality Standards

Total Coliform Organisms shall not exceed median values of 1,000 with less than 20% of samples exceeding 2,400 when associated with any fecal source.

Dissolved Oxygen shall exceed 6.5 mg/l (FRESH WATER) or 5.0 mg/l (MARINE WATER), or 70% saturation whichever is greater.

Temperature No measurable increases shall be permitted within the waters designated which result in water temperatures exceeding 70°F (FRESH WATER) or 66°F (MARINE WATER) nor shall the cumulative total of all such increases arising from nonnatural causes be permitted in excess of $t = 110/(T-15)$ (FRESH WATER) or $t = 52/(T-32)$ (MARINE WATER); for purposes hereof "t" represents the permissive increase and "T" represents the resulting water temperature.

pH shall be within the range of 6.5 to 8.5 (FRESH WATER) or 7.8 to 8.5 (MARINE WATER) with an induced variation of less than 0.5 units.

Turbidity shall not exceed 10 JTU over natural conditions.

Toxic, Radioactive or Deleterious Material Concentrations shall be below those which adversely affect public health during the exercise of characteristic usages, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

Aesthetic Values shall not be reduced by dissolved, suspended, floating or submerged matter, not attributable to natural causes, so as to affect water usage or taint the flesh of edible species.

4. Class C Fair

a. General Characteristic

Water quality of this class exceeds or meets the requirements of selected and essential uses.

b. Characteristic Uses

Characteristic uses include, but are not limited to, the following:

Commerce and navigation
Cooling water
Boating
Fish passage

c. Water Quality Standards

Total Coliform Organisms shall not exceed median values of 1,000 when associated with any fecal source.

Dissolved Oxygen shall exceed 5.0 mg/l (FRESH WATER) or 4.0 mg/l (MARINE WATER), or 50% saturation whichever is greater.

Temperature No measurable increases shall be permitted within the waters designated which result in water temperatures exceeding 75°F (FRESH WATER) or 72°F (MARINE WATER) nor shall the cumulative total of all such increases arising from nonnatural causes be permitted in excess of $t = 125/(T-12)$ (FRESH WATER) or $t = 64/(T-29)$ (MARINE WATER); for purposes hereof "t" represents the permissive increase and "T" represents the resulting water temperature.

pH shall be within the range of 6.0 to 9.0 (FRESH WATER) or 7.0 to 9.0 (MARINE WATER) with an induced variation of less than 0.5 units.

Turbidity shall not exceed 10 JTU over natural conditions.

Toxic, Radioactive or Deleterious Material Concentrations shall be below those which adversely affect public health during the exercise of characteristic usages, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

Aesthetic Values shall not be interfered with by the presence of obnoxious wastes, slimes, or aquatic growths or by materials which will taint the flesh of edible species.

ORB

OUTDOOR RECREATION BULLETIN

OCEANOGRAPHY APPENDIX

Number 11
May 1970

ESTUARY VALUES

In connection with recent testimony submitted to the Maryland legislature (by Miss Rae Page of Bethesda, Maryland), in support of a wetlands protection bill, the Sport Fishing Institute was asked to help verify the range of economic values indicated for estuarine areas. The information supplied was substantially as follows (plus final Delaware Bay item added here):

1. **Maine Estuaries.** As cited in testimony during the 1967 Congressional (House) Hearings (Serial 90-3) on a series of estuarine bill (page 216):

   Economic yields from estuaries in the State of Maine described in terms of dollars per year where scientific management practices have been followed, showed that the average annual crop of shellfish and bait worms harvested from each acre of estuary was worth $33,563 in the marketplace. Where the stocks were unmanaged, the annual crop value per acre amounted to $15,750. By comparison, the best market garden farms in Maine yield $2,000 crops per acre per year. At a 5-percent interest rate, the capital values of those areas, based solely on the average yields of shellfish and annelid worms—not counting the added but unknown values of the dependent fin fisheries—is from $313,000 per acre to more than $671,000 per acre.

2. **Atlantic Coast Estuaries.** In a recent address to the New Jersey Fishermen's Forum (sponsored by the State Division of Fish and Game), SFI's Research Director Robert G. Martin reported the following calculation by the Institute:

   ...for each acre of estuary obliterated through filling, or otherwise destroyed, there will be a corresponding annual loss in yield of about 535 pounds of fisheries products on the Continental Shelf, etc., having estimated retail value of about $214. Thus, each acre of estuary—generating $214 in annual yield (—interest)—has a corresponding capital value in terms of fisheries products, alone, amounting (at 6% interest rate) to at least $3,567 at current levels of development. Each pound converted to sport fish use adds nearly 80 cents in annual yield (at current dollar value) and over $13 in capital value. Similarly, general overall reductions of productivity of the estuaries by pollution or other factors, say by 20, 40, 60, or 80 percent, etc., would cause corresponding reductions in yields on the Continental Shelf..

   [The basis for this evaluation was explained by Mr. Martin, in detail, preceding this evaluation with documentation cited for contributing factors to the calculation.]

3. **New York Marshland.** An article by Dick Benson and Robert F. Perry in THE CONSERVATIONIST (N.Y. Conservation Department, Albany) for June-July, 1965, developed an estimate of the dollar value of marshland for its natural attributes. Summing up the

elements enumerated by the authors, to which they assigned conservative values, it appears that an average acre of marsh in New York provides a community with an annual net value of about $20. To yield this amount of annual income, an investment of $400 would be necessary at the long-term interest rate of 5 percent. Therefore, an acre of such marsh has a capital value of at least $400 to the community where it is located, solely in terms of the natural attributes identified in this instance.

4. **Massachusetts Estuaries.** A 1965 report by Massachusetts fisheries biologists William C. Jerome, Jr., Arthur P. Chesmore, Charles O. Anderson, Jr., and Frank Grice, entitled A STUDY OF THE MARINE RESOURCES OF THE MERRIMACK RIVER ESTUARY, presented details of fisheries values in the latter estuary. The data demonstrated that the net value of commercial fisheries products and boat rental and launching fees for sport fishing was $112 per acre of the 4,000-acre Merrimack Estuary in 1964. This economic yield corresponds (at 6% interest rate) to a capital value of $2,240 per acre in terms of these uses, alone. [Had full expenditures for Atlantic Coast marine sport fishing been included (rather than on-site expenditures for bait, boat rentals, and boat launching fees, only), the corresponding capital value would have approximated $5,000 per acre.]

   In its 1965 Annual Report, the Massachusetts Marine Fisheries Division, also summarized highlights of a similar study of the Wareham River Estuary. This provided corresponding evaluations of the net value of commercial fisheries products and of similar partial economic benefits derived on-site from a flourishing sport fishery.

   Another report in the Massachusetts series of monographs on their marine resources was published in 1966. It was authored by John D. Fiske, Clinton E. Watson, and Philip G. Coates, entitled A STUDY OF THE MARINE RESOURCES OF THE NORTH RIVER. The 533-acre (mean high tide) North River Estuary supported about 7,000 angler-days of recreational fishing in 1965, principally for winter flounder, striped bass, cod, pollock, mackerel, and haddock. Except for the sale of 1,500 gallons of mummichogs, seined from adjacent intertidal marsh creeks and sold to anglers as live bait-fish (at 45 cents per ½ pint), no significant commercial fishery occurred in the North River Estuary. Even this estuary's softshell clams represent a recreational resource, 1,289 bushels having been harvested by 1,179 family diggers from the 151-acre intertidal zone of the area. Only 8 commercial diggers utilized the area, but 5 of these harvested 10,700 bushels of mussels as well.

   According to this significant report, the retail value of the North River estuarine fisheries amounted collectively to about $93,500. This is equivalent to a minimum revenue yield exceeding $175 per surface acre. A capital investment of $3,500 at an interest rate of 5 percent would be required to yield similar returns, otherwise, which indicates a least order-of magnitude value of this particular estuary at the level of resource development found..

5. **Texas' Galveston-Trinity-East Bay Estuary.** At a Bay Conference, sponsored by Texas Congressman Bob Eckhardt on March 22, 1967, in Washington, D. C., Sport Fishing Institute Executive Vice-President R. H. Stroud discussed the problem of shell-dredging in the Galveston-Trinity East Bay Estuary of Texas in relationship to sport and commercial

fisheries resource values. As developed in detail and published in the Institute's SFI BULLETIN No. 184, May, 1967: *The anticipated total future annual value (conservative) that is reasonably derivable from various utilizations of the biological products, dependent in some critical way upon this important Bay-estuarine complex, would amount to an estimated $110,433,000.*

This conclusion was based, in part, on a determination by the U. S. Bureau of Commercial Fisheries that present commercial fishery harvests there could be increased immediately and sustained, with added fishing effort, by about 50 percent. This means, in turn, that the annual value of then-available commercial fisheries production could be readily increased to the total of $38,433,000. [This did not take into account any potential increases that might be obtained by intensive scientific management of shellfish resources.] By the same token, it was calculated that the sport fishery resources that are vitally dependent on the Galveston-Trinity-East Bay Estuary could also support an estimated minimum recreational fishing pressure of 24,000,000 angler-days. [This did not take into account any potential increase that might eventually be obtained through intensive scientific management of the resource.] The future "net economic benefits" (at $3 per angler-day) that are reasonably realizable from the Bay-estuarine-dependent sport fisheries, then, would approximate $72,000,000 annually.

Using the currently realistic long-term investment yield rate of 5 percent annually, the capital value for the combined fisheries of that 333,000-acre estuary complex would be $2,208,660,000. This is equivalent to $6,662 per acre—solely in terms of fisheries values. Other recreational values, which are extensive and varied in this important Gulf Coast estuary, would probably raise this value very substantially.

6. Delaware Bay. At a Water Quality Conference on the Delaware River Estuary in Philadelphia, during late July, 1966, R. H. Stroud (Sport Fishing Institute) spoke as a member of a discussion panel for the combined fisheries interests of Delaware and New Jersey concerning various pollution control alternative water quality objectives in relation to benefits and costs. The water quality of the Delaware River Estuary directly influences the quality of man's total environment in that region. The well-being of the fish, besides providing direct recreational and economic benefits, serves as a good indicator of the quality of man's total ecology. It is a truism that if water quality is okay for a wide variety and abundance of fish life it is generally okay for most other uses as well.

As developed by Stroud [representing the authoritative best judgements of the two concerned state fisheries agencies], and published in the Institute's SFI BULLETIN No. 181, December, 1966, the 80-mile-long Delaware Bay has a potential to support a conservatively-estimated 5,100,000 angler-days of recreational fishing annually. [This would be possible only with maximum water pollution abatement.] Based on average daily angler-expenditures of $5.80 (as generated, somewhat earlier, by the fairly comparable Potomac Estuary), this amount of angling would stimulate gross annual expenditures for principally-related angler-used goods and services totalling $29,580,000. At a 5 percent interest rate, a capital investment of $571,600,000 would be necessary to provide such a yield to the economy, otherwise. Thus, each acre of Delaware Bay Estuary would have an average capital value exceeding $9,665, solely in terms of sport fisheries.

On the basis of net value added to the economy (at the $2 per angler-day value determined for use in the cost-benefit ratio calculations of the Feather River Project of the California Water Plan), the corresponding figures are $10,200,000 and $204,000,000 respectively. From this economic viewpoint, to be employed in comparisons where all other cost factors are correspondingly assessed, the capital value of these Delaware estuarine waters (with maximum feasible pollution abatement)—solely for sport fisheries—averages out to more than $3,330. This value would be significantly higher upon addition of the benefits from other consumptive and non-consumptive uses of the natural attributes of a healthy and attractive estuary.

The point, regardless of the method employed in the calculation, is that the Delaware Bay estuarine fisheries resources has a substantial "plant value" that cannot be dismissed lightly. Stroud's conclusion as a panelist was "the only conscionable course to serve the broad public interest requires the maximum pollution abatement that is technically feasible, both now and in the future."

Permission for publication is granted by the Sport Fishing Institute.

Byron K. Haley
Extension Outdoor Recreation Specialist

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5/70

APPENDIX

Statement on Estuaries By American Fisheries Society

On March 26, 1969, President Elwood A. Seaman submitted the following statement, representing the official position of the Society, to the Office of Estuarine Studies of the Federal Water Pollution Control Administration regarding the Society's views relative to the identification of research needs in connection with Section 5(g) of the Clear Water Restoration Act of 1966:

The American Fisheries Society recognizes that, although it is extremely important that there be an identification of problems and areas where further research and study are required, it is even more important that actions programs be implemented immediately to protect the natural qualities of estuaries and their contiguous coasts. Presently, there is a basic point of conflict between preservation-conservation and development in most of our estuaries. Development is proceeding so rapidly that there will be little left to preserve and conserve unless we quickly learn how to manage estuaries for multiple use, or to use a fashionable term, when we learn how to "optimize". Most of the developments are incompatible in some degree with the values we conservationists and many others consider important—fish and wildlife, outdoor recreation, esthetics and amenity values, and environmental quality. Thus, it is of the utmost importance that action and management programs be implemented now by all levels of government (federal, state, local) and by private organizations to protect the natural qualities of estuaries. Public and private acquisition programs, zoning, State legislation and enforcement programs such as in Massachusetts, Maine, and Florida, and the establishment and enforcement of water quality standards are outstanding types of action programs. On February 18, 1969, only in Massachusetts landowners out of nearly seven hundred had appealed the State restrictions imposed on dredging and filling under the Coastal Wetland Protection Act of 1965. By September, 1969, the Commonwealth of Massachusetts expects to protect, under this act, approximately twenty thousand acres out of forty thousand acres considered to be of high and moderately high value to natural resources and related human use values. Thus, it is apparent that the Commonwealth of Massachusetts will save several million dollars in acquisition costs for the taxpayer by this approach. This is an example of one type of action program badly needed throughout the United States at this time. Although the Massachusetts Coastal Wetland Protection Act is still being retrieved by the Courts, it is at least acting as a stop-gap measure that is slowing down the alteration of valuable coastal wetlands.

The American Fisheries Society accepts the definitions of 'estuaries' and 'estuarine zones' as used by FWPCA and as proposed in the Society's "Symposium on Estuarine Fisheries" (Smith p. xiii) as being generally satisfactory.

The Society agrees that none of our estuarine systems, regardless of size, can support all of man's potential demands which could be placed on them. How then do we go about deciding which of these demands can be permitted to be satisfied from exploitation of this resource? Will the decision be in the broad public interest or to satisfy local demands? Can we make a case for preservation of more estuarine areas in reasonably natural condition?

Some basic concepts and procedures must be adopted in the future management and development of our coastal areas if they are to serve the best interests of present and future generations.

These are:

1. Resources occur in interacting complexes. What man does in one can and does have significant effects on others. Estuarine and coastal areas must be considered as ecosystems, preferably as integral parts of large river basin complexes. This system concept is now gradually becoming recognized as perhaps the most logical approach to sound management of coastal areas.

2. As a general guide, the multiple-use philosophy must prevail for future planning. In general, the exploitation of a single resource or use that is contrary to, or irreversibly precludes other desirable uses, cannot be permitted. The achievement of a desirable balance among uses was a principal purpose of the Congress in enacting the Estuary Protection Act, P.L. 90-454. However, it needs to be stressed that public recreation areas, wildlife sanctuaries, national defense areas, etc., are, in most cases, single purpose and frequently desirable.

3. Better techniques must be developed for evaluating all potential uses and combinations of uses for a given area in terms of their optimum long-run social as well as economic benefits including esthetic and recreational values. Various uses subject to benefit-cost analysis should be evaluated in a comparable manner to determine the economic impacts of various combinations of such uses. Uses not subject to the usual benefit-cost analysis such as fish and wildlife habitat, open space, esthetics and natural beauty should nevertheless be fully considered in important aspects of any plan for estuarine development. Commercial developments considered essential and which are locationally dependent on estuaries should be planned so as to prevent or mitigate damages to all other public values insofar as possible. The responsible unit of Government should require adequate protective measures as a condition to its approval of the development plans. As in the establishment of water quality standards, the determinations should be justified in terms of overall public or social value rather than through conventional benefit-cost analysis.

4. Closer coordination and unanimity of purpose among agencies of all levels of Government having interests in these areas must be encouraged. Federal funding of State estuarine research projects has and will continue to help coordinate state-federal efforts and help insure unanimity of purpose.

5. Maximum consideration must be given to both public and private enterprise and values in these coastal areas, with particular efforts to accommodate all compatible uses peacefully.

6. The public sector must take the initiative by developing plans and enforceable regulations to deal in an orderly fashion with the increasing demand for alteration of land and water in estuaries—a demand now largely in the hands of the private sector. Service and connecting developments such as those of mortgage conduit authorities are geared to administer these areas, with Federal financial assistance where appropriate, as under the provisions of P.L. 90-454. In those situations where such machinery is not available or is not doing the job adequately, such organizations must be created with powers competent to analyze and develop quantitative environmental models for evaluating alternatives and creating and developing comprehensive plans for carrying out compliant actions in terms of short and long range benefits to such plans through a series of time studies. Federal funds should be provided.

7. A system of estuaries must be developed to encompass adequate samples throughout the country similar to the biome concept and consideration for further physical or other alteration of estuarine natural values. Such Federal criteria might well employ the concept used in the development of our water quality standards. In other words, the Federal Government could stipulate a minimum set of criteria for the management of estuarine areas to qualify for any federal aid programs. Additional Federal funds might be made available to encourage even higher standards, or to assure a no-degradation policy.

8. Key roles in management of these estuarine systems must be played by biologists and ecologists—with the assistance of other disciplines such as economics and law. Biologists and ecologists understand better than anyone else that any program for the development or management of an estuarine system must be consistent with natural processes—biological, physical, and chemical. They recognize that man's activities must be fitted into the natural system—not forced upon it. The one thing common to all estuaries is "change." Yet, the engineer's goal, all too frequently, is to mechanically manipulate a natural environment for narrowly defined economic purposes and thereby threaten or destroy forever the values of such natural areas as estuaries.

9. Finally, there must be an informed public willing to support policies and costs leading to the sound management of our estuaries and coastal zones.

The American Fisheries Society recommends the following thirteen major areas for increased research to provide better bases for management of estuarine areas:

1. We need an inventory of estuarine areas to determine their conditions and potential for supporting valuable living resources. We also need to know what is happening to such areas, how they are being altered and threatened. We need to establish behavioral base lines as a foundation for further studies and evaluations. (Some of this work has been done or is underway—Massachusetts and a few other States are doing an outstanding job).

2. We need to acquire more specific knowledge about the life histories and environmental requirements of estuarine-dependent species.

3. We need to expand fundamental research on estuarine systems to include studies in hydrology, nutrient and thermal circulation and transfer, productivity, species interactions, pollution, and biological indicators of environmental change.

4. We need to develop a sound basis for determining the economic and social benefits from estuarine areas and their living resources, both in terms of their tangible values and their intangible returns to society.

5. We need to set aside at least a few estuarine areas with reasonably natural conditions for additional study on a long-term basis.

6. We need to develop techniques for rehabilitating despoiled estuarine areas and for increasing fish and wildlife production on low value habitats.

7. We need to examine and study institutional barriers that prevent sound and equitable management and utilization of estuarine resources to determine if they can be removed. Also, we need to promote new institutional arrangements to provide a responsible protective mantle for estuaries.

8. We need to develop and use new and advanced techniques to predict effects of proposed environmental alterations. This must include use of physical and mathematical models.

9. We need to develop better estuarine husbandry programs. We also need to increase fish production by alternate currents and other means, maximizing effects of environmental alterations, controlling dispersal of human waste products, controlling fish diseases and predators, and developing genetic strains of desired species more suited to moderately disturbed habitats.

10. Since the FWPCA National Estuarine Inventory Handbook of Descriptions lists eleven "Estuarine Register Areas" that are international estuarine areas (8 U.S. and Canadian, 3 U.S. and Mexican), we (Federal and State governments) should coordinate our estuarine research and management programs relating to these areas with Canada (Federal and Provincial) and Mexico (Federal and State). Although the National Estuarine Pollution Study (P.L. 89-753) does not include the Great Lakes (nor does the definition of an "estuary" as accepted by FWPCA and AFS), the National Estuary Protection Act (P.L. 90-454) does include the waters of the Great Lakes. Therefore, all research and management programs relating to the Great Lakes should be coordinated between Canada (Federal and Provincial) and the U.S. (Federal and State).

11. We need to increase capabilities for water resources appraisal, coordination and planning (River Basin Activities) to assure that research findings are used to maximum advantage. This will assure that fishery resources receive optimum consideration in the multiple use of planning, development and management of the coastal zone.

12. Modern approaches to estuarine research will require more people in laboratory staffs with interdisciplinary training in quantitative ecology and resource management. Laboratories must mount comprehensive programs combining many disciplines if we can expect to compete effectively for the demands of our coastal resources and their environments.

This approach requires a staff which most laboratories cannot acquire without additional support. It means that small laboratories should consider combining with larger laboratories—at least by using computer links or through coordinated programs. Furthermore, research must be fully coordinated with management and River Basin activities to assure optimum appreciation for fisheries resources.

13. Finally, we need to manage estuarine areas conservatively, leaving adequate margins of safety for protection from miscalculation, political error, and extreme natural variations.

APPENDIX

FISHES OF RECREATIONAL AND COMMERCIAL VALUE IN SOUTH PUGET SOUND

black rockfish
blue rockfish
bocaccio
brown rockfish
canary rockfish
copper rockfish
quillback rockfish
raaphead rockfish
shortbelly rockfish
vermilion rockfish
yellowtail rockfish
Pacific sanddab
arrowtooth flounder
butter sole
C-O sole
English sole
flathead sole
forkline sole
Pacific halibut
Petrale sole
rock sole
sand sole
Starry flounder
kelp greenling
lingcod
rock greenling
whitespotted greenling
Pacific cod
Pacific hake
Pacific tomcod
walleye pollock
kelp perch
pile perch
striped seaperch
white seaperch
shiner perch
cabezon
Pacific staghorn sculpin
red Irish lord
sablefish
spiny dogfish
ratfish
big skate
longnose skate
smelt
herring
candlefish
chinook salmon
coho salmon
pink salmon
chum salmon
sockeye salmon
cutthroat trout
steelhead trout
dolly varden trout
whitefish

SHELLFISH OF RECREATIONAL AND COMMERCIAL VALUE IN SOUTH PUGET SOUND

Olympia Oyster
Pacific Oyster
Geoducks
horse clams
cockles
octopus
scallops
soft shell clam
butter clams
little neck clams
Dungeness crabs
rock crabs
mussels
squid

WILDLIFE APPENDIX

BIRDS

common loon
Pacific Artic loon
red-throated loon
Hoelboell red-necked grebe
horned grebe
western grebe
northwestern double crested cormorant
northwestern great blue heron
Anthony's green heron
American bittern
lesser Canada goose
Alaskan cackling goose
black brant
Pacific white-fronted goose
common mallard
gadwall
pintail
green-winged teal
European widgeon
American widgeon
shoveler
canvasback
common goldeneye
bufflehead
old squaw
harlequin
white-winged scoter
surf scoter
ruddy duck
greater scaup
hooded merganser
American merganser
red-breasted merganser
northwestern sharp-shinned hawk
Cooper's hawk
osprey
peregrine falcon
Peale's falcon
black pigeon hawk
western pigeon hawk
western sparrow hawk
California quail
mountain quail
ring-necked pheasant
Virginia rail
American coot
killdeer
black-bellied plover
ruddy turnstone
black turnstone
Wilson's snipe
spotted sandpiper
greater yellowlegs
lesser yellowlegs
least sandpiper
red-backed sandpiper
long-billed dowitcher
western sandpiper
Wilson's phalarope
northern phalarope
parasitic jaeger
Glaucous-winged gull
western gull
herring gull
California gull
ring-billed gull
short-billed gull
Bonaparte's gull
Haermann's gull
Pacific kittiwake
common tern
common murre
pigeon guillemot
marbled murrelet
rhinoceros auklet
band-tailed pigeon
western mourning dove
Kennicott screech owl
northwestern horned owl
dusky horned owl
snowy owl
short-eared owl
common nighthawk
Vaux's swift
rufous hummingbird
western belted kingfisher
northwestern red-shafted flicker
Northwestern yellow-bellied *sapsucker*
Harris' hairy woodpecker

BIRDS
(Continued)

Gairdner's woodpecker
Traill's flycatcher
Hammond's flycatcher
western flycatcher
western wood pewee
olive-sided flycatcher
northern violet green swallow
tree swallow
barn swallow
eastern cliff swallow
Steller's jay
western raven
western crow
northwestern crow
Oregon black-capped chickadee
coast bushtit
red-breasted nuthatch
tawny brown creeper
western house wren
western winter wren
tule wren
Bewick's wren
northwestern robin
western robin
Pacific varied thrush
western bluebird
Townsend's solitaire
western golden-crowned kinglet
Sitka kinglet
pipit
Bohemian waxwing
cedar waxwing
northern shrike
starling
Cassin's vireo
lutescent warbler
Alaska yellow warbler
western Audubon's warbler
black-throated gray warbler
McGillivray's warbler
Pacific yellowthroat
golden pileolated warbler
house sparrow
western meadowlark
yellow-headed blackbird
northwestern red-winged blackbird
Brewer's blackbird
brown headed cowbird
western evening grosbeak
western tanager
purple finch
pine siskin
northwestern goldfinch
Sitka crossbill
Oregon towhee
Brook's Savannah sparrow
Oregon vesper sparrow
Oregon junco
Shufeldt's junco
chipping sparrow
Puget Sound white-crowned sparrow
golden-crowned sparrow
sooty fox sparrow
Lincoln's sparrow
rusty song sparrow

MAMMALS

deer mouse
field mouse
muskrat
gray squirrel
red squirrel
chipmunk
mink
otter
mountain beaver
Trowbridge shrew
Townsend mole
coast mole
pocket gopher
racoon
beaver
weasel
fox
black-tailed deer
skunk
civet cat
flying squirrel
coyote

PLANTS

giant cedar
Douglas fir
cattail
bur-reed
pondweed
eel-grass
sweet vernal grass
Timothy
velvet grass
tall oat grass
orchard grass
salt grass
Kentucky bluegrass
wild rye
perennial rye grass
sedge
bulrush
spike rush
small duckweed
rush
wild tiger lily
wild lily of the valley
fairy bells
twisted stalk
coral root
hazel
red alder
white oak
common nettle
wild ginger
common nettle
wild ginger
western dock
field sorrel
shrub knotweed

goosefoot
saltborn
miner's lettuce
pigeon root
corn spurry
common chickweed
sea-beach sandwort
common mouse ear
salt marsh sand spurry
pink sand spurry
thorny sandwort
baneberry
bugbane
water crowfoot
sweet-after-death
dull Oregon grape
bleeding heart
sea rocket
shepherd's purse
field pennycress
hedge mustard
turnip
wild mustard
watercress
bitter cress
delicate toothwort
whitlow-grass
rock cress
youth-on-age
three-leaved coolwort
fringe cup
syringa
red-flowered currant
goat's beard
tall nine bark

hardtack
ocean spray
five-finger
silverweed
strawberry
large-leaved avens
salmonberry
evergreen blackberry
blackcap
sweetbriar
nutka rose
mountain ash
wild crab apple
serviceberry
hawthorne
Indian plum
wild cherry
chokecherry
Scotch broom
red clover
small hop clover
large hop clover
white clover
common vetch
pea
many-leaved pea
beach pea
cream-colored pea
dove's foot geranium
heron's bill
vine maple
large-leaved maple
cascara mountain palm
fairy cheese
common St. John's wort

PLANTS
(Continued)

evergreen violet
fireweed
enchanter's nightshade
devil's club
sweet cicely
cow parsnip
water celery
wild carrot
flowering dogwood
madrona
salal
kinnikinnick
red huckleberry
evergreen huckleberry
black saltwort
star flower
Oregon ash
spreading dogbane
field bindweed
salt-marsh dodder
grove lover
waterleaf
blue forget-me-not
heal all
ground ivy
tea vine
hedge nettle
spearmint
bittersweet
common mullein
butter-and-eggs
blue lips
monkey flower
musk flower

brookline
red antweed
common plantian
English plantain
seaside plantain
cleavers
twin flower
red elder
snowberry
orange honeysuckle
black twinberry
corn salad
bellflower
goldenrod
garden daisy
pearly everlasting
silver green,
sneezeweed
yarrow
pineapple weed
ox-eyed daisy
saltmarsh butterhead
seashore pansy
goldenrod sage
large colt's foot
common burdock
Canada thistle
bull thistle
fall dandelion
dandelion
white hawkweed

TWS Council Adopts Policy Statements on Endangered Wildlife, Estuaries, Gun Control

Meeting in Chicago on March 22, 1970, the TWS Council adopted two policy statements on environmental issues and one on firearms control. The complete policy statements follow:

Estuaries

Estuaries constitute a thin boundary between the vastness of our land and the broad expanse of the sea. They are dynamic ecological systems in which fresh and salt waters mix to form a most complex and productive biological environment. This environment is essential to the well-being of many species of terrestrial, aerial, and aquatic life forms including marine fishes and shellfishes important to commerce and sport. They are avenues of approach and departure for anadromous fishes. For man, they provide aesthetic enjoyment and exciting locations for educational and scientific exploration, as well as recreation sites and a principal route to the sea.

Estuaries constitute one of our most priceless natural assets, but they are being rapidly neutralized as productive natural systems. Past abuses have shown them to be extremely vulnerable to ill-conceived and unplanned human developments. Our sea coasts are being industrialized, and population centers are developing on the shores of our finest estuaries. Some estuaries have already been abused and damaged beyond recall, and most are threatened by further development, channelization, dredging, filling, pollution, and water diversion.

Steps must be taken immediately to conserve, restore, and enhance the natural values of estuaries. Sound planning and management are already long overdue if the unique qualities of our estuaries are to be preserved for this and future generations.

THEREFORE, it is the policy of The Wildlife Society to:

1. Seek solutions to the major problems that impair effective management of estuaries for wildlife resources.

2. Encourage research designed to further our understanding of the ecology of estuaries.

3. Promote sound management of our estuarine wildlife resources.

4. Encourage restoration of estuaries where wildlife values have been destroyed or damaged.

Sept. 26, 1979

(34)

Colonel Leon L. Korenski, District Engineer
U.S. Army Engineer District, Seattle
Fort Office Box C-3755
Seattle, WA 98124

Dear Colonel Korenski,

The following are comments concerning the Weyerhaeuser Export Facility at DuPont (E.I.S.): (Additional comments about the permit itself will follow at a later date.)

p. xii. Typo, duplicate line.
p. xiii. Paragraph 2. In view of the fact that present legislation allows for certain levels of pollution and in view of the fact that there is no way to implement such "promises" this paragraph is prejudicial and misleading.
p. xiii. Paragraph 3. The "assumption" must be in writing and in decked properties to be meaningful. Otherwise it is prejudicial.
p. xiii. Par. 4. (rewrite). "Weyerhaeuser presently has made public no..." It should also be stated in this paragraph that future permits would require (most likely) fewer permits and would probably be easier to acquire because of their unique nature. Indeed, that because of the zoning in the City of DuPont future industrial-type activities would probably have little chance of being denied! This is an extremely important point as people may mistakenly gain the presumption that development might be able to be stopped for future projects.
p. xiii. 3. We are concerned about entire South Sound and Puget Sound and Pierce County and Thurston Co., including Anderson Island. There is no idea of what the company will do if damage does occur so this pledge is meaningless and has no place in the E.I.S.
p. xiii. 3. par 2. "Unlikely"is not the right word to be used here. "Potential" is a much more realistic word, or "eventual". Also, "mitigated" is not the right word to use either. "Sortened" or"lessened"is more realistic. As far as we can tell none of the effects will be truly "mitigated", that is, replaced "in kind" or the probability of damage decreased practically to zero!
p. xiv. o. 3. and 4. The words "short term" should be used because many cities experiencing industrial growth have higher taxes (i.e. Satsop nuclear plant situation, Kitsap Co., etc.). What is presented here does not tell what might come for DuPont residents in ten or twenty years with the pulp mill and manufacturing center.
p. xiv. o. 6. this is clearly not sufficient. The impacts of an entire industrial center at DuPont must be anticipated in this E.I.S., at least in a general way using present wood products facilities as a guide to their effects on land and water.

P. xiv. New o under Moderate to Severe Impacts. "Potential for tanker oil spill of ? gallons. Transfer o. 7 from p. xv. Add, "A spill could occur as early as (date of first ship call). Add another o. concerning the impact of noise from trains, trucks, and ship-loading equipment, the impact on wildlife and humans in the surrounding vacinity. Even though the feceral noise standards may not be exceeded doesn't mean it won't be a problem.
p. xiv. Minor Impacts. o. 4. Move to moderate to Severe. Rewrite. "Fish are not expected to be significantly affected until oil spills occur. At that time major interference with migration paths, spawning areas, and food chains would occur for an undetermined number of years. During periods when no spills occur fish will be expected to be only slightly affected."
p. xiv. Minor Impacts, o.5. Buildup of toxic materials (cumulative effects) studies are still in their infancy. Where is the evidence to support this "no problems are expected" theory (assumption)? This would be tied to the number of ship calls and the size of the vessel. And it should be stated that should more ship calls be scheduled in the future the problem could become serious (significant).
p. xv. o.2. Add, "with, perhaps, greater predation on juvenile salmon, " at the end.
p. xv. o. 4. The p. 132 reference doesn't really explain quantitatively what is meant by this statement.
p. xv. o. 10. What about the noise of the trains and trucks on the Delta itself? What effects on wildlife and on the aesthetics of the Delta itself as a refuge.
p. xv. o. 12. Transfer from one large company to another cannot be defined as "diversification of DuPont's current economic base." This needs to be rewritten.
p. xv. o. 13. How many jobs (fisheries, recreation, etc.) could it cause to be lost should a large spill occur?
p. xv. o. 14. No"effects" or future projections are made for the pulp mill and manufacturing center mentioned in the 1970 Jan. Daily Olympian. This is a clear deficiency of this E.I.S.
p. xvi. Puget Sound Power and Light customers have a right to know if this project's location in their district will have an effect on their cost and availability of electricity. 147 does not make that clear. Also, how will federal fuel allotments for Pierce County be affected by the project and the future industrial activities in this location? Also, do the power contracts have an interruptibility clause in them to assure that household electrical needs will be higher priority than new industrial?
p. xvi. o. 2. Untrue. The highway problems could become severe. Already the mayor of DuPont has publicly changed his City's policy about the adviseability of the Hannah Pierce Freeway, a very controversial road and one with great environmental impacts. This should be mentioned under Severe to Moderate Impacts. Also under Severe to Moderate Impacts (word reversal intended) should be placed a paragraph about the

damage to Sequalitchew Creek Canyon. p. xvi. o. 7.
p. xvi. Mod. to Sev. Impacts. o. 2. Where else would the noise be heard? Impacts on wildlife?
p. xiv, Mod. to Sev. Impacts. o. 6. Should also be placed in the Operational Impacts section.
p. xvii. o. 5. Be specific about how much. And then generalizations should be made about future pulp mill and manufacturing center energy and building materials budgets.
p. xvii. The political impacts of this project should be mentioned as well as the social...more about the "climate of administration" of this permit, the history of efforts to preserve the Delta, and the efforts to protect South Sound and the entire Nisqually corridor.
p. xvii. 4. No conditions can mitigate some of the effects which are probable. The way this is worded makes an assumption that "everything is taken care of" and that is not the case. An alternative which was not mentioned was to work with the Washington Port districts to find an area in an established public port which could be updated to include the "new technology" the Weyerhaeuser Company is looking for. The new port facility would be able to be used by all the timber companies of Washington, thus enabling them all to benefit by the new technology and increase Washington's competitive edge even more.
p. xviii. We can envision many types of site design which would have much less impact on the land, less noise impact by far, and would not use S. Creek Canyon. The W. Company seems to have chosen <u>economically</u> efficient methods of moving products, rather than <u>environmentally</u> efficient methods.
p. xvii. Par. 4. "no action" needs further discussion. Environmental groups have shown much interest in having the public own the land, for historic, archeologic, environmental, aesthetic, recreational, preservation of wildlife and fisheries resource reasons, etc. The "Alternative Industrial" idea needs enlargement. As does residential. Until the real impact analysis of these alternative types of uses on the Delta and surrounding areas is assessed it will be hard to make an intelligent decision. I.e. what happens to wildlife when residential development occurs nearby a refuge? How we know? And it should be mentioned that the site was never <u>offered</u> to environmental groups although we asked for it! It would be very likely that, given time, we might be able to obtain the funding for ownership of this land, preferably for public use and enjoyment and study.
The fact that adjacent land for residential use is limited by the Fort, by the Delta, and by Puget Sound makes the placement of a new port-industrial area in this location seem unwise. Effects of housing people long-distances from their work should be discussed under Operational (Long-term) Impacts, Moderate to Severe. Underpasses and overpasses for animal passage should be required in critical areas. Also, in wet areas bridges, rather than fill, should be required for roadways, railroad tracks, etc.

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p. xix. 5. "mitigated" is the wrong word! Why not use minimized (both places)? This pledge to "immediately respond" has no meaning when the word "repair" is not also used. But even if "repair" was used the public has no reasonable way of knowing if damage has occurred on most of the property because of the location of the site. So this whole paragraph is "wishing" and needs rethinking. If a bonding procedure and an independent overseer was hired and laws were set up to be in control of these activities then it might be reasonable to make these assumptions. But no such framework exists in Washington State. Written as it is it misleads decision-makers into a false sense of security and has no reasonable legally enforceable basis.[1] Also, if no "mitigation" were possible and damages were severe to individuals and fisheries, would the W. Company pay awards of compensation? There is no framework for this either, except through the courts and is not sufficient.
p. xx.o.1. This statement is a perfect example of the inadequacy of the word "mitigate". "Minimized" is the right word. "Mitigation" involves compensation to the fisheries which could be damaged and to citizens of the U.S. who own the refuge, and to waterfront property owners who might suffer damage. It especially means replacing or restoring the condition of the resource to normal. "Adequate contingency plan" also needs explanation. How could it be enforced?
p. xx.o.2. Why wouldn't they just plant and maintain a low cover like salal. The spraying has been replaced b energy-consuming methods of removal, with the same problems remaining as far as wildlife goes, i.e. less habitat and no safe road crossings.
p. xx.o.4. How will this affect salmon?
p. xx. o. 9. Would this be an independent archeologist. It doesn't say what the next step after work stoppage would be.
p. xxi. o. 2. Are the air pollution standards for the cleanest areas or are they taking the standards for more industrialized areas?
p. 2.9. This is the place to describe the previous low-density (of necessity) nature of the previous DuPont activities.
p. 17. How would the 7-11 hours be enforced? n. Where would the holding tanks be pumped out?
p. 1f. This chart should include figures on fuel capacity of each type of ship.
p. 19. p. The amount and place of fueling needs better study to insure that only a small amount of fuel would be in the vessels when they were in South Sound. Elimination of the fuel truck need on the dock itself would be particularly useful in preventing spills from dock equipment.
p. 19. q. Gardens and lawns mean fertilizers and increased water use. Why not "native plant gardens" which wouldn't require these extras and would be multilevel and of better use to wildlife?
p. 19. Is energy use more or less than at present for the site and for present export facilities at other W. facilities? The energy budget needs closer attention for a total new manufacturing and port center. Centralization is not always fuel efficient! Not enough information is presented for us to make

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a decision about this.

p. 20. 1.5. Empty ships don't make sense. There is no way to get assurances about the possible return trade in the future, especially in view of the economic opportunities which could open up (another reason to consolidate port activity for multi-use as in the public ports). Can the forests sustain this level of export activity? Our forests are being heavily cut now, to the detriment of many species of wildlife, i.e. Barred Owl? This log-export subject does belong in this document. Also, the statement about occasional 24 hour loading directly contradicts an earlier pledge to confine activity between 11-7. This is an example of a false promise that would be practically impossible to enforce.

p. 21. "vendors" needs explanation. "Stormwater facilities need to be located on the map and the design explained in the document. Also the carrying capacity for future development (pulp mill and manufacturing center) of the site should be estimated. Would future development necessitate a treatment plant and outfall into Nisqually Reach? Where would the liquid industrial wastes be disposed of? In view of the "Love Canal" and other incidents involving chemical disposal this needs an answer in this document.

p. 21. If potable water cannot be supplied from existing wells where will it come from? Also, who will pay upkeep on state-dedicated roadway?

p. 22. Par 2. Reword, "At this time, however, Weyerhaeuser has made public neither..." Next sentence is nonsense. Businesses have done many things on "other-than-economic" bases...often just because a piece of land is there...just like the proverbial man and the mountain. The rest of the paragraph points out a need to have a history of the W. Company's activities on Washington shorelines, especially in estuaries, their political activities in regard to shorelines, and especially their history in regard to establishment of private port facilities outside the public port areas and the impact this has had on the shorelines of the state. A detailed history might reveal "slash and burn" policies. Our question centers around "is this a suitable site for any large industrial development?" The cumulative effects of a total complex (industrial) on the site should be realistically estimated now, not after the fact of the beginning! For instance, the Hannah Pierce Freeway situation should be discussed, as well as residential needs, commercial, air pollution, chemical pollution of a new city and industrial center. The effects on the Delta should be assessed.

p. 34. Explain the "Al Quay" right-of-way on the right side.

p. 36. Fog is not mentioned although it is a normally occurring phenomenon and it presents special problems in navigation, some of them severe. Also the site should be described as "exposed" and "unprotected" for docking purposes. What are the implications of the unusual wind shear. A recent occurrence in the Tacoma Narrows channel prompts us to say that weather and water conditions in that channel should be mentioned here since ships will be passing through the Narrows on their way to DuPont. A combination of a strong outgoing tide and a North wind produced 6- 8 foot waves, according to a U.S. Coastguardsman. Such an occurrance is rare but it can happen

and can cause problems in navigation.

p. 37. We need to know the wood fibre content of air in the area, too. And the expected increase. And the degree of health hazard (of wood fibres in the air) for neighboring communities. (I wrote to the EPA about this and did not get a satisfactory answer.)

p. 38. Odor of a pulp mill and manufacturing center should be mentioned and an attempt at quantification should be made so that people can know what to expect of such an industrial center. Figures from existing areas should be used to approximate the deterioration which could be expected.

p. 38. What does rapid ground-water percolation mean in terms of this being a good site for heavy industry and port use?

p. 40. What is the plan for Old Fort Lake? It is aesthetically superb; more charming than Thoreau's Walden Pond. Will it remain wild?

p. 45. Marine Hydrology. Par. 2. Studies by Dept. of Oceanography, Univ. of Wash. of the tidal currents in Carr Inlet should be summarized and referenced. Also current studies from the Central Basin of Puget Sound should be summarized and referenced to provide an idea of Puget Sound tidal action. It should be stated that very little detailed information is available on South Puget Sound current patterns. Mixing of waters should be explained. Par. 4. Waves are also caused by tidal action, sometimes without wind effects, sometimes with wind action.

p. 45. Par 5. Marine Hydrology. The assumptions for the flushing rate presented here are suspect. In Puget Sound and Approaches--Literature Survey, 56 days is the figure used for Puget Sound. However, at the beginning of the study the clear statement is made that, "Neither method (used in the study) gives a true estimate of the actual flushing time as the assumptions of mixing or nonmixing of waters are not wholly realistic." Further information is available for what happens to water after it passes through the Tacoma Narrows. (See An Analysis of Primary Production Observed During 1966-1975 in Central Puget Sound, Washington, Evans-Hamilton, municipality of Metropolitan Seattle. p. 42 of that document refers to the 'feedback' cycle of the Sound as being "an important aspect of primary production in Central Puget Sound." To make it sound as though contaminants entering the water would have a 56 day "straight shot" out to the Straight of Juan de Fuca is not an accurate picture considering tidal mixing, layering, deflection currents, feedback, wind movement and mixing, etc. To just say that "Tidal current patterns are complex" doesn't say what that means in terms of navigation or in terms of oil spill cleanup capabilities and complications. The flushing rate is especially difficult to assess realistically. And it should be pointed out in this document that Puget Sound flushes to the Pacific Ocean which is enriched or harmed by the nutrients or chemicals which are deposited there. Also the special problems of a water system with only one opening as its exit and partial source needs discussion (South Sound). Very little information is available. Indeed there seems too little to be able to even guess at what kinds of damage could be predicted to marine resources at Shelton, Hoft Island, Grapeview, etc., should a large spill occur.

p. 56. It should be explained that numbers of birds could very well be excessively low because of the repair time it will take for the redikd area to recover from saltwater intrusion. Figure 27 shows this as an extensive area. (Area flooded Dec. '75 to Jun '77.)

J

p. 57. Ask Rick Knight of the Wash. State Game Dept. about the other Red-Tailed Hawk nest, where the eagle nest was. It is not explained just how important the DuPont site is for a resting place (a refuge) for game birds. Where are most of of them resting? More explanation is necessary to understand the significance of the site to game and non-game species.

p. 61. What connection is there between the Delta and the DuPont site, as far as its being an ecologic unit is concerned?

M

p. 62. What about the Western Gray Squirrel? Is it endangered or threatened? Has a recent study been made of this? What about clams and beach organisms? Are any of these rare? Is an endangered species list made for there?

J

p. 78. What effect would increased truck and train coupling noise have on wildlife in the Delta? And on Eagle overflights? Under Light and Glare, what effect would the lighting from a (future) sizeable port, pulp mill, and manufacturing center have on migrating birds using the Delta? Might they miss the Delta and go on without stopping to rest and feed?

T

p. 79. This risk section needs a paragraph on the low-density nature of the previous industrial use, to buffer the activities.

p. 82. Paragraph 4. The Hannah Pierce freeway should be mentioned here...the fact that DuPont Mayor Iafrati endorsed it and a prominent citizen of Steilacoom said that town may endorse it also. This matter should be looked into before including this firm statement in the Final E.I.S.

F

p. 91. Parks and Recreation. Par. 2. Please explain who owns the land the 23 acre park will be on and who will develop it. Par. 5. How wide will the fire break be? Where will it be? What will be the wildlife impact of this break? Where will the cattle be allowed to roam?

p. 94. The water situation is spelled out for everyplace BUT DuPont! Is the water delivery capability good enough to support a new port, pulp mill, and industrial center without drawing upon City of Tacoma water?

X

p. 94. Will there be corrections to the Fort Lewis treatment system to eliminate the violations in water quality standards?

H

par. 6. What is "the industrial site" mentioned? Some other words would be better. Under Solid Waste, is there leaching from the landfill on the Weyerhaeuser land? Is this an appropriate for a continuing landfill?

p. 95. This document doesn't tell us what we need to know (or what is true) about power usage at DuPont. Nuclear plants are not inevitable. And there are presently power problems in the Northwest. This paragraph makes it sound as though there is a "free ride" as far as power is concerned. How much power will a full-scale industrial center take? Also, what does "The City's capacity is saturated, " mean?

Q

p. 95. What connection does the present low tax rate have to the known low density of development? Under Costs, the costs of services to a new port and industrial complex including schools, streets, and other support services for workers and their families in surrounding towns and two counties should be estimated.

U

p. 96. Aesthetics are personal. Whoever wrote about the aesthetics of the buildings and the cleared areas was writing their own personal ideas about it. Our opinion is that most of the site is very aesthetically pleasing, and much of it is excellent quality. The trees and open fields are comfortable in scale and feeling. The stream, marshes, old Fort Lake, and the orchard (with mountain view in the back) are unusually pleasing.

V

p. 103. Why isn't there a map of the sites?

W

p. 106. Par. 1. The last sentence is not clear. It also does not explain that much of the Ft. Lewis site is wooded or undeveloped prairie. The paragraph also does not explain that much of the Pierce County land south of the site will be part of the refuge eventually.

E

p. 109. The statement, "It should be noted that such designation does not preclude development" should be left out. The only way to fix it would be to say that the opposite is true, also; it doesn't guarantee development, either!

Z

p. 109. The entire text of the Shorelines of Statewide Significance section of WAC 173-16-040(5) is applicable. To not include it is misleading because the guidelines are very specific, especially b. (ii) and c. (i) and (ii) and d. (i). People reading this document who are not familiar with the guidelines would not know that text is missing. The same is true for the definitions of both Conservancy and Natural (not mentioned but should be). The reader could then see the difference among designations and uses envisioned by the guidelines.

p. 111. Par. 3. The "Urban" designation for DuPont was accepted by DOE only conditionally (see John Biggs' letter attachment to the DuPont Shoreline Plan) and concern was expressed for a changing use because of the proximity to the Delta. The wording of that letter should be included here and its significance stated. To do otherwise would be to present a deficient picture of the situation.

E

p. 112. Fort Lewis Mil. Res. Add sentence, "Much (it would be good to have acreage figures) of the Fort Lewis land, while being used for military training, is wooded or open prairie, and generally undeveloped." It is implied (otherwise) that Fort Lewis is intensely developed.

Z

p. 112. Pierce County. Sentence 3. This is an inaccurate statement. Add, "except for the shoreline zone which is conservancy."

p. 115. 3.2. Par. 3. Last Sent. This is clearly insufficient. Long-term use was announced by the W. Company early on in newspaper articles, meetings, etc. The E.I.S. should evaluate general cumulative effects of an export center, a pulp mill, and a manufacturing center.

B

p. 115. 3.2.1. The Export Facility is not consistent with the Shoreline Master Program, considering John Biggs letter. Same paragraph, next page. After, "This property lies..." New sentence. "Port and industrial use is not a permitted use in the Conservancy zone."

E

p. 117. 3.2.2.. Par. 2. The situation concerning conformance to the Shoreline Master Program is not clear and should be so stated, because of the existence of the John Biggs letter.

p. 117. 3.2.3. The compatibility with existing land use plans is questionable. These need to be referenced. Is there an

adopted land use plan for Pierce County? E
p. 118. Explain how land use controls could really work? They have been notoriously poor land use tools in the past. This is misleading to an unsophisticated reader.
p. 118, 3.2.4. There is conflicting evidence that land is not available in existing ports. L
p. 118. 2nd to last sent. The words, "to the maximum extent possible" should be left out. This is prejudicial and untrue. Z
p. 119. Add, residential, commercial and other activities and developments associated with a log export center, pulp mill, and manufacturing center in the surrounding communities, air pollution, and noise from trains and trucks in the surrounding area (not just Anderson Island), unknown potential damage to wildlife refuge, South Puget Sound, etc." It would be better to say "eventual oil spills", rather than "slight increases in..."
p. 121. Par. 4. Does damage occur to flats and saltmarshes as a result of waves?
p. 122. Air quality changes from an export center, a pulp mill, and a manufacturing center should be indicated so that cumulative effects of this first step can be ascertained.
p. 124. Same as above for Odor section.
p. 125. What will be the estimated use of water by a pulp mill, and a manufacturing center, using historic data on present ports and industries?
p. 128. Where will discharges from holding tanks and ballast tanks go? H
p. 129. "Mixing" does not prevent buildup of toxic materials in an ecosystem. It just spreads it around. Bulloup can still occur. How many pounds of earth is expected to enter the system per year. And what would be the cumulative effect and amount of such materials if the dock were to be used full time for shipping from the proposed manufacturing center? And if there were several docks and many ships? My notes showed that the Weyerhaeuser Company was thinking of two docks in case two ships showed up at once! M
p. 129. Par. 3. A collision may be "slight" but it is also "inevitable". (See USFWS report) S
p. 131. What about overpasses and underpasses for wildlife road crossings? This is done in upstate New York and other places where wildlife needs access help. Also, using bridging in wet areas rather than fill would be of great help in avoiding habitat destruction. Also, another less-damaging system of transportation to the dock should be suggested seriously; one less noisy and less land-consuming and one that would not use the creek corridor. J
p. 131. Modelling should have been done with Toliva Shoal or the Narrows as a point of escapement. Larger-than-400 gallon figures should have been used and foggy conditions assumed. P. 132 explains what would happen in the event of a small spill. What about a large spill? R
p. 132. Is the proposed terminal area a resting place for birds? What are the eagles doing when they fly over, looking for food? Do they feed on dead animals on the site or on the beach? Have the terminal and transportation corridors been systematically surveyed for unusual species nests such as owls, hawks, etc? (Consult Rick Knight, Dept. of Game) J
p. 133. How was the opinion reached that the "Noise and human .....decrease in the total population of birds in the Delta? Constant coupling and banging of trains, roar of trucks on two P

sides instead of just I-5, coupled with light and glare at night could decrease numbers... Is there definitive study on this matter?
p. 133. Where are the harbor seals located? Where are the haul-out areas? What about impacts on river otters, etc. When (not if) an oil spill occurrs what will be the effect on harbor seals? Whales? Whales, seals, and porpoise (and black fish) should be mentioned under a new section Nisqually Reach and South Sound. Consult the Whale Hotline for sightings of these animals. Porpoises have been seen recently. K
p. 133. 4.6.7. "unless there is an oil spill," should be added after "site (1)". What would be the result on amphibians and reptiles of the Delta in spill conditions. R
P. 134. New section recommended. 4.6.9. State of Washington Coastal Areas of Major Biological Significance (from document of the same name, 1977 Baseline Study Program No. 11). The species listings and the critical area should be summarized, with a note explaining that information is not complete and more critical areas may be designated in the future. Indeed the Gray Whale is not mentioned at all! I have page reference numbers for these if it would help. K
p. 134. p. 4.7.1. What about noise and vibration, blocked access, and air pollution from the trucks? These will effect the canyon! 4.7.2. If ground water is contaminated won't the stream water also be contaminated with potential damage to flora? J
p. 135. 4.7.4. Is this in deeded land? "forever wild"? H
4.7.5. When an oil spill does occur what impacts would it have on the river? 4.8.2. Word left out. Rewrite sentence. Par. 3. Rewrite, "Impacts on the marine biology would be only partially mitigated by the measures cited in the..." The development of contingency plans would not reduce adverse impacts. Only the carrying-out-of a good plan, active, sensitive spill detection equipment, and on-the-spot cleanup equipment could really reduce adverse impacts--and even that is a gamble! Rewrite! 4.8.1. A statement about what would happen to the intertidal habitat when a spill occurrs is necessary. Same with 4.8.2.-4.8.5. R
p. 136. 4.8.6.2. Rewrite, "No operational impacts on this bed are expected until an oil spill occurrs. Since all shellfish beds are found along the face of the Delta, _____ feet from the Weyerhaeuser site, no impact on these beds is expected until a spill occurrs." K
p. 137. 4.8.7. "No significant impacts on any of these groups are expected until an oil spill occurrs." Par. 3. "Unless there is a spill, " added at end. Add, "In the event of an oil spill the impact could be significant." 4.8.8. Rewrite. "The proposal is not expected to significantly affect fisheries in Puget Sound until an oil spill occurrs." N
p. 138. The statement about Anderson Island is purely judgemental and without basis. Property values are based partly on aesthetics and "peace and quiet." This project would change existing conditions. Wildlife would be "noise sensitive receptors" as are boaters. This should be rewritten. P
p. 138. Par. 3. What does "are compatible with" mean? The

new noises would be "in addition to" present noises, thereby increasing the frequency of loud noise and adding background noise'. Par. 4. The engines of the rubber-tired vehicles will make noise! This section assumes that no noise will be heard on the Delta, on Fox Island, Metron or south to Johnson's Point. What is the reality? What about new fog horns needed for navigation for these ships?

p. 139. What about light and glare and birds?

p. 140. Par. 3. Sentence doesn't make sense! "The only narrow.." Narrows conditions should be discussed. What does the Coast Guard say about the Narrows? Par. 4. Would the trips be planned not to coincide?

p. 141. The land speed could then be 18 or more mph going through the Narrows? Is that true? In our experience radio transmission is not always "excellent". There is interference often; refer to the Koletten-World Leader incident (I was aboard Koletten!). Procedure in fog should be significantly different from clear-day operations. Should the ship even enter South Sound? What about procedures in high winds (20 mph plus) as are common at the site? Should VTS be extended to South Sound? We recommend a new look at the entire navigational picture in South Sound.

p. 142. No plan ever prevented damage. Only swift action and efficient equipment could. Rewrite. 4.1.2. Impacts on Population and Employment should at least be estimated for the future pulp mill and manufacturing center. Otherwise it is piecemeal planning and not in the long-term interests of the community.

p. 144. Who pays for increased service? The Hannah Pierce Freeway should be mentioned here.

p. 145. Discuss the state toll station in relation to the interchanges. Will W. trucks avoid payment of highway fees? Could the exit be from a weigh station nearby or could tolls be collected on estimated weights?

p. 146. Would Weyerhaeuser build an overpass to eliminate train traffic tieups?

p. 147. Par. 4. The project would have an effect on the Delta and potential disastrous effect on recreation in South Sound when a large spill occurs.

p. 150. Would the costs remain "minor" when the pulp mill and manufacturing center are built? Same comment 4.17.1-3.

p. 152. Aesthetics means noise and odor too. Add.

p. 158. Move 0.1. to "significant". Leave out "slightly".

P. 159. The alternative of working with the State Port Authorities to find space for a public port facility in existing designated port areas (perhaps by rearranging other facilities) should be mentioned. See Wash. State Port law.

p. 162. No. 2 under Mandatory Site Req. What effect will the 60 foot draft have on European and Far Eastern Ports? Will much dredging be necessary or are facilities readily available? Also, Critical Site Characteristic #6. The W. Company obviously wanted a private port since leasing was not considered.

p. 164. More research is necessary on availability of public port land.

p. 168. Metron Island would be affected by noise as well as McNeil, and South to LeWolf Light.

Question: Who owns the tidelands of the alternative one dock vs. the Alternative 2 dock? LNH or W?

p. 175. The maps should show the toll booth on I-5...a larger perspective of nearby interchanges.

P J R S B T R U C D C X C D E Y

p. 184. How did economics enter the choice of the alternatives? Also, which alternatives make the least noise and emit the least emissions?

p. 206. 6.4.1. Par. 2. Add after this sentence: "However danger (from shipping activities) of oil spills would decrease to zero." 6.6.3. This is the worst case situation. Now present the best case possibilities, i.e. 10 more homesites with wide buffers, etc. Damage still could be severe. But damage to the Hawks Prairie site could approximate the scene portrayed here--as a result of increased need for homes because of the new industrial center at Dupont! It is a circle. The Hawk's Prairie site should be considered as a unit with this property. And both are vitally important to the health of the Delta ecosystem.

p. 212. Par. 3. Leave out, "though unlikely." This is a value judgement and subject to debate. Par. 7. Explain how DuPont's economic base would be "diversified." We do not understand that at all.

p. 213. Add: "Irreversible and irretrievable damage could be done to the Nisqually Delta migratory birds and the biological systems of South Puget Sound should a large amount of oil spill from a W. vessel South of the Narrows Bridge." Add result of collision with oil barge too.

p. I-12,13 is missing.

Appendix's A & P are prejudicial "advertisements". They need to be balanced by reports about natural resources which could and will be damaged by the proposed project, such as USFWS Report, guidelines for Army Corps permits, and the Wash State Game Dept. Report plus the Critical Areas material. If these are not included then these " advertisements" should be deleted. They have no enforceable bonds and, as such, are psychologically prejudicial to the decision.

U C E U R Z

Reference

1. The Use, Study, & Management of Puget Sound, Symposium, 1977, Univ. of Washington. H.T. 395W32 P 846 (Cat. Number)

2. Oceanographic Survey of Cook Inlet. Part XVI - Current Measurements. No. 18. GC 856 W 39, 11-19.

Additional references we feel have direct bearing on this permit:

1. A Program For Baseline Studies Related to Marine Waters of the State of Washington, Final Report, especially pp. 11-12, 45-48.

2. Implementation and Enforcement Plan for Interstate and Coastal Waters, State of Washington, Water Pollution Control Commission, Dec. 1967. TD 224 W2 A53

3. Pollution Criteria of Estuaries by Helliwell & Nossanyi, Proceedings of the Conference held at the Univ. of Southhampton, July 1973. See also Report #14. Experiences in Estuary Monitoring.

4. Coastal Land Resources. Conference proceedings, June 16-17, 1970 HA 393 '14 C6 p. 76. Address by Richard Hoagland.

5. Business Week Magazine, Sept. '79. Notice of Class Action Suit.

6. Our Nation and the Sea, U.S. Commission on Marine Science, A Plan for National Action, Jan 1969. 551.46. Un3124o. The beginnings of Coastal Zone Management are described in this document.

7. A Problem Analysis For Washington. An Independent Review for the U.S. Fish and Wildlife Service, January 1978. pp. 4-1 to 4-4.

8. An Assessment of Estuarine and Nearshore Marine Environments, Performed for the Office of Biological Services, Fish and Wildlife Service, U.S. Dept. of the Interior as part of the 1975 National Water Resources Assessment. SMARGE No. 93. p. 76, Chapter 2., p. 32, etc.

Plus those references in the text of the comments.

Comments included as E.I.S. evaluation are also meant to be part of our input on the permit. It is very difficult, and doesn't make sense, to do the two jobs together (which is necessary when E.I.S. and permit input is scheduled to close on the same date. It really is an impossible task considering the short time frame and the fact that we do not have the final E.I.S. to refer to! People believed that the "workshop" was a meeting regarding the E.I.S. only, quite a different matter from a hearing on the permit itself. We still respectfully request a real hearing.

The following are additional comments on the permit itself:

(First we would like to comment on the problems created on the state level by Governor Ray. She expressed a positive attitude toward the project from the earliest announcements about it. Her appointees, Mr. Wilbur Hallauer and Lou Guzzo, expressed favorable intentions about the project early on. We believe elected officials should study the information presented by all sides before making a final decision. We believe that the early public committment has prejudiced the decision process in state administration of this permit. Therefore we must look to federal legal protection for carrying out the CZM and Corps of Engineers goals and policies.)

We request denial of the permit on the clear basis of non-compliance with Section 320.4, Federal Register, Vol. 42, No. 138--Tuesday, July 19, 1977, General policies for evaluating permit applications. We also recommend to you the WAC 173-16-040(5) plus the entire State CZM program and its goals.

In the hearings at Lakes High School before the Weyerhaeuser Company had formally purchased the property, we urged them not to go ahead with the purchase and the Export & Manufacturing Center, because of the location so near the Delta. We believe the Company acted erroneously by going ahead with their plans regardless of the overwhelming negative public response. We have little basis of trust of the Weyerhaeuser Company. Representatives have consistently attempted to undermine environmentally protective legislation in our State and Counties. The record of the Company's activities which have caused degradation in the State's estuaries is open for all to see. We have no reason to believe Nisqually Delta Estuary would be different as a "manufacturing center" develops, even though we're sure damage is never intended.

We sincerely believe that the DuPont site should be in public ownership, for protection of the Delta biological systems and for its own unique historic and archeologic significance. It should be part of an Historic Landmark & Recreation Corridor extending from LeWolf Bight & Tatsolo Point along the Nisqually River extending to the top of Mount Rainier. The DuPont site is a natural terminus for the corridor. We are making serious inquiry into establishment of this designation. We believe it fits the area beautifully and that such a corridor would

become a major recreational and educational area, second to none in this country. But if heavy industrialization is allowed to leapfrog into these small historic sites in South Sound the hope of having really fine Glacier-to-the-Sea recreational opportunities for Washington State residents and visitors is severely decreased. Six of eight life zones are represented in the Nisqually corridor--in a very short distance. This is unique in the lower 48 states. It is this opportunity to showcase the Northwest that will be thwarted as we face these difficult decisions. The Washington State Shoreline Act set aside the Nisqually area as one of five named special areas--all biologically rich. We hope that you as decision-maker for the Corps of Engineers will help us keep them that way.

Sincerely,

Nancy N. Kisenwasy

Tahoma Audubon Society
4011 Alameda Ave.
Tacoma, WA 98466
Tel. 5356131 (Tacoma)
282-8434 (Seattle)

(48)

TAHOMA AUDUBON

(35)

September 28, 1979

Michael D. McCulley
Conservation Chair
509 117th South
Parkland, WA 98444

Leon K. Moraski
Colonel, Corps of Engineers
District Engineer
Dept of the Army
P.O. Box C-3755
Seattle, WA 98124

Tahoma Audubon is opposed to the granting of a permit for the proposed Weyco development at Dupont. The EIS is inadequate but still shows there will be immense public loss for private benefit. Even low level contaminants will build up in the slow flushing depths and adversly impact the already stressed Nisqually Refuge. More ports will be demanded throughout the Sound leading to industrial proliferation. Recreation opportunities will conflict with industrial need and Puget Sound's shores will be lost to private development. These and numerous other problems should not be borne by the public for individual corporate profit.

The public has expressed it's interests and desires in the Coastal Zone Management Act, Shorelines Act and the preponderance of testimony at hearings relating to the Weyco Dupont project. The Corps must consider this public input and see that permit denial will receive wide citizen support.

Thank you,

Michael D. McCulley

H
D
E

the Tacoma, Washington chapter of its national education and conservation society.

Rec 11 Oct 79 gww

Colonel Leon K. Moraski, District Engineer
U.S. Army Engineer District, Seattle
Box C-3755
Seattle, WA 98124

36

Dear Colonel Moraski,

The following are additions to our comments about the Weyerhaeuser DuPont permit:

First, I returned to Tacoma last weekend to talk with people about the project. Two reactions stood out from the rest. one is that many people were under the impression that the "workshop" held Sept. 12 was to be a technical meeting rather that the "hearing" on the permit itself. Few people cared to come and listen at a meeting about a document they hadn't read, much less to get involved in a process not well understood to begin with (the E.I.S. process). The Lakes High School hearing and the hearings at DuPont showed that there is plenty of interest in the subject!

The second matter is one of education. Not many people are aware of the new responsibility of the Army Corps of Engineers in resource protection. The common reaction is, "Well, what do you expect of the Army Corps of Engineers?" Then we begin the process of education about the new role of the Corps. Surprize and disbelief is common. We all must admit that it is a switch, for everyone concerned. It does make sense that people are still a bit confused. Several members of our Tahoma Audubon Chapter heard Colonel Morris speak at our National Audubon Convention at Estes Park this summer. We were encouraged by his spirit of environmental stewardship. I include the "Yellow book" (U.S. Army Corps of Engineers and the Environment) in our packet.

We have reviewed the Cumulative Impacts book loaned by Fred Weiman. The same impressions gained from our earlier research efforts came from this. The methodology for learning cumulative impacts of a series of projects (beginning with only one) is not known. All present attempts at charting or quantifying ultimate cumulative effects have wide gaps. Common sense is presently the best measure. Present land use patterns and the detrimental effects of present practices are well-known by anyone who walks in urban natural areas. The smell of sewage, the litter, the oily film on waters, the lack of variety in animal and plant species, the noise, the air pollution are all symptoms of an ecosystem under stress. The Nisqually area has escaped most of that so far, or is recovering from past abuses. There are still strong hopes that the alternative of living natural resources will be protected and strengthened in the Nisqually corridor. The Federal Government began the process by beginning purchase of lands for the Refuge. Maintenance of the system for fisheries, recreational, and

wildlife use depends upon finding only compatible activities to locate in the corridor.

Tahoma Audubon Society now has 1400 members. It was founded ten years ago largely as a result of member's interest in the Nisqually Delta and River Corridor. We continue a high level of interest.

Everett, Tacoma, Longview, and Gray's Harbor should be the candidate sites for this project, . . C

If the project is given the go-ahead (which we hope will not happen) the dock should be only large enough for one boat at a time, not two.

We realize that the circumstances surrounding this permit are very complex. At stake for us are the state shoreline act and the federal CZM process and their effectiveness. E

Lack of quality upland land use planning is a highly visible and serious flaw in our state's present management of land resources. Private land holders still hold most of the options on land use decisions. That makes the few prerogatives which the public holds even more precious and important. Therefore we urge a most careful evaluation of this permit.

We continue to research the materials at hand and will share what we find. For instance, we reference the Washington Sea Grant Program, Port Expansion in the Puget Sound Region, 1970-2000 by Stewart Borland and Martha Oliver, October 1972. pp. 43-44-48. D

We wish to know if Nisqually Delta has been named a designated "Wetland of Importance". If not we suggest immediate designation as such. We recommend that the overall presumption be in favor of the natural functioning of the Nisqually Delta and River Corridor, that all appropriate measures be taken to insure the system's natural functioning. E

We also recommend the undertaking of a comprehensive Estuary Plan (or other similar planning effort) for Nisqually Corridor and Delta (Mt. Rainier to the Delta and extending to Tatsolo Point and DeWolfe Eight, one mile inland from high water). The reasons for this are that lack of such planning tends to produce public uncertainty over long-and-short-term estuarine and river management goals and procedures, inefficiencies and unnecessary delays in handling permits, investment uncertainty for local projects, loss of potential planning funding, and local resource decisions that are often economically and environmentally unsound.

Sincerely,

Nancy M. Kleeming Nancy M. Kleeming

3711 West Tilden St.
Tahoma Audubon Society, 4011 Alameda, Inc.
Seattle, WA 98199 (2[illegible]-6434)

Seattle Audubon Society

A Washington Chapter of National Audubon Society

714 Joshua Green Building • Fourth Avenue and Pike St., Seattle, Wash. 98101 • (206) 622-6695

September 27, 1979

(37)

Colonel John A. Poteat, Jr., District Engineer
Seattle District, U.S. Army Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

RE: Weyerhaeuser Export Facility at DuPont - Draft Environmental Impact Statement - July 30, 1979

Dear Colonel Poteat:

The Seattle Audubon Society, with 4000 members in the Puget Sound region, provides the following comments concerning the above-referenced draft EIS:

1) The treatment of the relationship of the proposed project to land use plans and policies is inadequate. Chapter 3 of the dEIS is a weak attempt to justify the proposed project in light of opposing land use laws and regulations, rather than a thorough presentation of relationships and impacts. **E**

Under no presently imaginable circumstances should a large industrial operation such as the proposed export facility be located near an area as unique and sensitive as the Nisqually Delta. The proposed development is blatantly contrary to the spirit of the Washington Shoreline Management Act of 1971 (RCW 90.58). It is also contrary to the letter of the law, since the entire shoreline area is designated a "shoreline of statewide significance"; all of this shoreline, except a small segment designated "urban" for historical reasons only, is designated a "conservancy environment" within the state Shoreline Master Program. The Weyerhaeuser project proposes an amendment to this designation and consists of a flagrant disregard of the intent of the Shorelines Master Program in sneaking a large new pier through the "urban" zone which was not established with such a use in mind.

The conservancy environment designation is "for those areas which are intended to maintain their existing character" (WAC 173-16-030). "Activities and use of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment" (WAC 173-16-040). The proposed development clearly does not preserve the natural character of the area.

If this were the only possible site for a project which was in the national interest, more tolerance might be expressed by our organization. But this is not the case. The Weyerhaeuser Company operates marine terminals **A** **C**

SEATTLE AUDUBON SOCIETY

Comments on Weyerhaeuser/DuPont dEIS, continued
Page two

in a number of other areas in the state. The draft EIS does not demonstrate to our satisfaction that alternate sites for the proposed facility could not be used, or that the proposed facility is necessary and in the best interest of the state in light of its serious potential impacts.

The state Shoreline Master Program states that: "Cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas" (WAC 173-16-060). This proposal seems antithetical to such a concept of shared facilities in existing port areas. The Puget Sound Council of Governments regional policies also include strong language on this subject: "...by encouraging new development within urbanized areas...[and] to maximize use of existing facilities and direct new growth into areas already developed..." The draft EIS does not adequately address this issue. **D** **E**

The amount of activity proposed by Weyerhaeuser -- large ships loading twenty-four hours a day for up to twenty-five days a month and huge numbers of trucks and freight trains entering and leaving the site each day -- is a substantial escalation of the historical industrial activity of the property. **E**

The location of a new major export facility with its constant human activity and eventual accident(s) so close to a estuary of national significance is not only bad land use planning but contrary to the existing land use codes of the state. The final EIS must explore this contradiction in much greater detail.

2) Project alternatives are not adequately presented. Chapter 6 should contain a much more thorough review of alternatives to the proposed project and the use of the DuPont site by the Weyerhaeuser Company. Instead of the cursory treatment given of Weyerhaeuser's criteria and reasons why it opted for the DuPont site (justifying a financial decision, not as the dEIS implies a cogent selection process), detailed socioeconomic as well as natural system impact analyses of the status quo and other alternatives should be presented. We must look at the whole picture in the final EIS, not just Weyerhaeuser's point of view. **C**

3) Consideration of future use of the DuPont site and the impact of the proposed activity on future use trends is grossly inadequate. The dEIS acknowledges that the proposed activity "could encourage other related forest products industries to locate on this site over time," but contains no further consideration of the implications of this statement. This lack of treatment is completely unacceptable. The "encouragement" of increased industrial activity at the site by the proposed project is certainly a major impact that must be considered in the Corps of Engineers assessment under NEPA. The final EIS must contain a thorough presentation of this problem, which may well be the most severe long-term impact of the proposal. **B**

The Seattle Audubon Society urges the Corps of Engineers to correct the above inadequacies in the Environmental Impact Statement and to present an honest unbiased case on these important issues. We believe that the potential impacts of the proposed activity on the Nisqually Delta coupled with the poor land use considerations of the project warrant a denial of the requested permit by the Corps of Engineers. Read the EIS carefully -- especially between the lines -- and realize that this proposal offers too many adverse impacts for the citizens of the State of Washington to accept.

Very truly yours,

David V. Galvin
Conservation Chair

LEAGUE OF WOMEN VOTERS

38

Lt. Col Maxey B. Carpenter, Jr.
Acting District Engineer
Seattle District, Corps of Engineers
P.O.Box C-3755
Seattle, WA 98124

September 27, 1979

Following are comments by the League of Women Voters of Washington and the Puget Sound Leagues of Women Voters relative to the draft environmental statement entitled "Weyerhaeuser Export Facility at DuPont, Washington". We are addressing only the three sections of the statement which are the major areas of concern for the League:

3.0 Land use plans and consistency of the project
6.0 Alternative sites
1.6 Future and cumulative impacts

It should be noted initially that the draft EIS contains a wealth of valuable information. It is well organized, understandable to a non-technical reader, and generally readable. The Weyerhaeuser Company is to be commended for providing a good product for review.

3.1 "Institutional use dominates (emphasis ours) most of the sur-
p. 106 rounding area." It would be more accurate to mention other uses, which are not unimportant: fishing, water recreation, wildlife refuge, agriculture, in addition to military training activities. E

3.1.1.1 Descriptions of the Conservancy and Urban environments are
3.1.1.2 taken from different sources. Why? There are some differ-
p. 109-11 ences in wording between similar sections of the Pierce County Master Prpgrpm and the DuPont master program.

On page 111, ending 3.1.1.2, relative to Thurston County designations under the Shoreline Management Act (SMA), we believe land within the refuge is in both natural and conservancy categories. It is shown correctly in Fig. 48. Z

The next paragraph stating compliance of present shoreline uses with both State and Federal Shoreline and Coastal Zone Acts should continue with a discussion of conformance of proposed uses with the same acts (or greater detail under 3.2.2.) There should be a quotation included (or the entire letter in an appendix) from the letter to DuPont Mayor Karnes from Department of Ecology Director Biggs (June 11, 1975) expressing concern about the possible negative effects on the Nisqually Delta of the urban designation placed on Sequalitchew Creek and Puget Sound shoreline in the DuPont Master Program. E

3.1.2.2. Pierce County. It should be added that both parcels are zoned

subject to the policies and use regulations of the Shoreline and Coastal Zone Management Acts. E

3.1.2.2 The final sentence of the paragraph is incorrect and out of place. A statement about National Natural Landmark registry on the delta should be part of 3.1.4.5. It should state when and why the status was given, and its significance as a measure of protection for the delta environment. Boundaries of the National Natural Landmark are not totally contiguous with those of the refuge. A portion of the northeast corner adjoins Weyerhaeuser ownership. The U.S. Fish and Wildlife service "owns" neither the Nisqually Delta nor the National Natural Landmark. E

6.0 The section on alternative sites includes much discussion of
p 159 Weyerhaeuser's site criteria and selection process for the export facility; there is no mention of port siting criteria established through agency or citizen action. We would like to see included in the EIS the Policy Statements on Ports and Water-related Industries from the Shoreline Management Act. Both DuPont and Pierce County include such policies in their master programs. Although otherwise similar where applicable, we note that DuPont's program omits a statement included in the Pierce County program, relating to port location in estuaries or fish spawning, feeding and rearing areas. Since Weyerhaeuser's ownership includes parcels in both jurisdictions, and specifically where the preferred dock location is, it would be appropriate to include the policy statements, any pertinent Use Regulations, and the Company's response with or without annexation of the Pierce County parcel to DuPont. C E

There is a policy statement on record by the state Department of Natural Resources relating to locating ports in existing areas before new areas are established. Even if the DNR has no jurisdiction in the specific area of this pier application, the policy is as relevant to these waters as any in the state. D

Other such policies on port site selection and activities may exist. We feel the EIS should examine all and show where the export facility is compatible or in conflict, as it has done with the regional land use policies (3.2.4) of the Puget Sound Council of Governments.

Considering the differing policy statements by state, regional and local governments, and the differing responses of some governmental units to similar policies, it would seem appropriate for an agency which maintains some distance from interjurisdictional political turmoil, such as the Corps of Engineers, to determine where state-wide interests supercede local interests in the use of shoreland and water. The Corps might also be in the best position to comment and act from the benefit of knowledge gained elsewhere in the nation regarding cumulative impacts of development in areas adjoining estuaries.

1.6 The problem with new and independent review of any future devel-
p.22 opment proposals remains that each proposal is still evaluated alone, and frequently under different government jurisdictions.

see some way to quantify the impacts, for example by restricting the intensity of shipping activity, or requiring a review procedure.

The League of Women Voters would prefer to see the Weyerhaeuser project located in a less environmentally sensitive area. We support the intent of the facility, but believe it should locate in waters already dedicated to industrial activity.

Should the pier permit be granted, we strongly suggest conditions be placed upon it to ensure the greatest safety and protection to the Nisqually environment.

League of Women Voters of Washington
Jane Shafer, President
1406 18th Av
Seattle, WA 98122

Puget Sound Leagues of Women Voter:
Hilda Skolnick, President

Nancy Pearson, Nisqually Chr.

Nancy Pearson

LEAGUE OF WOMEN VOTERS

STATEMENT FOR THE PUBLIC WORKSHOP IN REGARD TO THE WEYERHAEUSER EXPORT FACILITY AT DUPONT, WASHINGTON, FEDERAL ENVIRONMENTAL IMPACT STATEMENT (DRAFT). Sept. 12,

The Corps of Engineers has invited interested groups and individuals to comment on the "significant issues related to the proposed export facility". I am Nancy Pearson, representing the Puget Sound Leagues of Women Voters and the League of Women Voters of Washington. We are grateful for this chance to comment. in more general terms, about the broader issues involved in Weyerhaeuser's application for permission to construct a pier in Nisqually Reach.

The League of Women Voters plans to submit additional written comments on more specific points relative to the adequacy of the draft EIS.

We have two areas of major concern: inconsistency of this proposed project with the Coastal Zone Management and Shoreline Management Acts, and location of a shipping facility outside an established port area.

League members worked hard for passage of shoreline management legislation at both the state and federal levels, and they continue to be actively involved at the city and county levels implementing local master plans. We agree with the special policies written to apply to shorelines of ~~special~~ statewide significance E ("areas of particular concern" under the federal act), policies whose phrases are now familiar to this audience, and we believe that developments which are in conflict with these policies should not be allowed. The citizens of Washingtc in approving a management act for their shorelines, were voting to establish controls which would retain unique, natural areas for their aesthetic, educationa and recreational values. Public policy is violated or ignored when even one exception is allowed, however many assurances are made regarding mitigating actions to protect the environment. A precedent is then established for similar actions which is difficult for a jurisdiction to deny. Where do the cumulative effects of many minor impacts become irreversible harm?

The value of a natural estuarine ecosystem, still relatively balanced and productive, is too priceless to risk destruction or even degradation by allowing industrial uses geared toward short term economic values. At least 100 years is considered short term in the life of a natural system. Such actions are especially questionable when alternative locations for the facility are possible.

Availibility of alternate port areas is the basis for the League's second concern about construction of a pier in Nisqually Reach. League members believe that shipping should be done in areas already developed for such purposes. The nearby Puyallup estuary, home of the Port of Tacoma and other private water-related industries, is an example. Such public ports were established with taxpayer funds to facilitate coordinated use of harbors for public benefit. Our position is supported by policies of the Department of Natural Resources, and by a 1975 study done by the Washington State Public Ports Association showing that existing port facilities, including those available for handling forest products, are adequate to the year 2000.

Public policies once established, if they are to have any meaning, must be followed by governmental decision makers with continuing support of informed citizens. We in the League of Women Voters make it our main goal to study and act on governmental issues and encourage other citizens to be likewise involved. In our more-than-ten years following the conflict of development vs. preservation in the Nisqually Delta area, we have watched policies and laws developed to enhance preservation of the natural values there. We do not see a sudden public demand or even expression of need for industrial development in those waters. We can only ask and hope that an even greater number of citizens inform themselves about the total issue and express their opinions to the public officials who represent them.

We thank the Seattle District, Corps of Engineers for providing this forum for such expressions of opinion.

WASHINGTON ENVIRONMENTAL COUNCIL
107 South Main Street / Seattle, Washington 98104 / (206) 623-1483

39

September 28, 1979

Col. Leon Moraski
Seattle District
U.S. Army Corps of Engineers
Seattle, WA 98124

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT OF THE
WEYERHAEUSER COMPANY EXPORT FACILITY

Dear Sir:
The Washington Environmental Council opposes the construction of a pier in the Nisqually Reach and urges the U.S. Army Corps of Engineers to deny the permit for the Weyerhaeuser project. Some, but not all, of our objections are in the DEIS.

WEC is a coalition of 84 citizen organizations and 1000 individuals. We are a state level lobbying organization, working through government — both the legislative and the administrative branches — for a clean, safe, beautiful and bountiful environment.

We have worked for over ten years for statutes at every level to protect the shorelines and the water quality of the state. We were instrumental in the development of the Shoreline Management Act of 1971, and remember very well the intents and purposes of this nationally recognized prototype of good environmental legislation.

E We strongly believe that the Dupont world shipping facility and industrial development on the shoreline in the Nisqually Reach is contrary to the letter of this law, and the intent and spirit of its framework. We can see no justification for this project under the present protective laws, and in consideration of the Nisqually National Wildlife Refuge, located a scant one-half mile south of the site of the proposed pier.

And will the Army Corps please recognize the actual boundary of the Refuge, which includes the delta face, the underwater delta face, such important an increment of the ecosystem here. The Weyerhaeuser Company refers to "the delta proper" in their terminology — we are assuming they mean the vegetative portion of the delta, which is just one part of this complex in Nisqually Reach.

Our objections to the EIS are on the following grounds:

C 1. Not enough study has gone into the alternative sites for the Weyerhaeuser terminal, including their present capabilities for worldwide shipping. The EIS does not demonstrate to our satisfaction that existing facilities in our public ports and in Weyco's own private holdings are not adequate. Will the Army Corps please review this issue more fully.

2. There is not enough study on the impact of a proliferation of private port facilities on ports in Washington, which are public, special taxing districts. We are especially concerned that one large corporation can be putting in for considerable modification of the Port of Grays Harbor, for their benefit, in an estuary where deposition of dredge spoils would impact some extremely important wetlands. And at the same time this same corporation is requesting sacrifice of a high quality marine shoreline abutting a National Wildlife Refuge on a pristine estuary, for development of precisely the same kind of shipping capabilities. This company is requesting the Army Corps for something quite considerable in the eyes of the public who feels the "commons" has sacrificed enough estuarine area in the state for port facilities. D

3. There is not enough study on the impacts of the subsequent development on the Dupont site, which the company admits will inevitably follow. This first increment is insignificant in acreage compared to the size of the site, but sets a precedent that we have seen to be typical in other parts of the U.S. in the beginning of what is eventually heavier and heavier industrialization. B

4. The Washington Environmental Council believes South Puget Sound's resources are just too important to be regarded for industrialization when there are alternatives for that kind of development. We believe there should be further study in the potential economic base of the productive marine waters of South Puget Sound, which as long as they are the very high quality they are now, will produce finfish and shellfish, extremely good recreational opportunities, and high quality, esthetic living environments. All of which are in jeopardy with industrialization. We believe it would be more and more difficult to deny future permits for more shoreline development and more intensive industrialization if this permit is granted — and that's ominous. U

5. We believe the EIS should have further study of comments and questions of the Washington Game Department (such as they submitted for the SCPA EIS) and the U.S. Fish & Wildlife Service. This incredibly valuable inland sea simply must have more protective devices. Will the Army Corps please really examine the wildlife potential here, as other areas are used more and more intensively, and this South Puget Sound system becomes our last, as well as best? Does the Dupont project threaten options for a marine mammal sanctuary as has been proposed since this project's EIS came out? J

6. WEC urges the Army Corps to more seriously study the broader issues at stake of the impact on the natural systems, the social systems, and the services required on the Pierce-Thurston County region, of what is generally accepted as what REALLY might happen, that this ominous 250-acre project is the precursor of. B

7. What can be added to the final EIS in the way of assurances by the Army Corps that <u>IF A PERMIT MUST BE GRANTED</u>, it could be conditioned to the historic volume of shipping South Puget Sound has accommodated to date? F

8. WEC has been deeply involved in the Nisqually estuary, wildlife refuge, and indeed the whole river, since 1969 — our year of founding. We have testified at every hearing, worked with task forces, citizen advisory committees, land use planners, the Nisqually Parkway Plan (glacier to the bay system of management still on the drawing boards), and in the development of the National Wildlife Refuge Management Plan. We are STRONGLY COMMITTED to protection of the Nisqually Reach from shoreline development and industrialization. We urge you again, in the best interests of the citizens of the entire region, now and in the future, deny this permit and thus protect that for which there is no alternative.

Sincerely, Helen Englu, President, Washington Environmental Council

BLACK HILLS AUDUBON SOCIETY

A Washington State Chapter of the National Audubon Society
Office: Suite 12, 108 W 22nd Ave., Olympia, WA • Mailing Address: P.O. Box 2524, Olympia, WA 98507
Phone (206) 357-4664

28 September 1979

(40)

Dr. Stephen Martin, Environmental Coordinator
Environmental Resources Section
Seattle District Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Dr. Martin:

This letter is in response to the Draft Environmental Impact Statement for the Weyerhaeuser Export Facility at DuPont, Washington.

From the outset, Black Hills Audubon Society has been gravely apprehensive about the Weyerhaeuser Company's plans for an export facility at the propsed location. This concern is generated by what we percieve to be an unavoidable impairment of the quality of the natural environment and biosystem of the Nisqually delta and adjacent areas should the project proceed. There is little in the DEIS to allay our concern.

We find three major shortcomings in the document as offered. A most serious one is that the applicant persists in its refusal to assign uses for and impacts of development of the remainder of its DuPont acreage (Sec. 3.2). No impact assesment can be complete as long as the entire site remains under industrial zoning with as yet undisclosed plans for the development of the remainder. Fragmentation of development, with incremental permitting, is contrary to the intent of the National Environmental Policy Act. We insist that the Weyerhaeuser Company disclose a comprehensive plan for further development of the area, clearly indicating what types of uses will and will not be allowed at the site, or else permanently dedicate the unused portion of its property to restricted zoning.

B

The DEIS does not include as an adverse impact of the project the precedent that will be set if the facility is approved of allowing major developments to proceed when they are contrary to the intentions of the bulk of regional land use policies. The facility location conflicts with the "activity center" planning by the Puget Sound Council of Governments (Sec. 3.2.4), the preferred dock location conflicts with the conservancy designation in Pierce County's Shoreline Master Plan, and while Sec. 3.1.1 discusses the Shoreline of State-wide Significance designation of the area, there is no mention in Sec. 3.2 of the projects consistency with this designation. We belive this should be addressed in the EIS, as from our perspective a port facility is not compatible with that designation. Approval of the export facility at this site will lessen the effectiveness of comprehensive land-use planning in this region, certainly an undesireable and unmitigatable impact of the project.

E

BLACK HILLS AUDUBON SOCIETY
A Washington State Chapter of the National Audubon Society
Office: Suite 12, 108 W. 22nd Ave., Olympia, WA • Mailing Address: P O Box 2524, Olympia, WA 98507
Phone (206) 357-4664

The third major flaw in the DEIS is the recurrent use of subjective terminology. For example, we refer to Sec. 4.3, Air Quality. The word 'negligible' appears four times on page 122. Such terms - others include 'insignificant', 'minor' and 'minimal' - are not only undefined, they are biased. Their frequent use causes the DEIS to be persuasive rather than analytical. We view this flaw as extremely serious, obscuring the fact that in every instance some deterioration will occur.

Z

It is clear that the Draft Environmental Impact Statement has failed to attain the necessary scope of perspective. The combined adverse impacts of the proposed activity have not been addressed and the listing of adverse impacts is not reflective of their true significance. The loss or disruption of terrestial habitat, inconsistency with zoning plans and increased probability of future development are rightly listed as moderate to severe impacts, but inclusion of increases of roadkills and degradation of shoreline aesthetics in this category degrades its significance. After including the latter two in the major category, the minor impacts category includes the possiblity of an oil spill, water and air quality deterioration, economic loss to existing port areas and disruption of subtidal habitat. We feel that these are severe impacts when viewed from an environmental perspective. If the necessary permits are granted and the Weyerhaeuser Company proceeds with the development and operation of this facility, we may all learn the total extent of its impact upon our environment through the oldest and crudest of methods - trial and error. We are absolutely opposed to the use of the Nisqually River delta, the Nisqually Reach and the surrounding open spaces for yet another experiment in the juxtaposition of industrial and unspoiled areas.

Thank you for the opportunity to comment on the Draft Environmental Impact Statement. The Black Hills Audubon Society feels that the statement does not adequately examine the long-term impacts of the proposed export facility, we reccomend that the final EIS address these impacts in a more quantitative and comprehensive manner. Based on our review of the draft document, we cannot support issuance of the necessary permits.

Sincerly yours,

William Harrington-Tweit

William Harrington-Tweit
President

(63)

September 29, 1979

(41)

Corps of Engineers
Dept. of the Army, Seattle District
P.O. Box C-3755
Seattle, Wa. 98124

Re: E.I.S., Weyerhauser at Dupont

Gentlemen:

I am writing on behalf of the Boston Harbor Association - a group of residents who live southwest of the Nisqually Delta, and close to Olympia.

We are extremely concerned with the proposed port to be built by Weyerhauser near Dupont. It is well-known that the Nisqually Delta, while not in its totally original state, is the last relatively undisturbed delta wetland on Puget Sound, providing sanctuary to a lot of wildlife. And it is a place for humans to enjoy.

There are other more suitable port sites that Weyerhauser can afford to develop, such as in Tacoma.

And, frankly, we don't believe Weyerhauser when it states that the company does not plan to expand the original port operation into a bigger complex, that the hundreds of acres of woodland around have been bought just for a buffer zone.

On the one hand Weyerhauser contends that the operation will provide hundreds of jobs, while on the other hand they say it will not impact the local schools, road services, police protection, etc. We cannot have it both ways.

Please consider the overall quality of life on southern Puget Sound, and suggest that Weyerhauser put its long export port in a more suitable, developed port area.

Thank you and sincerely,

Mary Murphy

President, Boston Harbor Association
6948 Woodard Bay Rd. N.E.
Olympia, Wa. 98506

...VICE PRESIDENT
...BEARY
...ANE, WA 99208
(509) 328-3005

...TERRY SKAMSER, PRESIDENT ELECT
...A" STREET
...OMA, WA 98405
(206) 474-0852

HAL C. PARRISH, VICE PRESIDENT
W 2005 HOUSTON AVE
SPOKANE, WA 99208
(509) 328-5234

CLAUDE C. SNIDER HONORARY PRESIDENT

RAN McLEOD, HONORARY SECRETARY

TERRY K. RUSSELL, VICE PRESIDENT
775 HWAY 9
SEDRO-WOOLLEY, WA 98284
(206) 856-5081

NICHOLAS ZITTEL, SECRETARY
6519 WEST 33rd
TACOMA, WA 98466
(206) 564-0882

OFFICE OF SECRETARY
P.O. BOX 99238
TACOMA, WA 98499
(206) 564-6040

WASHINGTON STATE

Sportsmen's Council, Inc.

COORDINATED CONSERVATION AFFILIATED WITH NATIONAL WILDLIFE FEDERATION

(42)

September 11, 1979

I am Robert Elliott, Water Access Chairman of the Washington State Sportsmen's Council.

I am here today to give testimony on behalf of the President, Loran K. Horse, of the Washington State Sportsmen's Council, who could not be here today.

We have been heavily involved in the studies of the Weyerhaeuser project for ten months.

Because of the complexity of the issue, I feel it only fair to qualify the involvement of the Washington State Sportsmen's Council on the issue at hand.

The Washington State Sportsmen's Council is comprised of 71 affiliate clubs and organizations of which the Nisqually Delta Association is one member organization.

The Council became involved in the issue by a resoluation sponsored by the Nisqually Delta Association in December of 1978, which was adopted in opposition to the Weyerhaeuser project.

The Council, at that time, became involved in an on going program of research, on-site inspections, environmental impact statement review and study of the entire proposed Weyerhaeuser Export Facility at Dupont.

Every affiliate club had the opportunity to inspect, on-site, the project and most did. As did the Game Commission of the State of Washington.

With the indepth look at the facility, it became evident the adoption of the original Nisqually Delta emergency resolution was hasty.

At the March 11, 1979 quarterly convention, the action on the resolution was rescinded. It was moved, seconded and passed that we refer further action to the June quarterly meeting in Wenatchee, Washington.

At this same convention in March, a Water Access Committee report on Nisqually Delta, containing areas of question was given to the Board of Directors and Weyerhaeuser Representatives.

In May of 1979, the Washington State Sportsmen's Council received a detailed document in answer to questions in the committee report for Weyerhaeuser Company. It was reviewed in depth, answering all questions that data had been developed on and promising the other data as it was developed.

At the June convention, the Washington State Sportsmen's Council adopted a substitute resolution for Resolution 679-2. I submit this resolution to be read into the record at this time. (Read Resolution).

the w.s.s.c. is not in a position to endorse or oppose the weyerhaeuser export facility at dupont .

or do we feel qaulified to make exspert technical decisions. how ever we do have great knowledge of the resorses envolved as a user .

We also have technical envolvement with state management agences and their management decisions. envolveing the natural resources of the state of Washington.

We also recognize the need for the facilty and the ability of weyerhaeuser.co. to produse a model facility at dupont.

we represent a large cross section of the citizens from the intire state of washington. who feel that the agences envolved must make the final division based upon the right of free enterprize to pursue thier endevuers.

while protecting the quality of life in southern puget sound must be carefully addressed now and in the future

Thank you for your time, patience

Robert L Elliott

Robert. L. Elliott
water Access Chairman
Washington state Sportsmen's Council Inc.

SUBSTITUTE RESOLUTION FOR RESOLUTION 679-2

WHEREAS, Puget Sound is an important habitat for a rich variety of fish, birds and other wildlife of great economic and recreational value to all sportsmen and citizens of the State of Washington, and

WHEREAS, the Nisqually Delta is one of the most important estuaries and wildlife habitats remaining in the Puget Sound region, and

WHEREAS, the waters of Puget Sound are also important and valuable to the citizens of Washington State as sheltered trade routes providing access to the growing markets of the world for products grown and manufactured by Washingtonians. Multiple use of Puget Sound must be pursued to export products of the State when found to be ecologically feasible, and

WHEREAS, citizens of Washington State have indicated their preference for industrial development which is well-planned, economically stable and based on trade in renewable resources such as forest products, and

WHEREAS, Weyerhaeuser Company proposes to build a new high-technology forest products export center at DuPont, Washington near the Nisqually Delta and the Nisqually National Wildlife Refuge, including a new and modern dock, and

WHEREAS, potential environmental effects of the Weyerhaeuser project at DuPont are being carefully and thoroughly analyzed, through a series of scientific baseline studies and environmental impact statements at the present time, and

WHEREAS, even a well-planned, minimal-impact development near the Nisqually Delta does raise issues of balanced resource management and long-term land use, which are of interest to all citizens and which must be carefully addressed,

NOW, THEREFORE, BE IT RESOLVED that the Washington State Sportsmen's Council, in convention assembled at Wenatchee, Washington, this 10th day of June, 1979, expresses its strong interest in preserving the quality of the natural resources and wildlife and fisheries habitat in the Nisqually Delta and Puget Sound and its continued concern for insuring that any development near that area be carefully planned and fully compatible with the needs of the natural environment and natural resources of the area and call upon Washington State and Federal Regulatory Agencies to insure that any potential adverse impacts that might be caused by the proposed facility be carefully examined to protect fully the interests of the citizens of the State of Washington and keep the Washington State Sportsmen's Council, through its representatives, fully and directly informed about and involved in their review processes related to the Weyerhaeuser Company's present project and any future projects in this area, while the Weyerhaeuser Company is following due process to acquire the project permits.

BE IT FURTHER RESOLVED that copies of this resolution be sent to all agencies and parties who received copies of Resolution 1278-E2 as an update of position.

Submitted by:
Bob Elliott, Chairman
Water Access Committee

Substitute amendment was offered.
'endment to Substitute Resolution failed.
ubstitute Resolution was adopted.

Tacoma Area Chamber of Commerce

752 Broadway • P.O. Box 1933 • Tacoma, WA 98401 • (206) 627-2175

43

RESOLUTION OF THE BOARD OF DIRECTORS

of the

TACOMA AREA CHAMBER OF COMMERCE

SEPTEMBER 10, 1979

SUBJECT: WEYERHAEUSER COMPANY'S "DUPONT FACILITY"

The Board of Directors of the Tacoma Area Chamber of Commerce endorses and supports the Weyerhaeuser Company's "Dupont Facility."

BACKGROUND: The site, near the Nisqually Delta, was used since 1909 by the Dupont Company for the manufacture and shipment of explosives. It is separated from the Delta by a mainline of the Burlington Northern and by a 200 foot bluff.

The Company plans an export facility for forest products. These plans are backed up by three years of environment research and planning, at a cost of $2.5 million -- an indication of its comprehensiveness. The State Department of Ecology has termed it a well planned project. The nearest structure will be a mile north of the Delta -- most development will be two miles away.

The facility will allow better competition for international markets, initially primarily for logs, and anticipated later for manufactured wood products.

The benefits include:

* A better competitive position for international markets.
* Up to 300 construction jobs and 130-165 full time jobs plus longshore work.
* $2.3 million in construction taxes.
* $330,000 in taxes annually to Pierce County, the City of Dupont and Washington State.

9/79

Tacoma-Pierce County Economic Development Board

Post Office Box 1933 • Tacoma, Washington 98401 • (206) 627-2175

44

The Tacoma-Pierce County Economic Development Board supports the Weyerhaeuser " Dupont Facility Proposal."
The Weyerhaeuser Co. proposal from an economic viewpoint is vital to Pierce and Thurston Counties. Recently, Pierce County has lost several hundred jobs: Asarco-120; Fiberboard-150; Ft. Lewis-115; and most recently, Heidelberg closure deleting 250 jobs. The jobs to be created by this high technological forest products export facility will provide 130 to 165 full-time jobs plus 17-21 full-time jobs in longshoring work, replacing the jobs lost when the Dupont Co. closed. These jobs indicate and increase in personal income of $1,500,000 to $1,625,000 the support of 3 new retail establishments, an increase of $735,000 in retail sales, and bank deposits of and estimated $895,000.
These are the measuring factors for establishing the economic impact of the proposed development on the local economy.
The desirability of industrial growth, in fact, economic growth in general has been fundamentally questioned in the last few years by people concerned with unwanted side effects. The time has passed when governments relying on an optimistic view that all growth is beneficial, competed with one another for new industry characterizes industrial development efforts. This attitude is found at all levels of government, as indicated by the legislation affecting product quality and safety, environmental quality, occupational health and safety, and equal employment opportunity.
Greater public resistance to private development has forced governments to rethink their development programs as well as the viewpoints on environmental, aesthetic, and health considerations.
These comments, however, should bot be construed as support for the" zero growth" movement. Economic growth as proposed by the Weyerhaeuser Co. is needed as means of improving the Quality of life, as a direct result of technological progress and more efficient use of resources.
The real issue is the nature of economic growth, especially the qualitative aspects which in this particular circumstance have been analyzed and are controlled under existing laws, regulations, and restrictions.
Thre is no need to regulate growth or development of a single industry or business. Guidelines for development should be uniformally applied to all development, and when industry meets the requirements of the restrictions and regulations then approvals should be granted.

Respectfully submitted.

Theron V. Rust

Theron V. Rust
Executive Director

5

WESTERN STATES REGIONAL COUNCIL NO. III
INTERNATIONAL WOODWORKERS OF AMERICA, AFL-CIO
19155 S.E. McLoughlin Blvd. 503 656-1475
GLADSTONE, OREGON 97027

September 6, 1979

U. S. Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

45

Attention: Mr. Steven Dice

Re: Proposed Weyerhaeuser Company Facility
Du Pont, Washington

Gentlemen:

I wish to make the position of the International Woodworkers of America, Western States Regional Council No. III, very clear on the Du Pont Facility proposed by Weyerhaeuser Company.

I speak in behalf of all the organized woodworkers in the I.W.A. in all of the Western States. We, at one time, took a position of opposing the Nisqually Delta Facility. However, we then requested and were afforded the opportunity by Weyerhaeuser to tour and review that facility as well as their environmental impact statement and a small scale model of the proposed facility.

We reviewed the history and use of the property by its previous owner and after much reading and factual review of the site itself and further discussion with corporate management of Weyerhaeuser Company, are now convinced that if Weyerhaeuser Company follows their environmental impact statement that the future of the Delta is not in jeopardy.

Anyone speaking for the I.W.A. in a contrary position to what I have outlined is, in fact, not speaking for our Union in the Western States of the United States.

It is our feeling in the lumber industry that both environmental protection and jobs are possible. To use an environmental excuse to block safe environmental development is a detriment to this section of the United States.

You may or may not be aware that much of the industry on the West Coast has already moved their remanufacturing facilities to Southern United States, thereby creating less jobs in that industry.

Weyerhaeuser Company is a large land holder in the West and their corporate policy is to continue growing, cutting and manufacturing timber in the West and it is my belief that governments, at all levels,

should support that position as long as it does not endanger bona fide environmental quality.

Thank you in advance for your attention to my remarks.

Sincerely yours,

Vernon C. Russell

Vernon C. Russell
President

VCR:ekc

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(15)

Pierce County Central Labor Council

AFL-CIO
3049 South 36th, Suite 201
Tacoma, Washington 98409
(206) 473-3810

September 19, 1979

(46)

Dr. Steven P. Dice
US Army Corps of Engineers
PO Box C - 3755
Seattle, Washington 98124

RE: Weyerhaeuser Export Facility at DuPont, Washington
Federal Environmental Impact Statement

Dear Chairman Dice:

The enclosed statement of June 23, 1976 representing the position of both the Pierce County Building and Construction Trades and the Central Labor Council has been reviewed. In light of the time that has elapsed and the publishing of the draft EIS prepared for Seattle District, Army Corps of Engineers, that review has resulted in a reaffirmation and the position outlined in the statement remains the position of these two bodies.

While the statement does not directly address the DEIS, an indirect common thread runs through all aspects of the changes that have been occurring at DuPont since the departure of the DuPont Company.

We congratulate you on the public workshop format which allowed for public comment and input and thank you for the opportunity to participate. As we stated verbally, we find no significant environmental impact anticipated based on review of the DEIS and the numbers of people involved in the workforce is not significantly different than anticipated three years ago so socioeconomic impacts will be minimal.

With the necessary corrections brought to light by public comment and staff review, we recommend final adoption by the Corps of Engineers and urge issuance of the proposed pier construction permit.

Sincerely,

H. Russell Peters, Secretary
Pierce County, Washington Building
& Construction Trades Council, AFL-CIO

Clyde H. Hupp, Secretary
Pierce County Central Labor Council, AFL-CIO

CHH:gd
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COPY

June 23, 1976

Weyerhaeuser-DuPont Proposal Statement

It has occasionally been reported that construction trade unionists oppose any environmental safeguards that affect jobs. Nothing could be further from the truth here in Pierce County.

In the first place, all environmental safeguards affect life. No one is advocating that we trade lives for jobs. Secondly, we, like you, live in, raise our families and greatly enjoy this beautiful, bountiful Puget Sound country and certainly have no wish to see it despoiled. Thirdly, guess who installs, maintains and provides facilities to energize and service industrial pollution abatement equipment?

Between ten and twenty percent of this Council's resources are devoted to the development of positive and reasonable environmental regulations. This effort is directed partly through cooperation with and participation in local area public meetings and hearings. In addition, we participate both directly and indirectly in the activities of the Western Environmental Trade Association of Washington.

Is the economy involved in environmental concerns? Are trade unionists involved in concerns of the economy? Surely by now everyone understands the necessity of establishing desirable environmental goals. None can be so naive as to think those goals will be realized without some cost in the standard of living of each of us. The cost to industry will be reflected in the prices of the marketplace.

The Department of Ecology would appear to have a very unique and valuable opportunity at hand in the form of the Weyerhaeuser-DuPont proposed development.

For the very first time, environmental concerns can be addressed and incorporated in a commercial development not from the ground up, but even prior to the purchaser exercising his option! At the same time, the proposed site encompasses what is not only an existing industrial development of several decades standing, it also contains the original commercial siting on Puget Sound, that of the Hudson's Bay Company.

Without a doubt, the Nisqually National Wildlife Refuge will continue to be adequately protected by the U. S. Department of the Interior, as it should be.

Past development in the DuPont area has been of such a nature that a significant amount of natural vegetation remains and little impervious material covers the ground. Natural contours and drainage can be analyzed and used to advantage in every development as well as preservative concept at each stage of development.

Initial plans to operate an export facility at the DuPont site include the estimate of an employment level equivalent to the loss suffered by the closure of the E. I. duPont de Nemours Co. operation. Economic and cultural impact upon the Pierce County community would therefore be very slight.

Weyerhaeuser Company is by no stretch of the imagination a fly-by-night suede shoe speculative developer. Instead, they represent a solid economic entity with a substantial interest and demonstrated concern for the total natural and human future of this area.

COPY

It would seem an obvious conclusion that the Weyerhaeuser-DuPont proposal presents a veritable living laboratory to demonstrate the viability of planning agency proficiency in ultimate achievement. This should be an irresistible challenge to the Department of Ecology.

For all of these reasons, it is the strong recommendation of both the Pierce County, Washington Building and Construction Trades Council and the Pierce County Central Labor Council that the proposed operations and development at the DuPont site by the Weyerhaeuser Company be favorably considered and supported by the Department of Ecology and all other local and state planning agencies.

Submitted by:

Clyde H. Hupp, Executive Secretary

(In addition, as Chairman, Industrial Committee, authorized by Pierce County Central Labor Council, L. H. Pedersen, Secretary.)

cc: Mr. L. H. Pedersen

bc: Mr. Lowry Wyatt

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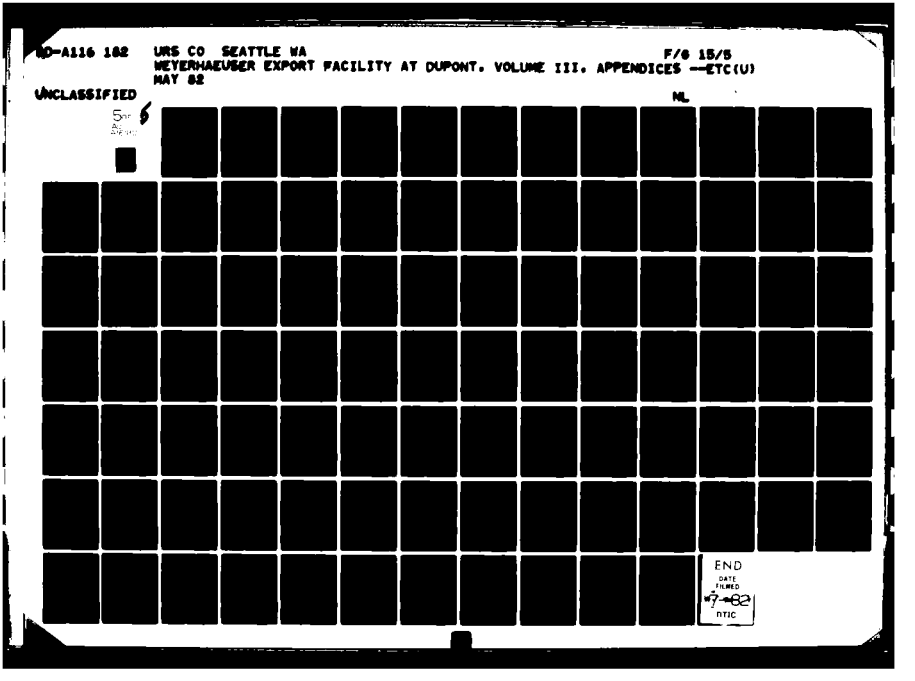

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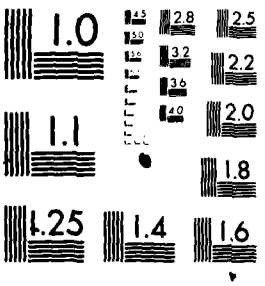

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(6)

Donald C. Orlich
S. E. 435 Crestview
Pullman, Wa. 99163

September 10, 1979

(47)

U. S. Department of the Army
Seattle District
Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Attn: Steve Dice

Dear Mr. Dice:

This letter is being written in support of the Weyerhaeuser Company's proposed plan to develop a wood products export facility at DuPont, Washington.

I personally have had an opportunity to examine the environmental impact statement prepared by the company. This is exactly the kind of structure that we should have to help our state. This facility is being planned to have almost no damage to river and none at all to the delta. The care which the Weyerhaeuser planners have taken to consider the various aspects of the project will make this facility both an ecological and economic model.

I support their plans without reservation.

By the way, I have no connection with Weyerhaeuser in any manner--not as an employee, or even as a stock holder. Businesses that illustrate this type of ethical and environmental concern should be encouraged. We must support such models.

Respectfully submitted,

Donald C. Orlich

Donald C. Orlich

(9)

9/14/79

(48)

Dear Friends,

I attended a workshop dealing with the Dupont Weyerhaeuser Export facility in Tacoma at the Bicentennial Pavillion. The Workshop purpose was to receive comments from the public and interested groups, which will go into the final EIS. I must say I was sorely disappointed with both the Weyerhaeuser people & some of the public comments. It appeared to me that no one did any discussing of the real issue (which I had assumed was the welfare of the environment and the animals that dwell in that particular area that Weyerhaeuser is planning on building) the questions & answers dealt with mostly the concern for whether or not Weyerhaeuser would in the future expand this one export pier not into a port. To me that was not an issue of today, if Weyerhaeuser recieves a permit to build, and later they decide to expand then that will be dealt with. In the first place they don't even have the permit yet, during the meeting people were told that was not the purpose of this Workshop. I don't think they heard. The concerned citizens for the welfare of our environment were so wrapped up in emotionalism that I think their views were somewhat clouded.

I believe that we are all concerned about the animals, & other life

that have built their and whether or not they will be seriously effected. Well obviously if the pier & terminal are built it is going to seriously affect the life presently there. It states in the DEIS over & over again the harmful affects to the human community & the wildlife. If it was a matter of what people want I think most would like to see the land preserved. But I wonder after listening to the Army Corps of Engineers if that is their greatest concern. It seemed to me that they definetly leaned toward Weyerhaeuser & their wishes. On several occasions the public speakers were met with rudeness & skepticism, from both Weyerhaeuser & the Army Corps of Engineers. I think that there was hostility on both sides, and although I believe Mr. Dice was in fact impartial, I think he could have & should have brought the discussion back into perspective. As he seemed to be a sort of chairperson & led off the discussions & gave the rules. I feel because it was an informal workshop that much could have been done to make it so. I don't believe that seating the representatives from Weyerhaeuser & the Army Corps of Engineers on stage above every one else was an informal gesture. In fact any psychologist will tell you it is an act of dominance and did in fact create that sort of atmosphere. People were obviously intimidated as they were speaking

out on the environmental issue, and in some cases were actually stunned at ~~to~~ from the representatives ~~of~~ from Weyerhaeuser & the Army Corps of Engineers. ~~It~~ Not so much from the people on stage but from the gentlemen sitting on the sidelines to answer questions concerning Weyerhaeuser or the Army Corps of Engineers. This is the kind of behavior displayed by high school ~~students~~ students. And I certainly did not expect to see it coming from professionals. How can I be confident that the EIS submitted by the Army corps of Engineers is as thorough & objective an item as it should be when I have seen the type of behavior displayed by them by people? I feel that this particular Workshop I attended was truly in bad taste.

I don't feel that much of anything was accomplished, and I went away feeling somehow frustrated that I could not personally put right the things I felt were wrong. I went to the Workshop not really knowing how I felt from the technical aspect of the issue. In my heart I have always been for preservation of our wildlife, but willing to make concessions ~~it~~ in the light of progress & the betterment of the quality of life. As I left the meeting the one thought in my mind was that I hope the Weyerhaeuser permit is denied. The obvious lack of concern for what is right was a statement both Weyerhaeuser & the Army Corps of Engineers made through their gestures & thoughtlessness of

other peoples feelings. I am disapointed that Weyerhaeuser didn't let down their barrier a bit & assure people that they would do their utmost in preserving life while they progress. I did not think that was asking too much from such a powerful company.

I hope in writing for the final EIS the Army Corps of Engineers will give some thought to the fast disappearing wildlife and what it will mean to our future. Any scientist will admit that man is just a link in the great chain of life, and as we weaken that chain we ultimitly weaken ourselfves.

Truly Yours
Kathleen Thomas
1010 No. J #12
Tacoma 98403

(11)

17 September 1979

FRED WEINMANN
Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington
98273

(49)

Dear Mr. Weinmann:

I have received the Draft EIS regarding Weyerhaeuer's proposed export facility at DuPont.

I'd like to draw your attention to an area that should perhaps warrant elaboration in the final EIS.

The Weyerhauser proposal, if approved, would not be prima facie industrial. It appears that it would function as a secondary industrial unit. As such, the nature of its fuel source is not going to warrant prime concerns. But it at least bears reviewing.

The Draft EIS does not specify the extent to which the proposed export facility would use fossil - and unrewable - sources of fuel as an energy base. As per the introduction, one connotation underlying the facility's function appears to be an open-ended export activity where the market will not change.

From 15 to 20 years hence, that overseas timber market is expected to still be there, but its methods of production, handling and distribution may be radically different from those at present.

Q

Undoubtedly, the proposed facility could function for an indefinite length of time. But the Draft EIS does not indicate how that can be possible if the present sources of energy are one day no longer available.

How is the export facility to continue to function? The Draft EIS does not recognize a sudden disruption of its apparent open-ended system. It also does not articulate the contingency factors that might be necessary to roll with a global punch.

A project of this nature demands attention to possibilities. A long-term operation, as the export facility appears to be, must address itself to HOW it can remain continuous in the face of imposed change.

The final EIS should address:

1. What alternative forms of energy could Weyerhauser bring on line at the export facility within two years?
2. If not within two years, what would be the lead time necessary in order to bring these alternative systems on line?
3. During the process of bringing these systems on line, what would be the economic ramifications? (E.G. - personnel layoffs, reduced cash flow)
4. Once on-line, what would be the environmental impacts of these alternative systems? Would they differ from those created by the former energy systems? If so, would another EIS be necessary?

It should be noted that the alternative sources of energy would not be supplementary. They would REPLACE the present available sources.

The Draft EIS of Weyerhauser's proposed export facility at DuPont does not address the operation's capacity to convert from A to B nor the consequences that might result.

Thank you for your consideration.

Sincerely yours,

PETE MacKENZIE
1120½ South 12th
Mount Vernon, Washington
98273

(12)

Robert T. Smith
3010 North 28th
Tacoma WA 98498

September 18, 1979

(50)

U. S. Department of the Army
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

ATTENTION: Steve Dice

Dear Mr. Dice:

Last week the Corps of Engineers held a hearing on the Environmental Impact Statement for the proposed Weyerhaeuser export facility at DuPont, Washington. I was unable to attend the meeting but would like to register my strong support of approval of this EIS.

After extensive study and much expense, an independent consulting group concluded that the detrimental environmental impact of the proposed facility would be minimal. The increased navigational risks and oil spill dangers are small, and adverse impact on the Delta and fisheries are expected to be insignificant. Offsetting this is the very favorable economic impact on the area due to improved competitiveness in international forest products markets. For these reasons I strongly urge the Corps to approve the EIS for this project.

Sincerely,

R. T. Smith

Dr. & Mrs. Henry H. Kyle
15122 Elm Street E.
Sumner, Washington 98390

September 20, 1979

Department of the Army
Seattle District, Corps of Engineers
P.O. Box C 3755
Seattle, Washington 98124

51

Attention: Lt. Col. Maxey B. Carpenter, Jr.

Gentlemen:

My husband and I were present at the DuPont-Weyerhaeuser workshop held in Tacoma September 12 and let me say at the outset that we heartily concur with the views, facts and statements presented by the League of Women Voters, Audubon Societies, Nisqually Delta Association and several of the individuals. We have also attended the previous hearings on this subject.

Your Lt. Gen. John Morris, Chief, Army Corps of Engineers, Dept. of the Army, spoke to the Audubon Society's Biennial Convention held in Estes Park, Colorado June 29, 1979. At that time he said and again reiterated the phrase "The Corps Cares", even giving out buttons to that effect. He emphasized that the Corps is now more sensitive to the wishes of the people and to the environment. At the moment I fail to see that the "Corps Cares" in this situation.

On September 12 many spoke of shipping going on in this area for many years so a precedent has been set. No one seems to think of the fact that these former ships were of sail and/or steam but not in the number and size as they are today. We have more sophisticated shipping and methods today that were not even thought of at the time DuPont was originally built. S

No one at Weyerhaeuser will ever state the number of ships they will have calling at that port and they deny any plans for the future. Business does not go willy-nilly on their future plans. I have been in the business world too long and all commercial businesses plan years in advance for their future (and profits) which certainly includes what they plan for their DuPont facility for the years ahead; but, as mentioned above, to all questions from the floor regarding their future plans they claim ignorance and that it has not even been thought of at this time. B

Once this company is allowed to build their own private port right next to a wildlife refuge, there will be, as has been stated in the testimony, many other pressures put on the Corps of Engineers for other private and commercial facilities being allowed. In cases like this an existing facility is always used as a guide for such requests.

During the workshop the Port of Tacoma stated they were not against this port, not having land enough in their own area (which was challenged at the workshop and rightfully so), and they would really consider this as an extension of the port facilities. This latter is a crucial statement. The Port of Tacoma has for years considered enlarging their facilities into the Nisqually area. If Weyerhaeuser is allowed to go ahead as planned, that will be the foot in the door for the Port of Tacoma and others in the Olympia area. This will be part of their future plans. D

The Corps is supposed to protect the shoreline and this would in turn protect us, the public. The very language of the Shoreline Act, plus a letter already on file (partially quoted at the workshop) declares the DuPont shoreline on down into Nisqually as a sensitive area. How can the Corps go on with these hearings and Weyerhaeuser presentings of E.I.S.'s and their modifications, when to a great many of us this is a flagrant warping or denial of our laws? E

We believe the Corps has a grave responsibility here. Once Weyerhaeuser is allowed to put in their large dock, the bubble will be broken and it will eventually lead to bigger and more damaging things in lower Puget Sound in the name of big business and providing jobs which all can be done elsewhere in areas already committed to this sort of operation - evidence of which has already been presented to you.

Very truly yours,

Jean Henry Kyle

Jean and Henry Kyle

( )

9342 Lohrer Lane N.E.
Olympia, WA.98506

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September 21,1979

Dept. of Army,
Seattle,District Corps of Engineers
PO Box C 3755 - Seattle, WA. 98124

RE:draft Fed. Environmental Impact Statement. Weyerhauser Export Facility at DuPont #071 078 1 005087

We take exception to the Draft Environmental Statement. We see it as inaccurate as to the anticipated tonnage of shipping. The potential capacity is overlooked. It could be substantially greater than indicated. The level of shipping proposed and the potential is a distinct threat to the nearby Nisqually Delta and wildlife refuge. In view of the size of ships and number which will be trafficing the area,danger from collsion is profound. We feel that if a dock is permitted there should be specific limits as to the number of ships and their weight. Another Environmental Impact Statement should be drafted to incorporated this aspect of the project. S

We still are astonished that this proposal has gotten as far as it has. It should have been stopped many months ago as it is entirely inappropriate for the Washington State Shorelines of Statewide Significance. E

Jo Ann Lysak
Jo Ann Lysak
William Lysak
William Lysak

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159 Lake Florence Drive
Anderson Island, Wa 98303
Sept 24, 1979

Colonel Leon K. Moraski
U.S. Army Engineer District
Seattle Wa, 98124
P.O. Box C-3755

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Dear Sir:

I was unable to attend the hearings regarding Weyerhaeuser's permit to build an export facility at DuPont. I do wish to state some of my concerns.

1. Increased water traffic in South Sound. Pleasure as well as commerical traffic has increased tremendously in the past decade. Dense fogs, tides and winds create dangers to life and property. S

2. Slow flushing rate of South Sound. The tides pushing or pulling the water thru the Narrows not only creates turbulence, but makes the waters of South Sound more like a lake with a tide. H

3. Erosion of Shorelines. The waves caused by ships wake create erosion, causing damage to property. S

4. Danger to sports fishing and fisherman. Althou fishing boats are prevalent in many areas of the Sound, the busiest fishing area is off the south end of Anderson Island, due west of the proposed dock facility. As few boats as 20 on week days, and as many as 85 on week ends, can be counted in the area. S

5. Wake from ships entering and leaving the area. I have witnessed the dangers of the waves caused by ship wake and class them much more dangerous than waves caused by winds. When it is windy, you are obvious of the turbulence as it is all around you. The waves caused by wake hits after the ship has passed and you are unaware of its velocity until it hits. S

6. The argument that DuPont caused no great problems while operating the dock is irrelevant. Increased size of ships, increased traffic and our awareness of environmental protection, all must enter into the decision. S

7. Development of DuPont facilities. Weyerhaeuser has stated the Co. will not increase the volume of export logs over what they now export. They now enjoy good export facilities at the Port of Tacoma, and the proposed manufacturing plant seems to far in the future to get any concrete information about. There must be other ways for them to develope their land holdings in DuPont that would not pose such great problems to the surrounding areas. C

Sincerely,
Mary Sturm
Mary Sturm

112c

Charles Plummer
3305 So. 8Th. St.
Tacoma, WA 98405

9/24/79

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U.S Army Corps of Engineers
EIS for Dupont Wherhauser Export Facility

Gentlemen,

I am very critical of the baseline work for this EIS in my field of study (Ornithology). I can see gross errors in the data gatering. I cannot in this letter give a complete rundown on the bird census history. I urge those who are confused to read Kendigh (1944). Any kind of a cesus is performed to find out whats there and to compare this with other places. IN birds you want to know, at least, if a place contains a few or many individuals of a speciees compared with other places (reletive abundance). or at best to find out how many birds use an are (absolute abundance). The most basic kinds of studies record birds by abundent, rare , uncommon or similar classes. More advanced studies would list birds by percentages or indices of abundance (Kendigh, 1944-padge 75). These reletive studies at least allow comparison with other areas so it is possible to see how important each area, a species uses, is to it, and allows this site to be compared with others in other places to see how important it is for the species. Lastly absolute abundance studies show how many birds use the area for a given area (acre hectacre or suare mile). This is the most detailed kind of study and it takes more time and it's difficult to do with some birds like migratory waterfowl or wide rangeing accipters.

Both Emlen's (1971) and IBCC(1970) methods are absolute methods In the IBCC(1970) method , birds sightings are plotted on maps to locate teritorries , then baoundries are drawn to estimate the territory of each bird, bird pair or harem (in Long- Billed Marsh Wrens and Red- Winged Blackbirds) .

In Emlen's method transects are made 5-15 miles long. Birds are recorded at 0-50 feet, 50-100 feet, 100-200 feet and 200 feet+ from the transect line. This data is then used to determine the visibility of each species and form that the number of birds per acre is determined.

Bothe of these studies assume certain things that makes them unsuitable for accipiters and shorebirds. Co

Comparing this with the two baselines increadable deficencies are found. Ithe DuPont baseline the transects which whould be at least five miles are under two miles in length. Only one 30 meter band was taken along the transectand some of the areas may be smaller than the minimum required fore these methods. Emlen's method is not applicable for the accipters and shorebirds for which it was used in this study. But beyond all this we have from this study a collection fo raw data which is worthless to the reader because fi all that's presented is 25 Or 6 or 500 birds of a species were spotted one place , one day there is no way to compare with other areas of the study or with other sites. let alone, compute the number of birds per acre. The only other data presented are means for alll species compined that only refelct well known migratory patterns which really don't seem worth the bother ad a table 12 in the base line and F-1 in the statment that is out of all order.

Possibly the author wanted to list the birds by the number of habitats they occur in but it isn't in the legend and it isn't correct form since it's difficult to locate the bird species on the table. For the most part the same criticisims hold for the Delta baseline with the following exceptions. First they did have a method for shorebirds but it was unpublished and untested. (Berge et al. 1974 although they still have no adequate test for accipters ect. Second , combining Emlen's method with the IBCC method would probably result in a mess; it hasnt't been teste in this or any other study and it isn't exactly described for repeatability (a scientific necessity) impossible. What all this means is that the study lacks critical data but even more than that it calls into question if the people were atall competent to do there study or even able to properely identify birds or know when or where to look. Beyond even this if the bird section is botched - is the rest any better? Such reporting -if accepted- makes the whole EIS process a joke. To make matters worse what little information there is i colored by the fact thaat the delta dike was breached and it was a record drought year. Not only was a second years study not taken but no refference was made to earlier workers.

Of the EI S its self I have several criticismims. First mitigating road kills by removing vegetatin is only eliminating the habitat to destroy the animals so they won't be there to be run over. Second padge 21 section 1. If Weyehauser cannot say what they will do they can promise to leave a certain width of buffer strip unuse and not to allow noise and water pollution to go beyond certaion limits And, lastly even if Du Pont is the best site fot the proposed Export Facility I see no attempt to weigh this aginst the unique biloby history, anthropology and archeology or the region which is the very heart of environmental decision.

Z

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Berge, B., C. Burkhart, c. Joslin, Katie La Gory, K La Gory, M. Oakley and H. Ulmschneider. 1974. Fall Birds of the Nisqually Delta. Evegreen State College.

Emlin, J.T. 1971. Population densitisies of birds derived from transect counts Auk 88: 323-342

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(24)

September 25, 1979

(55)

Mr. Robert R. Spearman
Regulatory Functions Branch
Department of the Army
Seattle, District
Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Re: Draft EIS for Weyerhaeuser Export Facility at DuPont

Dear Mr. Spearman:

I enclose for your information a newspaper clipping from the September 24, 1979 issue of the DAILY OLYMPIAN which reports an oil spill at the Port of Olympia where a Japanese log ship, the EASTERN VENTURE, fouled the water. No matter whether the oil came from a slow leak in a fuel tank or was dumped purposely by the ship's crew, the fact remains that an oil spill occurred.

I submit this article as evidence that no matter what steps Weyerhaeuser promises to take, the fact is an oil spill can occur, and one such occurrence so close to the Nisqually Delta would be disastrous.

I strongly urge that the Corps of Engineers deny Weyerhaeuser's request for a shoreline permit.

Sincerely,

Dolories Osland

Dolories Osland
6012 Butterball Lane N.E.
Olympia, WA 98506

The Daily Olympian, Monday, September 24, 1979 B1

Spill Messes Boats

Little remains today of an oil spill at the Port of Olympia where floating fuel fouled private boats Saturday afternoon

Gordon Newell, owner of Fiddlehead Marina, was alerted to the spill Saturday at 10 a.m. by boat owners who complained the oil was messing up their vessels. Newell alerted Department of Ecology and Coast Guard officials.

Darrel Anderson, DOE spokesman, said he traced the spill to the Eastern Venture, a Japanese log ship. He took samples from the water and from the "Bunker C" fuel used in the boilers aboard ship. Saturday Anderson believed the oil either came from a slow leak in a fuel tank or was dumped purposely by the ship's crew. Since there is no oil around the ship today, Anderson said he believes Saturday's incident to be a deliberate dumping.

Anderson said he had no estimate of the number of gallons involved, saying the incoming tide and wind blowing down Budd Inlet dispersed the oil. Port Manager Gene Sibold said he was told a "small quantity" of fuel was involved and did not know if the captain of the ship was cited. The Coast Guard official in charge of the investigation was away from his desk today.

Newell said a clean up crew from the Crawely Co., Seattle, was summoned to rid the water of the oil. By Sunday, there was little evidence of the spill left on Budd Inlet waters.

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Pam Miller
Cascadia Research
P.O. Box 1434
Olympia, Wa. 98507

Army Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, Wa. 98124
Attn. Dr. Steve Martin

(56)

These comments are in response to the draft Environmental Impact Statement "Weyerhaeuser Export Facility at DuPont" issued on 30 July 1979.

I worked as a biologist on the Nisqually DeltaTerrestrial Study during April 1977 - 1978. The study was funded by Weyerhaeuser and provided baseline information for the Environmental Impact Statement. Familiarity with the plants, birds and mammals, as well as other aspects of the Nisqually Delta ecosystem has led to my concern about the adverse environmental impacts which the construction and operation of the proposed export facility would have on the Nisqually Delta and Reach, and Southern Puget Sound.

The EIS process for this project has been a long one, and there have been improvements with each stage. I was disappointed to find the Corps' EIS to be basicelly the same as the final SEPA EIS, with a different color cover. It is difficult to find new information, the modified plans of Weyerhaeuser Company, or the ommissions. A major ommission from the final SEPA EIS is the summarized comments and questions raised by agencies, groups, and the public after review of the draft SEPA EIS. These are vital to discussion of the central issues of the project. Some of these questions were answered in Appendix L of the final SEPA EIS, but are ignored in the NEPA EIS. Many of these questions were not adequately answered with the final SEPA EIS and are not adressed in the NEPA EIS. Must we ask all these questions again?

While the EIS contains a wealth of detailed onformation on many topics, some of the most important issues are still evaded. I have the following questions and comments about significant aspects of the proposed project and it's environmental impacts which are still inadequately addressed, obscured or downplayed by the Corps draft EIS.

ENVIRONMENTAL IMPACT OF PROPOSED PROJECT

Nisqually Delta

Statements in the EIS about thelack of major environmental impacts to the Nisqually Delta and Reach from the proposed project are unsubstantiated. A definite conclusion to environmental analysis of the proposal is given numerous times in the EIS: "Impacts on the Nisqually Delta would be minor in the absence of an oil spill or other major accident"(page 129); "In the absence of an accident, no impact on birds in the Nisqually Delta would be expected" (page 133). These claims are not supported by detailed analysis of the situation. The impression I receive is that it is not exactly known what effects there will be. Thus it should not be assured that impacts will be minor.

By focusing attention on the low risk of a major oil spill, consideration is averted from other potential disruptions to the Nisqually estuary ecosystem. Still disregarded are the cumulative effects of smaller spills of oil and other contaminants from the upland and dock activity to water quality and organisms throughout the food chain. The following sections will detail concerns about serious potential impacts to Nisqually estuary.

Environmental Impact Assessment

"Assessments of impacts must consider ecological interactions. An adverse impact on any one species or group of species may have severe indirect consequences for other species that depend on the first as an important food resource." This statement was made in the EIS (page 135), but there is no evidence that this type of impact assessment was carried out. It seems that first it was decided that impacts to the Nisqually Delta from the proposed export facility would be minimal, then decided that detailed analysis would not be done.

For complete assessment of the situation more information must be included in the EIS about the ecological functions of the Nisqually estuery. Secondly, in order to understand how the estuary would be affected by construction and operation of the proposed export facility, there must be more quantitative information about resultant contaminants that would enter the estuarine system. M

The baseline studies, such as our Nisqually Delta Terrestrial Study, were designed to describe existing conditions. It is important to remember that it was not designed to evaluate the impacts of the project. Moreover, the baseline studies were not designed to show the interrelationships between different components in the environmets of the Nisqually Reach and Delta, the DuPont bluffs and uplands. This information on interrelationships is still needed for complete environmental impact assessment. Only a cursory discussion of the functions of estuaries is given in the EIS, found in Appendix E. Additional information on this topic should be included in the final EIS. The following information is relevant to the impact assessment.

> Certain physical and biological characteristics of estuaries make these areas particularly vulnerable to human interference and contaminants. Several of these characteristics are described by Odum(1970). The high productivity of the estuary would be lowered if the detritus producing areas are destroyed, thus effecting the numerous organisms that are supported by this food source. Many organisms in the estuary are living near the limit of their tolerance range and even subtle alterations in the environment could be damaging. Mortalities in estuarine organisms may occur from changes in water temperature, decreased oxygen concentration, and the introduction of stress from pollutants. Furthermore, the dynamics of an estuary which enable it to trap and recycle nutrients also allow it to collect and concentrate pollutants. Fine sediments have been shown to concentrate contaminants including petroleum products. Increasing evidence indicates certain pollutants such as oil may have seriously damaging biological effects at LOW concentrations.(Blumer et al. 1971)

Is this a unique situation we are faced with: a river delta and estuary that was spared industrialization over its marshes and mudflats, but may instead be affect by port development along its side? Has research been done to show that this type of situation has occurred at no other estuaries in the world? Or if it has, what have the effects been?

Marine Water Quality

The conclusions about the effects of contaminants entering Sequalitchew Creek and the Nisqually Reach due to construction and operations of the proposed facility are not substantiated. It is stated that "any pollutants that enter Sequalitchew Creek will flow into Nisqually Reach; however, dilution would be great enough so that no significant degradation of water quality can be expected from this source." (Page 128). Because the quantities of pollutants are not given, and probably are not known, how can it be known that dilution would take care of the problem. Discussion of contamination of heavy metals from ship hulls (pages 128-9 and I-12) follows similar pattern, "tidal exchange and circulation in Nisqually Reach would provide sufficient mixing and dilution to prevent build up of such toxicants." Dilution is not a solution, but a way of ignoring the problem of accumulation of contaminants. The final EIS should include more information about quantities of contaminants including petroleum products and heavy metals that would be released at the upland terminal, access roads and the dock operations. With the information provided in the EIS is is impossible to conclude that the impacts would be minor in the long term analysis. H

Was baseline data on the present levels of heavy metals and hydrocarbons in the sediments of the DuPont shoreline and Nisqually Delta mudflats collected, so that future changes could be assessed?

Oil Spill Impact Analysis

The numerous references to "development of an adequate contingency plan to reduce potential for marine water quality problems" (page 129) evades the issue by postponing serious discussion. In Appendix J, the discussion of contingency plans is vague, general and useless. Are there contingency plans in other ports that have been able to respond effectively to oil spills and prevent long-term degradation of water quality? It is unclear whether the scope of the contingency plan would include smaller spills. Furthermore, the development of an emergency spill control plan is given as a means of mitigation in the discussion of risks (page 141). Yet, how effective can this be for mitigation if "at least part of any oil spilled is likely to beach within 4 hours(which is the minimum probable response time for oil clean up." (page J-1, I-2)? R

I doubt the effectiveness of the "Nisqually River plume providing some protection for the Delta" as described on pages 132 and I-2. Since "the effectiveness of this collection of oil and outward flow is unknown" according to the SEPA final EIS (page L-40), this hypothesis should not be included.

Birds that nest on the salt marsh, including mallards and passerine species (Klotz et al.1978) could be directly affected by oil spills, and the text should be changed to reflect this.

Mitigation

I am concerned that many of the examples of mitigation for adverse environmental impacts are given in order to sell the idea of the facility, without holding the Weyerhaeuser Company to a legal commitment to carry them out. The proposed export facility should be evaluated in light of its worst possible impacts without all the suggested mitigation measures, as well as in light of possible mitigation. F

Traditional buffers would not protect the resources of the Nisqually estuary from impacts of the proposed export facility operations. The idea of buffers as mitigation is presented in Appendix A,"Much of the Company's rationale for siting the proposed export terminal, road and rail access and dock, has been to buffer the Delta and the waters of Puget Sound from any effects of such industrial development - or, indeed, from any conceivable pattern of potential future developments." Yet, the only thing between the proposed export facility dock on Nisqually Reach and the Nisqually Delta is water. The water flows in and out between the two areas, and cannot be buffered. This flowing water supports the rich life of the Nisqually estuary, as well as allowing it to be vulnerable.

Inaccurate labling of Figure 54, Aerial view of Proposed Export Facility Area, distorts the distance between the proposed dock and the Nisqually Delta. The Jetty is part of the Nisqually Delta, the area formed by deposition of sediments by the Nisqually River. Thus the Nisqually Delta should be marked as being less then .7 miles from the proposed dock. Y

RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS

This section of the EIS is inadequate, and should include more detailed discussion of the "Shoreline of Statewide Significance" which encompasses the entire shoreline of the proposed project. This "Shoreline of Statewide Significance" was designated in 1971 to recognize and protect the statewide interest in preservation of the natural character of the shoreline. This "Shoreline of Statewide Significance" should be clearly delineated on one of the maps in this section. E

The EIS presents a biased and inaccurate view of the "Shorelines of Statewide Significance" with the statement,"It should be noted that such designation does not preclude development."(page 109). Yet this designation was originally given to preserve the NATURAL shoreline.

Discussion of the City of DuPont's Shoreline Master Program (page 111) should include reference to the letter from the Director of the Department of Ecology, John A. Biggs, to the Mayor of DuPont, Kenneth C. Barnes, of 11 July 1975, regarding the Shoreline Master Program. The Department of Ecology Stated:

> For this reason, we remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of the Nisqually Delta as a natural area consistent with its recognition as a National Wildlife Refure and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the act, which specifically identified the Nisqually Delta as a shoreline of statewide significance, to be preserved in its natural condition.

The Urban designation for the small section of the DuPont shoreline was granted due to its historical use by the DuPont deHaviland Company, which was of lower intensity than the proposed facility: the ships were smaller and port calls were much less frequent. This should be made evident in the section on page 111 describing the Urban environment.

ALTERNATIVES TO THE PROPOSED ACTION

Alternative sites still are not adequately evaluated. The EIS still does not answer to my satisfaction that this is the only site where the proposed export facility could be located. There should be discussion of Weyerhaeuser Company's plans for their existing ports in Longview, Tacoma and Everett if the DuPont facility is built. The proposed export facility should be located in existing port areas, where the environmental disturbances C

hav already taken place.

TIMBER RESOURCES

The EIS does not discuss the enviromental impacts to the resource upon which this export facility would depend: forests of the Pacific Northwest. Can the Weyerhaeuser Company continue to cut the forests at the present rate, or at an increased rate, and still sustain the resource? If Weyerhaeuser increases their exports of logs and finished forest products, will the state have to cut at a faster rate to keep up with the domestic demand? A U

If it is to be suggested that the export facility is in the statewide interest because of jobs and encouragement to the statewide forest products industry, then there must be a cost-benefit analysis done to support this.

FUTURE INDUSTRIAL EXPANSION OF THE DUPONT SITE

Future industrial expansion of the DuPont site must be considered in the section on environmental impacts of the proposed project. B

It is stated in Aprendix A that " If the export center is constructed, Weyerhaeuser would probably hold the surrounding lands for possible future industrial use and for buffers. Historically, Weyerhaeuser has kept substantial acreages in agricultural or similar uses around its majore facilities (Longview, Springfield, etc." A trip to Longview will prove how ineffective those buffers are to prevention of degradation of air and water quality.

Future industrialization of the area, such as lumbermill, pulp mills,are not compatible with maintenance of the valuable Nisqually estuary. For a major export facility to be built on the Nisqually Reach would only make future industrialization more inevitable.

Sincerely,
Pam Miller
Pam Miller

REFERENCES

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Klotz, S.A., S.J. Madsen, P.A. Miller, and D.F. Smith. 1978. A Survey of Terrestrial Organisms on the Nisqually River Delta, Washington. The Evergreen State College. Olympia, Washington. 98505.

Odum, W.E. 1970. Insidious alteration of the estuarine environment. Trans. Am. Fish. Soc. 99: 836 - 847.

(39)

September 26, 1979

(57)

Department of the Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

Dear Sirs:

I have read through this mammoth Draft Environmental Impact Statement, which I deeply appreciate receiving.

However, my opinion has not changed, I view Weyerhaeuser's Export Facility at DuPont plans as a serious impact on the entire shoreline and particularly the Nisqually Delta.

These plans will allow the breakthrough to more and more development along that very sacred area that environmentalists have tried so hard to preserve for generations to come.

I sincerely hope that permits are not allowed.

Sincerely,

Janet Buresh

Janet Buresh

TYP:jb

To Colonel John A. Poteat, Jr.,
District Engineer, U.S. Army
Engineer District, Seattle

Sept. 26th

58

1-5087

Dear Colonel Poteat,Jr.

During the last several years I have become aware of the issue of the Weyerhaeuser project in the proximity of the Nisqually Delta area. I have, until now, withheld comment on the project but I now feel this the appropriate time to make my opinion known.

First, let me start off by saying that I found the Draft Enviro--mental Statement on the Weyerhaeuser Export Facility at Dupont to be fairly complete in its information.I did however, find several questions unanswered. On page 148, in section 4.16.2, the figures were given for the consumption of energy by the proposed facility. As stated; " The fuel consumption does not represent net increased use but rather a shift in the location of usage." What I found lacking was a comparison of potential energy consumption by locating the facility at any of the other sites listed as an alternative to the Dupont site. I realize it is a "central" location and I assume from the description it is in closer proximity to Weyerhaeuser's resources then, say, Cherry point or the Warrenton site but little was said about the location of the Dupont site to the resources other then that it is centrally located. I admit I haven't read the Dupont Export Facility Socio-Economic Impact Study which might have addressed this question. Basicly, are there any energy saving incured from locating the export facility at Dupont rather then at Tacoma or at the Chehsult Beach site? Perhaps the other question I had was addressed in the socio-economic impact study, what will the impact be on Thurston Co.? I noticed on page 147 that the effects of

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the facility in Dupont could add to the already burdened waste handling and educational capacity of the northern part of Thurston Co. Even though the increase would only be 30 families now, I wonder about the increase if any further development were to occur at the Dupont site.

B

That leads into several questions I had about the unstated plans that Weyerhaeuser has for the site if they do end up building on the site. I recognize that this E.I.S. is only looking at the proposal at hand but I feel before a permit is granted that Weyerhaeuser should commit themselves to more defined, permenent buffer zones and to state their intentions for growth under their long term plans. I found the Weyerhaeuser statement of intent in appendix A somewhat vague as to their long range plans. I believe that contrary to Weyerhaeuser's contention that Weyerhaeuser is not seeking any advance approval for future developments or any action which would compromise the ability of any agency to deny any permits that otherwise would be required for the future projects; that the initial approval opens the door for further devlopment. I believe that by approving the project, a major step has been taken for the future proposals that would make use of the established Export Facility.

In reading over the Draft E.I.S. I was impressed with the quality of the planning and the general care that Weyerhaeuser has taken to design a minimal impact facility for the size of the project. I also feel that they are concerned about maintaining the quality of the Nisqually Delta and its environs. As a stockholder in Weyerhaeuser (security # 50-984915-0-10), I was impressed with their planning and their care.

I cannot, however, go along with the location of the export facility at Dupont. My feelings include the possible site at Hawks prarie also

because of how close both are to the Nisqually Delta wildlife refuge. My reason being that I feel that the project goes against the concept and the meaning of the Shoreline Management Act of 1971. Particularly, I am refering to the designation of the area surrounding and including the Nisqually Delta as a "shoreline of statewide signifigance." (3.1.1) I also note the oder of preferance for use of the shorelines. I consider the preservation of the natural character and the benefits of long term use and protection of resources & ecology of the shoreline to mean not putting in a major log export facility in close proximity to a national wildlife refuge. I would also like to point out the way in which the shoreline master program drawn up by the city of Dupont was recently changed to accomidate Weyerhaeuser's proposed facility in the face of local opposition to such a change. To me, this represents an example of how the Shoreline Master Program has lost all meaning as a way of truely protecting the Puget Sound.

I agree with the summary of Retired Major Robert A. Warfield's letter in the section 9.3. " The development of a commercial port should be limited to areas north of Point Defiance. Nisqually Delta should remain a place for the quiet pursu'ts, the wonder and the spiit of man."(and nature)

Sincerely ,

Conrad Driscoll
237 N. Sherman St., Oly., Wash.
98502

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JAN 22 9 46 AM '82

(33)

2211 NE 50th, #14
Seattle, Washington 98105

Attention: Mr. Fred Weinmann
Department of the Army
Seattle District, Corps of Engineers
PO Box C-3755
Seattle, Washington 98124

September 26, 1979

(59)

Subject: Public comment on the draft environmental impact statement entitled "Weyerhaeuser Export Facility at Dupont, Washington"

Dear Sir:

1) In the Final EIS, please state 3 or 4 other alternatives as to what directions OTHER THAN international rapid-export that the Weyerhaeuser Company could pursue in order to maintain economic business stability for itself in the future. A

2) I oppose the Weyerhaeuser intent to create a world market (pg.2 and pg. P-3), using up natural forest products from Washington State under the label "U.S." forest products.

3) I oppose the placement of this facility near Dupont, deep in Inner Puget Sound, near Nisqually Delta.

If this site is ok'd:

a) The Army Corps of Engineers should limit the size and number of ships allowed into the facility. S

b) The magnitude of cumulative environmental impacts, resulting from use of the rest of the 3200 acres for future lines of business Weyerhaeuser will enter, should be more heavily analyzed in the DEIS. B

4) I urge denial of the Weyerhaeuser request to relocate and build the new dock.

The Shoreline Management designation of Shorelines of Statewide Significance and the Conservancy classification must be maintained.

Julie Johnson

(34)

3120 Hawthorne Place
Olympia, WA 98501
September 26, 1979

(60)

Department of the Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Re: EIS - City of DuPont
Weyerhaeuser Company

It appears that the old city limits of DuPont ended at the Burlington Northern property. Now that the Lone Star property has been annexed to the City of DuPont, does this mean that the city limits now extend into the Sound? If it does, is it not proper to consider whether a harbor area should be established in front of the City of DuPont when contemplating building a deep draft industrial pier? E

Yours truly,

Irene Christy

Irene Christy

27 September 1979

Dr. Steven Dice
Chief, Environmental Resources Section
Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Wa. 98124

61

Dear Dr. Dice:

Due to unforseen personal circumstances, I will not be able to submit my comments on the draft Environmental Impact Statement on the Weyerhaeuser Company's application for a Section 10 permit (#071-048-005087) to construct a pier and associated export facility at DuPont, Washington by the 28 September dealine.

My active participation in this process thus far clearly indicates my concern for and interest in the issue--I have submitted extensive written comments to the SEPA EIS and the first Corps permit notice (31 August 1978), attended and contributed oral statements at the SEPA, recent Corps NEPA, and numerous other public hearings and workshops, and was a member of the Nisqually Delta Terrestrial study which contributed baseline data to the Corps dEIS currently under consideration.

I hope that late receipt of my comments will not inconvenience or delay you any further in the preparation of the final Corps EIS. I understand that the projected date for completion of the fEIS has been moved forward to February, 1980.

I talked with Dr. Steven Martin this morning, and he assured me that if I submitted my written statement by Tuesday, 2 October, it would still be accepted and considered, particularly due to my demonstrated commitment thus far to participation in the Corps EIS process.

I greatly appreciate this extension to complete my written comments. I do not like to be late, but unfortunately could not help it on this occasion.

Thank you very much.

Sincerely,

Sarah J. Madsen

Sarah J. Madsen

45

September 28, 1979

Colonel Leon K. Moraski
Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Sir:

This letter is in response to the draft Environmental Impact Statement on the Weyerhaeuser Company's application to the Seattle District Corps of Engineers for a Section 10 permit (#071-048-1-005087) to construct a pier(and associated export facility on the Nisqually Reach at DuPont, Washington, adjacent to the Nisqually Delta.

I am a field biologist, and was a member of the Nisqually Delta Terrestrial Study team, one of the baseline studies which contributed data for analysis in the NEPA draft Environmental Impact Statement currently under consideration by the Corps of Engineers. I observed and collected quantitative and qualitative data on the vegetation, birds and mammals and associated habitats at the Nisqually Delta over the period of one year. Perhaps this would be the most appropriate place to mention that my name, and those of the three other members of the Nisqually Terrestrial Study, are not included on the page listing individuals responsible for preparing the baseline studies.

I lived within a five mile radius of the site of the Weyerhaeuser Company's proposed export facility for over one and one-half of the past two years; along the shoreline of the Nisqually Reach just west of Luhr Beach and at the headwaters of McAllister Creek. I frequently visit the Nisqually Delta for both study and recreational purposes.

I actively participated in the State Environmental Policy Act EIS process, and regularly attended numerous public meetings and hearings on this issue since 1977. I wrote extensive comments to the SEPA EIS, state and federal agencies, and the first Corps of Engineers permit notice (August 31, 1978) on the Weyerhaeuser pier application. I also reviewed many of the baseline studies. Consequently, I feel very familiar with the nature and scope of this proposal.

The following comments address my concern for the immediate and long-term adverse impact that the construction and operation of the proposed export facility, and any future development of the site, would have on the Nisqually Delta and the entire southern Puget Sound Region.

THE NISQUALLY DELTA--AN AREA OF NATIONAL AND STATEWIDE SIGNIFICANCE

E

The Nisqually River Delta is one of the most extensive and relatively undisturbed estuarine areas in Puget Sound; perhaps on the entire Pacific Coast from Washington to Mexico. The Delta is an extremely valuable natural area for the protection of wildlife; production of food by enhancement of commercial aquacultural and fishing industries; recreational activities such as sport fishing and shellfish harvesting, waterfowl hunting, boating, and bird watching; and for research and education opportunities. The unique value of this area as a marine system of high biological productivity has been recognized by an extensive precedent of both Washington State and federal laws and official designations:

1) Status as a National Natural Landmark in 1971
2) Designation of the Nisqually National Wildlife Refuge in 1974
3) Recognition of the shoreline from Tatsolo Point, east of the DuPont site, to DeWolf Bight, west of the Delta, as a "Shoreline of Statewide Significance" under the Washington State Shoreline Management Act of 1971

4) Designation as an "Area of Particular Concern" under the Federal Coastal Zone Management Program
5) Placement in a "Threatened Category II Status" during the past 2 years pursuant to Public Law 94-485 by the Heritage Conservation and Recreation Service of the U.S. Dept. of the Interior because of major developments proposed on both the Thurston and Pierce County sides of the Delta

This legal precedent has confirmed the considerable public interest and investment in preserving the natural character of the Nisqually Delta shoreline. The people of Washington State who worked hard to establish many of these designations and state and federal shoreline management laws in order to preserve the Nisqually Delta, stand behind the belief that the spirit and intent of these laws will be upheld.

Among the laws enumerated above, the Washington State Shorelines Management Act of 1971 (SMA) specifically singles out several shoreline areas as "Shorelines of Statewide Significance" to be protected and preserved from the type of industrial development proposed by the Weyerhaeuser Company at DuPont. The shoreline from Tatsolo Point, east of the DuPont site, to DeWolf Bight, west of the Delta, which includes the entire shoreline of the DuPont site property, is designated a "Shoreline of Statewide Significance". The SMA explicitly state in the following guidelines how these shorelines should be managed and protected, by giving preference to the following uses:

1) Recognize and protect the statewide interest over local interest
2) Preserve the natural character of the shoreline
3) Result in long-term over short-term benefit
4) Protect the resources and ecology of the shoreline
5) Increase public access to publicly owned areas of the shoreline
6) Increase recreational opportunities for the public on the shoreline

This law also declares that the interest of all the people shall be paramount in the management of these shoreline.

The Final Guidelines for the SMA also established a framework of four categories of shorelines, which are also intended to protect certain unique shoreline areas. These categories are based upon the degree of man's intrusion into the shoreline, and the degree of uniqueness of the shoreline. The four categories are: "Natural, Conservancy, Rural, and Urban Environments." The entire shoreline of the area designated a "Shoreline of Statewide Significance" adjacent to and including the Nisqually Delta is designated "Natural" and "Conservancy", which are to receive lowest intensity use--with the exception of the narrow strip encompassing the existing DuPont wharf, which is designated "Urban."

Clearly the potential use of this narrow "Urban" strip could be incompatible with the miles of adjacent shoreline designated "Natural" and "Conservancy." The "Urban" environment theoretically could allow high-intensity residential, commercial and industrial development. However, in the following quotations from statements made by the Washington State Department of Ecology (DOE), this inconsistency is recognized, and guidelines are established whihc provide for the protection of the Nisqually Delta. Attached to the DuPont Shoreline Master Program, which is legally a part of the Washington State Shorelines Management Act of 1971, which is included in its entirety in the Washington Coastal Zone Management Program (adopted under the Federal Coastal Zone Management Act) is a letter to the Mayor of DuPont. This letter, dated June 11, 1975, and written by the Director of the Department of Ecology, John A. Biggs, conditioned the Department's approval of the "Urban" designation assigned to the DuPont shoreline by the City. He expressed the following concern:

> "While the program generally meets the requirements of the Shoreline Manage- Act, we still are concerned about the environment designations adjacent to the DuPont sharf on the Puget Sound shoreline and along Sequalitchew Creek. The Urban environment theoretically would allow intense industrial and commercial development. For this reason, we remain concerned about the

> potential impact on the Nisqually Estuary. Our primary interest is the preservation of Nisqually Delta as a natural area consistent with its recognition as a National Wildlife Refuge and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the Nisqually Delta as a shoreline of statewide significance to be preserved in its natural condition."
>
> (emphasis mine)

This strong statement is the central paragraph in the Department of Ecology Director's letter of approval, and makes clear that the Department was approving the "Urban" designation only to accommodate the existing low-intensity use by the DuPont Powder Company, which was gradually phasing out at that time. The Department of Ecology's position is further reinforced in the Review Comments and Recommendations submitted by the Department on the DuPont Master Program, dated September 27, 1974:

> "We are concerned as to how the urban designation will regulate activities on the Puget Sound Shoreline north of Section 22. We realize that the designation was intended to accommodate existing docking and rail facilities. However, considering the very steep bank and the presence of the railroad, it would appear that the only possibility for additional development would require extensive filling of the tidelands. In light of the area's proximity to the new Nisqually Flats National Wildlife Refuge, we would be opposed to landfilling or industrial activity which would threaten the Nisqually Estuary."
>
> (emphasis mine)

These statements clearly indicate that DOE in no way intended the creation of an "Urban" zone which would serve as the future site of the intensity of port use proposed by the Weyerhaeuser Company, which would far exceed the pre-existing, historical use by the DuPont Company. The DuPont Company shipped explosives approximately 2 times per month in 300 ton ships, from a wooden, low-profile wharf. Light and glare, noise, and activity along the shoreline was minimal. The Weyerhaeuser Company, however, plans shipments from 2 - 5 times per month in ships of from 45,000 to 78,000 tons, from a pier that would be 3 times the length of the existing wharf. Logging trucks (from 95 - 110 per day) roaring up and down the access road, accompanied by large ship movement, loading, debarking, and other noisy operation, will continue between 6 a.m. and 12 p.m. five to seven days a week, and "occasionally" 24 hours a day (p. 13-20). The 1,320 foot pier, as well as the access road, will require bright lighting during night operations. This type of activity would undoubtedly alter the natural character of the Nisqually Delta area, and would constitute an "industrial" and "threatening" use of this shoreline.

I would also like to add that the current proposal to shift the urban environment to a different location is totally unacceptable. The "Urban" environment designation was given to an existing use. Moving the designation to accommodate the proposed Weyerhaeuser pier and export facility would only serve local and special interests, and goes against the statewide and nationwide interest expressed in the Washington State and Federal Coastal Management Acts. Weyerhaeuser has suggested that moving the "Urban" designation farther north will allow construction of the pier farther from the Nisqually Delta, which is favorable from an environmental standpoint. I see this move as one into deeper waters which would allow this "Urban" zone to take on new dimensions favorable to increased shipping by allowing the construction of an additional pier in this zone in the future. While it cannot be said that this will occur, I contend that the availability of increased suitable dock space would place increased incentives and desirability for development. Furthermore, moving the "Urban" designation does not alter the explicit recommendations and concerns expressed by DOE regarding the use of that narrow stretch of "Urban" environment.

As I stated earlier, the statewide and national interest has clearly been stated regarding the Nisqually Delta shoreline. This interest is to preserve and protect the entire area designated a "Shoreline of Statewide Significance " in its natural condition. The Department of Ecology reiterated this interest, and stated that any activity which might have a negative impact on the Nisqually Delta would be contrary to the intent of the Act. The Corps of Engineers in its review of this project must consider this, and realize that the approval of a permit which would allow the development of a private port for primarily private economic benefit would unquestionably go against and be incompatible with long-established precedent. Department of the Army regulations state; "No permit will be granted unless its issuance is found to be in the public interest" (33 CFR 320.4).

I have found after in-depth review of the Corps of Engineers draft EIS, prepared by the URS Company, that this document is inadequate in numerous major areas, and acknowledges extensive uncertainty regarding adverse impacts on the Nisqually Delta ecosystem. These areas are:

1) Analysis of degradation of Class AA quality waters from contaminants in spills and discharges associated with both shoreline and upland construction and operation
2) Commitment to and means of enforcing suggested mitigative measures which would supposedly minimize (or eliminate) impacts on the productivity, wildlife resources, esthetic values and natural character of the Nisqually Delta. This includes liminations on maximum levels of operation upon which risk and impact assessments are based
3) Assessment of impacts and risks of oil spills and development of oil contingency plans
4) Analysis, representation and collection of baseline study and biological assessment data
5) Analysis of impacts associated with probably future development of the remaining 3,000 acres of the Weyerhaeuser property at the DuPont site
6) Information and analysis presented on the Alternative Site Selection process undertaken by Weyerhaeuser

In the following sections, I will discuss specific points in the above areas where the dEIS is inadequate and indicated uncertainty regarding adverse impacts on the Nisqually Delta, with references to the dEIS and other materials I have consulted.

DEGRADATION OF CLASS AA QUALITY WATERS

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Throughout the Corps dEIS, and specifically on p. 129, statements are made that the project is not expected to cause or be a significant contributor to any violations of marine water quality standards, except in the event of a major accident, such as an oil spill. I find this extremely hard to accept on the basis of information provided in the dEIS on numerous potential sources, types and concentrations of contaminants, and the lack of information on water quality control and treatment measures. Long-term water quality deterioration from cumulative spills and runoff of pollutants generated from shipping, vehible and upland industrial operations cannot be buffered from harmful impacts on the Nisqually Delta ecosystem, and must be addressed in specific facility design and operation limitations. The Nisqually Delta is a marine ecosystem of extremely high biological diversity and productivity which is dependent upon the maintenance and protection of Class AA and A Water Quality Standards existing there. As is stated on p. 47 in the dEIS, conditions are already borderline for maintaining Class AA standards for both dissolved oxygen and temperature. It appears that the additional stress from the proposed facility would violate these standards.

In the final EIS, I suggest that the Corps consolidate the discussion of water

quality impacts in one section, so that a more comprehensive and less fragmented analysis is presented. Information is presently spread throughout the dEIS, in the text of several sections, and in appendices, and does not accurately reflect or draw conclusions regarding the cumulative impact of contamination from many sources. Proposed methods of mitigation, treatment, design of specific equipment, etc. should also be included in the water quality section.

The following sections outline: 1) sources of contaminants from construction and operation of the proposed facility cited in the dEIS 2) uncertainty stated in the dEIS regarding concentrations and amounts of contaminants 3) the questionable means of enforcement and implementation of mitigative measures to assure water quality protection, and 4) significance of water quality deterioration to the Nisqually Delta estuary and associated intertidal organisms and wildlife.

Sources of Contaminants

-Upland development construction and operation. P. 128 of the dEIS states that "Any pollutants which enter Sequalitchew Creek will flow into Nisqually Reach...Similarly, since groundwater moves from the site toward the Sound, any groundwater contaminants will reach the Sound..." This movement of contaminants is well illustrated by data collected by Thus et al. (1977) along Sequalitchew Creek. The study documented that nitrates generated by the upland DuPont Powder Company operation became concentrated at the mouth of Sequalitchew Creek. The nitrates entered the groundwater, which is an important source of streamflow for the creek (p. 38 of dEIS), and moved down the creek to the Sound. Considering this evidence, the contamination of Nisqually Reach from the following upland sources is highly likely:

1) P. 126 "The most significant source of contaminants is runoff from the terminal area...The runoff...would probably contain oils and grease, heavy metals such as cadmium and lead, lignins, color, and dissolved organic materials. Some fungicides used to preserve lumber may enter surface runoff if the finished wood products are stored outside." the dEIS states that this runoff would be directed to a lined pond, however it is very likely that these contaminants would enter the groundwater, the creek, and the Sound, as indicated above.

2) Runoff from the log storage area will flow into unlined ditches and from there percolate through the soil into the groundwater, or enter the soil through the drainage field. This groundwater would quickly percolate through the gravelly soils characteristic of the area, and enter Sequalitchew Creek, then the Sound. This runoff could contain leachate from the blacktop, herbicides spread beneath the blacktop during construction, waste petroleum products, and tannins from wood debris.

3) P. 126 "Runoff from the dock access road (3 acres) would be directed to holding tanks on the dock; after settling, separation and any needed treatment it would be released into Puget Sound" (Does not state it will be treated and how).

4) P. 125 "Possible impacts on the creek include increased turbidity, construction material spills, removal of vegetation, and changes in the quality and quantity of groundwater inflow. Groundwater quality impacts may be caused by disposal of sanitary wastes and storm runoff." As stated above, any impacts on the groundwater or creek will also be impacts on the Class AA water quality of Nisqually Reach.

5) Runoff from the dock access road could contain heavy metals, sediments, particulate matter, fuel and oil residues. These substances would enter Sequalitchew Creek.

6) P. 125 Spills of construction materials such as dirt, gravel, asphalt, and cement during work on the dock access road would enter the creek, and eventually the Sound. The statement is made that this materials will be diverted from the creek, but does not say how.

7) A significant potential for erosion exists in the bed of Sequalitchew Creek, and on the steep banks along the creek due to the risk of slope failure in

the Kitsap formation along a portion of the creek. Thus the hazard of increased erosion would occur during construction of the dock access road. Erosion would cause sedimentation and turbidity in the creek, which would reach the Sound. Risk of sedimentation during operation on this road also is a significant possibility due to erosion potential.

8) Polychlorinated biphenyl (PCB) contamination is not mentioned, which would be a likely constituent of road runoff.

-Contamination from pier and vessel operation.

1) P. 128 Emissions from cargo shipd into the Reach would include cooling water, 20 degrees hotter than ambient water temperature. Sixty to 170 gallons would be discharged per minute. In a short time water temperatures would rise above allowable Class AA levels. Many organisms, such as plankton, in the vicinity of the ships would be destroyed. It should also be mentioned in the dEIS that the engine cooling waters will contain oils and grease, spills or leaks from transformers containing PCBs, and other contaminants associated with internal engine mechanisms, all which would directly enter Puget Sound.

2) P. 128 "Stormwater from the dock and access road is to be discharged into Nisqually Reach after removal of solids and floating petroleum products; this water will contain heavy metals and dissolved hydrocarbons .

3) Toxins leaching out of the anti-fouling paint on vessels would include copper, tributyl tin, PCBs, and other components present in these paints (P. 128). Zinc ions from zinc anodes on ships would also enter the water. All of the above contaminants are known to be toxic to many forms of life, and it would be unreasonable to assume that their effects would be negligible.

4) Discharge of ballast, although stated in the dEIS would not occur, is a definite possibility, particularly no explicit guarantee is given that it could and indeed would be enforced (this will be discussed in greater detail later).

5) Removal of the existing wharf and driving pilings for the new pier would increase turbidity of the water from suspended particulate matter.

Uncertainty Regarding Concentrations and Amounts of Contaminants

The dEIS exhibits a pervasive uncertainty about the quantities of contaminants generated by the proposed export facility, which in turn also places considerable uncertainty upon statements made regarding impacts of these contaminants. It is contradictory to imply that data required to quantify contaminants is unknown, and at the same time draw conclusions that concentrations of these contaminants would not be great enough to cause any adverse impacts. In fact, it appears that the Weyerhaeuser Company must do so in order to provide a basis for concluding that no increased water quality standards violations will occur. However, claiming knowledge regarding quanitities and concentrations, and their impacts, then on the other hand stating that such data is unknown in other statements speaks poorly for the environmental impacts analysis prepared for this EIS.

The Weyerhaeuser Company should supply information on parts per billion and other pertinent expressions of contaminant quantities, and also direct the URS Company to inventory the concentrations of each anticipated contaminant to be generated by the facility in the Nisqually Reach as a baseline to measure any future additional pollution. Perhaps then the appropriate agencies and experts could better determine, from substantial data, if indeed no adverse impacts would occur.

-Examples of uncertainty regarding concentrations of contaminants

1) P. 126 "In general, most of the dissolved materials would move through porous gravels; however concentrations would not be great enough to cause any problems."

2) P. 128 "...Stormwater from the dock and access road is to be discharged into the Nisqually Reach after removal of solids and floating petroleum products; this water will contain heavy metals and dissolved hydrocarbons, slightly elevating levels...near the dock.

3) "Discharges from the treatment plant should have minimal impact (particularly in comparison to the much larger discharges from the Solo Point Treatment Plant one mile away." Comparison to a point source hardly diminishes the impact of contamination from the proposed facility, and infers that perhaps treatment is not needed for the discharges at DuPont with larger discharges occuring one mile away!

4) P. 128 "Zinc levels would not increase perceptively. Toxicants would also leach out of the anti-fouling paint at an undetectable rate, causing slight increases in the water column concentrations of copper, tributyl tin, and other conponents present in anti-fouling paints."

5) P. 128 "Since groundwater moves from the site toward the Sound, any groundwater contaminants will reach the Sound where dilution would make impacts negligible." This is one of many references to dilution of unknown concentrations of contaminants.

6) P. 135 "Toxicants released from the dock and road runoff would have some adverse impact on plankton near the dock if tolerance thresholds were exceeded. (What concentration of toxicants would cause this is not stated. Has this, or can this, be determined?)

7) Appendix I, p. 12 "The dock runoff collection system will discharge runoff into the Reach. Although skimmed and settled, some toxic constituents will be dissolved in the water. These levels should be very low due to the low solubility of most metals and the slight amount of traffic...on the dock."

8) Appendix I, p. 12 "Runoff from the upland areas will be collected into a detention pond where it will seep into the ground. This runoff will contain some road related contaminants such as oils, lead, and chromium. Again, these levels should be low, yet they will be higher than those at the dock."

9) Appendix I, p. 12 "Zinc anodes...erode very slowly and zinc levels at the dock will be imperceptible and harmless to the environment."

(emphasis mine)

Questionable Commitment to and Means of Enforcing Suggested Mitigative Measures Designed to Minimize Impacts on Water Quality

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The dEIS discussion of potential harm to the surrounding marine ecosystem is primarily dependent upon methods of mitigation, suggested limitations on construction and operation of the proposed facility, and installation of certain types of equipment and features. No formal assurances are given that mitagative measures will be enforced, however, or that permit stipulations including certain limitations, equipment, etc. will be required. Consequently, it remains uncertain whether the proposed Weyerhaeuser facility will in fact be constructed and operated within the previously stated "no negative impact" policy explicity stated in the Washington State Shorelines Management Program. Furthermore, if suggested measures cannot be enforced, and may not be adhered to after the permit is granted, any conclusions that no impacts will occur on the Nisqually Delta, as is frequently stated in the dEIS, cannot be considered valid.

1) P. 17 A 158,000 gallon holding tank to be located under the dock, and a settling and skimming process to treat storm runoff from the dock and dock access road is described, and it is stated that "These measures, to be most effectively sized and located, are part of the detail engineering phase. The design will be incorporated into permits..." This tank is

not included in the Dock Design Figure 11, p. 16, of the dEIS, nor is it included in the most recent permit application, dated Sept. 4, 1979. It is implied that plans for such equipment will be revealed after the final EIS is issued, as well as after the permit is issued. The detail engineering phase must be included in the final EIS for review by the appropriate agencies and the public, and specific measures of enforcement must be outlined.

2) P. 17 A portable treatment plant to be located on the dock is described however, as stated above for the 158,000 gallon tank, is not included in Figure 11, or in the latest permit application notice. This must also be included in the detail engineering phase in the final EIS, as well as the permit. A discussion of whether secondary treatment of waste discharge is sufficient to enter Class AA quality waters should also be included.

3) Will an NPDES permit be required? This is not discussed anywhere in the dEIS, although stated as required in the SEPA EIS.

4) P. 17, farther in same paragraph as above: "On an interim basis, sewage may be trucked up the hill and discharged in the septic tanks in the upland areas." It should be noted that in a response by the URS Company to a comment regarding this sanitary waster disposal system in the SEPA final EIS, Appendix L, p. 37, it is stated that "The discharge would be no significant impact on the receiving water. Therefore, it was felt that the benefits of pumping sanitary wastes to the upland areas would not justify the additional capital and operating costs. If detailed engineering studies reveal that land discharge can be used at comparable-cost, land disposal will be used." Clearly the uncertainty revealed here must be addressed, and a final definite proposal be included in the final EIS for disposal of these wastes. It appears, also, that financial considerations have priority over potential harmful impacts on water quality.

5) P. 129 A very vague description is given regarding how a spill on the access road would end up in the proposed 158,000 gallon holding tank: "Runoff from the dock access road would be held in a 15',000 gallon holding tank under the dock. If a spill occurred (e.g. a 2,800 gallon fuel truck lost its cargo on the road), the material could be detained in the tank until appropriate spill contingency measures could be taken. Thus, the project is not expected to cause or be a significant contributor to any violations of water quality standards, except in the unlikely event of a major accident." The logic, and logistics of these statements are totally unclear, and should be explained in the fEIS.

6) P. 125, P. 126 On several occasions, it is stated that "Appropriate measures will be taken to control erosion," however no substantial, detailed and enforceable erosion plan is included in the dEIS, even in the section entitled "EARTH". Such a plan should be detailed in full in the fEIS. Water quality is threatened by the significant erosion that would occur from construction and operation of the proposed facility.

7) P. 127 "Covering lumber storage areas would keep preservatives and tropolones from entering the runoff, and (potentially) the groundwater." It is not stated that the areas will, indeed, be covered.

8) P. 127 "Monthly monitoring of the spring along Sequalitchew Creek and the spring along the bluffs...might detect groundwater contamination resulting from the septic drainfield or the infiltration of runoff from the log storage yard. The effectiveness of such monitoring would depend on the location of these facilities, which has not been determined, and the exact pattern of groundwater flow, which is known." Uncertainty is openly expressed concerning water quality protection.

9) P. 127 "Since groundwater flow is toward Puget Sound"(contradicted above where stated flow unknown), "domestic water supplies would not be affected. Water for domestic use in the terminal area could be pumped from a well elsewhere on the site if contamination results from these methods of sewage and stormwater disposal." This statement does not place much certainty in methods of water quality protection, or acknowledge that marine water quality could also be adversely affected!

10) P. 128 It is stated that "Discharge of sanitary sewage, ballast tanks, and bilge water would be regulated under programs generally applicable to all ships. No discharges of this type would be permitted in the Nisqually Reach." It is further stated that no facilities for disposal of such discharges are included by the project. How specific guarantees enforcement of "no discharge" will occur and what the regulatory progra- are is left open-ended. The dEIS does not state whether an NPDES permit is required, or if Weyerhaeuser vessels will already have a permit for ballast discharge in other areas of Puget Sound (i.e. Tacoma, Seattle), and whether the range of such permits extend to southern Puget Sound. Furthermore, we have no assurance that enforcement agencies, such as DOE or the U.S. Environmental Protection Agency will place a permanant prohibition on discharges into Nisqually Reach waters.

Also, by merely not providing facilities for such discharges does not guarantee that they will not occur in any substantive, enforceable manner.

Guarantees should be written in the form of permit conditions to be included in the Corps permit relative to effluent discharges into Nisqually Reach, and should be described in the final EIS.

11) P. xix The following statement provides vague and unenforceable assurance which is applicable to water quality protection:

> "During the facility's construction and operation, Weyerhaeuser would immediately respond to any environmentally damaging occurence caused by us, whether it is at the facility or a nearby location. Restrictions and standard operating procedures will be developed to avoid any adverse environmental conditions, and any violations of local, state or federal regulations will be reported by Weyerhaeuser to the appropriate regulatory agency."

If the Weyerhaeuser Company had a creditable reputation for following through with such promises, they could provide some sort of likelihood of enforcement. However, I find these types of assurances difficult to accept in light of the fact that the U.S. Environmental Protection Agency sued the Weyerhaeuser Company for violating effluent limitations set by the Clean Water Act and permit conditions at their Longview, Washington facility for three years, due to failure to implement a water pollution control system that met federal standards. The complaint was filed by EPA on July 24, 1979--quite recently.

Suits such as this one point out that our fears of violation of existing Class AA water quality standards are well founded. Weyerhaeuser has been shown on public record to be negligent. Water quality protection is in the public interest, and if Weyerhaeuser has clearly defied compliance with laws, they should not be permitted by the Corps of Engineers to operate any facility in Class AA quality waters that must be preserved and protected.

Significance of Water Quality Deterioration to Impacts on the Nisqually Delta

When numerous sources of contaminants from the proposed facility are considered together, the long-term degradation of water quality from these sources poses a significant threat to the marine organisms, wildlife and continued productivity of the Nisqually Delta estuarine system. Certain physical and biological characteristics of estuaries make these areas particularly vulnerable to contaminants and human disturbance (Odum 1970), and the Delta is no exception. Vital food sources which contribute to the high productivity of the estuary would be lowered if salt marsh vegetation, algae sub-tidal and intertidal organisms, and fish were disturbed or contaminated. Many organisms in the estuary are living near the limit of their tolerance range, and even subtle alterations in water temperature, oxygen concentration, and the introduction of stress from pollutants could be damaging. Furthermore, the dynamics of an estuary which enable it to trap and recycle nutrients also allow it to collect and concentrate pollutants. These contaminants are easily passed to species at higher trophic levels.

The impact of these possible contaminants entering the estuarine waters of the Nisqually Delta would be seen as a slow, subtle long-term deterioration of the biota of the area. Toxic substances would accumulate in the mudflats and in the salt marsh, killing or slowing growth of intertidal organisms, algae and marsh vegetation. Turbidity from suspended particulate matter would limit the amount of sunlight penetrating the water, and reduce the rate of photosynthesis of submerged vegetation and phytoplankton dependent on this light. Slowly the amount of available food for organisms that feed in these areas would decrease. The Delta would no longer be able to support the thousands of migrating shorebirds and waterfowl which utilize the area. Toxins such as heavy metals are known to magnify through the food chain, becoming concentrated in the bodies of birds and mammals, and possibly interfering with such vital life processes as reproduction. Fish which spend the first months of their lives in the protected shallow waters along the salt marsh of the Delta would decline, and larger fish as well as shellfish would become contaminated. Commercial and sport fishing in the Nisqually Reach and River would be curtailed, incurring a serious loss to a valuable regional resource. The general ecological and aesthetic value of the entire area would gradually be destroyed.

ASSESSMENT OF IMPACTS AND RISKS OF OIL SPILLS--AND PRESENTATION OF OIL CONTINGENCY PLANS

R
S
O

Discussions in the dEIS of impacts of oil on the Nisqually Delta ecosystem and of oil on biological systems in general, the risks of an oil spill, and oil spill contingency plans are inadequate, and must be expanded in the final EIS.

Risks of An Oil Spill

1) P. iv includes under "Minor Impacts" the increased risk of oil spills due to ships calling at DuPont, which is termed "very low", one spill every 118 years in the southern Puget Sound area, because traffic levels are "low." The potential impacts of an oil spill should be listed as potentially major adverse impacts in the final EIS. An oil spill, whenever it occurred (and could occur during the first month of operation) is an event which would create serious impacts on the entire estuarine system of the Delta, on both a short-term and long-term basis.

2) P. iv also states that the most probably spill size would be 300 gallons. Although accidental spills are spectacular events and attract most public attention, these large spills constitute only about 10 per cent of the total amount of oil entering the marine environment (National Academy of Science-National

Academy of Engineering Committee, 1972). Smaller spills of under 50 gallons have been shown to occur most frequently, and usually are not reported. Thus the occurence of dockside spills (1-50 gallons) from support activity at the proposed DuPont facility poses a significant threat to water quality due to the routine, higher frequency of these spills compared to those of larger magnitude. Fuel trucks and other vehicles operating on the dock (p. 13-17) and on the access road (p. 129 cites the possiblity of a 2,800 gallong fueld truck losing its cargo on the road), as well as small vessels such as boats, barges, tugs, etc. would potentially have leaks or accidents causing frequent, small spills of fuel and oil into Puget Sound. The impacts and risks of such spills must be assessed in the final EIS, particularly because mitigation or "cleanup" of spills of this size will not be encompassed by oil contingency plans.

3) Appendix I, p. 8 states that the "Nisqually River freshwater plume" will help reduce the overall impacts of oil on estuarine areas and wetlands. This appears to be a questionable theory. The dEIS itself states on p. 127 that the "potential degradation of the water quality of the Nisqually Reach is of concern because marine water from this area (DuPont site) is carried into the Nisqually Delta by tidal action," and also in Appendix I, p.2, that the river "may" afford some protection for the Delta, and would form "somewhat of a barrier" to oil. The only scientific documentation of this "freshwater lens" or "plume" theory is found in Appendix I, p. 3, which are field observations by members of CH$_2$M Hill--no quantitative data is given.

The Nisqually River channel travels in a northwesterly direction, and could carry oil toward the Delta. Rather than forming a "barrier", considerable vertical mixing of fresh and salt water, and upwelling, occurs along areas where fresh and salt waters meet, which would cause vertical movement of oil rather than inhibit its movement. Furthermore, the mudflats and salt marsh east of the Nisqually River mouth are a substantially sized and valuable area of the Delta that would suffer immediate impacts from a spill near the DuPont pier, which should be addressed in the discussion of oil impacts on the Delta in the final EIS.

4) The analysis of impacts of oil on various life forms and habitats in Appendix I is limited, slanted to conclude that little or no impact would occur, and apparently did not utilize numerous references in the literature which conclude that impacts of oil are serious, lethal, and long-term. I suggest that the Corps and the URS Company consult the following references for use in the final EIS: Englehardt et al. 1977, Geraci and Smith 1976, the papers published by Dr. Max Blumer, particularly those reporting studies at the Woods Hole Oceanographic Institute in Massachusetts, and the EPA Water Quality Criteria Publication, 1973, pages 257-264 on oil (see References).

5) Contrary to statements in Appendix I, p.8, oil spills are especially difficult to clean up in salt marsh and mudflat habitats. Please refer to the 1978 Washington State Department of Ecology report on the North Puget Sound Baseline Program.

6) The discussion of impacts on birds and mammals from an oil spill in Appendix I, p. 7, is very insufficient. Birds die from the lethal effects of oil-soaked feathers and bodies, and it is grossly inaccurate and misleading to allude that birds died from captivity and stress during treatment after the spill occurred. If no toxic changes were found in affected birds according to the reference consulted, then the study must have been limited and cursory. More thorough investigation of the impacts of oil on birds for the final EIS is needed, utilizing data from more current and detailed scientific studies. The paragraph on impacts on mammals is superficial, and should discuss bioaccumulation of hydrocarbons which is a documented occurence (Englehardt et al. 1971).

7) A thorough discussion of the adverse impacts of oil on fish such as salmon, and

shellfish including oysters and clams, is lacking in Appendix I, and should be included in the final EIS. An economic analysis should accompany this discussion, considering the losses an oil spill would incur to existing and potential aquacultural activities in the Nisqually area. Aspects of the analysis might include:

-The substantial salmon enhancement program in the Nisqually Reach area budgeted by the Washington State Department of Fisheries, with projected harvest of more than 400,0000 salmon
-Dependence of the Nisqually Tribe upon the active salmon fishery they have established in the Nisqually River and Reach
-Private oyster harvest west of Luhr Beach
-Curently existing geoduck tract located abutting the Atlas Pier
-Extensive sport fishing in the Nisqually Reach

8) P. 129 states that development of an oil contingency plan would reduce the potential for marine water quality problems. A contradiction is found in the dEIS regarding formulation of such a plan. P. I-8 states that contingency plans will be prepared after the facility is fully designed and before construction begins. Appendix J states that the plan will be prepared after construction. The plan should be prepared and presented for review by appropriate agencies and the public in the final EIS, and should be made a permit condition. Appendix J does not present a sufficient discussion of a detailed and workable contingency plan.

I would like to add that even the most elaborate of contingency plans have seemingly been abandoned when the emergency situation of an oil spill is at hand. A prime example is the Chesapeake Bay spill of February, 1976 (Reiger 1977). All the private, state, and federal agencies who had responsibility for responding to the spill did not come forward in time to at least ease lethal effects. On paper, the Fish and Wildlife Service had everything in control for response to oil spills, but did not act. The Coast Guard was extremely negligent in utilizing the oil spill contingency fund for bird clean up. In general, response to the spill was slow and poor. Therefore, the presentation of a contingency plan must not be accepted as a comfortable panacea for possible oil spills.

Furthermore, methods of oil spill "clean up" are also in question. Detergents used to clean oil spills have been found to make situations worse in most cases. Not only are the detergents themselves toxic to many forms of life, they disperse oil and spread it into new areas. They may also, by breaking up oil into droplets, render it more easily absorbed by marine organisms (Ehrlich 1972). Detergents used to remove oil from bird feathers often remove all the bird's natural protective oils as well. Some biologists insist that there is nothing that can be done to save oiled birds (Reiger 1977). With the apparent fallibility of contingency plan implementation and clean up procedures, I question whether we can accept the increased risk of a spill in southern Puget Sound that this facility would generate.

INSUFFICIENT ANALYSIS, REPRESENTATION AND COLLECTION OF DATA IN BIOLOGICAL ASSESSMENT AND BASELINE STUDIES

L

Bald Eagle Biological Assessment

Numerous inaccuracies and unwarrented conclusions are found in this assessment, to the point of being an embarressing, seemingly hasty and thrown-together inclusion in the

dEIS. It appears quite unprofessional at best.

-One day of on-site inspection was conducted, and 4 bald eagles were sited. This seems significant, but is not addressed. One aerial survey was taken.

-Telephone interviews were conducted to obtain information from "experts", and were referenced. I have consulted with several of the biologists questioned who feel they were misquoted, as well as misrepresented and misinterpreted in the assessment.

-During a 6 month period (Table 2, p. Q-14) 9 of 14 days when bald eagle observations were recorded in Pierce County were in the vicinity (fly area) of the DuPont site. This constitutes over 60 per cent of the total observations recorded.

-The nest site at DuPont was used by bald eagles as recently as 1976, which indicates that the site has value for eagle nesting and may be used again in the future. The likelihood that eagles would use the site in the future is underestimated, and stated as remote, which is mere guesswork slanted in favor of the Weyerhaeuser Company rather than on scientific estimation or fact.

-I would suggest that the Corps of Engineers conduct a more reputable assessment to be included in the final EIS. A threatened species, the bald eagle, which has used, and continues to use and be observed near the DuPont site, deserves more thorough consideration and investigation.

DuPont Site Study: "Terrestrial ecology of the DuPont site, Washington" by M. Anthony Melchiors and DiAnne T. Motobu, 1978.

Numbers of birds utilizing the Nisqually Reach and mudflats adjacent to the DuPont site were not adequately investigated by the DuPont site study. Additional data is vital in order to determine impacts of the proposed facility on waterbirds. Pier construction and subsequent loading operations, movement of large ships through the area, and introduction of contaminants including petroleum products into adjacent waters would all significantly affect bird use of the area. This additional data should be included for analysis before the impacts of the facility can be fully evaluated. The following list enumerates deficiencies in the DuPont site study that must be remedied:

-Collection of bird data should have extended beyond the DuPont wharf and the 30 m strip along the DuPont shoreline, thus including the Nisqually Reach to the northeast and west of the wharf, and the mudflats adjacent to the northwest border of the site, southwest of the wharf. A boat could have been utilized as well as more thorough observation from the shoreline at low as well as high tidal levels. The data provided by the study indicates that the deep water immediately adjacent to the wharf and a narrow 30 m strip along the shoreline was the extent of marine water areas quantitatively censused.

-Depite the fact that tables representing bird use of the mudflats are not included and those for the Reach are incomplete, general statements are made referring to these areas. On p. 54, a statement is made that "Use of the cobble beach and intertidal zone between the breakwater and the DuPont wharf by feeding water birds was low. Only once did the count of birds exceed 25; and on that occasion 90 of the 107 birds censused were gulls..." A conflicting statement is found on p. 53: "Stormy weather appeared to have induced movement of birds from other areas of Puget Sound or the Pacific Ocean where wave action was appreciable to the relatively protected waters of Nisqually Reach. Also, during minus tides, bird abundance increased as a result of greater flat and intertidal beach exposed by low tide." No data is presented in support of these statements, such as dates and numbers of birds.

-Birds were reportedly censused within 1.25 km of the wharf and beach using a spotting scope, but the absence of certain species from the data tables and bird list

indicates that observations were not sufficient, possibly because 1) the marine areas were not censused frequently enough, particularly during peak migrations in April and September 2) the mudflats were not censused at low as well as high tides 3) the observer was not thorough or adequately proficient at bird identification. The conclusion that "Waterbird use of the DuPont site was low" cannot be supported by the methods and data presented.

-Had the mudflats been censused, it is very possible that from 2,000 to 3,000 dunlin could have been recorded. As many as 4,500 dunlin were observed on mudflats at the Nisqually Delta (Klotz et al. 1978). Furthermore, Klotz et al. (1978) observed over 200 common mergansers rafting southwest of the DuPont pier over flooded mudflats, yet the highest total of birds recorded for "Puget Sound" by the DuPont site study was 297. This raft of birds was present in the same general area toward the DuPont site from the Delta for a period of several weeks. Neither of these species, dunlin or common merganser, is present on the bird list included in the DuPont site study.

-Weekly rather than bimonthly censuses should have been conducted during the months of April and September, times of peak bird migration, to thoroughly assess bird use of the DuPont shoreline and offshore area.

-Use of the terms "Puget Sound," "intertidal zone," Intertidal beach," "cobble beach," "mudflat", and "shoreline" in the section on waterbirds is unclear and confusing. It is difficult to know where birds were seen, particularly when the only data tables provided were for a 30 m strip along the shoreline, and the Nisqually Reach in the vicinity of the wharf.

INADEQUACIES ASSOCIATED WITH THE ALTERNATIVE SITE SELECTION PROCESS AND ANALYSIS PRESENTED IN THE DRAFT EIS

C

The "Alternatives to the Proposed Action" section (6.0) in the dEIS does not present sufficient information or analysis to warrent the conclusion that the DuPont site is the only location which could accommodate the Weyerhaeuser Company's proposed export facility. In general, the entire alternate site selection process appears to be biased in favor of the DuPont site, with little concrete evidence of investigation or serious consideration of other, viable alternative locations. The Corps of Engineers must assume full responsibility for conduction of a thorough, objective evaluation of alternate sites in order to satisfy requirements under NEPA.

Alternate Site Search

Page 160 of the dEIS states that "As thorough a search as possible was carried out by Weyerhaeuser Company to identify potential sites..." A rather vague reference is made to a backround paper summarizing the search which identified, assessed and screened 29 sites during the period of 1973-75. This document is not officially referenced in the dEIS, nor is it available at the City of DuPont EIS Information Room. This document must be made available to the public before the final EIS is issued--and specific detailed information from it must be added to the very limited information given in the dEIS on the sites considered for the proposed facility.

One contradiction to this "search" is apparent by the addition of the Port of Tacoma (#29) in the NEPA EIS to the list of 28 alternate sites presented in the draft SEPA EIS. This indicates that Tacoma was not carried through the site selection screening process between 1973-75. I feel this certainly throws the entire site selection process into serious question, considering the Port satisfies all mandatory and critical requirements, which will be discussed later, except availability for purchase, (which is seemingly an arbitrary and self-imposed requirement placed by Weyerhaeuser) and is centrally located as the DuPont site is said to be.

Central Location

Number 5 of the "Mandatory Site Requirements" (p. 162) states the "centralized location" requirement. Why were 17 out of the total 29 sites identified along the Columbia River, as well as the two Cherry Point sites, March Point and Padilla Bay, which are not central according to Weyerhaeuser's definition? Apparently 21 of the 29 sites (really 28 not including Tacoma) were eliminated by the Mandatory Site Requirements, and Weyerhaeuser must have known they were not "sufficiently central" for their requirements before these sites were identified as possibilities.

Longview and Other Weyerhaeuser Private Dock Facilities

Longview is already utilized by Weyerhaeuser, and currently has at least 200 acres available for expansion. According to the Navigational Risks Assessment, ships bound for DuPont will also stop at Longview, so depth must not be a problem. Why was this port not included in the site selection process as a potential alternate site ? No justification is presented in the dEIS that is acceptable. Furthermore, additional data must be presented on the feasibility of utilizing private dock facilities such as Everett, Tacoma, Aberdeen, Cosmopolis and Raymond where the Weyerhaeuser Company owns land and presently operates forest products facilities and conducts shipping, for the proposed facility.

Acreage and Availability for Purchase Requirements

A critical, yet not mandatory requirement stated on p. 162 is for "additional acreage of a minimum of 300 acres within the site, contiguous or available in the vicinity for future wood products conversion facilities..." Also, No. 6 states the site must be available for purchase. Both of these requirements are imposed constraints placed by the private economic interests of the Weyerhaeuser Company, and should not be important factors in the Corps of Engineers consideration of suitable alternative locations for the public interest.

Also, due to the scope of the EIS presently under Corps purview, which Weyerhaeuser repeats is limited to the proposed export facility, no potential location should be eliminated due to the lack of additional or contiguous acreage. Weyerhaeuser has stated (p. 22 and numerous other places) that it has many optional locations for future industrial development if needed, and do not necessary need to locate such developments at the DuPont site, which is merely a "candidate".

I find it difficult to accept that only one site--DuPont--is the only location which could satisfy all site requirements defined by Weyerhaeuser. It would appear that the mandatory and critical criteria were arbitrarily determined in order for DuPont to qualify as the only suitable site.

Consideration of the Port of Tacoma

The Port of Tacoma has not been given sufficient consideration in the dEIS as a viable alternative location for Weyerhaeuser's proposed export facility. Based upon information presented in the SEPA EIS, the addition of Tacoma as #29 among alternate sites, and letters from Port of Tacoma officials (Appendix K) written in 1978 which were included in the NEPA dEIS, it is apparent that Tacoma was not considered until quite late in the site selection process. According to the dEIS (p. 164), "The Port of Tacoma was carried through Weyerhaeuser's site selection process because of expressed public concern that new export shipping facilities not be established if existing public ports can meet the new needs." The Corps must acknowledge that it is not

merely public concern, but state, regional and federal policy that existing ports be fully developed before a new port is considered. Regional growth policies set by the Puget Sound Council of Governments (1977), the Washington State Shoreline Management Act of 1972, as well as a report by the U.S. Army Corps of Engineers (1975) support this policy.

Some of the arguments presented in the dEIS against locating the proposed facility at potential sites within the Port of Tacoma are: 1)"mandatory" or "critical" acreage requirements are not satisfied by the sites 2) parcels are not contiguous and would be difficult to develop for the proposed project (p. 166), 3) are rated marginal in terms of depth of the currently maintained channel in the waterway, and 4) are unavailable for purchase. Also the proposed facility would not accommodate Port of Tacoma policy to develop multiple purpose cargo berths.

-Arguments presented in the dEIS are inconsistent with the Corps of Engineers 1975 report on the Tacoma Harbor Blair and Sitcum Waterways. This report partially justified the deepening of Blair Waterway from 30 to 45 feet on the basis that it would contribute to the preservation of other areas in Puget Sound and the development of an existing port to its full potential:

> "Reversing the trend of port-related activity would have great economic consequences on the region and the nation...It would also result in pressure to develop new ports which is inconsistent with shoreline management programs... which promote full development of existing ports and industrial areas, thus preserving other shoreline areas from new port development." (p. 16)

The report also specifically mentions the Nisqually Delta (p. 13), stating that although this area would be a favorable site for new port development, because it contained a wildlife refuge and had been designated an estuary of statewide significance, development as a port was unlikely for environmental reasons.

-Regarding availability of land at Tacoma, the Corps of Engineers report (1975) states that:

> "The availability of land in Tacoma Harbor industrial area does not represent a problem for present or potential users. Almost 1,400 acres of undeveloped land are available for industrial development. Over 800 of those acres are available in the port terminal area." (p. 10)

Furthermore, recent brochures circulated by the Port of Tacoma advertise 824 acres in the industrial district cose to deep draft terminal facilities. The dEIS states on page 166 that a total of 421 acres are available for receiving and storage. It seems that additional land requirements could be satisfied at the Port of Tacoma.

-A Sea Grant publication entitled "Port expansion in the Puget Sound region, 1970 - 2000 (Univ. of Washington, 1972) also supports the Corps report regarding potential use of the Port of Tacoma. On p. 47 it states that "relatively abundant supplies of port area land are available" and that Tacoma has facilities "capable of handling the largest container ships and grain carriers in regular service...and can modify existing terminals to service more such vessels as they are built."

Page 48 of the report states that "the Nisqually Delta controversy of the 1960's need never have arisen in the form it took, since development of the Delta for port-related activities for the forecast period (year 2000) cannot be justified on the basis of presently available information."

-The dEIS states that parcels at Tacoma are not "contiguous." At DuPont, the terminal area, and the pier and shipping area are ALSO not contiguous. Weyerhaeuser went through extensive effort to develop 6 alternative plans to link these areas at DuPont. It seems equally possible that a plan could also be devised at the Port of Tacoma.

-The currently maintained channel at Tacoma is 45 feet, which satisfies the depth requirement (#1, p. 162). Furthermore, Port officials have stated that vessels bound for DuPont may discharge cargos at Tacoma as they travel toward DuPont (Appendix K and verbal statements). Apparently depth is not "marginal" as stated in the dEIS.

-When the environmental impacts of the proposed facility and the DuPont site are compared, Tacoma is certainly a favored location. The dEIS states that impacts on flora and fauna, marine resources, recreational activities and aesthetics would be negligible at Tacoma. Noise would not be a significant impact. And development would be consistent with present zoning and use of the area. Impacts on the environment at the DuPont site, however, would be adverse, and the proposal is inconsistent with present use and zoning in the area.

The Corps should seriously consider the potential of the Port of Tacoma as an alternate site. The public interest has clearly been stated regarding development of existing ports and preserving the environment of the Nisqually Delta. The arguments against location at Tacoma hinge upon arbitrary and economic interests of the Port of Tacoma and the Weyerhaeuser Company.

SCOPE OF THE CORPS DRAFT EIS REGARDING FUTURE DEVELOPMENT OF THE DUPONT SITE **B**

Future industrialization of the DuPont site has been indicated since the plans were first public announced for the Weyerhaeuser export facility in 1976. At this time the facility was destined to be a "large forest products marshalling and processi center," basic to the Company's plans to modernize with new technology for a higher yield of a diversity of products. The Department of Ecology defined three phases which outlined Weyerhaeuser's plans for the site. Phase I called for a dock and marshalling yards, Phase II included a sawmill and other light industry, followed by Phase III, the construction of a pulpmill for fiber production. Although specific plans for Phases II and III are not described in the dEIS, there are numerous references throughout the text that allude to future industrialization of the site: Pages xii, xiii, 20, 22, 23, 115, 162, throughout Appendix A 1-4.

The probability of future development of all or large parts of the DuPont site, which would inevitably be triggered by establishment of the proposed port facility, is one of the most disturbing inadequacies of the scope of the NEPA draft EIS. The mandatory and critical site requirements are concerned with the entire site and likely future industrial expansion, therefore the dEIS must also be expanded to evaluate impacts of potential future development. The statement is made on p. xiii that any future development would be so designed and operated as to protect the Delta and its varied resource values. However, only through identification and assessment of such developments in the NEPA EIS, or by adoption of a land-use plan for the entire site to be included and evaluated in the final EIS, can the public and responsible federal agencies be assured of the Delta's protection. If DuPont is a "candidate site" for forest related industries such as sawmills and pulpmills, which has been indicated by Weyerhaeuser, then the impacts of these developments must be assessed now as impacts of the proposed facility. If the Section 10 permit is issued by the Corps, it is highly probable that the project will no longer offically come under federal review.

Impacts on the Nisqually Delta and adjacent area from the construction and operation of the proposed export facility alone would be adverse; the incremental addition of future industrial developments at the DuPont site, only one-half mile from the wildlife refuge boundary, would cumulatively degrade the natural character and productivity of the area to an extent which would be completely unacceptable, and irreversible.

Considerable public interest and money has been invested in the protection of the Nisqually Delta, and it is the major responsibility of the Corps of Engineers to provide full disclosure of plans for the DuPont site so that the public is made fully aware of the potential degree of impact on the valuable area they clearly worked to protect and preserve. Public interest and investment should be regarded by the Corps as having equal, and indeed greater, weight to that of a private interest in the decision-making NEPA EIS process currently underway.

I thank you for this opportunity to comment on the NEPA draft EIS on the Weyerhaeuser Company's proposed export facility at DuPont. Feel free to contact me if you have questions or comments on the statement I have submitted.

Sincerely,

Sarah J. Madsen

Sarah J. Madsen
317 N. Milroy
Olympia, Wa. 98502

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June 11, 1975

Honorable Kenneth C. Karnes
Mayor, City of DuPont
209 Barksdale Ave.
DuPont, WA. 98327

Dear Mayor Karnes:

We have reviewed the revised shoreline master program dated June 3, 1975, for the City of DuPont and hereby approve the program. With the incorporation of the regulations, your program now contains the necessary administrative mechanism for succesful management of your City's shorelines.

While the program generally meets the requirements of the Shoreline Management Act, we still are concerned about the environment designations adjacent to the DuPont wharf on the Puget Sound shoreline and along Sequalitchew Creek. The Urban environment theoretically would allow intense industrial and commercial development. For this reason, we remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of Nisqually delta as a natural area consistent with its recognition as a National Wildlife Refuge and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the Nisqually delta as a shoreline of statewide significance to be preserved in its natural condition.

Thank you and the Citizen Advisory Committee, and particularly Mr. Henry Means, for your cooperation in preparing and revising the program. We are looking forward to working with you again in the future.

Sincerely,

John A. Biggs
Director

JAB:lja

cc: Mr. Henry Means, Chairman, Citizen Advisory Committee
Mr. Jerry Louthain, S.W. Regional Office - Department of Ecology
Mr. Joseph H. Shensky, Pierce County Planning Commission

Olympia, Washington 98504 Telephone (206) 753-2800

(32)

Stan Isley
Apt. G-9, 301 Wash?
Tumwater, Wa. 98501

U.S. Army Corps of Engineers
P.O. Box C-3755
Seattle, Wa. 98124

(62)

Dear Sir or Madam:

I am writing to comment on the Draft EIS for Weyerhaeuser's proposed DuPont Export facility and to urge that the facility permit be denied Weyerhaeuser.

I have reviewed the EIS and I believe the liabilities outweigh the benefits of the proposed DuPont facility.

The problems are many. Effects of night lighting, human activity, increased noise levels, road building, oil spill threat, etc on the flora and fauna of the Nisqually Delta area could be substantial. The area is a relatively undisturbed, significant estuary habitat area. Development of the area is unacceptable. A

The future of log exports is questionable. Congress may legislate to limit log exports. Weyerhaeuser will likely develop other facilities on their land at the DuPont site. There is a great potential for industrial development at DuPont. If Weyerhaeuser is given this permit, expansion of the industrial activities on the DuPont site and surrounding areas will occur. This will have adverse impact on a unique estuary area that needs preservation. B

Please deny the Weyerhaeuser DuPont permit. Thank you.

Sincerely,

(41)

September 27, 1979

(63)

Lt. Colonel Maxey G. Carpenter, Jr.
Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Lt. Colonel Carpenter:

These are my comments on the draft EIS.

The American Indian Religious Freedom Act deals with the encountering of burials.

Generally this is a good section. All things are mentioned that should be mentioned. However, it is poorly written and the structure is very disjointed. W

More should have been said about preservation and reconstruction of the Fort Nisqually site.

Sincerely,

Derek Valley

Derek Valley
1303 West 4th
Olympia, Washington 98502

(40)

Dorris Hensel
1993 Canterbury Place
Olympia, Washington 98502

Dpartment of the Army
Seattle District Corps of Engineers
Seattle, Washington 98124

(64)

September 27

Dear Sirs,

The Weyerhaeuser Corporation has worked hard to put together a large draft EIS that measures one and one half inches thick. If we had two slices of bread 8.5 by 11 inches we could eat it, because it is baloney.

Even if expertly prepared, it is still baloney because an EIS for 250 acres is not a complete EIS for the long-range plans of Weyco.

As I understand SEPA, the intent is to look at the total picture. The total impact on the Nisqually Delta can't be decided without knowing about the whole 3,200 acres at DuPont. B

Weyco needs a deep water port centrally located. The Port of Tacoma has such a port. If 250 acres is what Weyco needs, the port could surely accomodate. C

But Weyco doesn 't need 250 acres for their plans, they need 3,200. According to Appendix A, The Corporate Planning Process Summary, they do have long term, mid-term, and short term plans.

Essentially, the two page explanation says little except that their long term plans are proprietary information. They don't tell what they are, but we can conclude they know. A corportion buys 3,200 acres to do something with that amount, not just the 250 acres now being considered.

Powerful companies and corporations have learned how to circumvent environmental protection laws to win their way, a parcel of land at a time.

It seems to be up to powerful government to save land dedicated for preservation, by closing the loopholes, perhaps a loop hole at a time.

Unfortunately, if that process is used for the DuPont site it may be too late to save the Delta which is in such immediate proximity to 3,200 acres of planned industrial development.

Sincerely,
Dorris Hensel
Dorris Hensel

1600-B 93rd. Ave. SE
Olympia, WA 98502

September 27, 1979

Dr. Stephen Martin, Environmental Coordinator
Environmental Resources Section
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

(65)

Dear Dr. Martin:

Attached are copies of comments and criticisms submitted previously in response to the DuPont Draft Environmental Impact Statement, Weyerhaeuser Export Facility. The Air Quality Impact assessment contained in the NEPA Draft EIS is essentially the same as appeared in the SEPA Final EIS. My comments still apply.

In my opinion, the impact on air quality from operation of the proposed facility is both one of the more important and less attended of the elements of the environment. What I have attempted to point out is that topography and weather combine to make this situation a very special case, resulting in extraordinary potential impact of air pollution on the Nisqually Delta. It is not a problem that lends itself to admittedly crude modeling techniques, especially when based on extremely fragmentary information. In fact, highly specialized air pollution meteorology is of little help in determining what additional deterioration will occur in the estuary as a result of the facility.

G

Section 4.3 AIR QUALITY, Pages 122 and 124, of the DEIS is a verbatim copy of the text found in Pp. 2-19 & 21 of the SEPA Final EIS sponsored by the Weyerhaeuser Company. Does this indicate that the Corps accepts the Weyerhaeuser assessment as accurate and reliable? Is the element of air pollution so trivial that it can be ignored? May I hope instead that it will be carefully considered soon?

When responses to the Weyerhaeuser Draft EIS identified several errors and false conclusions, they were summarily dismissed with the statement, "The low level of emissions does not warrent further data collection. Impact modeling results would not be significantly changed by using the assumptions suggested." In other words, the Air Quality Impact Assessment was just an exercise in wasted effort; all that was required was a statement that expected pollution emissions would be well below standards.

It appears that an argument that air pollution impact from the export facility on the environment will have to demonstrate inaccuracies in the Company's estimates of emissions. Calculated emissions shown in Table D-5 of the Appendix (P. D-6) are beyond my competency to review. Assumptions used in the calculations are listed in Weyerhaeuser's Air Quality Impact Assessment (Ward, 1978), pages 25 and 27. The assumptions relative to ship-loading activities and other vehicular use are not consistent with such operations described elsewhere. (Note type of equipment, P. 13(j) and hours of operation (P. 20) in the DEIS pertaining to ship-loading operations.)

This aspect of the forecasted air pollution impact requires further independent study and analysis to determine if, indeed, "The impact of construction and operation of the proposed export facility on regional and local air quality would be minor". I continue to insist that the additional air pollution impact on the Nisqually Delta would be intolerable.

I am a highly experienced observer and analyst - not a meteorologist. The final years of my career in the National Weather Service were served at the Olympia Airport, and I have lived in Thurston County nine years. Previously I served a total of 10 years at Oakland and Burbank, California where smog observation and forecasting were major elements of my duties. More importantly, I am expert in the local climatology. Above all, I know and value the Nisqually Estuary. All these compel an obligation to oppose industrialization of DuPont.

Past experience has prepared me for modest expectations. If you are persuaded to look more closely at the predicted impacts on air quality from the proposal I will have achieved something. I fully expect that the result will prove that even a revised prediction will still place the facility comfortably within the tolerance of emission standards. In the years ahead when a pall settles over the Delta where a few mallards survive, it may be some consolation to reflect that, "Well, at least the figures were right".

Sincerely yours,

Jack E. Davis

Jack E. Davis

1600-B 93rd. Ave. SE
Olympia, WA 98502

October 2, 1978

Mark Jackson, Planner
City of DuPont 98327

Re.: The Draft Environmental Impact Statement for the proposed Weyerhaeuser Export Facility

Dear Mr. Jackson:

This commentary is in addition to that submitted September 20.

Further reflection reinforces my conviction that air quality to the southwest of the proposed facility would be far greater than the Draft EIS indicates. The Air Quality Impact Assessment is flawed by a critical lack of sufficient information. Thus, frequent conclusions minimizing air pollution impacts are premature and unsubstantiated. Perhaps the final report from the CH_2M-Hill compilation of meteorological data will provide the basis for a more thorough assessment and analysis. But to be realiable, the data base required would cover a long period of strategic observation.

With varying frequency and persistence, the Puget Sound experiences periods of high pollution potential. The only meaningful assessment of air quality impact would confine study to those situations exclusively. Such procedure as averaging air mass stability and wind by months tends to obscure relevant factual information. Data associated with patterns of good pollution dispersion should be selected out of the process, and those contributing to stagnation refined.

Air stagnation in the lower Puget Sound is by no means rare. "Special Condition" episodes (as I shall call them in this commentary) may occur any time of the year, although their incidence is highest in the fall. Such episodes frequently last from one to two weeks, and at the extreme - such as the fall of 1976 - continue with but short interruptions for several months.

"Special Condition" episodes of air stagnation are attained when warm-core anticyclones become stationary in the vicinity of the West Coast. Atmospheric pressure distribution at the seal level (see attachment A) has a north-south gradient resulting in an off-shore wind flow pattern over Western Washington. Some effects are:

a. Weakening northeasterly winds, backing to northerly at the Nisqually River Delta (see attachment B),
b. Continued subsidence and increasing atmospheric stability,
c. Increasing nocturnal terrestrial radiation,
d. Low-level wind sheer (contributing to slight advection at the du Pont point source, and deposition at the Delta).

So far as the Nisqually Delta is concerned, these effects are cumulative in respect to smog. The operation of the export facility just upstream would certainly aggravate the problem, the only question being to what extent. This commentary contends (1) that the estimates of pollution, aside from fugitive dust, are substantially defficient, and (2) that the air pollution meteorology of the area is incomplete and misinterpreted. Thus, the assessment is strongly biased toward minimizing the consequences of the operation.

Failing a comprehensive micro-meteorological study extending over at least a decade, no really accurate assessment of local effects of "Special Conditions" can be measured. Some approximations could be reached through the discriminate study of low-level radiosonde data, obtained from records of upper air observations made at Seattle.

Some interpretations can be made from existing records of surface weather observations from nearby stations. For example, a cursory examination of such records kept at the Olympia Airport discloses that heavy fog (visibility ¼ mile or less) occurred on 55 days of the three-month period, September-November 1976. (Dense fog at that station is a sufficient but not necessary indication of "Special Condition" episode for the vicinity.) A closer inspection of other elements recorded in the observational records indicates that "Special Condition" criteria must have existed between 2/3 and 3/4 of the entire time period of 91 days.

In summary, the Draft EIS in order to be conclusive must:

a. Reevaluate the amount of pollutants to be produced at maximum ship loading activity,

b. Discard superfluous data and refine parameters associated with stagnant air mass conditions, and

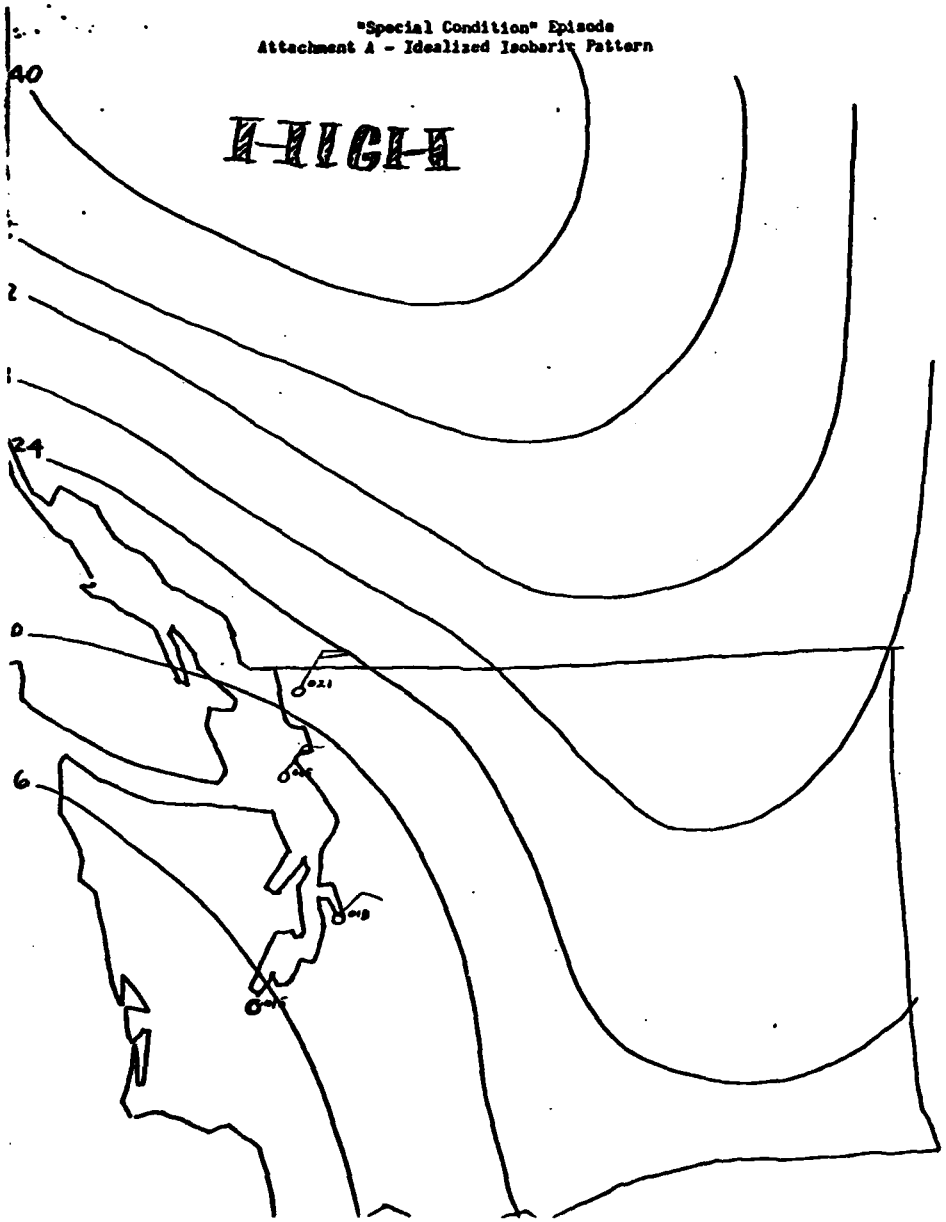
c. Describe the significance of minimum dispersion coincident with a strong low-level inversion during nocturnal operations, directed specifically toward the impact on the Delta downstream.

Sincerely yours,

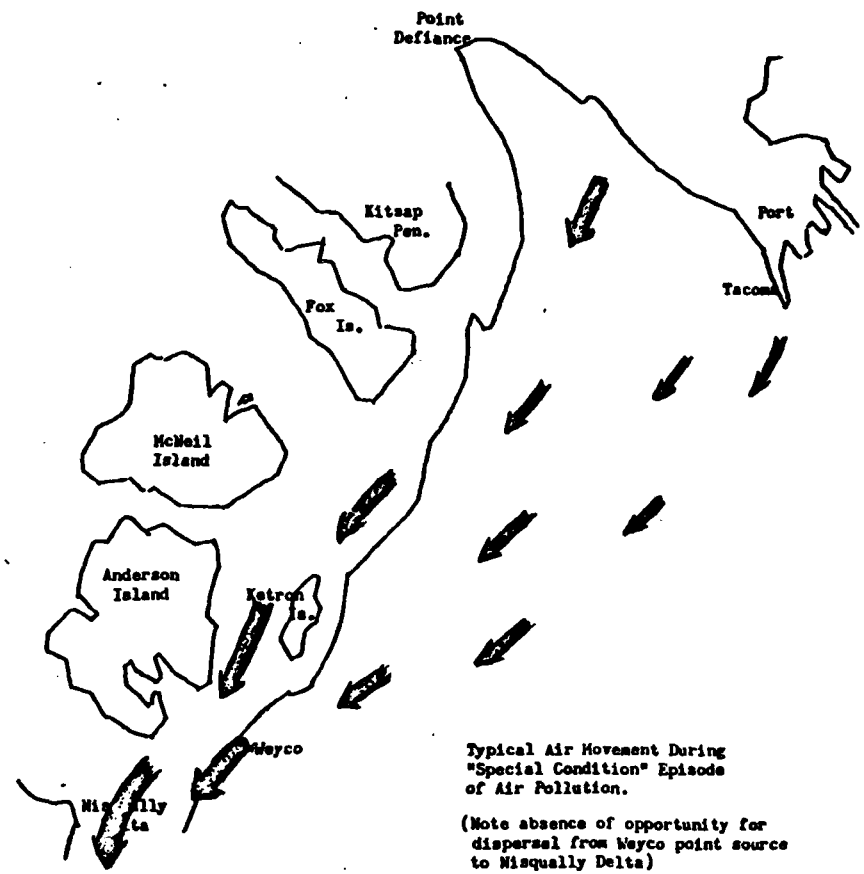
Jack E. Davis

Attachments (2)

"Special Condition" Episode
Attachment A - Idealized Isobaric Pattern



Attachment B



Typical Air Movement During
"Special Condition" Episode
of Air Pollution.

(Note absence of opportunity for
dispersal from Weyco point source
to Nisqually Delta)

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED WEYERHAEUSER EXPORT FACILITY AT DUPONT - Jack E. Davis, 9/20/78

I believe that the Draft EIS is inaccurate in its predictions of the amount of smog expected from the operation, and the downstream effects. The following list of concerns are based on statements or conclusions found both in the EIS and the supporting Air Quality Assessment:

1. The repeated use of such terms as "negligible", "minimal", "too nebulous to mention", "insignificant", and so forth. Such terms are subjectively biased and misleading.
2. Computations omitted or misinterpreted a major point source of air pollution, the staging area-to-ship vehicular exhaust.
3. Both aerometric and air sampling data are far too sketchy. For example, the short period of air sampling at Nisqually NWR spanned only a period of relatively infrequent episodes of stagnation.
4. The scope of the Assessment is totally inadequate in terms of both time and space. I believe that the evaluation must include all of the possible industrialization of the site, however far into the future it may extend.
5. There is repeated and consistent minimizing of the time that ships would be present.

Now, let me comment briefly on some of these points before offering a smog impact assessment of my own. By the way, I do not mean to argue with Mr. Ward's work; I could not even if I desired, having little competence in air pollution meteorology and even less in mathematics. For the span of over 30 years, however, I was an unusually good weather observer and analyst. I place high reliance on my eyes and experience.

From the standpoint of the environmentally concerned, the word "negligible" would be replaced by the word "substantial" wherever it appears in the EIS or the Baseline Study; the word "minimal" with "major";

and "insignificant" with "appreciable". Such words, pro or con, seek to influence the reader's opinion. On Page 1 of the Air Quality Impact Statement, two of those dogmatic words are employed in the first sentence of the CONCLUSIONS.

Using the range of numbers of vessels expected to be at the dock each month I took the average of 3.3. Similarly, I found that they will require an average of 3.5 days to load. So we could expect that vessels will be at the dock on the average of 12 days per month, and that loading operations will proceed virtually around the clock 40% of the days year round. This is significant for an array of reasons, but I want to discuss just two of them here.

First, (and this is a conclusion derived from scattered information in the EIS and Air Quality Impact Assessment) the loading of a ship would entail continuous movement of cargo from the staging area to the ship. The second assumption on Page 25 of the Assessment is beyond my interpretation and I have not found an adequate description of the procedure elsewhere. The acknowledged requirement to reduce in-port time to the minimum suggests that heavy duty hauling equipment would be using the proposed dock access road close to capacity. The size, slow movement, and method of operation, concentrated in a distance of some 3 miles, all combine to make this sort of pollution source beyond comparison with ordinary highway traffic.

Second, it is now obvious that ship loading will occur during nights much of the time. This is critically important because nocturnal stabilizing of the lower atmosphere, and its coincidence with minimum advection of air, will create a pool of smoggy air. From this point, factors converge to increase the impact of Weyerhaeuser smog on the Nisqually National Wildlife Refuge. The incidence of stagnant air mass conditions reaches its maximum during the fall and longer nights; the pressure patterns producing those

episodes usually result in a very weak northeasterly wind flow; the Nisqually Delta is the lowest land area in the vicinity, a natural sink for subsiding air; and the Weyco generated pollution would be added to that moving southwestward from Seattle and Tacoma areas of heavy industry. The cumulative effect would be a pollution repository at the refuge.

As the Air Quality Impact Statement points out, modeling techniques applied to atmospheric dispersion of pollutents are still in a very crude stage. The problem is that, in our urge to reduce information to neat graphs and tables, we continue to base planning decisions on conclusions rooted in a morass of inaccuracies and ignorance. Personally, I would rather rely on observation and experience, and accordingly I can assure you that the development of the Dupont site will have air pollution consequences far beyond that anticipated by the EIS.

From the I-5 Freeway I can tell at a glance whether the circulation of air over the Delta has a northeast or southwest component. One can see the difference by noting the clarity of the background. That difference is perceptably greater today than when I first observed it a dozen years ago. The pollution battle is still being lost.

As with others who contend - or will contend - that this EIS is useless because it confines itself to the immediate proposal, I remind you that all environmental degradation has taken place by increments. You may take some reassurance from the estimate that the facility would add only 2% to the total of Pierce County pollution. None of us seriously believes (and the company offers no assurance to the contrary) that the current proposal is more than a beginning. My guess - and no one at this point can do more than guess - is that if allowed, the Weyerhaeuser Company will be contributing over half of the Delta's total air pollution by the turn of the century.

Old Brolin Place
Anderson Island
Washington, 98303

66

Department of the Army
Seattle Distr.ct. Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Dr. Dice,

In my statement at the Corps of Engineers workshop in Tacoma I addressed several impacts of the proposed Weyerhaeuser DuPont Facility on Anderson Island residents. I would like to repeat my assertion P 1
that no adequate study of the noise impact has been made to date. The same is true for glare. It is my hope that your office will require an assessment of noise which recognizes the unusual characteristics of sound travelling over water. In addition, I believe that special consideration

2)

should be given to present noise levels on Anderson Island when evaluating the effect of additional noise on Island residents.

It seems that the most severe long-term impact of the proposed facility has been neglected altogether, namely the pressure which would be exerted on the entire Weyerhaeuser parcel for further industrial development. This aspect B
is worthy of additional study in view of the fact that this parcel is almost completely surrounded by wildlife refuges. There are three existing - the Federal refuge at Nisqually Delta, one at Charley Carlson (Carlson on maps) Bay and one at the head of Oro Bay on Anderson Island. McNeil Island and much of Ft. Lewis are de facto preserves, unlikely to ever be developed for industry.

3)

I would not expect that the Weyerhaeuser company could absolutely spell out their future plans, but I believe that they have a public responsibility to be more candid in discussing their options, and I believe that the Corps of Engineers should focus more closely on these long-term impacts during the permit process. Another impact would be the precedant of establishing a major port and industrial facility in this part of Puget Sound. Does this not mean that the old Atlas Powder works would be next?

I note that your EIS draft describes the option of conditional approval of the proposed facility. This would be, in my judgement, the only fair way to accomodate and uphold the rights of all parties.

4) It is only fair that the permit be conditional upon a specific maximum number of port calls. It is obvious that the risks involved are multiplied in proportion to the intensity of traffic. The limit should be based on the Corps of Engineers determination of what risks can be tolerated. Surely there must be some way of comparing the value of the South Sound basin as is versus the public and private benefit of the Weyerhaeuser facility? It seems to me that we cannot really have both for very long.

The conditional permit would be just in that the residents of the area surrounding the facility would have some kind of reasonable hope that their way of life will not be destroyed by the sudden appearance of an industrial port facility nearby.

5.) The number of people whose lifestyle and property values would be directly affected by the adverse impacts of this proposed facility may be small – perhaps in the hundreds – but, in the long run, residents of the whole Puget Sound region may suffer if industrial development and commercial shipping are introduced without appropriate safeguards on their scope and intensity.

I appreciate the thoroughness which the Corps of Engineers has displayed in assuming responsibility for evaluating this project. Thank you for the opportunity to share my thoughts with you.

Sincerely,

Richard G. Anderson

(37)

Sept 27, 1979.
Braget Farm
Rt 12 Bx 492
Olympia, Wn. 98503
phone 491-5749.

Dept. of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Wash. 98124

(67)

Attention: Leon K. Moreabi, Colnel, Corps of Engineers
District Engineer, Dept of the Army -
Steven F. Dice, Chief,
Environmental Resources Section
Hearing Officer - Weyerhaeuser Work Shop. Sept 12-1979

Dear Sirs:

Thank you for sending me the Draft Environmental Impact Statement Book regarding the Weyerhaeuser Export Facility at DuPont. My concerns are the reasons for this letter to your Department.

My husband - Walter O. Braget and my son Kenneth W. Braget and myself are the owners of

approximately 350 acres of land — adjoining the Southwest portion of the Weyerhaeuser property. Also, we are directly across the river from Nisqually State Wildlife Refuge property, and immediately adjacent and north of Interstate 5 highway.

Our property is used as a commercial dairy farm, and has been operated as a farm by the Bragets since 1895 — so we are first in time of any of the above mentioned property owners. Before 1895, it was also used as a farm. Its history goes back to the Puget Sound Agriculture Company, and the Hudson Bay Co. before that. However, it has been the Bragets who have constantly and continually improved, repaired and restored, conserved and preserved the property, and made the "Green Scene" which was valued today and which so much concern exists today due to the Weyerhaeuser Proposal.

For these almost 85 years, we have produced food for the public health and welfare, have contributed to local business men's welfare in the purchase of all the necessities to keep a dairy farm operating, paid lots of taxes, and contributed generally to local, county, state and federal economy. So much - for a little

background, so you realize we are vitally concerned about every aspect of our lands and business and the protection of it. However - as far as we can see at the present time, we do not feel the Weyerhauser project will effect us measurably in this phase. We are concerned about future expansion if they should ever have a paper or pulp industry that would be a detriment to cause devaluation of our property - to say nothing of the personal discomforts of it. If they should expand into some future housing area next to our property, we would have to revaluate our concern about that phase. B

At present we are concerned about the safety of the Mounts Road Overpass & Intersection, and hope any change there will be safe from logging trucks and increased hazards and noise. It is the only access now (since D.O.T. eliminated our second access to highway 5 to Mounts Road). It is imperative that we must have safe and clear access for Milk Tank Trucks, Feed Trucks, Hay Trucks, Mail-man, School buses, ambulance and all other farm related service trucks – as well as for all the other citizens who live in this area that used that overpass 116, Mounts Road. T

We would also be opposed to any Rail Road access over or through our property (one of the alternatives) to Weyerhauser property, because that would really be ecological and environmentally the damage-doer. In 1907 the present Rail Road divided and damaged greatly this property and we are still continually suffering access damage, erosion damages, continued and everlasting loss of land, lost animals (cows), public trespass, vandalism and property damages due to public trespassing over the Railroad Right-of-Way. Once in history is enough for any family and property owners.

As stated before, we don't feel the Weyerhauser project - as presently stated in the D.E.I.S. - is significantly detrimental to our farm on the Nisqually Flats ecologically. However, our concerns are more with the political-social impact, in that the U.S. Government is trying to confiscate all the property on Nisqually Flats in the name of Wildlife Refuge which is a race to beat Weyerhauser's successful proceedings through S.E.P.A. and N.E.P.A.

We feel that our properties are being more damaged by the Governmental Sector, than by the

Weyerhaeuser proposals. In fact, Sir, to be truthful with you, we feel it's your own dept. of Army Engineers that will cause us a great deal of ecological, environmental, and physical property damage - if - and when the Nisqually River floods over its banks and it will - no doubt about that.

You have already granted a permit to Fish and Wildlife Service for upgrading and rip-rapping of the Dyke on the West Bank of the Nisqually River, and you have pending an application from the State D.O.T. for replacing fill on both sides of the Nisqually River in order to replace - the North Bound I-5 Nisqually River Bridge approaches with land fill, instead of the present bridge-pier Construction (which is required by the Shoreline Act of 1971) which will further change the flood pattern and compound the flood damages to the Bryant Farm.

My husband, Walter O Bryant, says that if you allow upgrading on one side of the river, it will make unequal pressure and velocity and heighth of the waters (especially the flood waters) against our side of the Nisqually River - and our

dykes will probably be washed out or damaged.

He also says, that whatever is done on one side of the river must be done on the other side of the river - in order to keep from throwing a new imbalance into the flood plain. Yet, it has been said that the project is a negative declaration in the environmental assessment having a non-significant impact and no E.I.S. needed. I remind you, Sirs, that we had our attorney, Mr Hallis Barnett, write to you about this. The same applies to the State D.O.T. application. Their design shunts the whole River overflow through their insufficiently designed over-flow structures right into the midst of our farm fields, cattle grazing areas, hay production areas, machine storage areas, hay and feed storage areas, also endangering the lives of the cattle, possibly livers of anyone making rescue attempts in times of high flood. Yet - the Government Agencies always say, "Negative Declaration and Insignificant Impact, and in the Public Interest, Health - Safety and Welfare" regarding their projects, and they are allowed to proceed, whether or not, they are

damaging environmentally to the neighboring private property owners.

Because Governmental Agencies are improving and upgrading and changing flood-offering structures and improvements with Army Corps of Engineer permits, the Braget Farm is the only portion of the Nisqually Flood Plain left behind without any permits or right to upgrade our facility to match the new Government facilities. In order to protect our property, which we have historically been doing, we need the same rights (which have been taken from us by the Shoreline Management Act of 1971) to match the new Government caused problems. Our present facilities will no longer be sufficient to match the Government Projects (State and Federal). Due to no fault of our own, we are entrapped by Government Projects and will become the Scape-goat which will eventually become damaged out-of-existence. Now we need the same upgrading permits, and in all fairness can we count on your co-operation for a like permit??

My husband would have liked to write this himself, and would probably have given you more technical facts than I have, but due to the worry and problems, and the strain and tensions brought down upon him by the Governmental and Environmental Agencies, he suffered a severe stroke and is almost totally paralyzed at present. However, he has been granted by the President of the United States and the U.S. Migratory Bird and Conservation Commission lifetime use and enjoyment of his property. Also, the Secretary of the Interior has taken it upon himself personally to see that nothing the U.S. Fish and Wildlife Service does will interfere with his use and enjoyment of his property — his life creation and his dream. Now he is being entrapped into an impossible situation — to deny him these things. A person has a right to his dream, and our dream, but Government is denying him of these rights and dreams.

It has been reported to me, that at the recent Weyerhaeuser Work Shop meeting on Sept 12 in the Tacoma Bicentennial Building — when my son — Kenneth W. Braget tried to voice these Concerns of ours

at this workshop - the Chairman or Hearing Officer who was conducting the meeting turned off the P.A. system and maybe the tape-recording system, thereby denying the audience and perhaps the public record from showing his testimony. He asked he be given extra time in order to have equal time and fairness as of all the Governmental and Environmental Agencies and individuals, because we are the most vitely concerned and affected individuals and property owners, more so, than any single individual present at that workshop or even of all of them added together.

Accordingly, please send a copy of the Public Record on Tape Cassette and a complete written transcript of all oral and written testimony submitted at that Sept 12 workshop.

You have the greatest environmental and economic burden thrown on your shoulders that you will ever have regarding this land base of such wide significance there at Nisqually, and it involves the concerns of a great number of people.

Some of the people who have the greatest environmental concerns and economic concerns own much of it. Don't damage it!

Yours very sincerely,

Walter O. Broget (By Marcellus Broget)

Marcellus C. Broget

Kenneth W. Broget

c.c: Mr Hollis Bennett
Attorney-At-Law
Campbell, Dille, Bennett & McCarthy
Puyallup, Wash.

56

September 28, 1979

Col. Leon K. Moraski, District Engineer
Seattle District, Corp of Engineers
P. O. Box c-3755
Seattle, WA 98124

68

RE: # 071-OYB-1-005087 Weyerhaeuser Co.

Environmental impact statements, with their great attention to detail, often fail to focus on the most overriding and significant impacts. In the case of the draft EIS for the Weyerhaeuser project at DuPont, perhaps the most important impact of that project will be the political impact, an effect which has not even been mentioned.

Seven years ago the people of the State of Washington went to the polls and made an important value statement by way of the political process. The mandate to preserve and protect the shorelines of the state refelcted an awareness of the importance of a balanced environment and the irreversible destruction of uncontrolled development. Indeed, in the process of implementing that program, the Nisqually estuary (including the shorelands of this proposed project) were recognized as unique, being the last relatively unspoiled estuary, and they were given the special status of "shorelines of statewide significance." The voters of the state (not just from Puget Sound but from eastern Washington as well) should have by the fact of that mandate assurance their values will be protected.

E

There is no doubt that the Weyerhaeuser proposal represents a large investment of company funds only the first stage of which is being discussed at this point. They do not deny that further development might follow. It would be a sad historical perspective to look back and realize that this last important estuary began its path to destruction a full seven years after the voters assured themselves it would be saved. And this degradation began without any concern about its impact on voter confidence and the political process.

Elizabeth Tabbutt

Elizabeth Tabbutt
3213 Cove Lane, NW
Olympia WA 98502

57

316 W. 22nd Avenue
Olympia, WA 98501
September 28, 1979

Seattle District Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

69

Dear Sirs:

I wish to express my disapproval of the draft Environmental Impact Statement on the Weyerhaeuser-DuPont project recently prepared for the Corps of Engineers. It is not a sufficient basis ---- particularly in its failure to assess the impact of certain subsequent development sure to occur and its superficial consideration of alternative port possibilities ---- on which to issue the Rivers and Harbor permit sought by Weyerhaeuser.

B
C

I find it disheartening that after a full year of involvement in the EIS process by citizens and public agencies the draft EIS you are now studying bears so few significant changes from its predecessors. I strongly urge the Corps to examine thoroughly the many, good critical comments offerred a year ago on the SEPA draft EIS. By no means should you rely on the abridged, re-phrased statement of them appearing in the final EIS of February 1979. URS Company artfully managed to strip them of most of their cogency and salience.

May I inform you also that one of the consequences of failing to revise EIS's according to constructive criticism received is that constructive criticism will not always be forthcoming. I find, sadly, that a large number of people who enthusiastically participated in the earlier phases of this EIS process and whose interest in the environmental well-being of the Nisqually area is still intense have become disillusioned by the lack of any results whatsoever and apparently consider it futile to write again what they have already said over and over. I fear you will not be hearing from them.

Sincerely,

Jay W Butts

Jay W. Butts

(40)

September 28, 1979

Army Corps of Engineers
P. O. Box C-3755
Seattle, Washington 98124

(70)

Reference: Weyerhaeuser/DuPont Shipping Facility

There can be endless arguments over the technical merits of the environmental impact statements--whether they are competent or sufficient. In the final analysis, however, resolution of each of the areas of controversy can have only one outcome. Approval of the proposal. Obscured is the philosophical and moral principle on which the proposal should be judged. We have been looking at how the proposal can best be achieved rather than whether the proposal should be considered at all.

After mulling this question for a number of months, it seems to this writer that approval of the Weyerhaeuser proposal demands modification of a number of laws, regulations, ordinances and rules which were deliberately set up, after extensive public deliberation, to prevent the very impacts this project can be expected to make. Whether those impacts are greater or lesser, according to applied technology, is really beside the point. What is germane is that we would be witnessing the dismantling of public policy to permit a private corporation to gain a competitive advantage. E

Just as public agencies should not lend public funds for private endeavor, public agencies should not lend their public prestige and integrity to enable a private concern to gain competitive advantage. There is no overriding public need involved here which requires use of a shoreline of statewide significance to save society from economic distress. There is no overriding public need which requires seizing on the venerable DuPont pier, a grandfather appendage on a conservancy shoreline, and turning it into a re-located and massively substituted pier. There is no overriding public need which requires that Weyerhaeuser gather together its shipping resources on the banks of the Nisqually Reach to become an internationally efficient export facility. A

The competitors Weyerhaeuser would leave behind are required to use public ports. So why are we weighing whether or not to approve the proposal, based on the EIS process, when the real issue should have been clear before it began?

Robert W. Ramsey

Robert W. Ramsey, L/A.
10511 Interlaaken Dr.SW
Tacoma, Wa. 98498

cc: Nisqually Delta Association
Tahoma Audubon Society
Department of Ecology
U.S.Fish & Wildlife Service

(52)

(71)

Sept. 28, 1979

Corps of Engineers:

I would like to take this opportunity to express my concern about the inadequacy of Weyerhaeuser's Draft E.I.S. for their proposed facility at DuPont. J

The draft only superficially deals with the facility's impact on wildlife in the surrounding area and fails to thoroughly consider other port facilities besides the proposed DuPont site. C

Thank you for your consideration of my views and concerns.

Sincerely,

Gene Baxstrom
116 W 17th
Olympia Wa. 98501

(58)

9/30

2107 Thurston
Olympia, Wash
September 28, 1979

(72)

Seattle District
Corps of Engineers
P.O. Box C-3755
Seattle, Wash 98124

Dear Sirs:

After having reviewed the Environmental Impact Statement the army Corps of Engineers prepared on the expansion of the port facilities at Dupont, I have decided that the statement is not sufficiently sensitive to other alternative solutions. C

As you well know, the situation is enormously complex, and the alternatives to a major expansion at Dupont are available, and should be very carefully reviewed. The EIS does not look at these alternatives seriously, in my views.

In light of this, I would urge that no permit to proceed be issued to Weyerhaeuser Co until a more convincing case, environmentally, can be made.

Sincerely,
Terry Corrigan

(51)

9/30

8300 29th Ave. NW
Seattle, WA 98117
September 28, 1979

(73)

Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Dear Sirs:

I wish to submit the following comments on the Corps of Engineers Weyerhauser-Dupont Draft EIS.

1. The Corps of Engineers has, in my view, a critical role in weighing the environmental consequences of the proposed Weyerhauser project and, if the project is approved, in seeing that it is carried out in an environmentally sound manner. Several facets of the long range use plan for the total site are vague or undefined at the present time. Also, much of the local authority for land use planning is vested in the City of Dupont, which, according to Sect. 4.12.1 and 4.17 of the DEIS, stands to receive considerable economic benefit. In this setting doubts arise regarding the ability of a small entity like Dupont (referred to as a "village" in Fig. 41) to exercise environmental objectivity when dealing with one of the most powerful corporations in the state. Thus I look to the Corps of Engineers to provide a detached and evenhanded oversight for this project, an oversight that might otherwise be lacking.

E

2. The Nisqually National Wildlife Refuge deserves, I submit, much more attention to its history and future than it receives in

the DEIS. The Nisqually Delta is the focus of much of the environmental concern surrounding the Weyerhauser project. That it has recently become a National Wildlife Refuge indicates a strong Federal recognition of the Delta's uniqueness and value. Since NWR status is so recent, questions arise regarding the stability and desirability of the present configuration. Being nearly contiguous with the Weyerhauser property for two miles, the destiny of the Nisqually NWR is intertwined with the use of the adjacent Weyerhauser property.

E

Some questions that should be addressed are the following:

1. What management and enhancement goals were stated when Nisqually NWR was created?
2. Does any comprehensive plan exist at present?
3. What is the nature of the planning mentioned in 3.1.4.5, and when will it be completed?
4. What lands might be proposed for acquisition in any possible expansion?

I hope the Corps of Engineers will pursue an examination of these issues and provide for more prominent attention to the Nisqually NWR in the final EIS.

3. The Draft EIS seriously understates the effects of the Corps' primary option (Summary, p. xix), the issuance of a permit without condition. To me the pressures for extensive further development as outlined in 3.2 will be severe, and such extensive development is not appropriate to this site. The essence of sound environmental planning is to anticipate such likely development and control it

before avoidable adverse impacts occur. One of the problems with the Weyerhauser project as a whole is that specific action is proposed in an area where general land use questions have not been totally resolved. Thus it is appropriate for the EIS to study in depth the various pledges made by Weyerhauser concerning future use of the site and consider permit conditions which might aid in transforming these pledges into binding commitments.

The specific areas of my concern are as follows: F

1. Buffering of the industrial development from the Nisqually NWR as discussed in the Statement of Weyerhauser Intentions, in Appendix A.
2. Seeing that effective rezoning takes place in the City of Dupont, as referred to on A-4.
3. Seeing that use of the proposed pier is restricted to the uses which Weyerhauser proposes at present.
4. Seeing that other parties which might lease or buy portions of the site are bound by use commitments Weyerhauser makes.

In closing, I wish to compliment the Corps of Engineers personnel who organized and ran the workshop in Tacoma on September 12; it was conducted in an informative, open and fair manner. In particular, Mr. Steven Dice as moderator was able to answer questions clearly and serve as a bridge for communication between individuals with widely differing backgrounds and viewpoints.

Sincerely

Morry Browne

Morry Browne

(51)

Sept 30-1979

(74)

To: Colonel John A Petrat Jr, District Engineer
US Army Engineer District
Post office Box C-3755, Seattle WA 98124

I have reviewed the Draft Environmental Impact Statement of the Weyerhaeuser Export Facility at DuPont. I am a Weyerhaeuser employee of almost thirty-five years and will be looking at retirement in about five years or so. The profitability of Weyerhaeuser will affect their ability to pay my retirement benefits. The Dupont facility is an example of looking ahead and preparing for the future. The future of Washington forest products is offshore.

The environmental impact of the proposed facility is minimal and will spring from some of the best environmental planning anywhere. All of the people of Pierce County and the State of Washington will benefit economically from this facility, which will help market the new crop of wood now growing in Washington forests.

thank you

Howard W. Millan
2406 Berry Lane E
Tacoma WA 98424

(62)

Oct 79

(75)

5020 Cushman Rd. NE
Olympia, WA 98506
September 28, 1979

Col. Leon Noraski, District Engineer
U. S. Army Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Re: Draft Environmental Impact Statement for the Weyerhaeuser Company's proposed export center at DuPont, Washington

We did not find the above statement covered the impact of the export facility on the fish and wildlife in the area adequately.

With the Nisqually Delta less than one-half mile from the pier, serious consideration must be given to all possible problems that will come with use of this large a pier. Several marine biologists who have been studying the area recently have expressed deep concern for the entire Delta area if this export facility is built.

There are many ports all over Puget Sound that are already being used by Weyerhaeuser Company, ports that are capable of much heavier use than they are now handling.

Please take the time to go deeply into every aspect of the impact this facility will have on the Delta. This Delta is the only one we have around here - what a shame to throw it away.

K
O
C

Sincerely,
William R Stillwell
Marie B Stillwell
Mr. and Mrs. William R. Stillwell

3 Oct 79
OSH

4350 Sunset Beach Dr. NW
Olympia, WA. 98502
28 September 1979

76

U.S. Army Engineer District, Seattle
Post Office Box C-3755
Seattle, Washington 98124

Dear Colonel John A. Poteat, Jr., District Engineer,

I am writing concerning the Draft Environmental Impact Statement for the Weyerhaeuser Export Facility at Dupont. I appreciate this opportunity to review the Draft Environmental Impact Statement and to express my views.

I am one of the researchers who gathered data for the Intertidal Baseline Study for this Environmental Impact Statement. Since the time that I first heard about the Weyerhaeuser project, my concern has been primarily for the marine environment. I have also been concerned about the effect of the project on the aesthetics of the area, and that such a project might set a precedent, encouraging and allowing other, perhaps less environmentally concerned industries to locate easily in the area.

Since this Environmental Impact Statement was first drafted, I have seen it change in response to comments by many people. I have been impressed with the concern that Weyerhaeuser has shown for the environment and with the mitigating measures which the Company is willing to undertake. With the exception of the possibility of oil or other toxic spills, I no longer have great concern that the marine environment would be adversely harmed by the proposed facility.

However, the Nisqually Delta, and the surrounding area, are important resources to the state of Washington, and serious concerns still exist. For example, the possibility of a toxic spill, the lowered aesthetics of the area, the possible damage to valuable archaeological resources, and the precedent of allowing industry into a relatively pristine location, are all serious considerations. I would reccomend that you do not grant Weyerhaeuser the permit which they have requested.

Specific comments on the Draft Environmental Impact Statement

In general, the Draft Environmental Impact Statement is very well written. The sections are usually clearly titled and easy to find. For example, it was good that the title to section 5 "Adverse impacts that may be mitigated", the word mitigated is defined. I noted and appreciated that some suggestions which I made in a previous letter have been used in modifying the Draft Environmental Impact Statement. The Nisqually Delta Wildlife Refuge is very clearly indicated in the maps included in the Draft Environmental Impact Statement.

Environment and resources

The Nisqually Delta salt marsh is unique in southern Puget Sound (Klotz et al, 1978). Salt marshes are very productive areas. They are important nursery and breeding grounds for fish and shellfish (see page I-3). Salt marshes are important feeding areas for waterfowl. Some of the high productivity of salt marshes is washed into the adjacent deeper water as detritus where it forms the basis of the food chain and supports numerous organisms, many of commercial and recreational importance.

The importance of the salt marsh ecosystem and the potential threat in the event of an oil spill (as indicated in Table I-3, page I-9) should be stressed more strongly in the text in section 4.6.7 on page 132.

The possible impact which the proposed facility could have on the important nursery and breeding grounds for fish and shellfish should be expressed in Section 7, "Short-term use by humans vs. long term productivity" (page 712).

The definitions of "intertidal" and "subtidal" given in paragraph 1 on page 66 (intertidal from 0 to +9 ft, subtidal from 0 to -49 ft) should be clarified. The salt marsh, at 13 feet above MLLW is inundated, and therefore lies within the intertidal zone. The subtidal area actually extends as deeply as does the water. The definitions given on page 66 are not accurate, but perhaps they are useful in the Environmental Impact Statement as written. It should be explained why these definitions differ from common usage for these words.

The Draft Environmental Impact Statement states "No major shellfish concentrations were found in the intertidal area during baseline sampling" (page 68, paragraph 2). This is contradictory to the report which our baseline study team prepared for the *Environmental Statement* (Wisseman et al 1978), and contradictory to the Draft Environmental Impact Statement itself which states that "significant shellfish and salmon resources are present on the Reach, particularly near the Delta" (page 127, last paragraph).

In our report, Wisseman et al (1978), on page 54, it is clearly stated that a large commercial oyster bed is in operation at Nocum Bay, adjacent to the Delta on the west. Intertidal clam population densities are not high enough for a commercial fishery, but recreational clamming in the area has a long history. Besides commercially important species as butter clams, little neck clams and geoducks which are available to sport clammers, there are non-commercial edible shellfish which are utilized by sports fishers. These include heart cockles, bent nose clams, mussels, moon snails, sea cucumber and crab. Oyster beds should be discussed in section 2.8.7 on Special Habitats (page 69, first paragraph in column 2).

There is no mention in the Draft Environmental Impact Statement of subtidal geoduck populations in the Nisqually Delta area. Goodwin (1973) estimates a sizable geoduck population in Nisqually Reach. The estimate indicates that about 15% of all geoducks in southern Puget Sound live in Nisqually Reach.

Living specimens of the rare clam Shamchidonta retifera have only been found in Puget Sound and on Vancouver Island. One dead shell was found off the coast of California in 1899 but no specimens living or dead have been reported from California to Puget Sound in the 80 years since. In view of this fact, instead of stating "it has been found from California to northern Vancouver Island" (page 68, paragraph 3), it would seem less misleading to state that "living specimens have been found from Puget Sound to northern Vancouver Island". The clam is not listed as endangered,

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rare or threatened, but whether or not the clam actually is endangered, rare or threatened is unknown. Further study is necessary to reveal the status of the clam. Meanwhile, the last sentence in paragraph 3, page 68 should be modified to say the clam is not listed as rare or endangered.

Mussels were omitted as dominant epifauna on page 66 (last paragraph).

Starfish and anemones are present on the Dupont wharf pilings. The wording on page 69 (end of paragraph 3, column 2) leaves some doubt as to the presence of these species. The wording should be changed to indicate definite presence of these organisms.

Appendix F, "Flora and Fauna" does not list marine invertebrates. Perhaps this omission is unimportant to most people reviewing the Draft Environmental Impact Statement, but I regard it as an oversight.

The Draft Environmental Impact Statement indicates that commercial fishing is practiced near the proposed facility (page 141, papagraph 5). However in Table 17, "Marine resources present adjacent to site", no commercial fishing is indicated. The oversight should be corrected.

P

The Draft Environmental Impact Statement states "The increase in noise and activity due to the Dupont facility is not considered likely to affect *the harbor seals" (section 4.6.6, page 133).* I question this statement and refer to Calambokidis et al (1978), who found that 50-81% of disturbances to harbor seals were caused by humans.

Oil and other toxic spills

The probability of an oil spill as a result of the proposed dock is low. However, the chance does exist of a spill and the Nisqually Delta must be protected as a unique and significant habitat (page XV, paragraph 7 and 8).

R

The Draft Environmental Impact Statement indicates that a contingency plan to deal with possible oil spills will be developed after the facility is designed (page XX, paragraph 1; page 132, paragraph4; page I-8; page I-13). It would seem more valuable to develope a contingency plan within the design of the facility. Is there a possibility that a suitable contingency plan could not be developed? The contingency plan should be developed and approved before permits are issued.

S

Ships would not empty their bilges at the Dupont site.(page 17; page 128, column 2, paragraph 2). Is it possible for the Draft Environmental Impact Statement to state where the bilges would or might be emptied?

In discussing the effects of a potential oil spill on subtidal fauna (page 136, section 4.8.5) the *smothering effect of heavy weight tar like* oil has not been mentioned.

The Draft Environmental states that "virtually all intertidal life is represented in the plankton". However, a few examples will show that this is not always the case. A small clam Transennella tantilla broods its young, which then emerge as fully developed clams, and Amphipholis squamata, an abundant small brittlestar broods its young (Kozloff 1973). Also, some species of the periwinkle genus Littorina are known to bear fully developed young.

Z

If a spill affected the food resources of fish, then it would affect the fish. This should be mentioned in paragraph 6, page I-13.

The presence of an Archaeologist during construction is a good idea to help decrease damage to historical artifacts. The archaeologist would have the power to halt work if artifacts are encountered. Was this extra time during which work might be halted considered in estimates of the time of construction?

W

Aesthetics

It should be stated in the summary (page XiV, column 2, paragraph 2) that the dock would be visible from the Nisqually Delta Wildlife Refuge. It should be stated on page 96, paragraph 2 that the Nisqually Delta area is aesthetically pleasing to viewers on I-5.

V

The Draft Environmental Impact Statement states that the dock would be out of sight to most people (page XX, paragraph 8; page 152). To which people does this statement refer? Most people live on the continent of Eurasia, clearly out of sight of the proposed dock. However, many southern Puget Sound residents use I-5, from which the dock would be visible. Please clarify the statement.

Weyerhaeuser has "pledged to do nothing that would harm the...quality of experience of those who turn to the Delta for...*aesthetic enjoyment.*" (see Weyerhaeuser statement, Appendix A). However, presence of the dock would definitely lower the aesthetic value of the area, and probably affect peoples' experiences. Lowered aesthetics and reduced recreational value should be mentioned in Section 7.

Setting a precedent

Weyerhaeuser states that it has no future plans for the other acreage at the Dupont site, and that location of any future facility would be considered at all of the company's land holdings. This may be true, but the presence of the dock may tend to make the Dupont site more desireable for a future Weyerhaeuser facility than if the dock were not there.

B

The company has stated that it wishes to locate at Dupont in order to buffer the Delta and Puget Sound from industrial development and any future developments. However, if Weyerhaeuser locates an activity center at Dupont, by regional growth policies (see page H-1), other new economic activities may be encouraged to locate at Dupont--an existing activity center.

E

The large ships planned for the facility may encourage other companies to bring large ships into southern Puget Sound. Large ships should not come south of the Tacoma Narrows.

The preferred dock would not be consistant with the Pierce County Shoreline Master Plan. The master plan was made for a purpose. Changing it for the benefit of a single company would be spot zoning. This would set a precedent and show other companies that a shoreline master plan can be changed to suit their needs as well. This is not acceptable.

The Draft Environmental Impact Statement states (paragraph 2, page 168) that more important resources might be affected at the Chenault Reach and

Hawks Prarie sites than at other sites. According to Table 17, this is not true. As ~~a~~ listed resources at Chenault Beach would be affected as at Dupont. "Major waterfowl area" should be listed in this table. This would make the number of resources at Dupont greater than those at Chenault Beach. As mentioned earlier, the commercial fisheries at Dupont (mentioned in the Draft Environmental Impact Statement page 141, paragraph 5) should be listed in Table 17. C

Enforcement

Finally, I wonder how Weyerhaeuser will be enforced to use the mitigating measures described in the Draft Environmental Impact Statement. How can we be sure buffers are guaranteed (page Xiii, paragraph 4)? How can we be sure construction in the Sequalitchew Creek Canyon will only occur June through September? The mitigating measures are generally very good, but how comitted is Weyerhaeuser to operating construction vehicles at reduced speeds on windy days (page XIX, column 2, paragraph 4)? Instruction could be given to workers, helping them to be able to identify archaeological artifacts, (Page XX, column 2, paragraph 4) but will such instruction be given? F

Omissions, oversights, errors

page 5 in Fig. 2 and page 153 in Fig. 54--Mud flats are considered part of the delta. Mudflats are 0.5 miles from the proposed dock. Perhaps this figure could show 1.6 miles to "Salt Marsh" instead of "Nisqually Delta". Z

page 28, Fig. 15--It may be good to mention in the legend contour lines are in feet. Y

page 135, column 2, top--The heading should read "4.8 MARINE BIOLOGY" not "4.8.2..." Z

page 163 in Table 16--Asterisk on Pt. Tacoma indicates a footnote but no footnote is to be found.

page 207--The title of Table 26 would be clearer if it said "Impacts at Various sites". Also on page 207, column 2, line 4 from the bottom--It should say "Table 26" not "Table 27".

Appendix B, under avulsion--The word "be" should read "by".

Macroinvertebrate is defined in the Glossary (B-5) as invertebrates retained by a 0.595 mm mesh sieve. In our base line study of the Nisqually Delta invertebrates we defined macroinvertebrates as invertebrates retained by a 1 mm mesh sieve (Wisseman et al 1978). This latter definition seems to be more common among marine benthic ecologists (for example see: Wigley and McIntyre 1964; Lie 1968). I suggest that size of macroinvertebrates in the definition in the EIS be changed to those retained by a 1 mm mesh sieve. This would be more consistant with the baseline study upon which some of the EIS is based.

"Abundant" is described in the glossary (page B-1) as greater than 100 organisms/m^2. However, "abundant" is described in the text as >200 organisms/m^2 (page 64, paragraph 1). Similarly, "common" is described in the glossary as 2-100 organisms/m^2 while in the text "common" is described as 2-200 organisms/m^2 (page 66, paragraph 1). This inconsistancy should be remedied.

There should perhaps be a heading "Reptiles and Amphibians" in column 2 of Appendix F-6.

I have not seen the report of Thut et al (1977), nor have I been able to discover what a "Constropode" is. Perhaps this word in Fig. F-1 on page F-9 was meant to be "Gastropoda".

A footnote in Table G-4 (page G-6) refers to Fig. 2-23. That figure does not appear in the EIS. Either the footnote should be changed or the figure should be included.

Many of the figures (e.g. Fig. 5 on page 8) say the Dupont shoreline includes second class tide lands. Are these tidelands of importance? I could not find a definition of second class tide lands in the Glossary (Appendix B) nor in the text.

In the list of preparers (formerly Appendix L, now the two pages before page i) I appreciate the inclusion of my name under Intertidal Studies, but I should point out that my name is not spelled correctly. I would suggest moving the titles "Intertidal Studies" and "Nisqually Delta Terrestrial Biology" from the organization column (they are listed beneath "The Evergreen State College") to the Baseline Study Column. The individuals responsible for the Nisqually Delta Terrestrial Study (S. Klotz, S. Madsen, P. Miller, and D. Smith) should be listed in the appropriate place. The baseline study which was done by J. Pizzo of OIW should be included. I wonder why Melchiors and Robotu are not mentioned under the DuPont Terrestrial Ecology Study. The five individuals listed as responsible for that baseline study are not included in the reference section in connection with a terrestrial ecology study.

In the summary section on comments requested, page xxii, several people are listed twice, their names preceeded by Ms. and without that title. Greenhagen, Klotz, Smith and Lindquist are among those listed twice.

On page xii, the last line of column 1 and first line of column 2 are identical. On page xiii, two references to Chapter 2 should probably say Chapter 4.

page 141, column 1, line 7 from bottom, should say "ships" instead of "ship", or does Weyerhaeuser have only one ship? column 2, line 3 from the bottom should read "McNeil" not "McNeill".

page xviii, line 9--Location of the facility at Hawk's Prarie would produce the greatest number of anticipated adverse impacts.

page xvi, last paragraph, line 3--"archeology" is an acceptable spelling, but most of the other occurrences of the word in the report are "archaeology".

page xxi, column 2 paragraph 2, line 2 from the end--"Library" not "library".

page xxiii, line 5 from bottom--should this read "party" instead of "part"?

One or more lines of text appear to be missing from page 23, column 2, after line 4, and on page 135, column 2, paragraph 1.

I hope that these comments will be of use to you. I would reccomend that you do not grant Weyerhaeuser the requested permit. Thankyou for this opportunity to express my views.

Kindest regards,

Timothy A. Pearce

Timothy A. Pearce

REFERENCES

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Wigley, R.L. and A.D. McIntyre. 1964. Some Quantitative Comparisons of Offshore Meiobenthos and Macrobenthos south of Martha's Vineyard. Limnology and Oceanography 9:485-493.

Wisseman, R.W., S.F.J. Cook, M.E.LeGory, T.A. Pearce and P.A. Searles. 1978. A Survey of the Intertidal Macro-Fauna and Flora in the Vicinity of the Proposed Weyerhaeuser/DuPont Deepwater Port and the Adjacent Nisqually Delta. The Evergreen State College, Olympia, Washington.

(49)

28 september 1979

303 Kaiser Rd
Olympia, WA
98502

(77)

Dept. of the Army
Seattle District. Corps of Engineers
PO Box C-3755
Seattle, WA 98124

Dear Steve Martin and Fred Weinmann,

Following are my concerns, comments and questions regarding the draft Environmental Impact Statement for the Weyerhaeuser Export Facility at DuPont (July 1979). Briefly my main concerns are:
1) The discussion of impacts of the proposed export facility lacks in scope both in terms of geographic and long-term consideration.
2) Mitigating measures for many impacts are stated, however there is no commitment to or enforcement of these measures.
3) The alternative site selection process and alternative sites are not adequately discussed.
4) Impacts due to the increased possibility of future development introduced by the development of such an export facility are not addressed.
5) Land use planning policies are not sufficiently considered.

IMPACTS

The discussion of impacts of the proposed export facility lacks in scope both in terms of geographic and long-term considerations. A major consideration of long-term degradation of the environment is the Class AA water quality of the waters of the Reach. The discussion of large oil spills is referred to the Contingency Plan in Appendix J, this plan is still undeveloped. However, the cumulative effects of smaller oil spills of 25 gallons or less from dockside support activity (4.11, p. 141) is not addressed. Throughout the discussion of Marine Water Quality (4.5.4) there are references to contaminants entering the water, however these levels of contaminants are never quantified. Words such as "undetectable, slight increase in the water column concentrations" are used. How can the effect of these contaminants be reviewed if no quantitative data is presented? The high water quality of the Reach and Nisqually River is a valuable resource. The abundance and diversity of animal species which utilize this area are vitally dependent on high water quality. Any lowering of this water quality would be a major impact in the long run. The dEIS states that the impacts to fisheries in southern Puget Sound, and the Nisqually Delta would be minor in the absence of an oil spill or other major accident (4.8.8, 4.6). However, this does not take into account the cumulative long-term effects of lowered water quality and the lowering of the diversity of organisms using the area. The discussion of recovery of an estuarine area after an oil spill is contradictory (second paragraph under RECOVERY, I-11) and should be clarified.

R O S H

Appendix Q, the assessment of bald eagle utilization of the Weyerhaeuser-DuPont site and surrounding area is presumptious. Many statements seem unqualified. Many bald eagles seen flying over the site does not mean they don't roost there or rarely roost there. Because eagles have not nested on the site (or are not known to have nested) for the past three to seven years, does not necessarily make the liklihood of them doing so in the future remote. Bald eagles do feed on the mudflats of the Delta, a point which was glossed over.

J

MITIGATING MEASURES

Many impacts have mitigating measures which are weak. There is no commitment to enforcing the mitigating measures proposed. Mitigation for large oil spills are supposed to be developed in the contingency plans, but these plans are undeveloped and therefore cannot be assessed. However, no mitigation has been presented for smaller oil spills which would be more frequent than large oil spills. Dilution of contaminants when they reach the water of the Puget Sound (4.5.4 is considered to be adequate control of water quality. However, the dilution of these unquantified contaminants flowing into the Reach in not acceptable considering the Class AA water of the Reach. Any lowering of the water quality is a significant adverse impact, and has been glossed over in the dEIS.

F

Plans for the 158,000 gallon holding tank under the dock for runoff (4.5.4) should be in the final EIS and incorporated into the engineering plans. There is no guarantee that these mitigating measures will be carried out, or that an oil spill contingency plan will be adequate.

ALTERNATIVE SITES

The discussion offered in the dEIS does not convince me that a number of existing port locations would not be suitable for the export facility. The Weyerhaeuser Company operates in areas that would not suffer from increased industrialization such as Longview, Everett and Tacoma. More efficient utilization and possible expansion of these existing facilities should precede the development of any new facilities, particularly in environmentally sensitive areas like the DuPont site. A thorough analysis of the feasibility of utilizing other Weyerhaeuser ports should be presented in the final EIS, including evaluation of presently and potentially available acerage and facilities, and how they could become optimally efficient in handling shipping and industrial use. Economic comparisons between use of existing facilities and develo ment of a new center at DuPont should accompany this analysis.

C

The Port of Tacoma was "carried through Weyerhaeuser's site selection process because of expressed public concern that new export shipping facilities not be established if existing ports could meet the new needs" (6.1, p. 164). Continuing further, the dEIS states, "Potential sites in the Port of Tacoma did not satisfy the mandatory or critical acerage requirements, were rated marginal in terms of the depth of the currently maintained channel in the waterway, and are unavailable for purchase" (6.1, p. 164). Perhaps there is not a minimum of 200 acres of level adjoining property for unloading, staging and ship loading of logs and finished wood products at the Port of Tacoma, but the DuPont site also does not have 200 acres of level adjoining property to the proposed dock location. A road must be built through Sequalitchew Creek canyon in order to link the proposed dock and staging areas. A great deal of money and time were devoted to the development of six alternative plans to link these non-contiguous areas at DuPont. It seems equally possible that a plan could also be devised at the Port of Tacoma to deal with a similar problem. Critical acerage requirements are for an additional minimum of 300 acres with the site, contiguous or available in the vicinity for future wood products conversion facilities. This criteria is not necessary for the proposed project. However it brings up the important consideration of future industrial development on the site. Weyerhaeuser state the water depth at Tacoma is marginal, however Port of Tacoma has in the past suggested dredging in plans for expansion. At an 18 September 1978 meeting with Grant Bailey from the URS company and Mark Jackson from DuPont, we were informed that Weyerhaeuser could only expect a short-term lease at Tacoma because

the Port officials favor high profit cargo, logs being low profit cargo. However, they also stated that within ten years Weyerhaeuser would be exporting finished wood products exclusively, which would be a high profit cargo. The explanation for the rejection of the Port of Tacoma as a site is neither adequate nor satisfying. When environmental impacts of the proposed facility on the Port of Tacoma and the DuPont site are compared, Tacoma is certainly a favored location. Development at Tacoma would be consistent with present zoning in the area, unlike DuPont. A document which evaluates each of the four alternative sites is never footnoted, but a study of some sort is alluded to. Such a document should be in the final EIS.

FUTURE INDUSTRY ON THE DUPONT SITE

B

As previously stated one reason for the rejection of the Port of Tacoma was that it lacked additional acerage of a minimum of 300 acres within the site which would be available for future wood products conversion facilities (6.1). Further industrialization of this nature at the DuPont site has been indicated since the plans were first publicly announced in 1976. At this time the facility was destined to be a large forest products marshalling and processing center, basic to the company's plans to modernize with new technology for a higher yield of a diversity of products including newsprint. The Department of Ecology defined three phases which outlined Weyerhaeuser's plans for the site. Phase I called for a dock and marshalling yards, comparable to the facility addressed in this dEIS, Phase II included a sawmill and other light industry, followed by Phase III, the construction of a pulpmill for fiber production. Although specific plans for Phase II and III are not described in the dEIS, there are several references throughout the text which allude to future industrialization of the site. One example on page 115 (3.2): "The transportation networks (road, water, and rail); utilities constructed for the proposed project; and availablity of adjoining property could encourage other related forest product industries to locate on this site over time. The magnitude and type of environmental impacts associated with potential projects cannot be assessed at this time but will be assessed if and when they are proposed." But in the future, proposed developments may only have to be approved by the state government and not the national government. The DuPont site has ample land for these possible future developments, since only 250 acres of a 3200 acre site will be occupied by the presently proposed project. If potential forest related industries such as sawmills and pulpmills will be located on the site in the future, then their impacts must be assessed now right along with the impacts of the proposed facility. Weyerhaeuser should either drop additional acerage requirements from site selection criteria, or reveal their intentions for the DuPont site in regard to future industry. Furthermore, the approval of this proposed export facility sets a precedent for future industry in this area. The increased possibility of future development introduced by the development of such an export facility should also be considered now.

LAND USE POLICIES

E

Land use policies are not discussed in great enough depth in the dEIS. As the dEIS states (3.1.1) the Shorelines Management Act of 1971 defines several areas as Shorelines of Statewide Significance. One of those is the Nisqually Delta from DeWolf Bight west of the Delta to Tatsolo Point north of the DuPont boundary. The defined area includes the entire border of the Weyerhaeuser site. The management of Shorelines of Statewide Significance shall give preference to the uses in the following order: 1) recognize and protect the state-wide

interest over local interest; 2) preserve the natural character of the shoreline; 3) result in long-term over short-term benefit; 4) protect the resources and ecology of the shoreline; and 5) increase recreational opportunities for the public on the shoreline. Furthermore the legislature declares that the interest of all the people shall be paramount in the management of Shorelines of Statewide Significance. The dEIS does not discuss these aspects and none of these guidelines would be adhered to if the proposed Weyerhaeuser facility were to be developed. A precedent should not be set for allowing port developments in such areas by allowing Weyerhaeuser to build their proposed facility.

Most of the shoreline of the DuPont site is conservancy and the strip by the existing DuPont wharf is urban. The intent of a conservancy environment is to protect, conserve, and manage existing resources and valuable historical and cultural areas in order to ensure continued recreational benefits to the public and achieve sustained resource use. The urban environment is to ensure optimum use of shorelines within urbanized areas by providing for many urban uses. The dEIS states that shorelines suitable for urban uses are a limited resource and emphasis should be given to development within already developed areas (3.1.1.2). The DuPont shoreline is not highly developed. The Department of Ecology (WA State) had originally accepted the DuPont wharf urban designation with the understanding that the future use would not be more intense than the pre-existing use by the DuPont Company. The proposed Weyerhaeuser dock would far exceed the pre-existing use of the wharf area. The conservancy shoreline would be adversely affected by the export facility and thus lose its natural character which is unacceptable in the Shorelines Management Guidelines. The area south of the proposed Weyerhaeuser dock is zoned urban and the proposed dock is in a conservancy area. Zoning would have to be changed in order to build the dock in the preferred location. Even then it is doubtful whether urban and conservancy shorelines can exist side by side. The dEIS does not address this concern.

Regional land use policies are discussed on page 118 (3.2.4). In 1977 the Puget Sound Council of Governments set regional growth policies with guidelines emphasizing minimazation of the cost of future growth by encouraging new development within urbanized areas. DuPont is not a center of industry as the dEIS assumes it to be and the Weyerhaeuser proposal plans it to be. The regional growth policies further state all planning should recognize the need to conserve areas where critical natural processes would be endangered by development. On page 212 the dEIS states, "it (the proposed facility) would enable the continuation and expansion of an existing deepwater dock operation in Puget Sound". As stated previously the past use of the DuPont dock was minimal in comparison to the proposed export center. The importance of this area as one of the last left which is relatively undisturbed has been ignored in such statements as on page 212

The guidelines for shoreline management and planning are supposed to foster rational, wise planning. They attempt to preserve the physical and aesthetic qualities of the natural shorelines and help to prevent the harm in uncoordinated and piecemeal development. The plans for industry in the Nisqually Delta area would destroy the high wildlife value and recreational interests in the area. The proposed facility would not be in the best public interest but would only benefit the corporate concern of Weyerhaeuser. The Weyerhaeuser proposal and dEIS ignore the statewide consequences of the proposed export facility. The Weyerhaeuser proposal is incompatible with shorelines management guidelines and this incompatibility must be addressed in the final EIS.

Sincerely,

Sally Klotz

(58)

25703 16 Avenue South
Kent, Washington 99031

(78)

September 29, 1979

Re: Army Corps of Engineers
Draft EIS on Weyerhaeuser
Export Facility at Dupont,
Washington.

Colonel Leon K. Moraski
U.S. Army Engineer District, Seattle
P.O. Box C-3755
Seattle, Washington 99124.

Dear Colonel Moraski:

I am writing out of concern regarding the impacts of the construction of the Weyco Dupont Export Facility on the Nisqually Delta National Wildlife Refuge and on the entire southern Puget Sound Region.

No matter how carefully designed and operated, there is bound to be a degradation of environmental quality from "minor" oil spills, garbage, other chemical spillage, etc. These kinds of pollution have a cumulative effect, which at first may not be noticeable, but in time takes its toll on the quality of the habitat and the wildlife it supports. R

If this facility is allowed to be constructed it sets a precedent for future developments of similar type in the South Puget Sound area. Thus there would then be added more sources of pollution to effect a het larger cumulative impact on the quality of the water and habitat of the South Puget Sound region. B

Saltwater marsh areas such as the Nisqually Delta are among the most biologically productive areas on earth. They are among the most fragile of habitats. Far too many such areas have already been destroyed from the results of human commercial activities. The continuation of our wildlife heritage today is far more threatened by accelerating habitat destruction than it ever formerly was by the market hunters of earlier years.

Specifically the Nisqually Delta is very important as a resting and stop over area for migrating birds of all kinds. Migrating birds rely on stores of fat to provide fuel and energy for each stage of their flight. When they first arrive at an area such as the Nisqually Delta their fat stores are frequently depleted. They remain in such a rest area long enough to build up their body fat for the next stage of their flight. Thus they fly from one refueling area to another -much as a truck driver travels from truck stop to truck stop. I wonder just how many of these "refueling areas" we can lose or reduce in capacity before we begin to experience a significant loss in the populations of our birds due to their inability to cope with the energy expenditure of ever increasing distances between feeding and rest areas. (Refernce: Senner, Stan, "Delta of the Wind Birds", The Living Wilderness, Jan/March 1979 Vol 42 pp 22-27). J

Therefore I request that you give a more detailed consideration to the possibility of locating this facility in some other less sensitive area before making a final decision. C

Thankyou for considering these comments.

Sincerely,

Ruth Carson

Ruth Carson

(60)

30d 79
A3L

4350 Sunset Beach Dr. NW
Olympia, WA. 98502
28 September 1979

79

U.S. Army Engineer District, Seattle
Post Office Box C-3795
Seattle, Washington 98124

Dear Colonel John A. Poteat, Jr., District Engineer,

I am writing about the Draft Environmental Impact Statement for the proposed Weyerhaeuser Export Facility at Dupont. After careful study, I came to the conclusion that you should not issue the permit required for the development of the proposed Weyerhaeuser Export Facility at Dupont, and here is why:

The Nisqually River Delta is unique in that it contains one of the few undisturbed salt marshes on the west coast of the United States. This highly productive area, which is now protected as a National Wildlife Refuge, is valuable to us all. Economically, the salt marsh provides fish nursery grounds, feeding grounds for birds, and sources of shellfish. Aesthetically, it pleases all human senses. This is evident from the great number of people who take advantage of the area educationally and recreationally.

Salt marshes are very sensitive ecosystems. Their greatest danger stems from human activities, such as export facilities. Weyerhaeuser, if located at Dupont, could destroy the Nisqually Delta salt marsh by pollution. Since the quality of the marine water adjacent to the Dupont site is excellent now, any level of heavy metals and dissolved hydrocarbons in the water near the dock would be caused by the export facility (p. 128). Besides heavy metals and dissolved hydrocarbons, discharge from the dock and emissions from the ships would include zinc ions and leechate. Copper and tributyl tin would be from other sources. Although zinc is dangerous, copper is highly poisonous and its presence in water is not readily apparent. The amount that gets into estuarine water is usually well below that considered poisonous, but it does accumulate in surface and estuarine waters in summer when the waters are warm and do not mix readily with the deeper waters. Heavy metals are trapped in the mud and accumulate there. The salt marsh collects heavy metals by sulfide formation, by concentration in organisms, and by formation of complexes with organic matter. Concentration in organisms is increased at each step in the food chain, including humans--through fish, game birds and shellfish. A method for disposal of dock runoff and sanitary wastes should be considered now, not in the final design of the facility (p. 128). Thermal pollution may result when emissions from ships include cooling water from the engines, 20°F warmer than the ambient water temperature. Fish are generally attracted to the warmer, lethal waters. Minor oil spills would have serious long-term, not short-term adverse impacts by causing slow deterioration of the salt marsh (p. 132). A major oil spill could cause death and an extremely slow recovery afterwards. Workable contingency plans for oil spills should be developed now, not later (p. 135).

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M
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With the decreasing water quality, as well as air quality, the valuable non-renewable salt marsh will slowly deteriorate, as will the plants and animals that live there. These include: the rare bivalve, Rhamphidonta retifera, which was found on the site, the first living specimen reported in the United States; the bald eagle, a Threatened Species, which has nested on Anderson Island in the past; the harbor seal, protected from disturbance by humans under the Marine Mammal Protection Act, has frequently hauled out on the mud flats; and the grey whale, an Endangered Species, has been reported in the Nisqually Reach. These organisms, as well as all others should not be ignored.

J
K

Why should the selfishness of one private company ruin the beauty of Nisqually Delta for everyone else? The quality of human life is already deteriorating. Why deteriorate it anymore? The proposed Weyerhaeuser Export Facility should be located (if located at all) in Tacoma, where impacts on the flora and fauna would be negligible. Why pollute and destroy a clean and productive salt marsh, a resource so valuable to us all?

Sincerely,

Barbara Damron

Barbara Damron

Old Brolin Place
Anderson Island,
Washington 98303

80

Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755,
Seattle, Washington 98124
Attention: Dr. Steven F. Dice

Dear Dr. Dice,

Enclosed is a letter signed by 208 property owners and residents of Anderson Island expressing their interest in the proposed Weyerhaeuser facility at DuPont. Please note that this letterexpresses the views of a substantial majority of full-time island residents (approximately 160 out of 250-260 have signed).

If you should have questions regarding the intent of this letter or the identities of those who have signed it, I would be happy to provide any possible assistance. I can be reached at the above address or, during working hours, at 284-9611.

Would it be possible to arrange a meeting between island residents and representatives of the Corps of Engineers to discuss these issues at greater length? This would probably be of benefit to all.

Thank you for your consideration of our needs.

Sincerely,
Richard G. Anderson
Richard G. Anderson

Department of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

Dear sirs:

The undersigned property owners and residents of Anderson Island wish to express their profound concern over the potential impact of the Weyerhaeuser Company's proposed DuPont Facility on their lifestyles, the value of their properties, and the natural beauty of the surrounding area.

While we do not deny the Weyerhaeuser Company's right to develop the DuPont property in a manner consistent with corporate needs, we ask that permits for such development be granted only with conditions designed to protect the rights and quality of life of those living nearby.

The following adverse impacts are of particular concern and should be more thoroughly addressed in the permit process:

1. Noise. According to the Corps of Engineers' Draft Environmental Impact Statement, noise levels on Anderson Island would be more than doubled during nighttime operations. Since quiet evenings are among the blessings most cherished by islanders, we ask that this impact be studied in greater depth and that nighttime operations be restricted so that present noise levels are not exceeded by more than 5 decibels, that is, approximately 50%.

2. Glare. A quantitative study should be made of lighting and glare from the proposed facility and definitive measures taken to protect the privacy of homes facing the DuPont site.

3. Longterm Risks. The Corps of Engineers has identified long-term risks of oil spills and collisions, with the indication that these risks increase with the level of traffic. Since beach-combing, boating, fishing and harvesting shell-fish are part of our way of life, we request that the question of acceptable risks be more completely investigated and that appropriate limits be established to guarantee succeeding generations a reasonable chance of enjoying the same activities.

Thank you for your consideration.

Name	Address
[illegible]	53 [illegible] 98303
Pamela L. Palmer	Larson Rd Anderson Isl. "
Tami L Palmer	Larson Rd, Anderson Isl "
Leonard Palmer	Larson Rd Anderson Isl. "
[illegible]	123 Seaview Dr Anderson Is. "
[illegible]	53 [illegible] Anderson Island "
[illegible]	Larson Rd. Anderson Is. "
[illegible]	[illegible] "
Margaret Simmons	Anderson Island "
[illegible]	[illegible] "
[illegible]	[illegible] "
[illegible]	[illegible] "
Christ Fiduccia	Larson Road Anderson Isl.
[illegible]	[illegible]

14

E. Eric Knudsen
5037 Hemphill Drive
Olympia, WA 98503

Oct. 2, 1979

81

Colonel Leon Moraski, District
Engineer
U.S. Army Corps of Engineers
Seattle District
Post Office Box C-3755
Seattle, WA 98124

Dear Colonel Moraski:

I would like to comment briefly on the draft Environmental Impact Statement (EIS) prepared by the Corps of Engineers for the Weyco/Dupont project.

I find it difficult to believe that other established ports are not being considered for this facility. The proximity of the Nisqually Delta and the generally undisturbed nature of Nisqually Reach do not lend themselves to such development. There is no stated reason why the proposed export facility could not be accomodated in an existing port area. Nisqually Reach is one of the most beautiful natural areas in Puget Sound; why should we set the precedent for its destruction? C

Another problem I have found with the EIS is that there is no real mitigation afforded for wildlife and wildlife habitat lost as the result of the facility. The project developers should be required to provide protection for acreage of equal quantity and quality to that which will be lost. F

The EIS does not address future plans for the property. How can the Corps make its decision on what impacts the development will have without knowing what the complete development will be like? The public is aware that Weyerhauser realizes that a piecemeal approach will meet the least environmental opposition. In other words, a project with more noise, traffic, habitat loss, and effects on fisheries would be less likely to gain approval. B

I did not find adequate detail on the prevention of water quality deterioration. Small spills of hydrocarbons from ships, docks, and upland machinery are relatively frequent in an industrial operation. How will these be prevented from entering the aquatic and marine environment? F

Furthermore, I think it unwise to build a new port, at the expense of a truly fine natural area, for the stated purpose of exporting logs, at a time when the availability of logs for export may well be decreasing.

As you may have gathered, I am not in favor of this project being built. The negative effects on the environment far outweigh the positive benefits gained for a few individuals in the local economy. I urge you to consider the proposal carefully. Thank you.

Sincerely,

Eric Knudsen

E. Eric Knudsen

7241 Commercial St. NE
Olympia, WA 98506
October 4, 1979

Col. Leon Moraski, District Engineer
U.S. Army Corps of Engineers Seattle District
P.O. Box C-3755
Seattle, WA 98124

82

Dear Col. Moraski;

I wish to comment on the draft environmental impact statement for the Weyerhaeuser Company's proposed forest products export center at DuPont.

By way of background I should first state my qualifications for examining those aspects of the document to which my remarks are directed. I am an urban planner by profession, and among my duties at work are the development of and administration of mathematical models for employment and population forecasting. I received my training in this field in graduate studies in the Regional Science Department of the Wharton School of Finance at the University of Pennsylvania.

My principal concerns with the impact statement involve what I believe are unsupported statements in the document regarding potential hazards to the Nisqually Delta from both catastrophic and chronic low-level oil and other chemical discharges that would originate at a shipping facility at DuPont. When one examines the background studies that are allegedly the basis on which the conclusions in the impact statement are drawn, it becomes clear that in many areas of concern the mathematical models used to simulate spill behavior in the Nisqually Reach are unable to reliably replicate current patterns. The authors of these background studies are candid about their strengths and weaknesses, and are careful not to draw unwarrented conclusions from them. Unfortunately, the authors of the impact statement may have felt more of an impetus to put their client's "best foot forward," and have thus made a number of assertions about spill behavior which are not supported by the data. In the pages that follow I have tried to examine the background studies to better illuminate what is and what is not known about potential hazards to the Delta.

R

I should also state that although I am not an expert in the mathematical modeling of current behavior per se, I am quite familiar with the principles of modeling in general. These principles involve the proper collection of data and the design of procedures to use that data in simulating the real world. It is in respect to the adherence to these principles that my remarks about the Draft E.I.S. are directed.

Physical Impacts on Thurston County

The major physical impacts on Thurston County of the proposed shipping facility are expected to be waterborne, and mainly in the vicinity of the Nisqually Delta and Luhr Beach. Consequently, I have examined the hydrological studies and oil spill modeling and risk analysis with great interest. I think impacts are underestimated in several ways.

A. In concentrating its attention on rates of spills of over 100 gallons, the report DuPont Navigational Risk Assessment neglects the issue of chronic low-level pollution from shipping activities.

The report states, "The larger spills (over 100 gallons) were chosen because most small spills are attributable to transfer operations" (page IV-29). Table IV-14 (page IV-39) does not support this contention, since 27 of the 37 reported spills are due to grounding, "other" equipment or personnel errors, or "unknown." It thus appears quite inappropriate to eliminate spills of under 100 gallons from any further consideration, especially since most spills are under 100 gallons (at least 80% according to Table IV-14). Rates of occurrence for small spills and for inadvertent or illegal discharge of oily ballast or bilge water (probably more common but only mentioned--not analyzed--in the report) should be calculated.

It must also be noted that according to Washington State Department of Ecology records (Water Pollution Incidents Reported in Washington State During 1974, January, 1976), "unknown" causes account for six out of every ten incidents; for example, an oil slick appears on the water, nobody is sure where it came from, and nobody is about to admit that it is theirs (see Table 5). Illegal bilge discharges are a major source of incidents in this category, and the only way to prevent them from occurring is to place a Department of Ecology agent with a whistle and a gun on every ship. Because over half the reported pollution incidents are perpetrated by persons unknown, a rate of spill occurrence projected solely on the basis of incidents with known causes would probably be too low by a factor of two.

R

Some spills even go unreported to either the Coast Guard or the Department of Ecology, as noted on page 11 of the Addendum to the Navigational Risk Assessment Report. Another source of chronic water pollution will be oil drippings (from the heavy truck traffic on the dock) washing into the water.

Chronic low-level pollution must be recognized as a serious problem. According to a scientific paper published in Fishery Bulletin:

> Assessments of the impact of oil pollution cannot depend solely on evaluation of immediate kills of organisms from acute exposures. Chronic low-level oil pollution can cause subtle changes in organisms and is potentially more dangerous to the ecosystem than dramatic catastrophic spills. . . . The cumulative impact of "ecological death" of individuals which have impaired functions may be quite significant, yet difficult to assess because the death is not tied directly to an acute oil exposure. Equally as dangerous is the potential impact on populations where reproductive processes, adversely affected through physiological or behavioral mechanisms, result in fewer progeny. Chronic pollution may eliminate a species from an area entirely, and once eliminated that species may remain suppressed and may not repopulate the area because

> of continuing pollution or because its niche has been filled by a more tolerant, possibly less desirable, species.[1]

The studies undertaken by The Evergreen State College under contract with Weyerhaeuser clearly support this conclusion. On page 61 of A Survey of the Intertidal Macro-Fauna and Flora in the Vicinity of the Proposed Weyerhaeuser/DuPont Deep Water Port and the Adjacent Nisqually Delta, the report states:

> Benthic diversity at the Nisqually Delta is much greater than at the mouth of the Snohomish River. Approximately five times as many species were found on the Nisqually Flats, versus the Snohomish. . . . Differences between the Snohomish/Duwamish estuaries and the Nisqually River Delta can be most easily explained by pollution. Non-point source pollution (from watershed development) and direct human activities undoubtedly altered physical and chemical factors (i.e., organic matter, toxic material, sedimentation) to such a degree in areas like the Snohomish and Duwamish, that the benthic diversity was seriously curtailed.

R

Although the degree of development initially proposed for the DuPont site is less than that of Everett and Seattle, that which is proposed can reasonably be expected to have a proportionately adverse impact on the marine ecosystem at and near the site. Any subsequent industrial development would add to the impact. The Draft E.I.S. recognizes on page 129 that water quality at the site will be degraded, but prefers not to consider this a significant problem.

B. The data indicates that the computerized hydrology and oil spill model is seriously limited in its ability to accurately predict current directions and velocities in the vicinity of the Nisqually Flats, and that these limitations seriously compromise the validity of the conclusions that are drawn by the Draft E.I.S. These limitations are based both on shortcomings of the hydrological data collection procedures employed and of the design of the computer model.

According to Chapter 1 of the DuPont Site Hydrological and Modeling Studies (hereafter referred to as the Study), no current meters were moored on the Nisqually Flats, although one (no. 17) was

[1] Dale Evans and Stanley Rice, "Effects of Oil on Marine Ecosystems," Fishery Bulletin, Vol. 72, No. 3, 1974, page 635.

moored at the edge of them. Supplementary current measurements were taken by boat at two locations on the Flats (stations no. 16 and no. 18) on no more than 13 occasions (see Figure 1-1 and Table 1-2), and at eight additional locations (see Figure 1-17) on one occasion, i.e., August 10, 1977. Continuous monitoring at the moored stations revealed complex eddy currents. Such eddies are also known to exist in the extremely shallow areas of the Nisqually Flats, but the spot checks used for data gathering on the Flats are not adequate to provide a profile of current behavior throughout the daily and annual tidal cycles. Can the data from the deep-water moored stations be extrapolated to cover the shallow areas as well? On page 15, the Study says no: ". . . Currents in the extremely shallow areas of Nisqually Flats have almost no relationship to those measured at station 2" (in deep water at the center of the channel).

The computer model takes a somewhat sparse data set and further cuts corners. First, the bathymetric representation of the Nisqually Flats and Reach basin (Figure 3-3) depicts the water as being 40 feet deep over the Flats, rather than 0 to 15 feet, with fluctuations of up to three-quarters of a mile in the location of the shoreline as the tide goes out. (Failing to account for the fluctuating shoreline causes the computer model to overlook the tendency of oil to be beached by the receding tides.) At the September 11 meeting,* Mr. Grant Daly of the U.R.S. Company candidly admitted that this was one area where the limitations of the computer model prevented it from accurately reflecting the real conditions in the Nisqually Flats area, and that the modelers were forced to rely instead on educated guesswork to develop their current patterns. As indicated on page 91, "Particular parts of the Delta area were excluded because of model limitations."

R

Second, the nodal network representing the study area (Figure 3-4) has a relatively small number of nodes to describe the complex current behavior in the Nisqually estuary. This oversimplification further limits the accuracy of the model in the delta area. The Study states on page 86:

> It is apparent from Figure 3-4 that certain areas have a greater number of nodes than others. The additional network detail is necessitated by the rapid changes in flow and velocity gradients usually experienced around corners, near shoals, and in confined areas.

As indicated above, some parts of the Delta were not included in the network at all.

Thirdly, the model divides the study area into polygons (see Figure 4-1), then averages the current velocity and direction data from all the nodes within each polygon. The average figures are then

*September 11, 1978

assumed to hold throughout the entire polygon, further degrading the quality of the data. Only four large polygons are used to represent the entire estuary and tide flats.

Fourth, the model attempts to predict current velocity and direction in 15-minute increments. There may be a reasonable data base on which to make such projections in the main channel, where continuous monitoring was done with the moored current meters, but the spot checks used to gather data on the Nisqually Flats would seem quite inadequate to provide enough information in that area.

The question naturally arises as to whether these modeling limitations actually have a significant effect on the accuracy of the output. The best test is provided by the drogue studies that were undertaken. These studies indicated that both current direction and velocity, particularly of surface water, was poorly predicted by the model in the Nisqually Flats area, even though it may have been relatively accurate elsewhere. Figures 1-33 and 1-34 show the surface drifters and submerged (at 1 meter) drogues taking roughly 2 to 2.5 hours to drift over the Nisqually Flats almost to McAllister Creek, on a flood tide. The model predicted three to four hours (see Figure 4-20), implying that there would be more time to clean up a spill than would actually be the case. (On page J-1 of the D.E.I.S. it is suggested that all positions on a response team would not be staffed until 3 hours went by.) The model even assumed a light breeze to hurry the slick along on the fastest flood tide of the year, while the drogue experiment used drifters designed to float just below the water's surface to avoid wind effects. R

The directions taken by the drogues also do not support the model's predictions. The model predicts that currents would more closely parallel the general curve of the shoreline, trending southerly near the DuPont wharf, then westerly in front of the Delta, then northerly again (see Figure 3-11). The drogues actually drifted more directly to the Delta. The implication for oil slick behavior is that there would be a greater probability that spills would end up in the estuary rather than on the shoreline immediately south of the DuPont wharf, as proposed by the model under several test conditions involving neap flood tides (i.e., Trajectory Runs 2A, 3A, and 4A, Figures 4-15, 4-16, and 4-17 respectively).

The limitations of the model in predicting current behavior are recognized by its designers, and are reflected in the text. For example, the summary of error statistics on page 100 shows an average difference of 32% between observed and predicted velocities at the mid-channel moored current meters. No such error analysis is offered for the Nisqually Flats area (no doubt because of the lack of data), but on page 22 the report states that surface waters move from the DuPont wharf to the Delta in 2.5 hours, while the model predicted 3.75 hours, a 50% error. Curiously, the text

refers to this as "close agreement." The inability of the model to reproduce eddy currents is also recognized on page 101:

> Due to the model's inability to simulate the eddies that dominate surface circulation during times of slack water and low velocity, significant deviations between observed and simulated directions occurred at these times. These eddies were not important when considering net current motions, but certainly will affect the dispersive characteristics of the surface waters.

Dispersive characteristics are naturally of critical importance in determining where a slick--or parts of one--will end up once it nears the estuary.

On page 139, the authors also identify another weakness:

> The influence of the Nisqually River discharge was not included in the current model and hence was not reflected in the trajectory or the dispersion runs. It has been demonstrated that two-layered density flows exist in the Nisqually River (see Section 1), but spill modeling theory at present cannot fully handle freshwater-saltwater interactions.

c R

C. Mild assertions are made about the potential effect of Nisqually River flow on oil dispersion in the estuary. On page 21 the Study states:

> The difference in density between the (river) plume water and Nisqually Reach water creates surface shear zones in which floatables and surface drifters accumulate. Whether a fuel oil slick would float over the plume water after crossing the shear zone, or spread along the shear line, is not known.

Speculative assertions are made repeatedly in the modeling study that an oil slick might be kept out of the estuary by the freshwater plume. Then on page I-2 of the Draft E.I.S., U.R.S. Company asserts that the plume "would form somewhat of a barrier" (emphasis added). Still no experimental evidence other than the presence of drifters is offered either to prove or disprove the hypothesis. Drifting matter may or may not have bouyancy properties similar to oil, but they definitely do not have the spreading characteristics of oil. Due to the lack of supporting evidence, the hypothesis should either be proven or dropped from the discussion.

Note also that on page 20 the Study states, "During flooding tidal conditions the Nisqually River plume could only be located in the shallow western part of Nisqually Flats. . . ." When located on

the west side of the Delta, the plume would be hard pressed to retard the entrance of an oil slick from the east.

D. Finally, the Study indicates that contaminants will move from the DuPont wharf toward the Delta on flood tides during calm conditions as well as during northerly winds. Consequently, the statements on the probability of oil contacting the Delta which consider only northerly winds (page 139 of the Study and page 1-2 of the Draft E.I.S.) understate the true probabilities. Table 4-2 on page 129 indicates that calm or northerly wind conditions occur 33.7% of the time in the summer and 12.5% of the time in the winter. Since tides are in flood stage half the time, conditions likely to carry oil to the Delta occur about 17% and 6% of the time in the summer and winter respectively. Ignoring calm conditions, the Study on page 139 gives 7% and 6% probabilities for summer and winter respectively. These figures should be revised upwards, with the frequency and impact of easterly winds also addressed.

E. In summary:

1. The likelihood of pollution incidents at the DuPont site is underestimated by considering only data on large oil spills of known causes,

2. The adverse effects of chronic low-level pollution are glossed over,

3. The marine hydrology studies gathered insufficient data on current behavior over the Nisqually Flats by only making spot checks,

4. The computer model was unable to replicate either the shallow tideflats or the freshwater-saltwater interface of the Nisqually estuary (its two most important characteristics), necessitating guesswork in the place of systematic analysis,

5. The model accordingly was unable to accurately predict either current directions or velocities in the vicinity of the Nisqually estuary, erring by roughly 50% as shown by the drogue studies,

6. The assertion that the Nisqually River plume would deter an oil slick from entering the estuary is unsubstantiated, and is unlikely since on a flood tide the oil approaches from the east while the plume is on the west side of the Flats, and

7. The probability of conditions favoring transport of contaminants from the DuPont wharf to the estuary is underestimated by leaving out calm weather conditions.

R

Finally, after having spent seven pages making uncomplimentary observations about the document, I would like to say something good about it. In general, I think it is an excellent document from the point of view of clarity and scope. It is not an easy task to write a document of this magnitude and complexity and have it come out so straightforward and lucid. This is a notable accomplishment, and the Corps of Engineers, Weyerhaeuser, and its consultants are to be congratulated.

I also thank you for the opportunity to comment on it, and I hope that these comments will be of use to you.

Sincerely,

Peter Swensson

Peter Swensson

TABLE IV-14 Causes of Dry Cargo Ship Spills (Zone 175, 1973-1975)

	Number* of Spills	% of Total	Volume of Spills (in gallons)	% of Total
Structural Failure or Loss				
Casualty				
Collision				
Grounding	1	3	50	1
Fire/Explosion				
Capsizing/Overturning				
Sinking				
Other				
Non-Casualty				
Hull/Tank Rupture/Leak				
Other				
Equipment Failure				
Pipe Rupture/Leak				
Hose Rupture/Leak				
Valve Failure	2	5	403	10
Pump Failure				
Other Rupture/Leak				
Other Equipment Failure	11	30	149	4
Personnel Error				
Tank Overflow	5	14	135	3
Improper Valve Operation	3	8	3,110	78
Improper Hose Handling				
Other Improper Equip. Handling/Op	4	11	20	1
Other	5	14	39	1
Intentional Discharge				
Bilge Pumping				
Ballast Pumping				
Other				
Natural or Chronic Phenomena				
Unknown	6	16	79	1
Total	37	101	3,983	100

*3 Spills of Unknown Volume Not Included

OIH

TABLE 5

REPORTED WATER POLLUTION INCIDENTS IN 1974, BY CAUSE

		Number	Percent of Total	Percent of Known
1.	Unknown	1006	61.1	--
2.	Equipment Failure	157	9.6	24.9
3.	Human Error	124	7.8	19.7
4.	Deliberate Dumping	93	5.7	14.7
5.	Poor Housekeeping	62	3.8	9.8
6.	Traffic Accident	53	3.2	8.4
7.	Soil Erosion and Run-off	32	2.0	5.1
8.	Marine Accident	18	1.1	2.9
9.	Aquatic Bloom	16	1.0	2.5
10.	Unauthorized Project	3	.2	.5
11.	Authorized Project (e.g. dredging)	2	.1	.3
12.	Washing Operation	1	.1	.2
13.	Low Flow	0	0	0
14.	Pest Spraying	0	0	0
15.	Weed Spraying	0	0	0
16.	Unavoidable Event	0	0	0
17.	None	0	0	0
18.	Other	70	4.3	11.0
	TOTAL	1637	100.0	100.0

Source: Water Pollution Incidents Reported in Washington State During 1974, Department of Ecology, January, 1976.

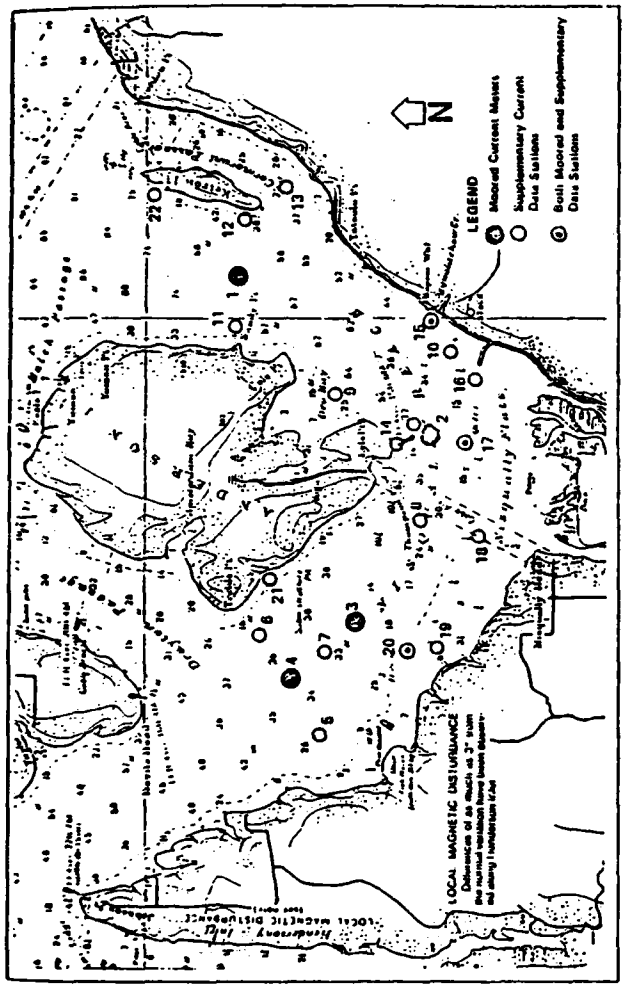

Figure 1-1
WATER CURRENT DATA COLLECTION STATIONS

Table 1-2. HYDROLOGICAL FIELD DATA COLLECTION ACTIVITIES

Date	Activity
6 May 1977	Moored current meters at four stations
2 June	Serviced current meters at stations 1, 3, and 4
3 June	Serviced current meters at station 2
26 June	Serviced current meters at stations 1, 3, and 4
28-30 June	Drogue releases and supplementary current measurements
3 August	Serviced current meters at station 1
4 August	Serviced current meters at station 2
10 August	Density profiling and supplementary current measurements
11 August	Serviced current meters at station 3
6 September	Density profiling and supplementary current measurements
8 September	Serviced current meters at stations 3 & 4
9 September	Serviced current meters at station 1
14 September	Density profiling and supplementary current measurements
15 September	Drogue releases and supplementary current measurements
20 & 21 September	Drogue releases
11 October	Serviced current meters at stations 1 & 2
13 October	Serviced current meters at stations 3 & 4
3 & 4 November	Drogue releases and supplementary current measurements
28 & 29 November	Serviced current meters at stations 1, 3, and 4
7 December	Supplementary current measurements
19 December	Drogue releases and supplementary current measurements
6 & 7 February 1978	Serviced and removed current meters from station 4. Set new mooring arrays at stations 15, 17, and 20.
13 February	Supplementary current measurements
27 February	Drogue releases and supplementary current measurements
25 April	Drogue releases
28 April	Removed current meters and mooring arrays at stations 15, 17, and 20

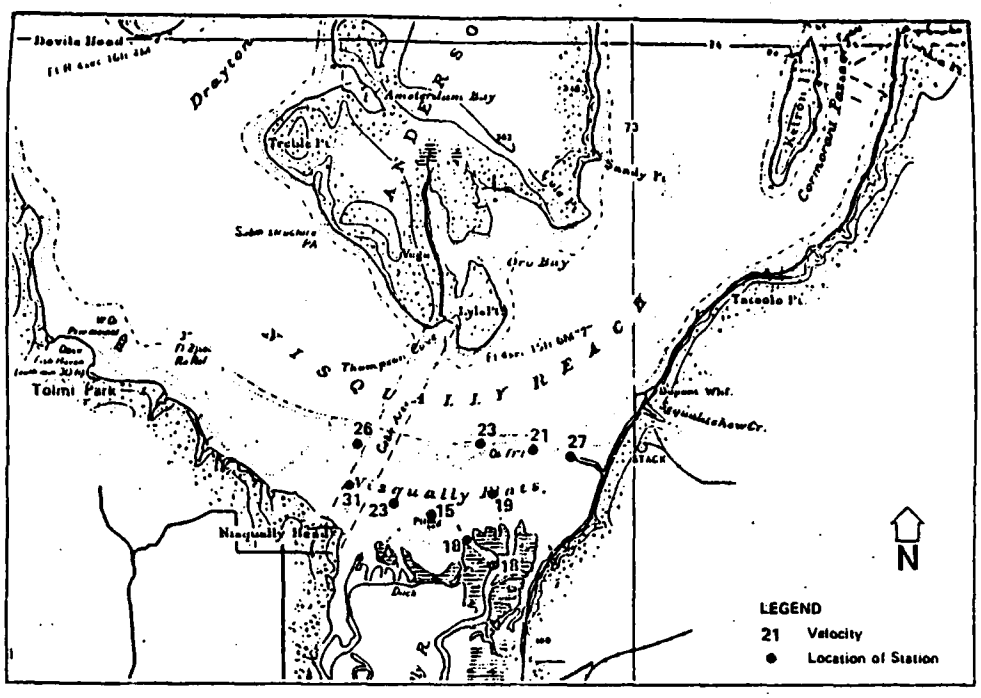

Figure 1-17

SURFACE CURRENT VELOCITIES (cm/sec) COLLECTED ON NISQUALLY FLATS BETWEEN 1207 AND 1420, DURING FLOOD TIDE, 10 AUGUST 1977

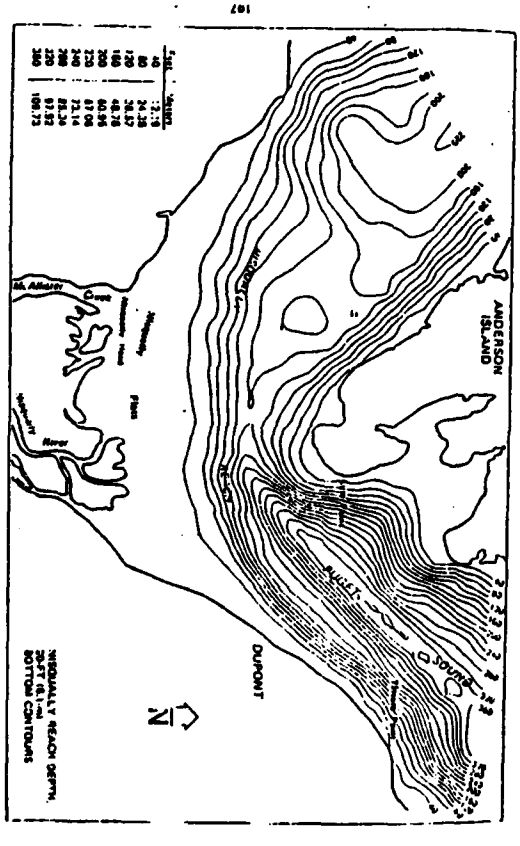

Figure 3.3
MODEL BATHYMETRIC CONTOURS

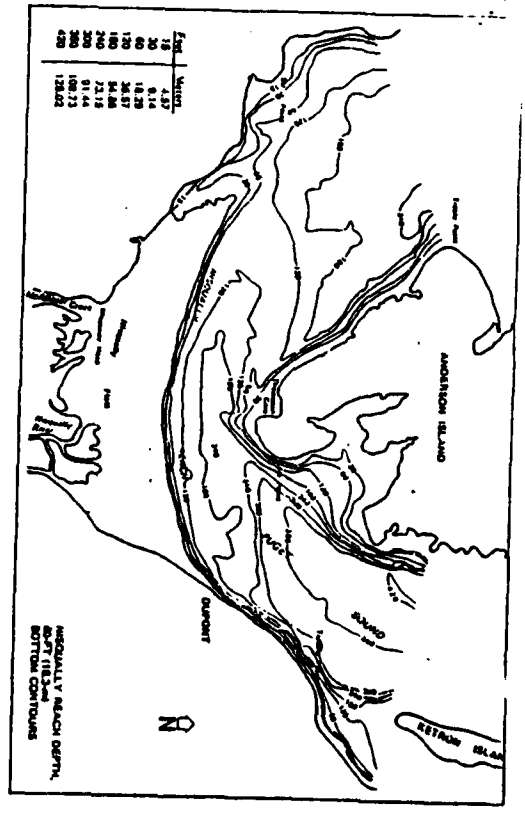

Figure 3.2
OBSERVED BATHYMETRIC CONTOURS

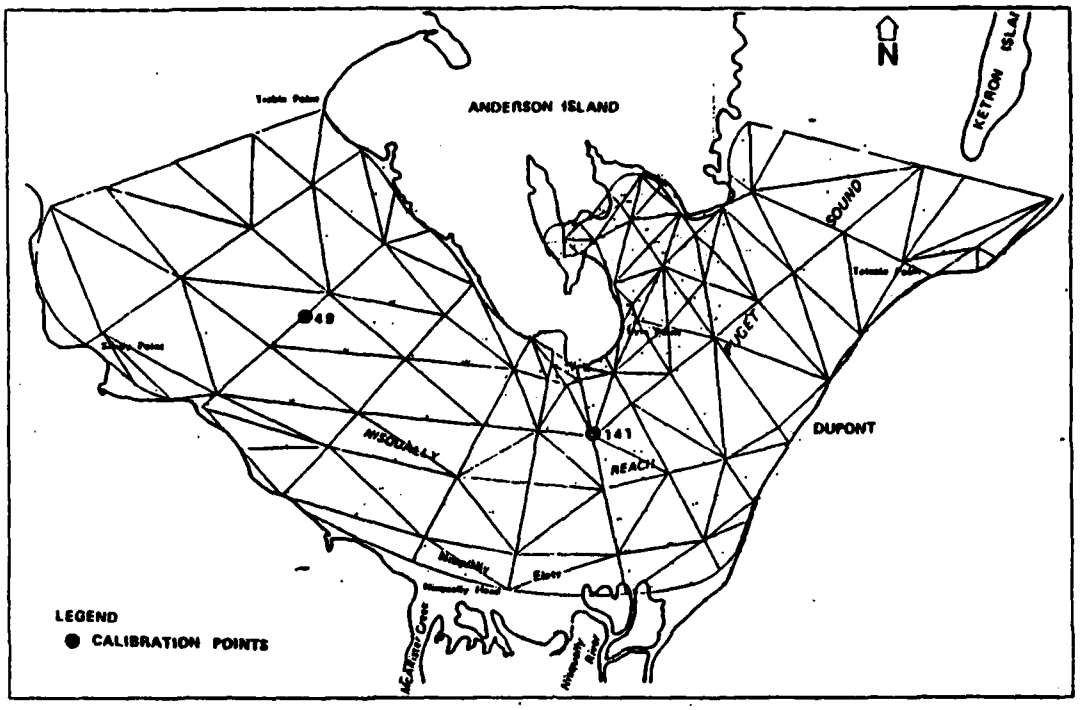

Figure 3-4
NODAL NETWORK REPRESENTING STUDY AREA

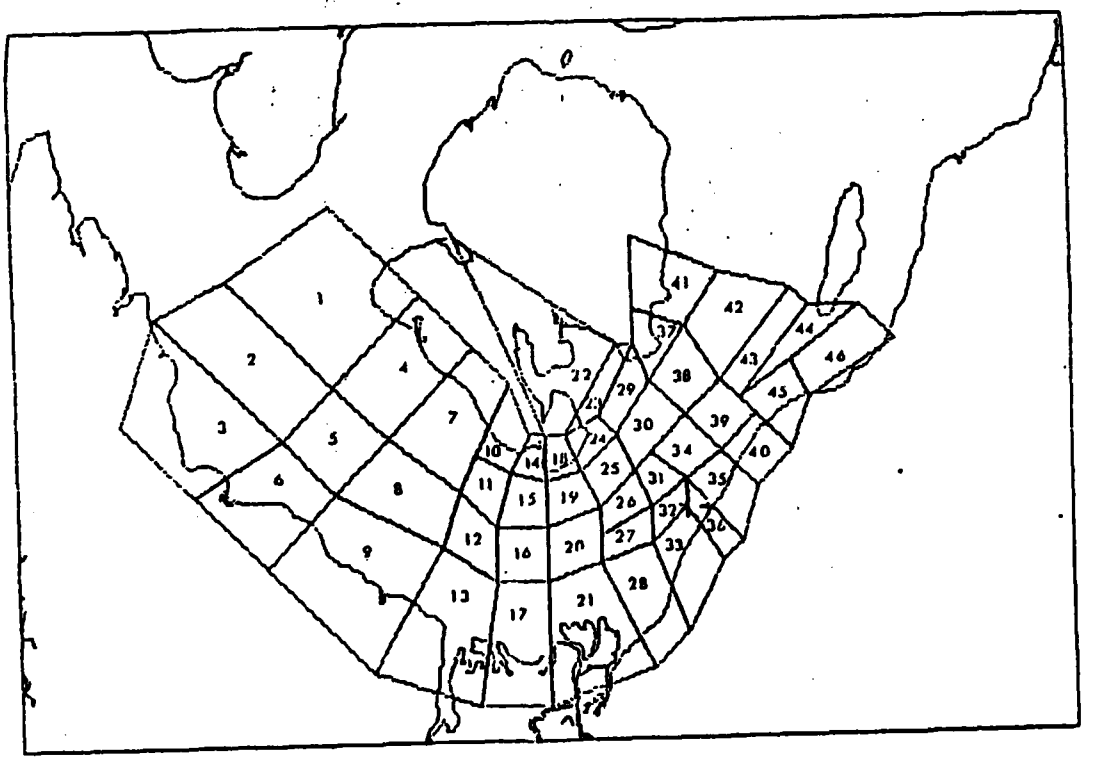

Figure 4-1
TIDAL POLYGONS FOR INTENSIVE AREA CURRENT MODEL DATA

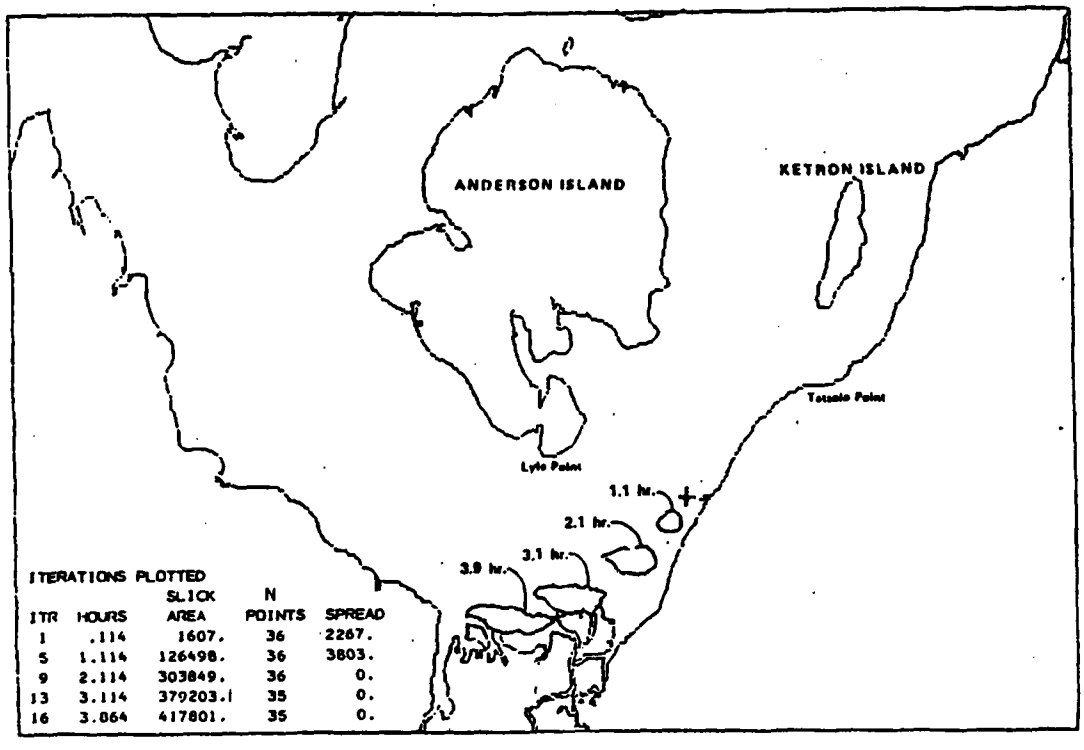

Figure 4-20

DISPERSION RUN X - SPILL AT SLACK BEFORE FLOOD (2:00 PM, 3 JUNE 1977)

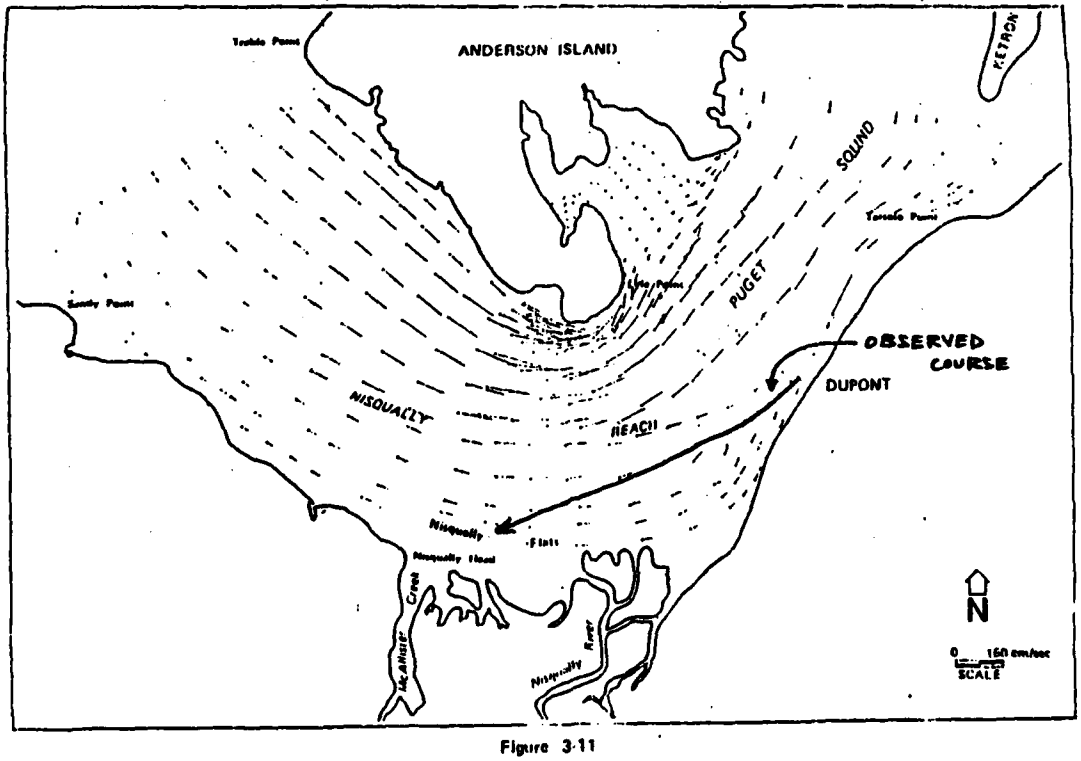

Figure 3-11

CURRENT VECTOR PLOT (5:00 PM, 3 JUNE 1977)

(68)

Oct. 4, 1979

P.O. Box 181
Olympia, Wash.
98507

Colonel Leon K. Moraski
District Engineer
U.S. Army Engineer District, Seattle
P.O. Box C-3755
Seattle, Washington 98124

(83)

Re: 071-0YB-1-005087
Weyerhaeuser Company

Dear Colonel Moraski:

As a reviewer of Corps of Engineer activities in Washington State since the passage of the State Shoreline Act and the Federal Coastal Zone Act I have noted some significant changes in the handling of Section 10 permit requests. In particular, the Port of Everett and Port of Grays Harbor planning activities come to mind as almost revolutionary developments in how to achieve protection of resources while allowing development to proceed.

The same type of leadership by the Corps in the above referenced permit action is required if Nisqually Reach is to be protected while the Weyerhaeuser Co. is allowed to proceed with its important mission of providing economic stability to the region.

Before granting the permit, you have the ability to investigate the need for the facility. The Draft EIS prepared for you by URS is deficient in addressing this important point. For instance, Data Resources Inc. of Lexington, Mass., a consultant for the Forest Policy Project of the Pacific Northwest Regional Commission, has recently made a

A

preliminary estimat that log exports to Japan from Washington State will cease by 1985. The impacts of economic factors such as this on port needs in Puget Sound are obvious. You should not be granting a permit for new harbor development in Puget Sound with its obvious environmental impacts until a complete assessment of need is made.

A

You have the authority and capability to require the applicant to produce relevant trade figures to support their contention that Dupont is the necessary 21st Century Port on Puget Sound. Such figures subjected to public review during this Permit Process would go far to resolving the current conflict.

It is my firm belief that review of the need for this facility would reveal to the federal and state government and to the Company several more cost-effective alternatives than the development of Nisqually Reach.

I urge you to conduct such a review with full public participation before proceeding further with this permit process.

Sincerely
Dave Howard
Dave Howard

CC: Senator Magnuson
Representive Bonker

(69)

P.O. Box 9378
Seattle, WA. 98109
RF
October 3, 1979

(84)

Bob Spearman
Regulatory Functions
Army Corps of Engineers
P.O. Box C-3755
Seattle, WA. 98124

Corps permit reference # 04B-1-005037
Weyerhaeuser Company - Dupont, WA.

Dear Mr. Spearman:

After reviewing the draft EIS on the above permit, I would urge you to deny this permit for the following reasons.

1) the economics of the project do not warrant the dock facilities A

2) proper buffer zones have not been established between the refuge and this loading dock and log-storage facility

3) mitigation for the adverse effects of this project have not been approved F

4) all the alternatives to the project have not been explored C

5) the granting of this permit would not be in the public interest but would adversely effect the refuge area and delta which are in the public interest. A

For the above reasons, I recommend denial of permit # 005037.

Sincerely,
Liz Greenhagen

(73)

P.O. Box 9578
Seattle, Wa. 98109
October 11, 1979

(85)

Steve Martin
Environmental Resources Section
Army Corps of Engineers
P.O. Box C-3755
Seattle, Wa. 98124

Dear Mr. Martin:

After review of the draft EIS on the Weyerhaeuser - Nippon Export Facility, I have the following comments.

1) I do not think the economics of the project have been fully developed enough that such a permit should be granted. Weyerhaeuser has not fully explained the need for such a docking area for log export in view of the present market and the possible ban on log exports. What about the future market for export of finished timber products? What about the proposed widening project in Grays Harbor? All the alternative sites and the future market for log exports have not been presented. The entire issue of the economics and such a future have not been adequately reviewed. A

2) What future development does Weyerhaeuser propose for the site? Future plans and the economics of such change must be addressed in greater detail. What is the proposed term usage for this facility? Where will new expansion be proposed and what type? The long-range plans for this area must be presented. B

3) Buffer areas for the refuge areas have not been defined. A permit cannot be granted until these areas are defined and found to be sufficient and that damage to the delta will not result. This area is very weak in the draft EIS and cannot be overlooked. F

4) Mitigation plans have not been defined. A permit cannot be granted until these areas are agreed upon. In determining areas for mitigation, representatives from US Fish and Wildlife, Nisqually Delta Association, Friends of the Earth, Washington Environmental Council, and the Audubon Council must be included. Mitigation for the adverse effects of this project must be worked out before any permit is granted. There are too many adverse effects and future problem areas to resolve before a permit should even be considered. F

An environmental board should be established to determine suitable mitigation and the effects of long-range adverse impacts associated with this project. Where and if agreement has been reached, then such impact could be used to review a favorable permit granting, if all issues have been resolved and the adverse effects mitigated.

5) There must be water quality monitoring to insure that the delta is not adversely impacted and that Weyerhaeuser will not destroy the surrounding area. There must be provision made for enforcement of such standards. F

The basic weak areas of this EIS are the lack of a present plan for mitigation, a full explanation and exploration of the economics of the project, the future overall development plan, more definition of alternative site areas and the real economic need for this site at Nippon. U B C

The granting of this permit would not be in the public interest because one wildway would adversely effect a shoreline of Statewide significance and all the adverse effects have not been resolved or mitigated satisfactorily at this time. E

I would also support the positions of the Nisqually Delta Association and advise that their concerns be addressed and answered.

Until all the weak areas, questions and concerns have been resolved, no action can or must be taken on permit # 005017.

Sincerely,
Liz Greenhagen

(71)

430 S.W. 206th St.
Seattle, WA 98166
Oct. 9, 1979

RE: Draft EIS for Weyerhaeuser export facility at Dupont, Washington.

(86)

Army Corp of Engineers
P. O. Box C-3757
Seattle, WA 98124

Dear Sirs:

Please deny the permit to constuct the dock.

Please analyse to a greater extent the draft of environmental impact statement on the total environmental effect of the future development of 3,000 acres owned by Weyerhaeuser. B

Thank you.

Sincerely,

Laura Deschner

Laura Deschner

17

RF

7438 S.E. 32nd
Mercer I., Wa.
98040
Oct. 14, 1979

87

Dear Sir,

I am writing concerning the Environmental Statement for the Weyerhaeuser Experimental Facility at Dupont, Washington.

I am very concerned about this area as a nesting & feeding place for birds & must the area around be protected from any further development.

Please deny the permit & give careful thought to the future use of the 3,000 acres in this area

1126

J

B

in terms of how this area can be of value to people as a wild life area better than as a commercial development.

Thank you

Gwen & Tom
Sobieralski

(78)

United States
Army Corp of Engineers
Seattle District

(88)

Oct 14 1979
Susan Wertz
6034 Butterball Ln N.E.
Olympia, Wa. 98506

My name is Susan Wertz. I live across Nisqually Reach at 6034 Butterball Cove in Thurston County. I look out over the reach everyday--Mt. Rainier, The Nisqually Delta and the Dupont-Weyerhauser site.

The EIS does not speak to the main issue in question. Our states Shorelines Master Plan was established to preserve the shorelines for the people and the children of the future. Weyerhausers proposal is the first serous testing of this legislative Act. Let us review the simple facts: 1) The shorelines in question have been designated shorelines of statewide significance. (only three other areas in the state) 2) The federal government with the public's money has spent over 2 million dollars establishing the Nisqually Delta Wildlife Refuge. 3) Weyerhauser purchased lands immediately adjacent to the wildlife refuge and on shorelines of statewide significance. 4) Weyerhauser buys the city of Dupont promises them $300,000 per year in revenue, then the Dupont City Council changes the shoreline zoning. E

I say HUMBUG. Why can a big money industry lean on and rearrange the states meaning of the laws. The EIS states several alleged reasons why Weyerhauser feels their port is in the public interest, but it really is just a question of economic forecast for Weyerhauser and PROFIT. Weyerhauser does not represent the public... it is a private corporation looking out for its own interests.

I feel the permit should be denied for the following reasons:

1. The proposal is not in the best interests of the public. We must protect valuable natural resources. There is no demonstrated need for this port--only vague statements by Weyerhauser of future economic foreign market trends. Weyerhauser would survive without it. A

2. I maintain the Eis did not address adequate alternate locations on the West Coast. I don't believe that areas at Cherry Point and Port Angles are "unacceptable" because of a non-central location--I believe the Dupont Site just came up for sale first and was convenient for the project that was on the drawing board at the time. Hawks Prairie also was never seriously considered--the water is much too shallow. C

3. The extent and permanance of the detrimental effects which the proposed structure will have on the public uses to which the area is suited far outweighs any beneficial effects. Adequate addressing of this issue was missing. The nearby area is used for sports and commercial fishing, boating, hunting, shellfish harvesting etc. I feel many of the negative effects were glossed over. No concrete facts were established on effects of port facilities on inter-tidal and sub-tidal life in other areas. There was a lack of evidence for establishment of "better" communities (biotic) after pier is built. Many of the statements were undocumented. Resources listings were scanty--many times studies can be found to support either side of an issue. L K

4. You must also review this proposal in relationship to the cumulative effect created by other existing and anticipated structures or work in the general area. EVEN though each structure and proposal must by law go through the review system--more docks or piers would possibly be proposed in this area on the precept that if one pier is all right, why not two or three. I am especially referring to the Hawks Prairie Proposal. Also Weyerhausers pier is just a forerunner of a wood processing and pulp mill. B

5. Because the site in question is immediately adjacent to the Nisqually Delta Estuary, I believe the following criteria for wetlands should be observed.

a) The Nisqually Estuary constitutes a productive and valuable public resource. Unnecessary alteration or harming of this should be discourage as contrary to the public interest.

B) The Nisqually Delta serves important natural biological functions including food chain production, general habitat and nesting, spawning, rearing and resting sites for aquatic and land species.

C)The Nisqually Delta has been set aside for study of the aquatic environment as a refuge.

D)The proposed pier will alter detrimentally natural drainage characteristics, sedimentation patterns, salinity distribution, current patterns and other characteristics

In conclusion, I strongly urge the Corp of Engineers to deny the permit on a basis of public interest.

However, I do believe Weyerhauser should have equal review and consideration in the permit process as does the private citizens of our state. Our neighbor was granted a permit by the Army Corp. of Engineers for a boat house extending 6 feet beyond his bulkhead after a review and revision period of [illegible] months. At this rate (¼ foot or 3 inches per month), and Weyerhausers proposed pier extending 1,315 feet or 15, 780 inches, it should take about 5,260 months or 438 years for this permit to be approved. I would support this time-line.

Thank you

Susan Wertz

Sincerely, Susan Wertz

Ruth Weisberg

9815 D'Milluhr Road NE
Olympia, Washington 98506
18 September 1979

Seattle District
U. S. ARMY CORPS OF ENGINEERS
Post Office Box C-3755
Seattle, Washington 98124

89

Sir:

I hereby submit in writing my comments on the Weyerhaeuser Corporation proposed deepwater port to be located at DuPont. This includes the oral testimony I presented at public hearing on 12 September.

Good evening. I am Ruth Weisberg. I live just beyond Luhr Beach Public Access in Thurston County, overlooking the Nisqually Delta and directly facing DuPont. The distance from our home to the proposed pier is roughly three miles.

As you know, three miles of open water or tide flats is not far when flood lights, heavy machinery noises and other port activities encroach on a quiet and natural area. My family selected this site over any other in the world and my husband and I are too old to relocate for our declining years. Also, there is no way that we could replace our home and view property, which the tax assessor assures us has doubled or tripled in value in the past ten years.

We, and our neighbors, will be impacted by the Weyerhaeuser Corporation's proposed log export facility. So will thousands of people of the Northwest who cherish the quality of life and the unspoiled areas of the Nisqually Delta and Southern Puget Sound. So will the majestic great blue heron, cormorant, salmon, perch as well as the lowly oyster and geoduck. So, also, the furry animals from red fox and raccoon to deer.

DuPont is our first view in the morning and the last at nightfall. We enjoy the water and shore birds of the delta, occasionally launch our small boat for a fishing or photographic excursion. We buy succulent oysters from the nearby oyster farm where our son once worked. We eat the fine seafood of surrounding waters. Friends from around the world have thrilled to the unspoiled beauty of the site.

Although I oppose permitting Weyerhaeuser Corporation--or anyone else--to build a new port at DuPont, I am not anti-capitalist in my position. I applaud Weyerhaeuser's plan to update its operations to compete in world markets and I sincerely wish more U. S. industries were taking this step so vital to our national economy. However, the DuPont site presents environmental considerations which make such a port facilty unfeasible. These problems were throughly aired when Burlington Northern proposed its port on Nisqually Reach, and this should have given Weyerhaeuser Corporation an indication that the people of the Northwest would fight to protect the ecology of Southern Puget Sound.

The environmental studies funded by Weyerhaeuser Corporation could in no way forecast the impact of the proposed port activities on water quality and other ecological aspects; the most they could do was to provide baseline studies by

which to measure pollution after the fact. Too late to deny the permit! Weyco claims that planning and scientific research has cost $2.5 million and three years. It does not break down the cost and time for planning, and for scientific research. This may be a very misleading statement. Environmental studies appear to me to have made up a small part of that $2.5 million.

Weyerhaeuser Corporation is diversified into several areas of activity scattered throughout several states and foreign countries. What proportion of its income is now derived from log export? Is it not true that Weyco is greatly expanding its log exports in competition with other such established giants as Simpson? With professional forecasts of decreasing log exports, how does Weyco propose to justify a seventy million dollar log export facility? Is it possible that the proposed port will serve an industrial complex encompassing not only logs, wood and paper products but also unrelated activities? Activities not revealed to the public or to the Corps of Engineers?

Mr. Phil White informed me (Lacey Area Chamber of Commerce, 14 March 1979) that Weyerhaeuser Corporation has no alternate site in mind because it is sure of getting all the permits it needs to proceed at DuPont. In studying the problem I have become convinced that higher profit is the prime consideration for selecting the DuPont site--and the public be damned! By taking advantage of certain legalities pertinent to the incorporated City of DuPont, Weyco escapes certain zoning and environmental restrictions. But even with this legal loophole, there are federal, state and local laws governing the use of our shorelines, and I do not believe Weyco will be able to comply with them fully in carrying out its plans.

The DuPont site raises controversy because it:

a. is adjacent to the environmentally fragile Nisqually Delta, a national wildlife refuge, where strong tidal action would carry pollutants into the Delta area. The new port would be less than a half mile from Nisqually Flats, the boundary of the Nisqually National Wildlife Refge.

b. would destroy one of the finest fishing holes of Southern Puget Sound, just off the old dock.

c. be detrimental to the chum salmon runs of summer migration.

d. impair the livelihood of one hundred Squaxin Island Indian families, who have been endeavoring to increase chum salmon runs.

e. destroy the ecological balance and beauty of a "shoreline of statewide significance".

f. have a detrimental effect on water-oriented recreation of Southern Puget Sound --a very popular and lucrative industry.

g. create an eyesore, noise and pollution for those people who have deliberately selected the shores of Southern Puget Sound for their homesites and who pay handsomely for the privilege.

Other objections to the Weyerhaeuser proposed port are as follows:

1. Weyerhaeuser has refused to reveal for public scrutiny its comprehensive plan for developing this port and industrial complex. Once permits are obtained, there would be little to stop Weyco from proceeding with an open-end development plan. Will the public be pressured into having another "aroma of Tacoma" or "Longview pollution" operation?

2. Weyco will be exporting more logs at higher profit, also exporting the jobs of our already depressed Northwest timber industry.

3. Operations will be carried out by highly automated machinery, often operating day and night. The argument that this facility will add jobs is highly questionable.

4. Weyco now uses two 1000-foot piers in Tacoma. With a more than 1300-foot pier at DuPont, will it use larger ships? I believe so.

5. Weyerhaeuser insists that its shipping operations will not befoul the waters of the area but I find that hard to believe. Although it is illegal to pump bilges except where there exist facilities to treat polluted water, it is common practice for crews to pump bilges at their convenience. Weyco operations would move polluted water from Commencement Bay to the DuPont pier at the edge of the Nisqually Delta. Ships arrfng from the Far East would off load at Tacoma, taking on water for ballast. Whenloading logs at DuPont, they would pump out the bilges. Even without other pollution, this operation alone would soon alter the ecology of Southern Puget Sound. Although we have the technology to solve such problems, I am not convinced the Weyerhaeuser Corporation will look after the public interest in this matter.

6. Giving permits for a new port at DuPont would establish a precedent leading to more industrialization of the shores of Southern Puget Sound. Instead of a clean, beautiful body of water, the area could become a living sewer. (Tokyo has spent ten years cleaning up its Bay. The pearl oyster beds which used to dot the Bay have long been gone, victims of pollution.) Those industries dependent upon a clean, natural environment would rapidly diminish.

In spite of my concern for the environment, I am far from a "no-growth" advocate. For nine years I have managed a marble import business and I am familiar with some shipping problems. I favor free enterprise--when it does not infringe upon the rights of others. Although I live in another county from DuPont, I will be more impacted than Pierce County residents, who are, for the most part, unaware of the problem. "Out of sight, out of mind."

I, too, own part of Puget Sound and I am merely protecting my rights when I oppose Weyerhaeuser Corporation's proposed new deepwater port. Although their plan is admirable in many respects, the DuPont site is too environmentally sensitive to be appropriate for even "Phase I" development. Neither the Port of Tacoma nor the Port of Olympia is used to capacity. Although the manager of the Port of Tacoma agrees (with Weyco) that the port cannot accomodate Weyco as it would like to be accommodated, the possibility of using existing ports should be thoroughly explored before giving a permit for a new port.

In view of the strong bid the Port of Tacoma makes for U.S. and foreign tenants and customers, it seems to me that the Port should be carefully evaluated to determine if it in fact is unable to serve all or a major part of Weyco's requirement. State law requires existing ports to be used whenever possible to avoid the proliferation of new ports.

If a new port is to be considered, it should be in a less environmentally sensitive location, north of the Narrows. I oppose industry's attempts to develop a new port which will bring Weyerhaeuser Corporation, the City of DuPont and Pierce County big profits at the expense of irreversible ecological, sociological and economic changes. There are more appropriate uses for such special areas, such as convention and tourist facilities. There are also are non-polluting industries requiring no new deep water port.

I urge the U. S. Corps of Engineers to deny permits to build this port anywhere south of the Narrows on Puget Sound.

RUTH B. WEISBERG

(a)

no comments

(90)

PUBLIC HEARING - U.S.A.C.E.

WEYERHAEUSER - DUPONT

Submitted by

Ernest O. Salo, Professor
Fisheries Research Institute
University of Washington
Seattle, Washington 98195

12 September 1979

In 1977 and 1978 the Fisheries Research Institute of the University of Washington conducted a study of the ecology of the fishes of the Nisqually Reach. The study was part of the environmental investigations sponsored by the Weyerhaeuser Company in support of their application to construct a cargo-loading dock in the DuPont area. A final report was submitted in February 1979.

The 229-page report describes the distribution of the migratory juvenile salmonids in the Nisqually Reach and discusses the trophic relationships of the salmonid and non-salmonid fishes of the area.

The area is an important migratory route for the juvenile chum, pink, coho and chinook salmon as they move to outer Puget Sound and the sea, and for the adults upon their return. Immature chinook salmon utilize the Reach and adjacent waters for rearing. Baitfishes, notably herring, surf smelt and sand lance were the most abundant non-salmonids caught by our off-shore sampling gear.

Our sampling plan used the existing DuPont dock as a focal point as it is our understanding that this is the approximate location of the proposed cargo dock. Our investigations were designed to provide data for assessment on any changes that may occur in this area as a result of the construction of a cargo dock.

Although the final design of the facilities has not been considered, it is my opinion that a dock placed on pilings can be designed so that it would not have significant adverse effects upon the migratory or resident fishes of the area. Our data is not limited in usefulness, however, to only considerations of the dock.

Thank you,

Ernest O. Salo

U.S. ARMY CORPS. OF ENGINEERS, September 12, 1979, Tacoma Bicentennial Pavillion

64 Salmon Beach
Tacoma, Washington 98407
12 September 1979

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TO: The Army Corps. of Engineers

Gentlemen:

I am one of two-hundred residents in the community on Puget Sound known as Salmon Beach. Salmon Beach has been recognized by the State Register of Historic Places, and Cabin 97 has been placed on the National Register of Historic Places because of the unique and original character of the community. Part of that uniqueness is that it is built entirely on pilings over the water. At high tide the water flows completely under our homes.

I am writing you today because I feel that there is a potential for serious hazard from increased large ship traffic, a hazard to myself, my family, and this historic community, as well as other over-water communities on the South Sound. The Weyerhaeuser log export facility proposes to increase the size of its log ships to almost twice their present size.

The Tacoma Narrows is aptly named; it is quite narrow. All of South Sound must funnel through it. The waters here are swift and treacherous; having lived here for eighteen years, I know that one of the many hazards we must be continually aware of is the wake of passing log ships, fully loaded, out bound.

These homes gradually evolved from the turn of the century; they were not constructed with the wake of superships in mind. At present, the wake caused by a log ship passing through the Narrows at high tides has already, on occasion, caused damages. Unless careful planning is initiated, before the fact, the larger proposed ships could cause disaster.

I am opposed to this port facility proposal because despite proper speed limitations, hull designs, tug escorts and skilled pilots, this proposed industrial port would increase ship traffic in the Narrows, and that in itself would increase hazard to my family and community.

Sincerely,

Richard A. Turner

RICHARD A. TURNER

Enclosure
cc: Washington State Department of Energy
Governor Dixy Lee Ray
U.S. Coast Guard, 13th District, Seattle
Weyerhaeuser Corporation, Headquarters

Note: The enclosed photograph is of my home at one of the many high tides of this year.

Tom Ehrlichman

September 12, 1979

(92)

Mr. Steven Dice
Permit Section
Seattle District
U.S. Army Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

Dear Sir:

In answer to your request at the public hearing, I am sending you this written version of my testimony in regards to the application by Weyerhaeuser Company for a permit to construct a pier in navigable waters adjacent to Nisqually Delta.

In my public testimony I made reference to a letter authored by myself and Sarah Madsen which was sent to the Department of Ecology and which you have received a copy of, several weeks prior to the public hearing. I would like to take this time to encourage you to find that letter and read it. We spent a considerable amount of time and effort writing it and hopefully it will convey to you clearly enough our concerns regarding the project's inconsistency with the Washington Coastal Zone Management Program and the many uncertainties and inconsistencies remaining in the URS Company's analysis of environmental impacts.

PUBLIC TESTIMONY: Public Hearing on Weyerhaeuser Export Facility at DuPont
Held September 12, 1979, Bicentennial Pavillion, Tacoma

I don't mind saying from the beginning that I think this proposal is a bad idea. Not that I'm opposed to Weyerhaeuser trying to remain competitive in an increasingly tight market; but constructing a pier for large ocean-going vessels next to a wildlife refuge preserved because of its ecosystem just doesn't make sense and in my opinion isn't good land use practice. I think the state and federal officials have the authority to restrict development on this shoreline for two reasons:

1. Federal Policy is to discourage the proliferation of private ports which suit individual interests and to encourage the economic base of existing urban centers and existing ports.

2. The Washington Coastal Zone Management Program
In its conditional letter of approval for the urban shoreline designation (DuPont Shorelines Master Program) the Department of Ecology specifically recognized its authority to limit intensity of use along this shoreline. The agency stated that any activity which might harm the

adjacent Nisqually Delta would be contrary to the Shoreline Management Act. I think this letter (see attached) should be included in the appendix of the EIS and addressed specifically in the text. (Letter from Director John Biggs to Kenneth Karnes, Mayor of DuPont, June 11, 1975)

The issue before a Corp decision-maker is thus whether any of the proposed activities might cause harm to the Delta. And I emphasize the word "might". We all appear here today to assist you in preparing a decent Environmental Impact Statement. We've done alot of reading and preparation, and five minutes to speak is scarcely enough time to scratch the surface of this issue. But the criticisms brought to your attention today must be answered by the Weyerhaeuser Company in full to avoid any element of uncertainty. We do not have laboratories, full time payed biologists, economists, pollution specialists nor 2 million dollars to prove that what we say has merit. Nor is it our responsibility to do so. The burden of proof lies with Weyerhaeuser.

If Weyerhaeuser's staff are unable to clear up the many gray areas with straight forward, totally specific information, then the company does not preserve its unrestricted right to develop its land. This is the substance of the Department of Ecology letter attached to the DuPont Shorelines Master Program and the intent of the Shoreline Management Act. Even Weherhaeuser should have to comply with the law.

At the top of the Shoreline Management Act list of priority areas receiving special Shoreline of Statewide Significance designation was the Nisqually Delta, including the location of the pier. (DeWolf Bight to Tatsolo Point) I could go on for a long time about the vulnerability of species diversity and numbers in the Nisqually ecosystem to industrial port activity. However, I have already sent you a detailed comment on inadequacies and uncertainties we have found in the URS Company's assessment of potential environmental impacts including the inadequacy of proposed mitigating measures. So, tonight I will not restate those points, assuming that you will soon read that other comment, if you have not already had the chance to do so.

I would like to make a couple of brief comments on the Chronic Impacts discussion in Appendix I-11 before beginning the substance of my comments tonight.

CHRONIC IMPACTS
Sources of harm to marine and benthic organisms and birds other than those mentioned on p. I-11 would be fuel spills from tank truck accidents, refueling spills involving dock vehicles, small spills associated with dock support vessels (tugs, etc.), valve leaks (particularly during ballast transfer operations, fuel transfer, etc.), and runoff. One element present in runoff that was not mentioned is PCB, produced by tire wear and friction, spills from transformers and other elctrical elements, and other sources. The runoff collection tank underneath the pier will not prevent these dock, and dock road access pollutants from entering the water. Flooding is a frequent element of Washington

...ate and the Water Resource Inventory for Washington State ...uld be consulted for all periods of intensive rainfall, rather than selecting only one category (ie Highest 24 hour rainfall in ... year period) in designing holding tank capacity.

The appendix statement regarding wood tropolones appears to contradict the Department of Game statement of concern regarding leachates from wood products. (See Department of Game letter to Mayor of DuPont, Review of draft SEPA EIS) The Corps of Engineers should obtain the opinion of other biologists on this question and ask the Weyerhaeuser Company to deal specifically with the problem of groundwater contamination. Our previously submitted written comment addresses these questions at length.

I'd like to stay in the Appendix as I begin my essential comments.

LETTER FROM GEORGE WEYERHAEUSER

The second page, top paragraph, of George Weyerhaeuser's letter to Fort Lewis refers to the EIS and its application to "future ex ansion". I would like to ask Phil White to clarify the meaning of 'future expansion". I would also like to know if it is the company's understanding of the EIS as written, that the EIS and baseline data are sufficient to support further expansion of the export facility.

Farther down the page, Mr. Weyerhaeuser makes reference to "Customer's and Supplier's". I would like a clear definition of these two words and an explanation as to whether Weyerhaeuser will be allowing other companies to use the export facility for their shipments, what kinds of products these customers might be shipping, and whether the company is planning to lease property on the uplands to other companies with guaranteed access to and use of the pier. Will only Weyerhaeuser products be shipped from DuPont?
In my opinion, use of the facility by companies other than Weyerhaeuser and shipment of cargo other than forest products would involve environmental impacts of a nature different than those addressed in this EIS.

WHY CAN'T THIS FACILITY BE LOCATED SOMEWHERE ELSE?

Given the intense disagreement on environmental and cultural impacts that would result from the facility, and the intent of the Shoreline Management Act to locate ports in existing industrial centers if available, rather than in sensitive areas designated to be preserved in their natural condition, Weyerhaeuser should be compelled to show clearly that they have conducted a thorough study of alternate sites and the reasons why none of these sites are sufficient. I do not believe this has been done to date.

Weyerhaeuser's alternate site search began with 28 original candidates

which conceivably were realistic candidates. The search narrowed these possible sites down to four alternatives. Yet of these four choices, which were supposedly credible choices and were to receive in depth scrutiny, three of these are either not viable today or else don't really represent an alternative to DuPont. Thus, the thoroughness of the "alternate site search" is seriously called into question.

Of the four sites selected through the alternate site search, two are admitted in the EIS to be not viable today, and one is merely on the other side of the delta mudflats and is thus not really an alternative. Tacoma is listed as one of the four serious choices, and yet several letters in the Appendix of the draft EIS (p. 164) indicate that the port does not want the Weyerhaeuser project. The Port of Tacoma, it would appear, is not a realistic choice for in-depth consideration as an alternate site. However, the map on page 167 should be upgraded to clearly identify the areas listed. I understand Weyerhaeuser presently owns or has lease to lands within the Port of Tacoma and these should be unmistakably identified along with clear identification of those areas presently committed to industrial use and those areas still available for development. Another of the four final selections, Chenault, is described on page 166 of the draft EIS as unlikely to be still viable. This leaves two choices out of 28 that were actually seriously considered to be "alternate sites". Of these two, one, Hawks Prairie, is in essentially the same geologic position with respect to the mudflats of Nisqually Delta, only it is on the other side of the delta from DuPont. It is thus a long stretch of the English language to call Hawks Prairie a true "alternative" to DuPont. Other than the more serious erosion and siltation to occur during construction, the environmental effects of operating the facility at Hawks Prairie wouldn't be much different than at DuPont in terms of impacts on the estuary. Because construction of the project at Hawks Prairie threatens the same estuary, I wouldn't call it an alternative to DuPont.

The draft EIS states that of the four sites chosen from the original 28, only one met all the site selection criteria. However it appears, after reading the EIS more carefully, that DuPont was chosen before the "search" began. Alternatives are not alternatives really unless they are viable and are in another geographic location.

This conclusion generates a host of other questions as to the credibility of the search for a site. How were the mandatory and critical site criteria formulated into specifics? How can the Weyerhaeuser Company claim on the one hand that they have no specific or definable plans for future expansion of the facility, and yet be allowed to include as a critical site requirement (a requirement used in site selection) the need for extra land to accommodate future expansion? I don't think they should be allowed to have it both ways. On what basis was the water depth requirement formulated?

Weyerhaeuser has stated they have chartered 8 Norwegian ships that carry cranes capable of loading without the use of longshoremen, very efficiently, and in very large bundles. The ships carry fantastic amounts of logs or containers, a cargo of roughly 40,000 tons. Being fast loading, high cargo ocean vessels, these must be the ships the EIS describes will be put into use at DuPont, or wherever the project is built. This conclusion is directly supported by my source in the shipping industry, San Francisco. A Vice-President of a Norwegian shipping company, he has told me that Weyerhaeuser ordered these ships in excess of the requirements of market conditions and that, to put it bluntly, the company was "taken" and got something they didn't really need. My source, whom I believe to be extremely reputable and knowledgeable, further stated that he thought Weyerhaeuser was the kind of large corporation that could absorb the expense of short range idleness for the ships, but that he thought they had been trying unsuccessfully to charter their ships to other customers, until such time as they had the cargo to put them to use. If this is so, then the relationship between these eight ships and the need for a high technology, rapid-load export facility may be very direct. (In its slide show presentation at the September 12 Public Hearing, Weyerhaeuser showed a slide of the type of rapid-load ship that would service the DuPont facility The ship in the slide was one of the eight Hoag Norwegian vessels.)

If these are the ships for which the facility described in the EIS is to built, then the mandatory site criteria relating to the water depth should reflect the depth needs of these ships. In other words, it should be determined by the Corps whether these are the ships that will handle the 2 million ton per year cargo design capacity of the facility. If this is so, then the depth requirements for the facility as described should be the depth of these ships. Weyerhaeuser has stated that these ships are designed to service ports of ten meters (30 feet). The mandatory depth requirement for the facility described in the EIS should be 30 feet. Again, if Weyerhaeuser wishes to select a site in this EIS on the basis of requirements that relate to activities not described in this EIS, then the company should have to tell the public what these activities and future cargo loads are. A site selection requirement cannot be a mandatory criteria, unless the associated industrial activity is known and described. I think the Corps should either obtain specific information on present company vessel capacity, design, and availability, and on the specific industrial activities that would put the company beyond this capacity, or else reduce the mandatory depth criteria to ten meters.

The existence of this fleet of Norwegian ships may also explain why Columbia River ports were among the 28 original alternate sites. As I understand it, the Columbia River bar makes all river ports there ten meter ports. I assert that these ports are still viable alternatives to location at DuPont. These ports may have been ruled out because of the mandatory depth requirement, which, as we

have seen above, is unsubstantiated as a requirement by specific facility design and capacity descriptions detailed in the EIS. We have seen nothing in the EIS which explains why the deep water need exists and why the 28 original sites were narrowed to four; four, of which only one, DuPont, was viable to begin with.

Page 160 of the draft EIS states that a search for sites to locate the facility was initiated in 1973 and that the URS Company of Seattle, the EIS consultant, wrote a background paper. On September 7, 1979, I went to the DuPont Public Documents Room, City Hall, DuPont, Washington to look for information on the site selection process described in the draft EIS. I found nothing there additional. I asked City Planner, Mark Jackson if there were any documents available to the public on the alternate site selection process and he answered that other than the new Corps draft EIS, there was nothing.

The URS background paper would provide the public some idea of how the original 28 sites were selected and thus illumine the murky question of what is it really that Weyerhaeuser needs in a site. The new Council on Environmental Quality Regulations for EIS preparation state that no report or document shall be referenced within an EIS unless that document, in its entirety, is available to the public. Since the EIS draft shows a date of JULY 30, 1979 as the date the draft was filed with the EPA, the draft was filed on the day the new regulations go into effect, July 30, 1979. It must therefore be prepared in compliance with the new regulations and the report should be made public. Additionally, the regulations state that as far as possible, drafts being prepared prior to the effective date should be written in compliance with the regulations. If possible, please send a copy of the URS alternatives background paper to the Nisqually Delta Association. This should be received immediately.

The Weyerhaeuser Company should show good faith by initiating an open, public review of the site selection process. The only way to resolve the intense disagreement about the site search thoroughness would be to begin a joint Weyerhaeuser/Public Interest Groups (Nisqually Delta Association, Washington Environmental Council, Greenpeace, Anderson Island Parks and Recreation Board, Nisqually Indian Tribe) search for a suitable site. Its time to check out alternatives to DuPont. In fact, its long past time.

Were the four final choices of the site selection process the only sites out of the 28 which met the critical site selection criteria? What obligation does the Corps of Engineers have to accommodate these critical criteria in deciding whether Weyerhaeuser could locate somewhere else? Is the Corps trying to accommodate only the Weyerhaeuser Company? What about the concerned public who don't want the port built at DuPont? What is the Corp's obligation to the public in carrying out a realistic site selection process?

Of the original 28 sites, the following meet all the mandatory criteria at least marginally. They should be given renewed and independent

scrutiny by the staff of the Corps of Engineers. This should be done in conjunction with groups opposed to location at DuPont.

(Numbers correspond to the EIS list)

3. March Point (Note: site is every bit as central as #'s 18,19,20.
12. Willow Grove
13. Barlow Point
16. Woodland
17. Austin Point
18. Kromminga
19. Hewlitt Point
20. Matthews Point
21. St. Helens
22. Prescott
23. Rainier
24. Point Westward

NAVIGATIONAL RISK ASSESSMENT

The casualty rate model used in the Navigational Risk Assessment should use more than 28 port calls per year as the number of calls likely at DuPont. Page 139 of the dEIS provides the proper figure, 53 port calls per year, but is incorrect in stating that the Navigational Risk Assessment model used this figure. The Corps should be extremely vigorous in investigating any claim by the URS Company that the Oceanographic Institute of Washington used the 53 figure and merely made a typo throughout the Navigation Risk Assessment in using 28 port calls per year. A supplemental risk assessment should be required by the Corps, using the proper port call figure and the casuality, collision, and spill probability figures given in the EIS should be adjusted accordingly.

The "localized analysis" found on page IV-8 of the study should investigate ports comparable to DuPont in potential for extreme weather, grounding, extreme tides and currents and other critical parameters instead of the single characteristic employed in the analysis, which was size, or number of port calls.

The Chesapeake Bay should be used in the spill analysis because of severe weather conditions and estuarine habitat similar to DuPont. The reason for its exclusion should be specifically investigated by the Corps staff.

SOILS AND GEOLOGY BASELINE STUDY

The soil survey does not include the 30 plus acre area to be annexed into the City of DuPont, and adjacent to the proposed pier. This area has an alternative dock access route planned down the steep bluff and the soils there should be surveyed and the results included in the baseline study.

BALLAST

Will ballast be needed for ships in order to maneuver through the

Tacoma Narrows, especially during certain wind and current conditions? I understand the ships will probably unload any incoming cargo at the Port of Tacoma, possibly refuel, and then travel to DuPont. If the ships need any ballast, they will probably take it in at Tacoma where the water is polluted. Once the ships begin loading at DuPont, what will become of the unneeded ballast? I would like to see the EIS address this problem in detail.

WATER QUALITY BASELINE STUDY

If baseline data is to be used as a reference for future monitoring of water quality violations, (if the facility is built) and for decisions whether to allow expansion of the facility (ie pulp mills), then I feel additional data is needed for the Water Quality Baseline Study conducted by Weyerhaeuser personnel.

The heavy metal sampling conducted by coring sediment beds was conducted only at a depth of -15 meters (-45 feet). This is a considerable depth. Of major concern is the cumulative impacts from gradual heavy metal release on the shallow sediment areas of the nearshore environment. This area, and in particular the adjacent mudflats, are used by juvenile salmon and by water birds for feeding. Effluent is likely to accumulate in these areas, just as sediments do. Therefore, further baseline data should be provided for areas of a depth less than -15 meters, such as 5 feet, 20 feet, 15 feet, and 30 feet and all along the DuPont shore and the area near the jetty where large numbers of merganzers and other birds have been sighted (Klotz et al, 1978). Only in this way will future researchers be able to make sense of any effluent impact monitoring they are doing. They will have a baseline point of reference with which to compare new data.

As I see it, hydrocarbon samplings were not forwarded by Weyerhaeuser technicians to the Coastal Zone and Estuarine Studies office in Seattle as was stated would occur in the URS baseline study Data Quality Assurance Program. This action is important and required under the New CEQ Regulations as a means of assuring the integrity of data supplied solely by the applicant. Submission of these samples to a state agency (DOE) does not provide a federal agency, the Corps of Engineers, with the assurance available through the NOAA office in Seattle. As stated above, baseline data on hydrocarbon levels present at the site prior to construction are needed for cross reference during future monitoring of water quality violations. These levels, supplied by the applicant, should be verified by the Corps.

OMMISION/ADDITION: NAVIGATIONAL RISK ASSESSMENT

I failed to mention above that the Navigational Risk Assessment researched wake damage, turning radius, etc. for only two ships: the M class ship and the future "DuPont Class" ship. Given the admission of eight Hoag vessels into the Weyerhaeuser fleet, the ships should be included in all risk assessment discussions.

REVISED PERMIT

The revised permit drawing is insufficient in the following ways:

-depth marks are less specific and are ommitted altogether from the southern end of the pier

-levels of various tides are ommitted

-the Sequalitchew Creek salt marsh is significantly reduced in size. If the permit drawing is used to restrict development in sensitive areas, than the exact size of the marsh should be drawn.

I will close these lengthy comments with a plea to you, the Corps staff and officers. Please give these and other critical comments careful and lengthy consideration. I would hope these will be included as an appendix to your EIS along with your responses. Criticism is not necessarily negativism. In fact, during a public review process of this kind, it is to be encouraged. In this light I have written as strong a critique of the EIS as I can see to, because I believe firmly that a project of this nature, if looked at carefully, with a little independent thought will be shown to be incompatible with the natural condition of the DuPont shoreline and the Nisqually Delta.

I believe bald eagles will return to nest at Old Fort Lake one day, not because they will have adjusted to the noise of a debarker and trucks and trains, but because wise people took the time and effort to share what they saw, and the government listened and made the wise decision....to protect the estuary and the graves of the elders ....to send the big company elsewhere.

Thank you for listening to my view.

Sincerely,

Tom Ehrlichman

Tom Ehrlichman
317 N. Milroy
Olympia, Washington 98503

June 11, 1975

Honorable Kenneth C. Karnes
Mayor, City of DuPont
209 Barksdale Ave.
DuPont, WA. 98327

Dear Mayor Karnes:

We have reviewed the revised shoreline master program dated June 3, 1975, for the City of DuPont and hereby approve the program. With the incorporation of the regulations, your program now contains the necessary administrative mechanism for succesful management of your City's shorelines.

While the program generally meets the requirements of the Shoreline Management Act, we still are concerned about the environment designations adjacent to the DuPont wharf on the Puget Sound shoreline and along Sequalitchew Creek. The Urban environment theoretically would allow intense industrial and commercial development. For this reason, we remain concerned about the potential impact on the Nisqually Estuary. Our primary interest is the preservation of Nisqually delta as a natural area consistent with its recognition as a National Wildlife Refuge and a National Landmark. Any activity which might have a negative effect on the delta would be contrary to the intent of the Act, which specifically identified the Nisqually delta as a shoreline of statewide significance to be preserved in its natural condition.

Thank you and the Citizen Advisory Committee, and particularly Mr. Henry Means, for your cooperation in preparing and revising the program. We are looking forward to working with you again in the future.

Sincerely,

John A. Biggs
Director

JAB:lja

cc: Mr. Henry Means, Chairman, Citizen Advisory Committee
Mr. Jerry Louthain, S.W. Regional Office - Department of Ecology
Mr. Joseph M. Shensky, Pierce County Planning Commission

... Olympia, Washington 98504 Telephone (206) 753-2800

5131 59th Ct. SW
Olympia, Wa.98502

September 9, 1979

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U. S. Department of the Army
Seattle District, Corps of Engineers
P O Box C-3755
Seattle, Wa. 98124

(93) NO ISSUES

Attn: Mr. Steve Dice

Dear Mr. Dice:

This letter is being written because I feel very strongly about Weyerhaeuser putting in an export facility at DuPont.

I have lived in Puget Sound for fifty years, I am an avid sportsman and conservationist. For seventy or so years a powder plant operated at DuPont without any ill affect on the environment.

Weyerhaeuser Company has always been very concerned and protective of our environment and with such a record I see no reason that they would want to change now.

I endorse and in fact admire Weyerhaeuser for having the foresight to see the necessity for such a facility, because it can only enhance employment and the economy of our state.

Please enter this endorsement in the minutes of your hearing.

Sincerely,

Paul B. Williams

Paul B Williams

2928 Cloverfield Drive
Olympia, WA 98501
September 7, 1979

94

U. S. Department of the Army
Seattle District
Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

(94) NO ISSUES

Attention: Mr. Steve Dice

Dear Sirs:

It is my understanding that on September 12th there is to be a hearing conducted by the Corps of Engineers to consider the Environmental Impact Statement drafted for the proposed Weyerhaeuser Company facility at DuPont, Washington. Since I will be unable to attend, I request my views expressed in this letter be included in your hearing records.

I believe the economic environment in the Puget Sound region will benefit from the establishement of the port facility proposed by Weyerhaeuser Company. I have been a resident in this area for the past twelve years and have shared in and enjoyed the prosperity of the area. The proposed dock facilities will help in assuring a continuation of this condition.

I am concerned, as many others are, about the environmental impact of constructing this facility, but in weighing the risks which have been identified, I feel they are minor and acceptable when compared to the economic benefits this facility will bring to the lower Puget Sound community. Weyerhaeuser Company has prepared a very detailed and comprehensive plan which I feel has thoroughly addressed the potential problems which could arise. I am confident that Weyerhaeuser Company will do everything possible and required by governmental law to prevent the unlikely occurance of an oil spill in the waters of Puget Sound.

In your consideration of the Environmental Impact Statement I urge you to follow the lead of the City of DuPont and the Washington State Department of Ecology and approve this E.I.S.

Sincerely

James A. Bryan

James A. Bryan

JAB:dn

N/I

9/79

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Michael D. McCulley
509 117th South
Parkland, WA 98444

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NO 155000

Leon K. Moraski, Colonel
Corps of Engineers
Seattle District
Box C-3755
Seattle, WA 98124

The Corps of Engineers must maintain an appearance of objectivity and fairness if the public is to believe in and support Corps decisions. Decisions dependent upon public input must not be made prior to that input in fairness to those who testify. Objective consideration of all input can not be made prior to the input. At the Sept. 12 hearing regarding the Weyco Dupont proposal Steve Dice claimed that the permit decision has not been made but the following statements of Steve Wright suggest the contrary:

> "...when the Colonel gives this permit..."
> "...when this permit is granted..."

Has this project been deemed in the public interest prior to and despite public input? Has the permit been granted in fact and the public hearing was all show? I would suggest that the public is competent to determine what is in the public interest and, appearances to the contrary, the question is open until public input can be considered.

Thank you,

Michael D. McCulley

cc. Steve Dice
Steve Wright

112

THEODORE PAUL HUNTER
ATTORNEY AT LAW
612 Pioneer Building
600 First Avenue
Seattle, Washington 98104
(206) 682-9580

96

October 5, 1979

Dr. Steve Martin
U.S. Army
Engineer District
Seattle Box C3755
Seattle, Wa. 98124

Re: 071-0YB-1-005087
Weyerhaeuser Company

Dear Sir:

Attached is a copy of the essential features of a proposed agreement concerning the Weyerhaeuser Export facility at DuPont. This paper is supplied to you with the approval of Weyerhaeuser Company.

F

It should be noted that this is a "talking paper" only and that Weyerhaeuser Company has indicated no agreement or disagreement with any of the proposed conditions. The "essential features" are subject to change as negotiations progress.

We would appreciate the opportunity to be involved in any discussions between your agency and Weyerhaeuser concerning permit conditions. If you should have any questions or desire additional information, please call.

Sincerely,

Theodore Paul Hunter

Theodore Paul Hunter

TPH/klh
Enc.

7-17-79
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Essential Features of

A Proposed Agreement Concerning the

Weyerhaeuser Export Facility at DuPont

1. Shipping--The following restrictions shall apply to all ships exceeding 20,000 tons bound for, docked at, or departing DuPont, while in the waters south of Tacoma Narrows:

A. Vessel calls at the DuPont dock shall not exceed 4.5 per month on an annual average and no more than 2 million tons shall be exported per year.

B. Southern Puget Sound is a unique and special national resource that requires extraordinary safeguards in vessel design and operation. The area is extremely vulnerable to the hazards posed by increased levels of shipping activity, particularly in the vicinity of Nisqually Reach. Any increase in the historical levels of risk to the marine environment posed by: increases in vessel size or frequency of vessel calls; differences in vessel design or manauverability; increases in the potential for collisions; groundings; explosions or oil spills; changes in volumes and types of cargoes; differences in cargo handling procedures; and any other marine hazard related to the proposed shipping facility's construction or operation must be identified and quantified, and suitable mitigation measures must be developed. Accordingly, the responsible federal or state agencies, after consultation with EPA and opportunity for public hearing, shall promulgate requirements to assure protection of the area. These agencies may assess fees upon Weyerhaeuser to cover the costs incurred in undertaking these activities. Areas for consideration, which shall be reviewed every five years in light of technical improvements available or emerging needs for additional environmental protection include:

1. Ship size and design;

2. Vessel speed limits;

3. Operational restrictions during periods of low visibility, high winds or tides;

4. Requirements for tug escorts and/or for tug berthings;

5. Quantity of fuel carried in Southern Puget Sound;

6. Advisability of one-way traffic through the Narrows;

C. No more than one ship at any time shall be in the waters south of the Tacoma Narrows. There shall be no off-shore anchoring in these waters.

D. Air emission restrictions for ships shall be the same as for a land-based stationary point source. There shall be no degradation of water quality from existing ambient levels.

II. Shoreline

A. There shall be no more than one pier between the northeast boundary of the Nisqually National Wildlife Refuge and the most northerly point of the shoreline owned by Weyerhaeuser, said point being also the most northerly point on the shoreline of the so-called Lone Star parcel of about 22 acres; the pier shall not exceed 1315.7 feet in length, and it shall be situated north of the mouth of Sequalitchew Creek.

B. Only forest products shall be handled at this dock. No hazardous materials(as defined by the U.S. Department of Transportation)shall be shipped or stored at the DuPont facility. (Weyerhaeuser shall submit for proposed inclusion in this agreement a proposed schedule of decreasing log exports consistent with its public statements to this effect. The volume of log exports in any one year shall not exceed the amount scheduled for that year).

C. Weyerhaeuser shall complete for inclusion in the NEPA FEIS the engineering design and specifications for holding tanks and portable treatment plants at the dock and the access road, including those for the office and lunchroom propsed since filing of the DEIS, and for all other features that will be provided to minimize adverse impacts on water quality and to conform to current(or subsequently higher) AA water quality levels.

D. Similarly, Weyerhaeuser shall complete its proposed oil spill contingency plan for inclusion in the final EIS of the Corps of Engineers.

E. The increase in operational noise levels over current ambient levels at Anderson Island and within Nisqually National Wildlife Refuge shall not exceed 5 decibels. No nighttime construction noise shall be allowed.

F. Weyerhaeuser shall submit for proposed inclusion in this agreement and in the final EIS of the Corps operational limitations and design specifications for lighting to minimize the adverse impacts of light pollution on the Nisqually National Wildlife Refuge and Anderson Island.

III. Uplands

A. Except for the dock and its access road, no private development of any kind or disturbance of natural features shall be permitted on bluffs within 200 yards of Puget Sound, Edmond Marsh, Sequalitchew Creek; and all lands south and west of the proposed access road and Sequalitchew Creek. These lands shall be conveyed to an appropriate state or federal agency.

B. The activities on the site shall not be conducted in any manner or on any scale that would prevent such activities, individually or collectively, from meeting all current or more stringent federal, state, and local standards and requirements regarding environmental protection and historic site preservation.

IV. General

A. Weyerhaeuser has made many statements concerning mitigation measures. Weyerhaeuser shall submit a listing of those mitigation measures which it intends to make a commitment to perform.

B. The Weyerhaeuser Company shall be absolutely liable for any damage caused by its activities at the DuPont site, and for any damage within Puget Sound caused by any vessels that call at the Weyerhaeuser dock.

C. The Weyerhaeuser Company shall pay the Fish & Wildlife Service or other appropriate federal or state agency the reasonable costs incurred in extra monitoring of air and water quality in the vicinity of the Wildlife Refuge and the Weyerhaeuser facility at DuPont.

D. Any interested person shall have the opportunity to seek injunctive or other appropriate relief to compell compliance with the terms of an agreement. The terms of an agreement shall be incorporated as permit conditions in appropriate permits and shall be filed as part of any settlement of judicial proceedings.

September 5, 1979

C. David Gordon
3904 Horsehead Bay Dr. N.E.
Gig Harbor, WA 98335

(97)

(97) NO ISSUE

U.S. Dept. of the Army
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124

Attn: Steve Dice

Dear Mr. Dice:

It is my understanding that your agency is holding a hearing on the proposed Weyerhaeuser Company wood products export facility at DuPont. I cannot attend the hearing but would request that my comments be made a part of the hearing record.

I have been a resident of Pierce County for more than 30 years and have lived - and raised a family of four sons - on the shores of Horsehead Bay for the last 29½ years. During that time, I have enjoyed the benefits of Puget Sound and the recreational opportunities it affords. I have also had the pleasure of observing and receiving the economic benefits of our marine trade industry. I am a strong believer in the multiple use benefits of Puget Sound, for without the jobs created by marine-oriented industries, there would be many citizens who could not afford the recreational benefits.

From what I know about the proposed DuPont project, Weyerhaeuser Company has prepared a very detailed and comprehensive environmental impact statement. The only potential problem defined by the study was a possible oil spill from a ship - and this would be a minor problem, with very low risk of ever happening. Similar risks occur every day from existing commerce and recreational use - not to

mention the transport of large quantities across the Nisqually Delta on I-5 and the Burlington-Northern rail line.

In my view, the benefits outweigh the risk, especially considering the export facility would replace an explosive manufacturing plant that was active at DuPont for more than 70 years. I am sure the Weyerhaeuser Company will be required to closely monitor any emissions or discharges which might conceivably harm the marine environment. And, as responsible corporate citizens, they should do just that.

I believe that Weyerhaeuser - as a responsible corporate citizen - should be given permission to construct this export facility. This type of development will benefit our economy and, at the same time, protect our environment for all uses.

Sincerely,

C.D. Gordon

September 20, 1979

H. 31st Street
Tacoma, WA 984

U.S. Army Corps of Engineers
P O. Box C-3755
Seattle, WA 98124

98 98

Attn: Steven Dice

Re: Weyerhaeuser Export Facility, DuPont, Washington

Dear Sirs:

Mrs. Rollifson and myself wish to express our sentiments in favor of the above facility. Due to prior commitments we were unable to attend the hearing in Tacoma, so are therefore putting them in writing.

Certainly Weyerhaeuser headquarters facility in Federal Way is a valuable as well as an aesthetic contribution to that area. Their various plants located in Washington and Oregon are all credits to their communities.

When the Tacoma Sportsmens Club, which ordinarily opposes any industrial expansion, says the proposed Weyerhaeuser docks impact on fishing will be _____, that should answer many environmental arguments.

Yours truly,

Mr. & Mrs. Orville H. Rollifson

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