

December 17, 2007

**Notice of Final Determination
Fidalgo Bay Aquatic Reserve Management Plan
SEPA File No. 07-102401**

The Washington State Department of Natural Resources issued a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), Modified DNS/MDNS, on **[October 24, 2007]** for the Fidalgo Bay Aquatic Reserve Management Plan proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

Retained.

Modified. Modifications to this threshold determination include the following:

Withdrawn. This threshold determination has been withdrawn due to the following:

Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable):

A summary of comments received during public review and associated responses are attached.

Responsible Official: Rich Doenges

Position/title: Aquatic Resources Division Manager

Phone: (360) 902-1240

Address: P.O. Box 47027, Olympia, WA 98504-7027

Date: _____

Signature: _____

There is no agency SEPA appeal.

Comments Received from Port of Anacortes

- The Port of Anacortes recommends some changes to the figure titled “Fidalgo Bay Marsh Habitat.” The northern portion of the Port’s marina is designated as “estuarine and marine wetland” and “saltmarsh” on this figure. The parking area immediately north of the marina is designated as “freshwater emergent wetland.” These designations are likely based on historic habitat, and are no longer accurate and could result in confusion by readers. The Port requests that all these designations be corrected to accurately reflect the current environmental characteristics.

DNR Response

DNR will correct this figure in the plan to accurately reflect the current ecological condition of the Cap Sante area.

Comments Received from Adjacent Upland Owner

- It is the adjacent landowner’s understanding that the use of his private upland property will not be restricted by the Fidalgo Bay Aquatic Reserve Management Plan.

DNR Response

The management plan pertains only to DNR management authority on State-owned Aquatic Lands. DNR has no management or regulatory authority over adjacent private property.

Comments Received from Local Resident

- This resident would like to see a study conducted looking at the feasibility of redirecting the outflow of two small streams north of the Fidalgo Bay Aquatic Reserve boundaries that historically entered the bay near the Anacortes Veneer plant.

DNR Response

As these two streams are located outside of the Fidalgo Bay Aquatic Reserve boundaries and don’t occur on state-managed lands, DNR is not the appropriate entity to conduct such a study. However, DNR would welcome efforts to restore historic freshwater inputs into Fidalgo Bay.

Comments Received from Skagit River Systems Cooperative

- The Skagit River Systems Cooperative strongly supports the conservation goals set forth in the Fidalgo Bay Aquatic Reserve Management Plan. The cooperative encourages DNR to seek funding to undertake the resource protection, restoration, research and monitoring activities identified in the plan and looks forward to partnering cooperatively with the State in the conduct of those activities, as appropriate.

DNR Response

DNR intends to request funding from departmental and grant sources to allow the implementation of the management plan to proceed and welcomes collaboration from the Skagit River Systems Cooperative and others in this effort. DNR also looks forward to continuing to work cooperatively with Skagit River Systems Cooperative to carry out the objectives and management actions of the Fidalgo Bay Aquatic Reserve Management Plan.

Comments from Swinomish Indian Tribal Community

- On page 9 Swinomish Indian Tribal Community suggests identifying tribes that have asserted claims to usual and accustomed areas in Fidalgo Bay rather than identify Tribes that have usual and accustomed areas in Fidalgo Bay.
- On page 9, 3rd paragraph Swinomish Indian Tribal Community requests that DNR mention Swinomish Tribe cultural and historic ties to Fidalgo Bay in the final management plan.
- Page 19, 1st paragraph does not adequately describe the extent of the territory occupied by either the aboriginal Swinomish or Samish.
- On page 7, 2nd paragraph the correct name for Swinomish Indian Tribal Community is not used, and the Swinomish Indian Tribal Community ownership adjacent to the reserve is incorrect.
- On **page 23, last paragraph requests identification of environmental assessment work conducted by Swinomish Indian Tribal Community** concerning Fidalgo Bay.

DNR Response

DNR will make appropriate changes to the Fidalgo Bay Aquatic Reserve Management Plan before finalization to address the above listed comments. Responses to each will be as follows;

- Page 9, first sentence will be changed to: *The following tribes have asserted a claim to usual and accustomed areas in Fidalgo Bay.*
- Page 9, 3rd paragraph will identify that Swinomish Tribe has historic and cultural ties to Fidalgo Bay, March's Point and the adjoining tidelands.
- Page 19, 1st paragraph, second and third sentences will be replaced with the following: *The territories of the aboriginal Samish and Swinomish tribes include lands on Fidalgo Island adjoining Fidalgo Bay.*
- Page 7, 2nd paragraph will be changed to properly identify Swinomish Tribe as Swinomish Indian Tribal Community, and accurately identify current property ownership in Fidalgo Bay.
- Page 23, last full paragraph will be changed to identify the environmental assessment work conducted by Swinomish Indian Tribal Community in and around Fidalgo Bay.