

**Non-Project
Final Environmental Impact Statement
Aquatic Reserves Program Guidance**

**Lead Agency: Washington Department of Natural Resources
Aquatic Resources Program**

September 6, 2002

Fact sheet –

Project Title:

Non-Project Final Environmental Impact Statement for the Department of Natural Resources
Aquatic Reserves Program

Project Description: The purpose of this final action is for the Natural Resources (DNR) to adopt this final environmental impact statement for the administration of an Aquatic Reserves Program on state-owned aquatic lands. This document analyzes reasonable alternatives, the probable significant adverse and beneficial environmental impacts of the following alternatives, and their relation to existing policies, rules, and regulations.

The alternatives evaluated under this FEIS include:

Alternative 1 – The preferred alternative is to develop and implement an aquatic reserves program to establish and manage aquatic reserves on state-owned aquatic lands.

Alternative 2 – Develop an aquatic reserves program that relies on existing programs and authorities (external to Washington State’s Aquatic Lands Statutes RCW 79.90 – 79.96) to implement an aquatic “reserve program.”

Alternative 3 – Develop an aquatic reserve program that designates all currently unencumbered state-owned aquatic lands as aquatic reserves.

Alternative 4 – Retain the existing program, without further program development.

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Subsequent Environmental Review:

The FEIS is considered “non-project proposals” (under WAC 197-11-442). A project specific environmental review will occur for sites that may be considered under the Aquatic Reserves Program.

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Availability:

Digital copies of the FEIS are available at the Washington Department of Natural Resources’ web site at: www.dnr.wa.gov. Single copies and supporting documentation are available from the Department.

Hardcopies of the FEIS are provided free to the public until the initially printed copies run out. After that, charges will be assessed for the costs of copying. Free copies are also available on-line at: www.dnr.wa.gov.

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List of Acronyms

ALEA –	Aquatic Lands Enhancement Account
CCMP –	Comprehensive Conservation and Management Plan
CWA -	Clean Water Act
FEIS –	Draft Environmental Impact Statement
DNR -	Washington State Department of Natural Resources
EIS –	Environmental Impact Statement
ESA –	Endangered Species Act
FEIS –	Final Environmental Impact Statement
HPA –	Hydraulic Project Approval
LOP –	Letter of Permission
MPA –	Marine Protected Area
NAP –	Natural Area Preserves
NHP –	Natural Heritage Program
NRCA –	Natural Resource Conservation Area
NOAA –	National Oceanographic and Atmospheric Administration
NPDES –	National Pollution Discharge Elimination System
RCW –	Revised Code of Washington
ROE –	Right of Entry
SEPA –	State Environmental Policy Act
WAC –	Washington Administrative Code
WDFW –	Washington Department of Fish and Wildlife

1.0 Summary

The purpose of this proposed action is to develop and administer an Aquatic Reserves Program on state-owned aquatic lands. In doing so, the Washington State Department of Natural Resources (DNR) wants to provide an opportunity for the public, Tribes, and agencies with jurisdiction, expertise, and interest to review and comment on the proposed action. This document will analyze reasonable alternatives, the probable significant adverse and beneficial environmental impacts of the alternatives, and their relation to existing policies, rules, and regulations.

This final environmental impact statement (FEIS) is part of a “phased review” under the State Environmental Policy Act (SEPA) (Washington Administrative Code (WAC) 197-11-060(5)). As such, this document will explore the programmatic issues related to the development and implementation of an aquatic reserves program. Once this programmatic piece has been completed, the second phase, in the form of SEPA project reviews, may occur to assess the impacts associated with implementing the program in a specific location. Proposed reserve designations will be consistent with subsequent programmatic guidance, and may go through the appropriate SEPA review.

1.1 Organization of the Final Environmental Impact Statement

This document begins with a summary section (1.0) that provides an overview of the proposed agency action, with particular emphasis on the purpose and need for the proposed action. This section also briefly lists the reasonable alternatives and discusses the existing status, trends, and areas of controversy that drive the proposal.

Section 2.0 of the document provides background information on the proposal. It goes into greater detail on the legislative authority and mandates under which DNR manages state-owned aquatic lands, relating to aquatic reserves.

Alternatives are introduced within Section 3.0. First, the section provides a list of objectives under which the alternatives may be evaluated. Then each alternative is described and analyzed with regard to the stated objectives. These alternatives are carried forward to Section 4.0, which discusses the alternatives with respect to their potential for impacts (or benefits) to the identified elements of the environment. The final section of the document (5.0) details the distribution process for the document and references a list of interested parties.

1.2 Proposed Action – Need, Purpose, and Objectives

The Department of Natural Resources manages 2.4 million acres of aquatic lands in Washington for the benefit of the people of the state. These lands include shorelands, tidelands, and bedlands in Puget Sound, along the Pacific Coast and in navigable rivers and lakes throughout the state ([see Figure 1](#)). “Navigability or navigable” is defined when a body of water is capable or susceptible of having been or being used for the transport or useful commerce (WAC 332-30-106). The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court of law. As directed by the Washington State Legislature, DNR manages state-owned aquatic lands to provide a balance of public benefits (Revised Code of Washington (RCW) 79.90.450). According to the Aquatic Lands Statutes (RCW 79.90 – 79.96),

commonly referred to as the “Aquatic Lands Act,” those benefits include encouraging public access, fostering water-dependent use, ensuring environmental protection and utilizing renewable resources. DNR generates revenue from these lands to fund important state agency natural resource programs such as environmental management efforts and salmon recovery.

To balance the elements of the Aquatic Lands Statutes (RCW 79.90 – 79.96), DNR could designate scientific, environmental, and educational aquatic reserves that would help DNR manage sensitive lands and resources. The proposed action is to develop and implement an aquatic reserves program as a tool for DNR to ensure environmental protection of the state’s aquatic lands and resources.

While the legislature has given definitions for three types of reserves in WAC 332-30-151, the general term aquatic reserve needs to be defined. The term “reserves” is often used synonymously with protected areas, preserves, or sanctuaries. For the purposes of this proposal, aquatic reserves means a specific geographic area identified by DNR as having unique features or habitat types that DNR will manage in a manner that will protect and support those elements.

1.2.1 Need for Proposed Action

This proposed action is needed to address the growing pressures on aquatic lands and the increasing demand on aquatic resources in our state. Development has contributed to the declining health of Puget Sound and the state’s other aquatic resources, including coastal and freshwater systems. Species that are dependent upon those resources are impacted by the changes in the state’s landscape and are declining in health and numbers. Additionally, because DNR’s authority is non-regulatory and is limited to managing the aquatic lands, this process will help identify linkages to external regulatory processes and would continue an emerging statewide effort to establish a network of areas for the protection of aquatic resources.

In addition, DNR has designated aquatic reserves, or areas withdrawn from active use, under the authority of WAC 332-30-151 in the past. These designations were done in the absence of clear guidance on the differences between the different types of reserve designations or what activities should be allowed in a reserve and how these areas would be managed. Defining and implementing a statewide aquatic reserves program will provide consistency in the application of DNR’s authority to establish and manage aquatic reserves.

1.2.2 Purpose of Proposed Action

At present, varying interpretations of the laws and rules, as well as the lack of clear guidance, make it difficult for DNR to identify and manage aquatic reserve areas. DNR proposes developing and implementing programmatic guidance so that the public and DNR staff will be able to determine what areas and or resources need special protection in an aquatic reserve, and how those areas should be managed once designated. More specifically, guidance will further define how DNR applies its authority under RCW 79.90 through 79.96 and WAC 332-30-151 with regard to ensuring environmental protection. The guidance may include criteria for prioritizing aquatic reserves, a review and nomination process for potential reserve sites, allowable uses within and in some cases adjacent to reserves, coordination and consultation with local jurisdictions, state agencies, Tribes, non-

government organizations and the general public, and long-term management objectives and monitoring goals.

1.2.3 Objectives of Proposed Action

The primary objective of this proposed agency action is to define and implement a state-wide program for aquatic reserves that will provide a tool to assist DNR in ensuring environmental protection as directed by the legislature in the Aquatic Lands Statutes (RCW 79.90 through 79.96). For the proposed action to meet the underlying purpose and need, it would have to provide clear guidance on the following parameters:

- 1) Define the differences, if any, among the aquatic reserve types specified in WAC 332-30-151 and WAC 332-30-106. Identify the priorities, management objectives, and criteria that DNR should apply to identify areas with features, habitats, function, values and or species that are unique enough to be managed as an aquatic reserve.
- 2) Define a process for accepting and reviewing applications and/or nominations for aquatic reserve sites. Specifically identify the role of the general public, Tribal nations, local jurisdictions, government agencies and non-government entities in establishing aquatic reserves.
- 3) Identify management objectives for the aquatic reserves and a method to determine if the objectives are being realized. Also, identify possible management actions for aquatic reserves.
- 4) Provide guidance for coordinating and consulting with local jurisdictions, state agencies, Tribal nations, and non-government entities, regarding the designation of aquatic reserves and the overall regulatory authority necessary to manage the site in a manner consistent with program objectives.
- 5) Determine how DNR's aquatic reserves program could complement other existing programs in the department and within the state.

With these parameters defined and publicly reviewed, staff will be able to determine the appropriate aquatic reserve designations on state-owned aquatic lands and achieve the management goals provided by the legislature.

Table 1: Do the Proposed Alternatives Meet the Stated Objectives?

Objective of Proposed Action	Alternative 1 Preferred	Alternative 2	Alternative 3	Alternative 4 No Action
1. Define the differences among the aquatic reserve types specified in Washington Administrative Code. Identify the environmental protection priorities, management objectives, and criteria that DNR should apply to identify areas with features, habitats and/or species worthy of setting aside as an aquatic reserve.	Yes	Yes (No priorities identified. Refer to other entities)	Yes	Yes
2. Define a process for accepting and reviewing applications and/or nominations for aquatic reserve sites. Specifically identify the role of the general public, tribal nations, local jurisdictions, government agencies and non-government entities in establishing aquatic reserves.	Yes	Yes (Refer to other entities.)	Yes	Yes (Commissioner's discretion.)
3. Identify management objectives for the aquatic reserves and a method to determine if the objectives are being realized. Also, identify possible management actions for aquatic reserves.	Yes	Yes (Refer to other entities.)	Yes	Yes
4. Provide guidance for coordinating and consulting with local jurisdictions, state agencies, tribal nations, and non-government entities, regarding the designation of aquatic reserves and the regulatory authority necessary to manage the site in a manner consistent with program objectives.	Yes	Yes	Yes	Yes
5. Determine how DNR's aquatic reserves program could complement other existing programs in the department and within the state.	Yes	Yes	Yes	Yes

1.3 Alternatives

The alternatives presented and evaluated under this FEIS include:

Alternative 1 – The preferred alternative is to develop and implement an aquatic reserves program that will establish and manage aquatic reserves under WAC 332-30-151 on state-owned aquatic lands (hereafter referred to as the preferred alternative).

Alternative 2 – Develop an aquatic reserves program that relies on existing programs and authorities external to WAC 332-30-151 to implement an aquatic “reserve program.”

Alternative 3 – Develop an aquatic reserve program that designates all currently unencumbered state-owned aquatic lands as aquatic reserves.

Alternative 4 – Retain the existing program, without further program development and limited public review (hereafter referred to as the no action alternative).

Table 2: Overview of Program Administration for the Four Alternatives

Program Element	Alternative 1 (Preferred)	Alternative 2	Alternative 3	Alternative 4 (No Action)
Application Process	Biennial call for proposals from members of the public, tribes, NGOs, government entities, & DNR staff.	No application process; unsolicited suggestions directed to other programs and entities.	No general application process. DNR staff will consider all State owned aquatic land.	Interested parties make unsolicited proposals to the Commissioner. Staff evaluates feasibility, as requested.
Reserve Designation, Change, and De-Listing Process	<ol style="list-style-type: none"> Proposals reviewed and screened. DNR determines available funds. Proposals ranked by ad hoc panel. Site specific review under SEPA. Reserves designated (or changed) by Commissioner. Reserve designation valid for 90 years. 	Existing aquatic reserves (designated under the authority of WAC 332.30.151) would be rescinded, and no further changes would be made.	<ol style="list-style-type: none"> Inventory of state ownership. Inventory of encumbrances. Identification of unencumbered state lands for reserve consideration. Site specific public review under SEPA (or change.) Reserve designation by Commissioner. Reserve designation valid for 90 years. 	Set by the priorities of the Commissioner, consistent with existing WACs and RCWs relating to aquatic reserves. The reserve selection and designation are at the discretion of the Commissioner.
Reserve Designation Framework	Rely on habitat and species information	No designation framework	Rely on ownership and encumbrance information	No designation framework
Designation Criteria	<ol style="list-style-type: none"> Quality of site Features at site Viability Defensibility Manageability 	No designation criteria	<ol style="list-style-type: none"> In state ownership Unencumbered by incompatible uses Aquatic habitat and function 	No designation criteria

1.4 Existing Status, Trends, and Anticipated Impacts to Affected Environment

Aquatic reserves have been identified as a possible tool to help DNR ensure environmental protection. This section briefly describes some current trends related to aquatic resource protection, the existing status of DNR's aquatic reserves program and lists some anticipated impacts that DNR may cause by implementing this proposal.

Current Trends-

- Throughout the world, reserves, preserves, sanctuaries, and protected areas have demonstrated positive results in aquatic land management. Studies have shown that these areas conserve and restore fisheries and biodiversity (Scientific Consensus Statement on Marine Reserves and Marine Protected Areas, 2001).
- In Washington, many agencies play a role in setting aside areas for protection. The Department of Natural Resources administers the Natural Heritage Program according to RCW 79.70, The Natural Area Preserves Act, for the purpose of identifying and preserving natural areas through a statewide inventory of natural communities, species and features (DNR, 1995). The Washington Department of Fish and Wildlife (WDFW) identifies and manages Marine Protected Areas with the primary purpose of limiting or restricting fishery harvest in those areas. Washington State Parks and Recreation Commission (State Parks) manages aquatic lands adjacent to state parks for the purpose of recreation including nature viewing, tide pooling and underwater parks. State Parks also manages the Seashore Conservation Area, (RCW 79A.05.650) along the coast of Washington, with the purpose of maintaining the area's natural conditions. The Department of Ecology (Ecology) manages the Padilla Bay National Research Reserve that was designated by National Oceanographic and Atmospheric Administration (NOAA) and the State under the Coast Zone Management Act.
- In addition to the State's efforts, the federal government has identified areas through the National Sanctuaries Program and the National Wildlife Refuge Program. Also, local governments have identified areas, such as conservation areas and marine parks, through local Shoreline Master Programs and Comprehensive Plans. Seven northern counties also actively participate in the Northwest Straits Commission, which uses local governing bodies to identify and designate areas as Marine Protected Areas.

Existing Status-

- Under the Revised Code of Washington, the Commissioner of Public Lands has the authority to identify and withdraw public lands from all conflicting uses (RCW 79.68.060). Such a designation is in the form of a Commissioner's Order for the Withdrawal of Lands. In addition, DNR has the authority to designate withdrawn lands as aquatic reserves (WAC 332-30-151). These designations are also in the form of a Commissioner's Order for the Withdrawal of Lands, with specific language that designates the area as an aquatic reserve. All withdrawal orders, including those that contain an aquatic reserve designation, can be instated and/or rescinded at the discretion of the Commissioner.

- DNR recognizes the sovereignty of federally recognized Tribes in the state of Washington as well as the treaty-reserved rights held by certain Tribes and that many of these rights are managed by judicial decree or management agreements. To emphasize cooperation between the Tribes and DNR, it is DNR's policy to work with the Tribes in a government-to-government manner. DNR also recognizes the importance of coordinating and consulting with non-treaty Tribes.
- Lack of documentation for the basis of existing aquatic reserve designations could lead to inconsistent management within DNR and a general lack of public understanding of DNR's management goals and responsibilities relating to aquatic reserve management on state-owned aquatic lands.
- In the year 2000, DNR applied its authority under WAC 330-32-151 to designate aquatic reserves. That process resulted in the designation of two aquatic reserves and four areas that "should be reserves," according to the language in the Commissioner's Orders.
- Aquatic lands can also be reserved for other purposes. For example, Article XV, section 1, of the Washington State Constitution designates that harbor areas "shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce." The Constitution (Article XV) also establishes a Harbor Line Commission that is responsible for creating and reviewing harbor areas. The responsibilities and membership of the Harbor Line Commission have been assigned to the Board of Natural Resources. In addition to harbor areas, DNR can designate waterways as detailed in WAC 332-30-117 to provide unobstructed public highways that support the needs of commerce and navigation.
- Under RCW 75.24, DNR can withdraw lands for oyster reserves. The statute also gives the authority for DNR to vacate or lease the lands and allows WDFW to sell shellfish from these lands. Additionally, RCW 77.60.100 allows for the "establishment of reserves on state shellfish lands." This statute provides the WDFW Commission the authority to ask the Commissioner of Public Lands to withdraw lands from sale or lease to establish "reserves or public beaches."

Anticipated Impacts

- It is difficult to anticipate significant adverse impacts to the natural environment that may result from the development and implementation of an aquatic reserves program. By its nature, a program that identifies and sets aside unique and significant resources for protection and or restoration should result in positive environmental impacts. However, significant adverse environmental impacts may be experienced in those areas not selected as a reserve, where a high concentration of uses may exist. A reserve program alone may not be sufficient to ensure environmental protection.
- SEPA also requires consideration of impacts to the built environment. Many current uses of state-owned aquatic lands might experience limitations or restrictions in light of a reserve

program. The alternatives proposed could concentrate elements of the built environment to areas outside reserves and could potentially limit areas for development, altogether.

- A reserve program is a tool that may allow a change from relying on the current regulatory standards for ensuring environmental protection, and may enable a landscape management approach that is more consistent with recent trends in ecosystem management approaches to natural resource/environmental conservation. A program may also encourage coordination and consultation with other management authorities working toward the same end.

Table 3: Potential impact of the four alternatives on the affected environment

Affected Environment	Alternative 1 (Preferred)	Alternative 2	Alternative 3	Alternative 4 (No Action)
Geographic area in reserve status	<i>Initially a small acreage, increasing as the reserve program matures.</i>	<i>Uncertain</i>	<i>The majority of state owned aquatic lands would be reserves.</i>	<i>Uncertain</i>
Impacts to Natural Environment				
Earth, Air, and Water Resources	Positive impact inside reserves, negative impact outside reserves if uses are concentrated there.	Uncertain	Positive impact inside reserves, negative impact outside reserves if uses are concentrated there.	Uncertain
Plant and Animal Resources	Positive impact inside reserves, positive or negative impact outside reserves (e.g. recovery of species would have a positive impact; concentrating uses outside of reserves could have a negative impact).	Uncertain	Positive impact inside reserves, negative impact outside reserves if uses that impact plant and animal resources are concentrated there.	Uncertain
Energy and Natural Resource Use	Positive or negative impact inside reserves. (Natural resources would be positively impacted, but extraction of those resources for beneficial uses could be negatively impacted.)	None	Positive or negative impact inside reserves. (Natural resources would be positively impacted, but extraction of those resources for beneficial uses could be negatively impacted.)	Uncertain
Impacts to Built Environment				
Environmental Health	Positive impact inside reserves, negative impact outside of reserves if uses are concentrated there.	Uncertain	Positive impact inside reserves, negative impact outside reserves if uses are concentrated there.	Uncertain
Land and Shoreline Uses. -Relationship to existing land use plans and to estimated population -Aesthetics -Recreation -Historic and cultural preservation	Inside reserves, some impacts could be positive (such as improving esthetics) and some could be negative (such as limiting types of recreational uses). No impact outside of reserves.	Uncertain	With a large geographic area in reserve status, impacts to existing land use plans are estimated to be large. Impacts could be positive or negative, depending on adjacent land uses.	Uncertain
Transportation -Waterborne movement/circulation of people or goods	Potential negative impacts if infrastructure supporting waterborne transportation is limited inside reserves. Overall impacts potentially small, increasing as reserve program develops.	Uncertain	Potential negative impacts if infrastructure supporting waterborne transportation is limited inside reserves. Overall impacts potentially large.	Uncertain
Public Services and Utilities -Parks or other recreational facilities -Communications -Water/Storm water -Sewer/Solid waste	Potential negative impacts if infrastructure is limited inside reserves. Overall impacts potentially small, increasing as reserve program develops.	Uncertain	Potential negative impacts if infrastructure is limited inside reserves. Overall impacts potentially small, increasing as reserve program develops.	Uncertain

1.5 Areas of Controversy and Uncertainty

To provide for predictable, equitable and consistent exercise of DNR's leasing authority related to aquatic reserves, these issues should be considered and/or resolved:

- The balance between human use and conservation of natural resources has been an ongoing issue in aquatic land management in general and in the management of previously designated reserves.
- Coordination among resource authorities regarding aquatic resource protection and management could result in improved environmental protection.
- DNR's authority is limited to the proprietary management of state-owned lands. DNR's potential reliance upon entities with regulatory authority to support and in some cases help carry out the objectives of DNR reserve designations should be defined.
- DNR must consider its need to make all the elements of state law directing DNR's management of state lands – ensuring environmental protection, providing for navigation and commerce, fostering water-dependent uses, providing for public access, and utilizing of renewable resources.

1.6 Major Conclusions

All of the alternatives meet the objective of “ensuring environmental protection” stated in Section 2.4. None of the alternatives provide any new authority to DNR, nor do they change legislative direction regarding state-owned aquatic lands. Rather, each alternative (except for the “no action” alternative 4) would provide clarification of existing authority and practical methodologies through which DNR can work to meet the management goals provided by legislature in RCW 79.90.455, as it relates to ensuring environmental protection on state-owned aquatic lands.

2.0 Background and Objectives

2.1 Background of the Issue

The designation and management of aquatic reserves can be used as a tool to ensure environmental protection for the state's aquatic resources. While DNR is authorized to designate reserves under state law, the criteria for site selection and guidance for implementing active management actions are not defined. The advantage of defining criteria and guidance is two fold – it would allow for consistent application of the statutes and it would provide a mechanism to protect unique and sensitive areas for the long term.

2.2 Legislative Authority or Mandate

DNR is vested with the management and leasing authority of state-owned aquatic lands under various statutory authorities: RCW 79.90.460(4) (authority to lease state-owned aquatic lands vested in DNR); RCW 79.92.060 (harbor area leases); RCW 79.93.040 (authority to issue permits for structures in waterways); and RCW 79.94.150(3) (lease of tidelands and shorelands). Further, DNR is required to consider natural values such as habitat for any initial lease (RCW 79.90.460 [3]).

There are several statutes that give DNR the authority to create reserves, as listed below:

- RCW 79.68.060 authorizes DNR to “... identify and withdraw from conflicting use at such times and for such periods as it shall determine appropriate, limited acreage of public lands under their jurisdiction.”
- RCW 79.90.460 (3) authorizes DNR to “... consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem or spawning area prior to issuing any initial lease or authorizing any changes in use. The department may withhold from leasing lands that it finds to have significant natural values, or may provide within any lease for the protection of such values.”

If state-owned aquatic lands were designated as an aquatic reserve, DNR’s aquatic reserves program would control activities primarily through leasing decisions. Washington Administrative Code (WAC 332-30-151[6]) directs DNR to critically review lease applications to ensure that proposed lease activities do not conflict with the basic purpose of a reserve. Leases would not be issued for activities in conflict with the reserve status (WAC 332-30-151[2]). In reviewing a lease application, DNR conducts an environmental assessment and seeks comment from other agencies or institutions that have a special interest in the area. In addition to DNR’s environmental review of a lease application, project proponents would have to go through SEPA review under local or other state permit processes. In these cases, the local jurisdiction or state would serve as the lead agency under SEPA.

State law contemplates that DNR may administratively decide that commercial enterprises should not be allowed to lease certain lands that have a significant natural value. Aquatic reserve status would not preclude all use authorizations, but only those inconsistent with the purpose of the reserve. Leases that are consistent with the purpose of each reserve by protecting or perhaps enhancing the threatened aquatic environment and which meet DNR’s other management guidelines may be authorized. State law does not authorize DNR to preclude all uses from the lands, particularly those that do not require a leasehold interest. DNR manages leases of state-owned aquatic lands, as well as other proprietary issues regarding these lands, such as removal of valuable materials and trespass. However, DNR does not regulate boating, fishing, recreation, or similar transitory uses that may cross aquatic lands.

Proposed leases for structures or activities immediately adjacent to any reserve may be subjected to the same critical review as leases within a reserve if the structures or activities could potentially (a) degrade water quality, (b) alter local currents, (c) damage marine life, or (d) increase vessel traffic (WAC 332-30-151[7]).

For complete text of above referenced statutes and other related statutes, see [Appendix A](#) – Legal authority and regulations.

2.3 Tribal Relations

Tribal treaty rights have existed since the mid-1850s and continue to play an important role in the management of Washington’s natural resources. While these rights are primarily concerned with the rights to fish at all usual and accustomed areas, there are other provisions, some of which are specific to individual Tribes. Such treaty rights must be respected in considering activities on aquatic lands. DNR works on a government-to-government level with the Tribes, consistent with DNR’s Tribal Relations

Policy and the 1989 Centennial Accord, which serves as the basis for improved communication between the State of Washington and the Tribes.

Nothing in this FEIS, or the proposed alternatives, is intended to diminish treaty rights. In fact, one of the desirable outcomes of this process will be to better meet treaty obligations by providing a mechanism for consultation/cooperation between DNR and the Tribes. DNR also recognizes the importance of consultation/cooperation with non-treaty Tribes.

2.4 Statement of the Primary Objective

The primary objective of this proposed agency action is to help meet a specific objective of the Aquatic Lands Statutes (RCW 79.90 through 79.96) – to ensure environmental protection. One way to help achieve this objective is through the use of aquatic reserve designations on state-owned aquatic lands. Aquatic reserves would complement existing and future DNR actions that manage the state's aquatic resources.

2.5 Relation to Ongoing and Future Regulatory and Planning Efforts

Projects in the aquatic environment are subject to a complex matrix of local, state, Tribal and federal authorities and regulations. For this reason, new actions proposed by DNR must not only be compatible with existing DNR aquatic land regulations under RCW 79.90 through 79.96 and WAC 332-30, but also must be compatible with other local, state, tribal and federal regulatory requirements.

DNR's proprietary authority with respect to activities within navigable waters comes from an entirely different perspective than the regulatory authorities. DNR acts as a land manager of state-owned aquatic lands for the citizens of the state. As with any land ownership, activities on land managed by DNR are subject to all of the authorities referenced below. However, if DNR, in its role as a steward of the public trust, identifies a specific need or land use issue that would not be adequately served by the minimum requirements of the regulatory authorities, it may condition or withhold its land use authorizations (leases, easements, rights of entry) to provide for additional protection (RCW 79.90.460 (3)).

The following is a brief overview of major regulatory authorities and statewide planning efforts affecting activities on aquatic lands:

- Local governments issue Shoreline Substantial Development Permits and Shoreline Variances under the Shoreline Management Act and develop Critical Area Ordinances under the Growth Management Act. These are delegated authorities under the direction and oversight of the Washington State Department of Ecology (Ecology).
- The Department of Ecology reviews local Shoreline Master Plans and Critical Area Ordinances. They also implement portions of the Clean Water Act through permit processes such as National Pollutant Discharge Elimination System (NPDES) permits for discharges of waste water and Water Quality Certifications ("401" permits) for discharge of dredged materials or fill into waters. In addition, they issue Coastal Zone Management Certifications for federally authorized projects to ensure substantial equivalence to state environmental

standards. There are also local planning efforts, relating to aquatic land management, such as the Fidalgo Bay Plan, that should be considered when designating sites for reserve status.

- The Washington State Department of Fish and Wildlife (WDFW) issues Hydraulic Project Approvals (HPA) under the authority of the Hydraulic Code Rules (RCW 75.08, RCW 75.20, WAC 220-110). The purpose of the HPA process is to provide protection for all fish, including the protection of fisheries habitat. Additionally, WDFW designates “marine protected areas” which impose restrictions on fishery harvest.
- At the federal level, the U.S. Army Corps of Engineers issues “404” permits (Section 404 of the Clean Water Act) and “Section 10” permits (Section 10 of the Rivers and Harbors Act) for construction, filling or dredging within navigable waters of the United States. These federal authorities provide for protection of the biological integrity of the nation’s waters and protect the rights of navigation, respectively.
- As a result of the listing of certain species of salmon and bull trout under the Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service provide “consultations” under ESA for activities which may result in an “incidental take” of an endangered species.
- The Northwest Straits Conservation Initiative is a federally funded program that utilizes a “bottom-up” approach to protecting and restoring the marine resources of the Northwest Straits. The Initiative has identified several “performance benchmarks” which include achieving a science-based regional system of marine protected areas and demonstrating a net gain in highly productive habitat. Currently, seven Washington counties are actively participating in this voluntary effort by supporting local marine resource committees.
- The Puget Sound Water Quality Action Team adopted the Puget Sound Water Quality Management Plan in 1987, and amended it in 2000. The goal of the plan is to “restore and protect the biological health and diversity of Puget Sound.” Specifically, the plan calls for preserving and restoring marine and freshwater habitats. The plan requests that DNR establish aquatic reserves and that the effort is coordinated with the other entities and reserve purposes. Additionally, the plan requests that state governments and Tribes use “best available science” to identify rare and unique marine habitats with the ultimate result of establishing a “network” of reserves that will be managed and monitored.
- The Washington Salmon Recovery Funding Board's mission is to support salmon recovery by funding habitat protection and restoration projects, and related programs and activities that produce sustainable and measurable benefit for the fish and their habitat. The board relies upon local watershed planning efforts to assist in identifying projects that support salmon recovery.
- The Lower Columbia Estuary Partnership adopted the Comprehensive Conservation and Management Plan (CCMP) in June 1999. The goal of this program is to “preserve and enhance the water quality of the estuary to support its biological and human communities.” The

document also identifies three categories of priority actions in order to meet the program mission – habitat and land use, education and management, and conventional and toxic pollutants. There are some actions that relate to DNR aquatic reserves program, namely: to identify, protect, and enhance habitats and environmentally sensitive lands that should not be altered; monitor the effectiveness of habitat protection and restoration; and encourage environmentally sensitive development tools and incentives in local and state planning efforts.

- The Northwest Power Planning Council is a multi-state body, directed by the Northwest Power Act of 1980 to develop a program to protect, mitigate and enhance fish and wildlife of the Columbia River Basin that have been impacted by hydropower dams. The recommendations set forth by the Council include identifying "strategies to protect, re-establish and connect habitat in the main stem of the Columbia River". The Council works with local governments to develop subbasin plans for recovery efforts in those areas.

3.0 Alternatives

Under this section, alternatives for achieving the primary objective will be discussed. First, the objectives for the alternatives will be reviewed under Section 3.1, and then reasonable alternatives will be introduced in Section 3.2 and analyzed relative to the objectives for the alternatives. Under Section 4.0 the elements of the affected environment will be identified, followed by a discussion of the probable impacts of each alternative on the identified elements of the environment.

3.1 Objectives for Alternatives

The primary objective of this proposed agency action is to use aquatic reserves as a tool to help ensure environmental protection, as authorized in the Aquatic Lands Statutes (RCW 79.90 through 79.96). The SEPA process calls for an evaluation of reasonable alternatives for meeting the primary objective. The more specific objectives under which alternatives to the proposed action should be evaluated are described in Section 1.2.3.

3.2 Reasonable Alternatives

To develop reasonable alternatives for discussion under this FEIS, DNR staff developed the primary objective in context with the overall purpose and need for the proposed action (see Section 1.2.1). From this, staff considered how DNR previously applied its authority to designate aquatic reserves. We then employed the SEPA scoping process to solicit ideas from the public on alternative methods for identifying and designating reserves. In addition to the information generated by public input, staff explored other mechanisms in the state that accomplish a similar objective. The information was collated and separated into three alternatives that develop an aquatic reserves program and a fourth alternative that describes the methodology or program currently applied by DNR. The four alternatives are outlined below.

3.2.1 Alternative 1 (Preferred Alternative)

This alternative would develop a formal program for establishing and managing aquatic reserves on state-owned aquatic lands based upon existing state laws. The program would use scientific information, as well as information described by nominating parties (see Section 3.2.1.3.1), to evaluate

sites for inclusion as aquatic reserves. This program would also rely upon a “designation cycle.” There would be a specified time to receive and evaluate applications, followed by project-specific SEPA review of the sites and associated management plans, the issuance of a Commissioner’s Order to designate the lands, and finally, an appropriate time to implement plans, including monitoring and assessment of the reserve objectives. Under Alternative 1, DNR’s intention would be to create at least two new aquatic reserves per biennium. The ability to do this would be contingent upon funding for the program, including a program administrator, and on receiving at least two reserve nominations that meet the designation criteria.

This program encourages coordination and consultation with other entities working toward environmental protection and ultimately may lead to building a connective system of protected areas.

This alternative would include the elements listed below:

3.2.1.1 Overall Goal of Aquatic Reserves Program

Use aquatic reserves as a tool to help DNR ensure environmental protection, preservation and enhancement of state owned aquatic lands that will provide direct and indirect benefits to aquatic resources in the state of Washington.

3.2.1.2 Measurable Objectives

DNR will utilize different types of reserves to accomplish the program goal. The three types of reserves, as currently defined by WAC 332-30-151 are: environmental reserves, scientific reserves, and educational reserves. Measurable objectives for each category are as follows:

Environmental Reserves will help ensure environmental protection through:

- Conservation (i.e., no net loss of elements of biodiversity), ecological function and services, or historical significance; and
- Restoration (i.e., improve ecosystem function and services) and return degraded systems to better functioning conditions.
- *Associated measures to ensure environmental protection -*
 - Conduct baseline monitoring to determine if resource protection measures of designation are successful.
 - Use a checklist of key or indicator species, community and function types to measure success.

Scientific Reserves will help ensure environmental protection by:

- Providing sites that can be manipulated for the benefit of knowledge.
- Providing reference sites against which to measure effectiveness of environmental protection; and
- Managing sites with unusually rich plant and animal communities.
- *Associated measures to ensure environmental protection -*
 - Determine if reserves are being used for quality research.
 - Maintain an appropriate number of sites.
 - Increase DNR’s ability to manage other sites (applied sites).
 - Ensure that the initial qualities that triggered establishing a reserve remain, i.e., no degradation of features and ecological processes.

Educational Reserves will help ensure environmental protection by:

- Keeping sites available for environmental education opportunities; and
- Educating people about value of aquatic habitat to ensure environmental protection.
- *Associated measures to ensure environmental protection* –
 - Site is being used for educational purposes.
 - Education efforts are successful.
 - Sites remain intact and functional for the purpose they were established.

3.2.1.3 Program Administration

This section explains how the reserve program elements, such as selection criteria, eligibility, nomination reviews and management actions will be administered. This approach is modeled after the current 2002 Aquatic Lands Enhancement Account (ALEA) grant program administered by DNR. To complement active implementation of the aquatic reserves program, a team of DNR staff would conduct a statewide science-based inventory of the state's aquatic lands and resources. The inventory would be based on existing data such as DNR's nearshore data and would be supplemented to include freshwater environments. The purpose of the inventory is to identify and make available to the public priority species and habitats (based on criteria) for consideration under the reserve program. A reserve program administrator would be responsible for program implementation statewide. Under Alternative 1, existing DNR aquatic reserves, and areas previously withdrawn from leasing for the purposes of establishing aquatic reserves, would be evaluated according to the procedures and criteria listed in Section 3.2.1. The evaluation would determine whether the sites should be established as or continue to be aquatic reserves, whether their boundaries should change if they are established as or continue to be aquatic reserves, or whether they are not appropriate sites for designation as aquatic reserves. Under the latter situation, the Commissioner of Public Lands would rescind the DNR aquatic reserves and/or withdrawn from leasing designations.

3.2.1.3.1 Application Process for Consideration of Reserve Status

Periodic Call for Proposals – The program administrator would call for applications on a biennial basis. Applications would be considered for inclusion of new areas into the reserve program, for changing an existing reserve type or boundary, or for removing existing reserve designations. Lands eligible for aquatic reserve status under this program alternative must be state-owned.

Letter of Intent – A letter of intent to apply for aquatic reserve status on state-owned lands should be submitted to DNR six to eight weeks prior to the application deadline. The letter should contain sponsor information, site location (section, township and range) and a brief description of the site and its features. The purpose of this step is to initiate an exchange of technical information between DNR and the nominating party as well as to define the applicant pool for the review cycle.

Application - Members of the public, non-government organizations, Tribes, and government entities, including municipalities, state, and federal agencies could submit a standardized application for review. In addition to externally nominated sites, DNR staff could also nominate

sites. Additionally, DNR data could be used to supplement or complement an externally nominated application.

A complete application will consider the “Designation Criteria,” described in Section 3.2.1.3.4 of this document, and at a minimum will consist of:

- A letter from the nominating entity briefly explaining the proposed site and the need for protective measures.
- A proposed reserve name.
- A detailed description of the special features of the site.
- A discussion of current and potential uses that may conflict with the purpose of the reserve (environmental, scientific, or educational).
- Scientific data to support the nomination (original research or based on existing information).
- A legal description of the site and a geographically referenced map of the site with adjacent property ownership information.
- Identification of all the entities with legal jurisdiction in and adjacent to the proposed reserve area such as Shoreline Management Programs, Tribal Usual and Accustom Areas, port districts, private owners, and commercial owners.
- Information regarding development plans for uplands adjacent to the proposed reserve area should also be included, if available.
- Identification of cooperative management partners interested in actively managing the site after designation.
- Letters of support from regulatory entities, adjacent property owners and other interested parties.
- Other information identified as necessary throughout the evolution of the program.

3.2.1.3.2 Review for Designation, Change, De-listing – Overview

Designation Process – Applications from a biennial cycle will be reviewed as a group. The number (and type) of reserves selected would be dependent upon available funding and resources. The review of applications will occur in a three-phased process.

During the first step, DNR staff would review the applications for completeness and appropriateness. Staff may also conduct a site visit and consult with the affected government entities and Tribes regarding the feasibility of the proposal.

After the preliminary review is complete, DNR staff will present the list of proposed reserve sites to the Aquatics Division and notify the Commissioner of Public Lands of the nature of the application pool. At this time, DNR will make a commitment as to the number of reserves that can be designated during this cycle, based on available funds and resources.

The final phase of the review will consist of an ad-hoc panel from outside DNR. The panel will rank the proposals, including any additional information generated by step one of this process, based on specific review criteria (see section 3.2.1.3.5). The panel will then submit a ranked list of recommendations to DNR for further action.

If, during any point in the application process, it is determined that an aquatic reserve may not be the appropriate designation for a given area, staff would direct the nominator to other alternatives, such as Natural Heritage Program, for Natural Area Preserves or Natural Resource Conservation Area recommendation, Commissioner's Order to withdraw lands from leasing, or to other entities with similar programs.

Change Process – Proposals to change boundaries and reserve classifications will also be reviewed by the ad-hoc panel. The aforementioned designation application will include optional sections to be used for this purpose. Changes to reserve boundaries and classifications will be accomplished through a Commissioner's Order.

De-listing Process -The retraction of a specific area of state-owned aquatic lands from reserve status would be accomplished through the application process, including a project SEPA review. In addition, if the Harbor Line Commission (see Section 1.4, Existing Status) determined a need to change an existing or create a new harbor area, the aquatic reserve boundary within that area could be modified as necessary to accommodate this.

Extreme circumstances, including safety, human health, navigation, and/or security concerns could trigger an expedited retraction of the reserve designation. The act of “de-listing” an aquatic reserve area would be accomplished through a Commissioner's Order.

3.2.1.3.3 Reserve Designation Framework

There is increasing evidence that a network of reserves can provide significantly greater benefits in terms of diversity and productivity than can individual reserves. To be effective, a network needs to span a large geographic distance and encompass enough area to provide for long-term persistence of species and communities. Marine reserves should be connected by larval dispersal, juvenile or adult migration, feeding areas and refugia. (Scientific Consensus Statement on Marine Reserves and Protected Areas, 2001.)

The following principles would be used to establish the foundation of the aquatic reserves program and to assist in identifying priority aquatic resources and candidate sites for protection:

- The reserve designation process should be based on objective, scientific criteria.
- Science-based input should include currently available information on sites and on priorities (habitat types, geographic areas, species conservation areas, network status, or specific sites) for conservation and/or restoration.
- Habitat-related and species-related criteria should be considered in reserve selection through two complementary habitat and species filters (sometimes referred to as coarse filter and fine filter).
 - Different classification and prioritization frameworks may be needed for marine and freshwater environments to account for ecological differences in these systems.
- The habitat filter should identify all habitat types in marine and freshwater systems to be considered. The list of habitat types would provide a framework for selecting sites that

capture elements of biodiversity. The habitat filter should consist of a classification system that synoptically and mutually exclusively describes aquatic environments. That is, for every type of aquatic environment, there should be a corresponding unit in the classification system.

- Ideally, the habitat filter would be a single classification system for all aquatic habitats. While there are many classification systems for marine and freshwater environments, no single appropriate system exists. This gap could be filled by designing a single classification system or by using existing classification systems. The classification system must meet several requirements:
 - The classification system, and the units of the classification system, must reflect how biodiversity is distributed across the landscape.
 - The units of the classification system must be reasonably predictive in terms of the component biota.
 - In addition to describing habitats, the classification system should consider landscape-scale variation by considering larger areas such as eco-region or oceanographic basin.
 - Terrestrial ecosystem classifications are often based on the dominant vegetation, but aquatic classifications are often based on physical parameters. The classification must include the physical parameters that determine the distribution of organisms (e.g., water temperature, salinity, depth, wave and current energy).
 - The units of the classification must be at such a scale that they can drive selection of sites as candidates for the aquatic reserves program. The units themselves may, or may not, need to be mapable.
- The species filter would identify particular species for consideration. The species filter would augment the habitat filter by identifying elements that are not reliably represented by the classification system for reasons such as classification detail, species rarity, and critical life stages.
- Features from either the species filter or the habitat filter would be used to select sites as candidates for an aquatic reserves program.
- Designation criteria and classification systems would be based on the best available science. This will ensure a program that would remain consistent with scientific findings as well as adapt to changes to the environment.
- The preferred method of habitat type prioritization is through ranking habitat types in terms of rarity, threat and other considerations. Priorities should be assigned to the individual units of the classification.
 - A site-specific database should be built to capture information about each occurrence of each feature in the classification (i.e. each habitat type and each species identified or listed in the species filter). Information from this database could then be used to identify the highest priority sites for protection or restoration. In the absence of site-specific data, general research could be completed to determine priority habitat types and ecological processes.

3.2.1.3.4 Designation Criteria

Consistent with the above-mentioned framework, site evaluation parameters would include:

The ecological / cultural quality of the site and condition of the features of interest

- What is the general condition of the site – pristine, good condition, fair, poor, altered?
- What are the risks to the ecosystem or the feature of interest?
- Can the site contribute to ensuring environmental protection through restoration?
- Is the site of special value for biodiversity or species diversity?
- Does the site contribute to the ecological processes that sustain the aquatic landscape?
- Will reserve status serve or conflict with the greatest public benefit?

The habitats / features represented within the site

- Is the site a good example (relatively undisturbed) of representative habitat as compared with the overall reserve program goal?
- Does the site contain habitat types that are under-represented in the aquatic reserves program or marine protected area network?
- Does the site represent a biogeographical location that is under-represented in the aquatic reserves program or marine protected area network?

The viability of the occurrences of interest at the site

- Degree to which the site's features meet the intent of the reserve
 - Example – There are few remaining tidal flats in Commencement Bay, so a large area, even though degraded, may warrant restoration.
- The number of conservation targets and ecological processes.

The defensibility of the site, i.e., does the site adequately protect the habitat or feature of interest against unnatural encroachments?

- Does the area provide complementary protection within a reserve or protected area network?
- Does the area provide connectivity to a reserve or protected area network and/or for species and/or habitats?
- Is the area large enough and of appropriate size to be sustainable?
- Does the site have the ability to persist over time?
- Are there known or anticipated activities that endanger the site or habitat?
- Can factors contributing directly to the area's decline be mitigated?

The manageability of the site, i.e., can the site be successfully managed to maintain the features of interest and meet the primary goal of the reserve?

- How will the nominator and DNR coordinate reserve actions with other entities, including local jurisdictions and current leaseholders?
- Has another entity previously identified the area for protection?
- Are there potential cooperative management partners, including monitoring and enforcement partners?

- Are there adjacent natural areas or public lands administered by State Parks, WDFW, DNR, other government agencies or other entities?
- How will success be measured? How will we know if the reserve is meeting its intended purpose?
- What kind of monitoring is needed?
- What kind of enforcement is needed to make sure incompatible uses and impacts don't encroach on the reserve?

3.2.1.3.5 Review Procedure for Nominations

The review of applications for reserve nominations will occur in a multi-step process that will include staff expertise, an external review panel and consideration for available resources and staffing constraints. The process identifies program priorities and criteria for reserve designations but maintains flexibility to respond to unique sites that may not be selected under stringent criteria. The following provides an overview of the envisioned process:

Step 1 – Internal Review

The program administrator and DNR staff would provide the first round of review for potential reserves. In this preliminary round, staff will apply eligibility criteria to answer the following questions:

- Is the application complete?
- Has the nominator coordinated and consulted with local jurisdictions, Tribes, and local landowners?
- Does the area include only state-owned aquatic land? Will this proposal require additional land transfers or acquisitions?
- Has the area been adequately characterized: condition, presence/absence of special features?
- Has the area been previously designated or identified for preservation, conservation, and/or protection by other entities?
- Do the area or adjacent areas include current or proposed uses that conflict with the goal of the reserve program or the reserve objectives?
- Is the area adjacent to public use natural areas such as a State Park, WDFW or DNR public lands, federal lands, or other public lands?
- What will be the anticipated impacts if an area is placed in reserve status?

If the above questions are not answered, the application will be considered incomplete, and returned to the nominator for more information.

Step 2 – Evaluation of available DNR resources

After DNR staff has preliminarily reviewed the completed applications, DNR will commit to designating a specific number of aquatic reserves for that biennial cycle. A specified number of reserves will be selected for each biennial cycle. This determination will be based on the complexity of management issues presented in the applicant pool, available staff, and financial resources available to meet the objectives of the reserves.

Step 3 – External Review

The third phase of the application review process uses an ad-hoc review panel to apply the reserve attribute criteria, detailed below. The panel could include representatives from Washington State Parks and Recreation Commission, Ecology, state and federal Departments of Fish and Wildlife, as well as a representative from the Tribes, local government, non-government entities such as The Nature Conservancy or community environmental groups, commercial fishermen, business interests, scientific community, and the general public.

The panel would review and rank nominations and submit recommendations to DNR for further consideration and action. The following site evaluation parameters would be applied to the applications:

Educational Reserve Criteria

Desirable attributes for educational reserves include:

- An accessible distribution of sites throughout the state.
- An adequate distribution among habitat types.
- Attracts a range of target audiences.
- Compatible with educational use activities.
- Easy or ready public access and may currently provide opportunities for public education, access, and/or recreational activities.
- Conditions or activities in adjacent areas are compatible with the proposed reserve site.
- Viable and manageable site which preserves its ecological integrity while providing public access.
- A history of monitoring or an opportunity for long-term monitoring of the site, consistent with section 3.2.1.4.3, Monitoring Considerations.

Environmental Reserve Criteria

Desirable attributes for environmental reserves include:

- Viable and manageable site able to support rare, special, and unique features.
- Habitat type is locally or regionally rare or of particular significance.
- Site has the ability to persist over time.
- Area has a high degree of natural biodiversity.
- Site contains valuable or environmentally sensitive habitats.
- Habitat is used by rare, listed, or valued aquatic species.
- Habitat is essential for life stages of valued species (such as spawning and nursery areas for threatened and endangered species, including salmon, herring, smelt, and sand lance).
- Current physical, chemical and biological processes that maintain habitat are intact or restorable.
- Habitat could support critical life stages of valued or protected species if restored.
- Restoration of area will result in an ecologically functioning habitat.
- Site contains valuable geological, cultural, and/or archeological resources.
- A history of monitoring or an opportunity of long-term monitoring of the site, consistent with section 3.2.1.4.3, Monitoring Considerations.

Scientific Reserve Criteria

Desirable attributes for scientific reserves include:

- Rare sites including variety and distribution of habitat types and ecological processes.
- Relatively undisturbed examples of habitats that were common historically.
- Site is of interest to scientific community.
- Site is an unusually species-rich example.
- Viable and manageable site, able to support rare, special, and unique features.
- Site contains a high degree of biodiversity for habitat type.
- Site has a low degree of alteration from its natural state.
- Site could be manipulated without doing irreparable harm to its neighboring systems or habitats in order to advance knowledge (not applicable to all sites).
- A history of monitoring or an opportunity of long-term monitoring of the site, consistent with section 3.2.1.4.3, Monitoring Considerations.

Step 4 – DNR staff recommendation for further action

In the final phase of the application review process, DNR staff will present a final list of reserve nominations to the Commissioner of Public Lands. Staff recommendations will be based on the available staff resources, budget resources, the larger reserve program goals determined in step two, identification of potential conflicts with other current or projected use of the area, and the ad hoc committee's ranking from step three. The Commissioner will review staff recommendations, evaluate if this use best serves the public benefit and provide final approval for establishing a specific reserve.

3.2.1.4 Site-Specific Processing and Planning

Site-Specific Planning

Those applications which rank high enough to meet DNR's commitment for reserve designation will then be reviewed at the site-specific level. DNR staff and/or the nominating party will develop a management plan, consistent with the programmatic guidance. Such a plan would include information regarding possible lease limitations and monitoring strategy.

General Site Planning Requirements

Areas proposed for aquatic reserves designation will require site-specific management plans. Lead entities (i.e., nominating or managing partner) will be responsible for developing the plans in cooperation with DNR staff. Management plans will (at a minimum) detail the site's:

- Biological, archeological, cultural, and historical resources;
- Management objectives;
- Issues, threats, and concerns relative to management;
- Management activities required to achieve objectives;
- Habitat restoration and enhancement needs;
- Performance measures;
- Monitoring and research activities necessary to evaluate management activities;
- Capital and management funding needs;
- Lead management entity; and
- Cooperative management partners.

3.2.1.4.1 Consultation / Coordination Actions

Coordination for aquatic reserves needs to occur on at least two levels – prior to designation and after site designation. The former will assist in identifying appropriate sites for reserve status given shared regulatory authority, whereas the latter will assist in management of the site.

Below is a list of groups that DNR will consult or coordinate with (as applicable) during the application phase as well as after site designation. DNR will work with others in order to ensure the feasibility of the proposal and its long-term success through management actions and program implementation.

- Tribes
- Non-government organizations
- Local governments
- State and federal government
- Nominating group
- Local citizen groups
- Educational institutions (schools, colleges and universities)
- Scientific community
- Resource managers
- Business community
- Commercial fishery interests
- Local citizen groups
- User groups (recreation groups)
- Environmental Organizations
- Watershed Councils/Basin Planning Organizations

3.2.1.4.2 General Management Actions

This section includes both general and specific management actions for DNR aquatic reserves. It is intended that these actions are flexible enough to accommodate for changes within and surrounding the site, while being rigid enough to support enforcement and monitoring strategies.

General Lease Management Considerations

The primary effect of designating an area as an aquatic reserve is that some low-impact lease activities may continue and expand, assuming they are compatible with the objective of the reserve. However, future leases that are not compatible with reserve goals will not be allowed.

- In general, no future use authorizations will be granted that alter, remove, and/or otherwise change any existing environmental or cultural characteristic of an established reserve, except for those use authorizations that primarily serve the objectives of the reserve designation. This includes Rights of Entry (ROE), Letter of Permission (LOP), leases, easements, and shellfish harvest contracts.

- All uses allowed in aquatic reserves must be implemented in such a manner that will avoid, minimize, and compensate for all environmental impacts.
- Use authorizations that were granted prior to the establishment of a reserve will be honored throughout the duration of the current leasing period; modifications or extensions to such leases will be evaluated as per the reserve objectives and site management plan.
- While DNR does not have regulatory permitting authority, it will support maintenance and facility upgrades (for existing use authorizations within a reserve) that serve to implement the objectives of aquatic reserves. (However, federal, state and local regulatory agencies may require additional permitting procedures based on the environmental condition of the area.)

Management Actions for Education Reserves

- Management decisions for educational reserves should be based upon the unique physical features at the site that will help enhance environmental protection through public awareness and provide environmental educational opportunities.
- Management plans should have adequate protection mechanisms to ensure the longevity of the site, and its features, to provide ongoing opportunities for education.
- Management of these sites should also allow for some manipulation, in areas stable enough to withstand alterations, for the benefit of knowledge and public access. Other sites should be expressly managed as reference sites against which to measure effectiveness at environmental protection.
- Management should include coordination with other entities such as Tribes, WDFW, and adjacent landowners.
- In order to address a wide audience, education reserves should include public facilities, a public message, interpretation opportunities, and appropriate access for limited activities. Mechanisms must also be in place to ensure enforcement of allowable activities.
- Lease activities must primarily serve to achieve the objectives of education reserves.
- Site facilities and staff, if required, will need to be managed and maintained.

Management Actions for Environmental Reserves (includes cultural resources)

- Management decisions for environmental reserves should be based on habitat/species considerations, restoration/recovery efforts and cultural resources.
- Management plans should have adequate protection mechanisms to conserve and or improve biodiversity and ecosystem function. Efforts should also be made to return systems to their natural function and build populations to healthy, sustainable levels.
- Management should include coordination with other entities such as Tribes, WDFW, and adjacent landowners.
- Where applicable, management plans should have adequate protection mechanisms to protect and preserve cultural resources.
- Access (beyond transitory) to environmental reserves must be limited to those individuals engaged in conservation and restoration activities at the sites and mechanisms must be in place to ensure enforcement. Lease activities must primarily serve to achieve the objectives of environmental reserves.

- Reserve managers must work with local jurisdictions, regulatory agencies and adjoining landowners to minimize off-site impacts.

Management Actions for Scientific Reserves

- Management decisions for scientific reserves should be based upon the available potential to conduct biological research, and the need to protect these areas in a relatively undisturbed state.
- Management plans should have adequate protection mechanisms to ensure continuity of the site's features by reducing external threats and disturbances and allow for natural disturbance regimes to operate.
- Management of some scientific reserves should allow for some manipulation, in areas stable enough to withstand alterations, for the benefit of knowledge. Other scientific reserves should be managed as comparison sites to measure their effectiveness at environmental protection.
- Management should include coordination with other entities such as Tribes, WDFW, and adjacent landowners.
- Access (beyond transitory) to scientific reserves must be limited to those individuals conducting approved research and mechanisms must be in place to ensure enforcement. Lease activities must primarily serve to achieve the objectives of scientific reserves.
- The management plan must establish guidelines for approved research activities, the length of research, mitigation, and the sharing of data.

3.2.1.4.3 Monitoring Considerations

Monitoring refers to a deliberate and systematic program that observes and records the conditions of a resource and/or human actions. Monitoring for the aquatic reserves would be based on the reserve objectives and performance measures stated in Section 3.2.1.2 of this document.

Monitoring activities are commonly sorted into three categories:

- Implementation monitoring addresses the extent to which human actions have been taken as planned;
- Strategy effectiveness monitoring addresses how well the actions undertaken are effective in meeting explicit objectives and criteria; and
- Validation monitoring evaluates the status of the habitats, populations or other parameters of interest. It tests the appropriateness of assumptions behind the management strategy.

It may not be appropriate for all aquatic reserve sites to implement a monitoring plan. The decision to implement a monitoring strategy and the definition of that strategy should be made jointly by DNR, the nominator and the management partner. The decision should be based upon the features and objectives of the reserve, available funding and resources, and feasibility of monitoring actions.

3.2.1.4.4 Site Specific SEPA Review Process

Once the designation process has ranked and selected the proposed aquatic reserves, and the associated management plan is complete, the public would have an opportunity to review the information and consider the designation's potential impacts. The proposed designation and the supporting management plan and monitoring strategy would go through a project review under SEPA - the second phase of a SEPA "phased review." The reserve designation would be consistent

with the programmatic guidance discussed in this document. Therefore, the SEPA process should not require a full EIS review. During this phase of the site-specific review, interim management guidelines (see [Appendix D](#)) will be applied to the site until its status, as an aquatic reserve, has been determined.

3.2.1.4.5 Commissioner's Order

After the SEPA process has been completed, the Commissioner of Public Lands would issue a "Commissioner's Order" withdrawing the lands from general leasing and designating them as an aquatic reserve. The language in the Order should include reference to the management plan and any specific lease limitations that may be imposed at the site. Additionally, the Order would state that the aquatic reserve designation would be valid for a period of 90 years, at which time the site would be re-evaluated to determine if its reserve status should continue for an additional 90-year period.

3.2.1.5 Program Implementation

3.2.1.5.1 Lease Management

Once aquatic reserves have been established, DNR regional land managers would apply management guidance, as identified in the site management plans, to evaluate what uses would be appropriate within, or adjacent to designated reserves.

3.2.1.5.2 Proactive Management

DNR would be proactive regarding unauthorized uses that impose threats to the aquatic reserve or its objectives. An example of proactive management would be removal of a derelict vessel that was altering the conditions of the site either through its presence or through creating pollution.

3.2.2 Alternative 2

This alternative would develop a program that does not use the authority under RCW 79.90 through 79.96 and WAC 332-30-151 for establishing and managing aquatic reserves on state-owned aquatic lands. Instead, the proposed program under this alternative would rely on existing programs and actions by other state agencies and other entities to provide the needed protections for aquatic lands. For example, DNR's Natural Heritage Program could identify Natural Area Preserves or Natural Resource Conservation Areas that include aquatic lands, which would be administered under the requirements of Chapter 79.70 RCW and Chapter 79.71 RCW respectively. This, and the actions of other natural resource agencies, such as WDFW, Ecology, State Parks, and federal and local agencies, would be considered sufficient to meet the goal of using reserves as a tool to ensure environmental protection. While DNR would not actively identify and manage aquatic reserves, it would still participate in aquatic resource protection efforts either on its own or in cooperation with other entities.

3.2.2.1 Overall Goal of Aquatic Reserves Program

Use aquatic reserves as a tool to help DNR "ensure environmental protection."

3.2.2.2 Measurable Objectives

Under the alternative 2, the objectives would be set by the entity administering the program or similar efforts.

3.2.2.3 Program Administration

The language in the existing state laws does not specify that the Commissioner has the duty to designate certain areas as aquatic reserves. Under alternative 2, the Commissioner would not direct Aquatic Resources staff time and resources to nominate, establish, and manage aquatic reserves. The requirement in the Aquatic Lands Statutes RCW 79.90 through RCW 79.96 to ensure environmental protection would be met using other tools, including protection measures for aquatic resources that are implemented by other programs. If this alternative were selected, the Commissioner would rescind the existing DNR aquatic reserves designated under the authority of RCW 79.90 through 79.96 and WAC 332-30-151.

3.2.2.3.1 Nomination Process

Under alternative 2, DNR would not support a nomination process for DNR aquatic reserve designations. Rather, DNR would direct inquiries about potential reserves sites to other programs and agencies. DNR could apply for reserve or protected status under the authority of another entity, as appropriate.

3.2.2.3.2 Review Procedure for Reserve Designation, Change or De-listing

Under alternative 2, there would be no need for a review procedure for nominations for designations, reserve type changes, or boundary changes. DNR staff would review the applicability of unsolicited nominations for aquatic reserves for other programs' and entities' marine and/or aquatic protected area programs. The nominations would then be referred to the appropriate program. The Commissioner of Public Lands would maintain discretion over the issuance and rescinding of Commissioner's Orders that withdraw lands from leasing. As such, the Commissioner would rescind those withdrawal orders that establish aquatic reserves issued under the authority of RCW 79.90 through 79.96 and WAC 332-30-15 and no further review process would be warranted.

3.2.2.3.3 Reserve Designation Framework and designation criteria

Under alternative 2, DNR would not develop or implement a new designation framework for DNR aquatic reserves. Existing programs and entities that protect unique aquatic resources and habitats would be administered by other entities, so any framework and criteria would be developed and implemented by those entities.

3.2.2.4 Site-Specific Processing and Planning

DNR would participate in site-specific reserve designations sponsored by other entities, as requested. However, because DNR would not actually support its own reserve program, DNR would not actively seek locations for protection or restoration under a "reserve" designation.

3.2.2.4.1 Consultation/Coordination Actions

Because DNR would be using existing programs, and actions by other agencies and entities as a tool to meet the goal of ensuring environmental protection, consultation and coordination would be the primary means by which aquatic lands would be “reserved” under alternative 2. As mentioned in section 3.2.2.3.1 (Nomination Process) DNR could direct inquiries about potential reserves to other programs and agencies. In addition, if the Aquatic Resources Program became aware of aquatic lands that particularly merited reserve status, DNR could “lobby” other entities to provide protection under their authority.

3.2.2.4.2 General Management Actions

Under alternative 2, DNR would not implement reserve-specific management actions. However, DNR would continue reviewing use authorization applications for consistency with the mandates of the Aquatic Lands Statutes (RCW 79.90 through 79.96) and with other programs’ aquatic protected area designations.

3.2.2.4.3 Monitoring Requirements

Under alternative 2, DNR would not implement reserve-specific monitoring requirements. However, DNR would still exercise its authority to require monitoring for uses of state-owned aquatic lands within a use authorization contract.

3.2.2.4.4 SEPA

Because DNR would not be establishing any new aquatic reserves, there would be no reason to complete a project-level SEPA review for site designations.

3.2.2.4.5 Commissioner’s Order

Under this alternative, there would be no need to examine the current language used in Commissioner’s Orders for withdrawing land or to consider any new elements that an aquatic reserves program may impose.

3.2.2.5 Program Implementation

3.2.2.5.1 Lease Management Issues

Since no DNR aquatic reserves would be designated under this alternative, all state-owned aquatic lands would be available for lease consideration. DNR land managers would be responsible for applying standard land management practices.

3.2.2.5.2 Proactive Management

Since no DNR aquatic reserves would be designated under this alternative, specific proactive management of reserves would not be applicable.

3.2.3 Alternative 3

Under this alternative, all currently unencumbered state-owned aquatic lands would be designated and managed as aquatic reserves.

Alternative 3 would establish and manage all areas of state-owned aquatic lands that are not currently encumbered by an “incompatible” use authorization (or under consideration for an incompatible use authorization) and/or are not within harbor areas, waterways, public places, port management areas, dredged material disposal sites (identified by the Dredged Material Management Program) or designated geoduck tracts, as aquatic reserves. This alternative would maximize the geographic application of an aquatic reserves program on state-owned aquatic lands. Under this alternative, ensuring environmental protection would become the driving priority for managing state-owned aquatic lands. The total geographic area designated as an aquatic reserve for the purpose of ensuring environmental protection would be something less than the 2.4 million acres of state-owned aquatic lands.

This alternative would shift the paradigm of aquatic resource management for DNR. It would establish ensuring environmental protection (i.e., preservation, restoration, and enhancement activities) as a public use of aquatic lands, in that the public would directly benefit from and use the environmental attributes of the preserved, restored, and/or enhanced aquatic areas. This alternative would also establish the policy that nearly all state-owned aquatic lands inherently contain significant natural values that should be protected (preserved, restored, and/or enhanced) due to the environmental attributes and functions they perform.

The justification for this approach is that the Aquatic Lands Statutes (RCW 79.90 through 79.96) requires DNR to provide a balance of uses, and that in the years since statehood the balance has been tipped toward development. 70% of the tidelands and 30% of shorelands that were in state ownership have been sold. In some cases, lands that were not sold are used to support DNR’s mandate under the Aquatic Lands Statutes: navigation, public use and access, commerce, and resource use. For the purposes of this alternative, such lands will be considered “encumbered” if they are part of a designated harbor area, waterway, public place, port management area, dredged material disposal site, or geoduck tract.

The state has 31 designated harbor areas encompassing 9,000 acres of aquatic lands. Additionally, there are 32 port management agreements equal to approximately 400 acres (outside of harbor area designations), and less than 5,000 acres of designated waterways. Outside of harbor areas, waterways, and port management areas, there are approximately 26,000 acres of state-owned aquatic lands encumbered by some form of use authorization. Dredge material disposal sites encompass about 4,500 acres. Finally, there are over 54,000 acres of surveyed and harvestable geoduck tracts. As such, the approximate total area of state-owned aquatic land that may be excluded from an aquatic reserve designation is 95,000 acres. The priority under this alternative would be to protect the remaining state-owned aquatic lands which provide the remaining “natural capital” that allows commerce to happen.

3.2.3.1 Overall Goal of the Aquatic Reserves Program

In this alternative, the goal of the aquatic reserves program would be that ensuring environmental protection would become the driving priority for managing state-owned aquatic lands.

3.2.3.2 Measurable Objectives

DNR will utilize different types of reserves to accomplish the program goal. The three types of reserves, as currently defined by WAC 332-30-151 are: environmental reserves, scientific reserves, and educational reserves. Measurable objectives for each category are as follows:

Environmental reserves will help ensure environmental protection through:

- Conservation (i.e., no net loss of elements of biodiversity), ecological function and services or historical significance; and
- Restoration, i.e., improve diversity and ecosystem function and return degraded systems to better functioning conditions.
- *Associated measures to ensure environmental protection:*
 - Baseline monitoring to see if successful.
 - Use a checklist of species, community and function types to measure success.

Scientific reserves will help ensure environmental protection by:

- Providing sites that can be manipulated for the benefit of knowledge.
- Providing control sites against which to measure effectiveness of environmental protection; and
- Managing sites with unusually rich plant and animal communities.
- *Associated measures to ensure environmental protection:*
 - Determine if reserves are being used for quality research.
 - Maintain an appropriate number of sites.
 - Increase DNR's ability to manage other sites (applied sites).
 - Ensure that the initial qualities that triggered establishing a reserve remain, i.e., no degradation of features and ecological processes.

Educational reserves will help ensure environmental protection by:

- Making sites available for environmental educational opportunities; and
- Educating people about value of habitat to ensure environmental protection.
- *Associated measures to ensure environmental protection:*
 - Site is being used for educational purposes.
 - Education efforts are successful.
 - Sites remain intact and functional.

3.2.3.3 Program Administration

This section explains how the reserve program elements, such as selection criteria, eligibility, nomination reviews and management actions will be administered under this alternative.

To initiate a reserve program under this alternative, DNR staff would conduct a one-time ownership-based inventory of state-owned aquatic lands throughout the state. State-owned aquatic lands would be classified based on the status and type of current encumbrances. Those lands that are not

encumbered would be considered for the appropriate reserve-type designation – environmental, scientific or educational, based on site conditions (see section 3.2.3.3.2). Lands with existing or planned encumbrances would be evaluated to determine if the current or planned use would be in conflict with the most appropriate reserve type objectives. Those lands with activities determined to not result in a conflict would be considered for reserve status. Under Alternative 3, existing DNR aquatic reserves, and areas previously withdrawn from leasing for the purposes of establishing aquatic reserves, would be evaluated according to the procedures and criteria listed in Section 3.2.3. The evaluation would determine whether the sites should be established as or continue to be aquatic reserves, whether their boundaries should change if they are established as or continue to be aquatic reserves, or whether they are not appropriate sites for designation as aquatic reserves. Under the latter situation, the Commissioner of Public Lands would rescind the DNR aquatic reserves and/or withdrawn from leasing designations.

A temporary reserve program administrator would be responsible for the initial set-up of the program. After that point, DNR land managers would be responsible for day-to-day program administration.

3.2.3.3.1 Application Process for Consideration of Reserve Status

Application - Because all un-encumbered lands, and those lands with non-conflicting uses, would be classified as aquatic reserves, there would not be a general application process. Instead, DNR would systematically review the ownership and encumbrance status of state-owned aquatic lands throughout the state to determine which lands should be designated as an aquatic reserve.

3.2.3.3.2 Review for Reserve Designation, Change, or De-listing

Designation Process - Immediately upon adoption of Alternative 3, if selected as the preferred alternative in the FEIS, staff would conduct an inventory of aquatic lands to determine ownership and existing and conflicting encumbrances. Based on the land inventory and reserve type objectives, staff would submit to the Commissioner of Public Lands a list of unencumbered, and non-conflicting lands, with potential aquatic reserve type designations – environmental, scientific or educational.

- *De-listing Process* – The retraction of a specific area of state-owned aquatic lands from reserve status could be accomplished through the application process, including a project SEPA review. In addition, if the Harbor Line Commission determined a need to change an existing or create a new harbor area, the aquatic reserve boundary within that area would be modified as necessary to accommodate this.
- Extreme circumstances, including safety, human health, navigation, and/or security concerns could trigger an expedited retraction of the reserve designation. The act of “de-listing” an aquatic reserve area would be accomplished through a Commissioner’s Order.

3.2.3.3.3 Reserve Designation Framework

The following principles would be followed to establish the foundation of the aquatic reserves program that ensures environmental protection:

- The reserve program would recognize that preservation, restoration, and enhancement activities are a “public use” of aquatic lands in that the public would directly benefit from and “use” the environmental attributes of the preserved, restored, and/or enhanced aquatic areas.
 - There may need to be different frameworks for marine and freshwaters environments.
- Eligibility determination is based upon ownership data.
 - Ownership definition, and determination of ownership.
 - Ownership should be determined for all aquatic lands. That is, for every spot in the aquatic environments, there should be ownership information.
- Reserve attribute determination is based upon encumbrance data.
 - Encumbrance definition and determination of “in-conflict”.
 - During the inventory of land ownership, not all lands will be encumbered.
- Ownership and existing encumbrances would both be used to select sites for an aquatic reserves program.
- Designation criteria and associated classification systems will be based upon the best available information. This will ensure a program that will remain consistent with reserve type objectives as well as adapt to changes to the environment.

3.2.3.3.4 Designation Criteria

State ownership and authorized uses would be the key drivers under this alternative. Eligibility and designation criteria for this alternative are greatly simplified as all areas of state-owned aquatic lands that are not currently encumbered by an incompatible use authorization (or under consideration for an incompatible use authorization) and/or are not within harbor areas, waterways, public places, port management areas, dredged material disposal sites or geoducks tracts, would be put into reserve status.

3.2.3.4 Site-Specific Processing and Planning

Those areas that meet the criteria for reserve status will then be reviewed at the site-specific level. DNR staff and / or the managing entity will specify a management plan, consistent with the programmatic guidance. Such a plan would include information regarding possible lease limitations and monitoring strategy.

3.2.3.4.1 Consultation and Coordination Issues

Since such a large area of state-owned aquatic lands would be designated as aquatic reserves under this alternative, the potential for a designation to conflict with a local or statewide planning effort is high. Therefore, to reduce potential conflicts, consulting and coordinating with local governments, Tribes, and interested citizens and entities will be very important. DNR must communicate the locations of the aquatic reserves and the management guidance that will be applied to those areas. If successful, DNR will not receive use authorization applications for uses that conflict with the objectives of the reserve designation.

3.2.3.4.2 General Management Actions

State-owned aquatic lands that are not currently encumbered by “incompatible” use authorizations (or pending encumbrances), and/or are not within harbor areas, waterways, public places, port management areas, dredged material disposal sites or geoduck tracts, would be designated as aquatic

reserves and withdrawn from leasing (use authorization) that is incompatible with DNR's mandate to ensure environmental protection.

Applications for use authorizations that would restore, enhance, and/or preserve the environmental features of the reserve area and would serve to improve the ecological conditions of the reserve area relative to its intent as described in the applicable Commissioner's Order, would be processed under the terms and conditions as set forth by DNR under its Conservation Leasing and Licensing Program.

Applications for short-term (less than one year) use authorizations that would have no functional, physical, or aesthetic impacts to the environmental/cultural features or ecological functions of the reserve area may be authorized after a thorough review by DNR staff.

Applications for use authorizations that would be environmentally benign to the aquatic environment (such as underground/bored fiber optic cables and overhead power lines) would be evaluated on a case-by-base basis and may be authorized after a thorough review by DNR staff.

Unauthorized and trespass activities (whether historical or new) located within reserve areas would be managed as follows:

- Those activities determined to pose no environmental concerns relative to the intent of the reserve would be identified, documented as existing by region staff, and allowed to continue until a use authorization could be granted.
- Those activities determined to pose significant environmental concerns relative to the intent of the reserve would be prohibited and pursued as a trespass against the state in the same manner as would any trespass in a non-reserve area.

The areas not designated as aquatic reserves, (state-owned aquatic lands that are currently encumbered by use authorizations or pending encumbrances), and/or are within harbor areas, waterways, public places, port management areas, dredged material disposal sites or geoduck tracts, would be managed primarily to:

- Foster water-dependent use;
- Encourage direct public use and access;
- Promote production on a continuing basis of renewable resources; and
- Generate income where compatible.

In areas that are more active in nature (such as marinas, piers, waterfront development, and extraction of renewable resources), existing use authorizations on state-owned aquatic lands would be allowed to run their course. At the end of the term of the use authorization, re-lease of the site would be evaluated as usual, with the pros and cons of continuing a use authorization on a specific site being weighed against the environmental benefits of converting that land to reserve status.

3.2.3.4.3 Monitoring Considerations

Monitoring refers to a deliberate and systematic program that observes and records the conditions of a resource and/or human actions. Monitoring for the aquatic reserves would be based on the reserve objectives and performance measures stated in Section 3.2.3.2 of this document.

Monitoring activities are commonly sorted into three categories:

- Implementation monitoring addresses the extent to which human actions have been taken as planned;
- Strategy effectiveness monitoring addresses how well the actions undertaken are effective in meeting explicit objectives and criteria; and
- Validation monitoring evaluates the status of the habitats, populations or other parameters of interest. In this way, it tests the appropriateness of assumptions behind the management strategy.

It may not be appropriate for all aquatic reserve sites to implement a monitoring plan. The decision to implement a monitoring strategy and the definition of that strategy should be made jointly by DNR, the nominating and management partner. The decision should be based upon the features and objectives of the reserve, available funding and resources, and feasibility of monitoring actions.

3.2.3.4.4 SEPA Review

Upon completion of the ownership inventory and determination of the most appropriate reserve type determination, the public would have the opportunity to review the reserve designations. The proposed aquatic reserve designations would be considered under a SEPA Project Review. The public would review and comment on the proposed locations and consider potential impacts that may result based on the site-specific features and issues.

3.2.3.4.5 Commissioner's Order

After the SEPA process has been completed, the Commissioner of Public Lands would issue a Commissioner's Order withdrawing the lands from general leasing and designating them as aquatic reserves. The language in the order should include reference to specific management actions and any specific lease limitations that may be imposed at the site. Additionally, the order must state that the aquatic reserve designation will be valid for a period of 90 years, the end of which the designation would be re-evaluated.

Since this alternative prioritizes reserve status over all future uses, extraordinary circumstances would need to exist for the commissioner to withhold from designating unencumbered and or non-conflicting lands.

3.2.3.5 Program Implementation

Once aquatic reserves have been established, management guidance would be applied to evaluate what uses would be appropriate within, or adjacent to, designated reserves.

3.2.3.5.1 Use Authorization management

DNR land managers would be responsible for applying the management guidance as needed. Use-authorization applications and subsequent contracts would need to be consistent with the reserve's management plan and reserve objectives.

3.2.3.5.2 Proactive Management

DNR would be proactive regarding unauthorized uses that impose threats to the aquatic reserve or its objectives. An example of proactive management would be removal of a derelict vessel that was altering the conditions of the site either through its actual presence or through creating pollution.

3.2.4 Alternative 4 (No Action)

The No Action alternative maintains the status quo. DNR would continue identifying and managing aquatic reserves under the current program, consistent with RCW 79.90 through 79.96 and WAC 332-30-151. Under the "No Action" alternative, there would be no further program development, and limited public review. Reserves/withdrawn areas would meet a variety of site-specific goals that would be set by the Commissioner of Public Lands. Aquatic reserves would not necessarily be selected to meet eco-regional or statewide management goals for aquatic resource protection.

3.2.4.1 Overall Goal of the Aquatic Reserves Program

Use aquatic reserves as a tool to help DNR "ensure environmental protection."

3.2.4.2 Measurable Objectives

The objectives associated with the no-action alternative are implied by the definitions of different reserve types as stated in WAC:

- Environmental reserves: To protect areas of "environmental importance, sites established for continuing environmental baseline monitoring, and/or areas of particular historical, geological, or biological interest requiring special protective management. (WAC 332-30-106 (16).)" Sites would be managed to prevent degradation of identified resources.
- Educational reserves: To provide areas for education that are "... accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects." (WAC 332-30-106 (14).) Sites would be managed to prevent degradation of educational resources, to provide access for educational purposes, and to make sure that any recreational use was compatible with the educational purpose.
- Scientific reserves: To provide areas for scientific research "and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation." (WAC 332-30-106 (61)) Sites would be managed to prevent degradation of identified resources. Of the three reserve types, uses would be most restricted on scientific reserves.

3.2.4.3 Program Administration

This section explains how the reserve program elements, such as selection criteria, eligibility, nomination reviews and management actions would be administered under this alternative.

Under the no-action alternative, the Commissioner of Public Lands would identify potential reserves, without a rigorous nominating or screening process. As requested, DNR staff would provide information to the commissioner regarding site condition and reserve designation feasibility. Once a Commissioner's Order has designated sites, DNR land managers would be responsible for day-to-day program administration (see Section 3.2.4.4.2, General Management Actions). Under Alternative 4, existing DNR aquatic reserves, and areas previously withdrawn from leasing for the purposes of establishing aquatic reserves, would be evaluated, as deemed appropriate by the Commissioner of Public Lands, according to the procedures and criteria listed in Section 3.2.4. The evaluation would determine whether the sites should be established as or continue to be aquatic reserves, whether their boundaries should change if they are established as or continue to be aquatic reserves, or whether they are not appropriate sites for designation as aquatic reserves. Under the latter situation, the Commissioner of Public Lands would rescind the DNR aquatic reserves and/or withdrawn from leasing designations.

3.2.4.3.1 Application Process for Consideration of Reserve Status

Application – This alternative would be implemented by interpreting the relevant state laws and statutes relating to aquatic reserves. The current statutes do not expressly mandate an application and review process, therefore the Commissioner of Public Lands would be made aware of potential sites for reserve designation by a variety of sources at any time. The public, government entities, Tribes, user groups, and non-government entities could express to the commissioner their individual and/or collective desire to identify lands as a reserve. The commissioner would then decide if staff should evaluate the feasibility of the proposal and make the determination of reserve status.

If, during any point in this initial process, it is determined that an aquatic reserve designation may not be appropriate, staff would recommend that the Commissioner consider other alternatives, such as Natural Heritage Program, for Natural Area Preserves or Natural Resources Conservation Area recommendation, Commissioner's Order to withdraw lands from leasing, or to other entities with similar programs.

3.2.4.3.2 Review for Reserve Designation, Change or De-listing

Designation Process - Since, under this alternative, the Commissioner of Public Lands conducts the review for nominations, the procedure is determined by his or her priorities. However, nominations and reserve designations should be consistent with state laws and statutes relating to aquatic reserves. All proposals would be evaluated on the merits of the individual site and would not consider an overall reserve system. Upon the commissioner's approval, a Commissioner's Order would be issued which would officially withdraw the lands and designate them as an aquatic reserve.

Change Process – The commissioner could, at his or her discretion, change boundaries or classifications of existing reserves.

De-listing Process - Under the no-action alternative, reserves could be rescinded at the discretion of the commissioner. WAC 332-30-151(4)(b) states that if existing uses at a site conflict with other current or projected uses in the area, "then a determination must be made by the Commissioner of Public Lands as to which use best serves the public benefit."

3.2.4.3.3 Reserve Designation Framework

Because the commissioner would have sole discretion over designating aquatic reserves in this alternative, it would not be necessary to implement a designation framework. Instead, designations should be consistent with the state laws and statutes relating to DNR's authority to designate aquatic reserves.

3.2.4.3.4 Designation Criteria

Similar to the above section on designation framework, specific designation criteria would not be necessary. Any criteria applied to a reserve proposal should be consistent with the state laws and statutes relating to DNR's authority to designate reserves.

3.2.4.4 Site-specific Processing and Planning

At the discretion of the Commissioner of Public Lands, DNR staff and/or the nominating party may develop a management plan, consistent with the programmatic guidance. Such a plan would include information regarding possible lease limitations and monitoring strategy.

3.2.4.4.1 Consultation / Coordination Actions

Under the no-action alternative, coordination and consultation actions prior to designation and after site designation would occur at the discretion of the commissioner.

Below is a list of groups with whom DNR may consult or coordinate with as appropriate.

- Non-government organizations
- Local governments
- State and federal government
- Nominating group
- Tribes
- Local citizen groups
- Educational institutions (schools, colleges and universities)
- Scientific community
- Resource managers
- Local citizen groups
- User groups (recreation groups)

3.2.4.4.2 General Management Actions

Management of reserves under the no-action alternative would be through use authorizations administered by the Department of Natural Resources, or "by assignment to another governmental agency or institution" (WAC 332-30-151 (4) (c)). The existing WAC requires "a critical review of lease applications in the reserve area to insure proposed activities will not conflict with the basis for reserve designation" (WAC 332-30-151 (6)) and the same critical review for proposed leases for structures or activities immediately adjacent to reserve areas (WAC 332-30-151 (7)). These decisions, and the details of managing the reserves, changes in management, and the length of time a reserve existed would be determined by the commissioner, without a rigorous public process.

Specific management actions relating to reserve designation types would need to be consistent with state laws and statutes. Additionally, specific management actions may need to gain approval from the Commissioner of Public Lands.

3.2.4.4.3 Monitoring Requirements

Under this alternative, the aquatic reserves program would be consistent with the current language in the state laws and statutes. At this point, monitoring activities are not specifically mentioned in the authorizing statutes, thus any monitoring activities that occurred in reserves would be at the discretion of the commissioner and should be based on the stated reserve objectives as stated in Section 3.2.4.2 of this document.

3.2.4.4 Program Implementation

3.2.4.5.1 Lease Management Issues

All state-owned aquatic lands would be available for lease until such time they were designated as a reserve. Once aquatic reserves have been established, interpretations of relevant state laws and statutes would be applied in order to evaluate what uses would be appropriate within, or adjacent to, designated reserves. DNR land managers would be responsible for applying the interpretations as needed.

3.2.4.5.2 Proactive Management

DNR may be proactive, subject to the commissioner's direction, regarding unauthorized uses that impose threats to the aquatic reserve or its objectives. An example of proactive management would be removal of a derelict vessel that was altering the conditions of the site either through its actual presence or through creating pollution.

4.0 Affected Environment

As a non-project agency action, the proposal was evaluated in terms of the relative impacts of the alternatives cited in Section 3.2 on the elements of the environment listed under WAC 197-11-444 of the SEPA Rules. Of these elements, those that have any reasonable likelihood of being impacted by the proposed alternatives for dealing with aquatic reserves on state-owned aquatic lands include:

- (1) Natural environment
 - (a) Earth
 - (b) Air
 - (c) Water
 - (d) Plants and animals
 - (e) Energy and natural resources

- (2) Built environment
 - (a) Environmental health
 - (b) Land and shoreline use

- Relationship to existing land use plans and to estimated population
- Aesthetics
- Recreation
- Historic and cultural preservation
- (c) Transportation
 - Waterborne
 - Movement/circulation of people or goods
- (d) Public services and utilities
 - Parks or other recreational facilities
 - Communications
 - Water/storm water
 - Sewer/solid waste

Under WAC 197-11-444 (3), some or all of the identified elements of the environment may be combined to simplify the EIS format, improve readability, and focus on the significant issues. Therefore, the following sections will address the above listed elements of the environment for each proposal, within the context of the following categories:

Natural environment -

- Earth, air and water resources
- Habitat for plants and animals
- Natural resource use

Built environment -

- Environmental health
- Land and shoreline uses
- Transportation
- Public services and utilities

A discussion of how DNR's management actions may impact these elements is below, followed by an analysis of how the project alternatives could alter those impacts.

4.1 Natural Environment

Washington state's aquatic lands are extensive and diverse, including marine, estuary, river and lake environments. DNR manages a considerable proportion of the state's aquatic lands, approximately 2.4 million acres.

Washington's saltwater habitats range from the open ocean to protected bays and inlets. The western coast of Washington is composed of predominantly rocky, high exposed shorelines and deep saltwater habitats along the Pacific Ocean shoreline, punctuated by protected estuaries. The Strait of Juan de Fuca connects the Pacific Ocean to the San Juan Archipelago and Puget Sound, a large inland sea. In total, there are approximately 3,000 miles of saltwater shoreline (Nearshore Habitat Program, 2001), 2.2 million acres of bedlands and 230,000 acres of tidelands (Lanzer, 1999). DNR manages almost all of the bedlands and approximately 30% of the tidelands (Lanzer, 1999).

Freshwater habitat includes streams, rivers, lakes and wetlands found throughout the state, from high alpine to lowland environments. The Columbia River, the largest river in the western U.S., drains eastern Washington and portions of southwestern Canada. Many smaller rivers flow west from the Cascade Range and the Coast Ranges. Lake Chelan, a long, narrow glacial lake in the Cascade Range, is the largest natural lake in Washington. Many large artificial lakes were created behind dams on the Columbia River and other rivers (Access Washington, 2002). In total, there are approximately 120,000 acres of freshwater bedlands and 30,000 acres of shorelands (Lanzer, 1999). DNR manages almost all of the freshwater bedlands and approximately 80% of the shorelands (Lanzer, 1999).

Washington's aquatic lands have inherent biodiversity value and also support a wide range of species with economic and aesthetic value. Many state and federal endangered, threatened, sensitive, and candidate species depend on aquatic habitats.

Aquatic lands have been considerably degraded by historic and current human activities. For example, nearly 60 percent of the lakes, streams, and estuaries for which there is data fail to meet water quality standards (Washington State Department of Ecology Water Quality Program, 1998). There are more than 1,000 dams obstructing water flow (Johnson, 2000.) Approximately, 9,100 acres in Puget Sound exceed sediment contamination standards. More than one-third of all saltwater shorelines have been modified (Nearshore Habitat Program, 2001).

4.1.1 Earth, Air and Water Resources

SEPA defines earth resources to include: geology, soils, and topography. Within the authority to lease state-owned aquatic lands, DNR can allow uses that may impact earth resources. Example of uses that may impact earth resources include the driving of piles into state-owned aquatic lands to support over-water structures such as piers, and the installation of moorings or anchorage devices.

Included under the category for air resources are air quality, odor, and climate. Once again, some of the uses that DNR could allow to occur on state-owned aquatic lands might impact these elements of air. Concentrations of vessel engine exhaust that may exist near a marina or an industrial or transit operation may alter the natural environment.

Finally, SEPA defines water resources as including: surface and ground water movement, quality and quantity, runoff and absorption, floods and public water supplies. Once again, DNR could issue use authorizations that directly or indirectly impact the SEPA defined elements of water resources. Examples of uses that may impact water resources include: outfalls, over and in-water structures, and aquaculture activities.

Before addressing possible impacts caused by an aquatic reserves program, it is important to state that DNR does not have complete control over all activities that take place on state-owned aquatic lands. As such, activities may take place within and outside of reserves that DNR cannot control. These activities may contribute to the degradation of earth, air and water resources regardless of DNR's management efforts. The significant adverse impacts that may result from each alternative considered in this proposal are described below.

4.1.1.1 Alternative 1 (Preferred Alternative)

The aquatic reserves program, as developed under this alternative, would designate a specified number of reserves per biennium. Within the reserves, authorization of certain new and existing activities would be prohibited because they would conflict with the objectives of the reserve type. As a result, those areas selected as reserves would maintain or improve the condition of the earth, air and water resources. In contrast, limiting uses in reserves could result in a higher concentration of uses in other areas, thus allowing the further degradation of the earth, air and water resources in those areas.

This alternative mitigates any significant adverse impacts to earth, air and water resources in four distinct ways. First, this alternative defines clear and measurable objectives for the different types of aquatic reserves. Second, this alternative identifies and applies criteria and priorities for selecting reserves. Third, this alternative requires coordination and consultation with other entities in both reserve designation and management actions. DNR recognizes that many activities that degrade the environment are not managed by DNR. Therefore by working with other managers and regulators, the chances of protection are increased through integrated management. Finally, mitigation would be achieved by requiring a public review process, consistent with SEPA, for each aquatic reserve candidate site.

4.1.1.2 Alternative 2

Under this alternative, no DNR aquatic reserves would be designated or managed under WAC 332-30-151. DNR would rely upon other department programs and other entities to establish aquatic protected areas. As a result of this alternative, earth, air and water resources may not be maintained or improved by DNR's aquatic reserves program. This is difficult to determine though, since it is not possible to predict the number, types, sizes, or restrictions that may be associated with other programs' aquatic resource protective actions. As such, there is an uncertain risk of further degradation of earth, air and water resources resulting from DNR use authorizations.

While other programs and entities could achieve successful protection measures, the lack of active participation from DNR could result in a process that does not include the primary land manager. Continuing to rely on use authorizations as the primary mechanism for ensuring environmental protection" would prolong DNR's fragmented protection efforts for earth, air and water resources.

Adverse impacts to earth, air and water resources would be mitigated under alternative 2 through DNR's aquatic land management authority. DNR would consider the protected status of aquatic areas as determined by other entities and programs when determining the appropriateness of an application for use authorization. In these cases, DNR may restrict some activities in those areas that may result in maintenance or improvement of earth, air and water resources. Additionally, DNR would engage other authorities and programs as a mechanism to help ensure environmental protection for areas needing added protection.

4.1.1.3 Alternative 3

Alternative 3 has the potential for protecting the largest geographic area for earth, air and water resources because all non-encumbered state-owned aquatic lands (as defined in section 3.2.3) would be designated as reserve status. Therefore, conditions of those lands would be maintained or improved due to the protections inherent to the reserve program, primarily limits on further use authorization activities that conflict with the reserve's objectives. In contrast, those state-owned aquatic lands not designated as an aquatic reserve could receive impacts from additional use authorization activity because future development on state-owned aquatic lands could be concentrated in areas that are not designated as reserves.

This alternative mitigates any significant adverse impacts to earth, air and water resources in three distinct ways. First, this alternative defines clear and measurable objectives for the different types of aquatic reserves. Second, this alternative identifies and applies ownership-based criteria to determine eligibility for inclusion and priorities for selecting reserves. Finally, mitigation would be achieved by requiring a public review process, consistent with SEPA, for each aquatic reserve candidate site.

4.1.1.4 Alternative 4 – (No Action)

Alternative 4 would have unpredictable impacts to earth, air and water resources since there would be no formally developed guidance as to the timing, designation and review criteria, number of sites, and management of potential reserve areas. If the Commissioner of Public Lands decides to designate areas, then the impacts to earth, air and water resources could be similar to those described in Alternative 1 or Alternative 3. If the Commissioner decides not to exercise his/her authority to designate aquatic reserves, the impacts would be similar to those described in Alternative 2.

Since this alternative describes DNR's current designation and management actions for aquatic reserves, no mitigation measures are included within this "no action" approach.

4.1.2 Plant and Animal Resources

SEPA defines plant and animal resources to include habitat, unique species, and fish or wildlife migration routes. Within the authority to authorize uses on state-owned aquatic lands, DNR can allow uses that may impact these plant and animal resources. Examples of uses that may impact these resources include the alteration of nearshore habitat for the installation of a structure or the authorization of dredging activities.

Before addressing possible impacts caused by an aquatic reserves program, it is important to state that DNR does not have complete control over all activities that take place on state-owned aquatic lands. As such, activities may take place within and outside of reserves that DNR cannot control. These activities may contribute to the degradation of plant and animal resources regardless of DNR's management efforts. The significant adverse impacts that may result from this proposal are described below according to the alternative.

4.1.2.1 Alternative 1 – (Preferred Alternative)

The aquatic reserves program, as developed under this alternative, would designate a specified number of reserves per biennium. Within the reserves, authorization of certain new and existing activities would be prohibited. As a result, those areas selected as reserves would maintain and potentially improve the condition of plant and animal resources within the designated reserve areas. These positive benefits could expand beyond the reserve boundary to affect surrounding communities and ecosystems. In contrast, limiting uses in certain areas could result in a higher concentration of uses in non-reserve areas, thus allowing for further degradation of species and their habitats in non-reserve areas.

This alternative mitigates any significant adverse impacts to plant and animal resources in four distinct ways. First, this alternative defines clear and measurable objectives for the different types of aquatic reserves. Second, this alternative identifies and applies criteria and priorities for selecting reserves. Third, this alternative requires coordination and consultation with other entities in both reserve designation and management actions. DNR recognizes that many activities that degrade the environment are not managed by DNR. Therefore by working with other managers and regulators, the chances of protection are increased through integrated management. Finally, mitigation would be achieved by requiring a public review process, consistent with SEPA, for each aquatic reserve candidate site.

4.1.2.2 Alternative 2

In Alternative 2, DNR would no longer utilize its authority specified under WAC 332-30-151 to establish aquatic reserves as a tool for habitat protection activities. DNR would rely on other department programs and other entities to establish aquatic protected areas. As a result of this alternative, plant and animal resources may not be maintained or improved by DNR's aquatic reserves program. This is difficult to determine though, since it is not possible at this time to predict the number, types, sizes, or restrictions that may be associated with other programs' aquatic resource protective measures. As such, there is an uncertain risk of further degradation of plant and animal resources resulting from DNR use authorizations.

While other programs and entities could achieve successful protection measures, the lack of active participation from DNR could result in a process that does not include the "primary" land manager. Continuing to rely on use authorizations as the primary mechanism for "ensuring environmental protection" would prolong DNR's fragmented protection efforts for critical species and their habitats.

Adverse impacts to plant and animal resources would be mitigated under Alternative 2 through DNR's aquatic land management authority. DNR would consider the protected status of aquatic areas as determined by other entities and programs when determining the appropriateness of an application for use authorization. In these cases, DNR may restrict some activities in those areas that may result in maintenance or improvement of earth, air and water resources. Additionally, DNR would engage other authorities and programs as a mechanism to help ensure environmental protection for areas needing added protection.

4.1.2.3 Alternative 3

Alternative 3 has the potential for protecting the largest geographic area for plant and animal resources because all non-encumbered state-owned aquatic lands (as defined in section 3.2.3) would be designated as reserve status. Therefore, conditions of those lands would be maintained or improved due to the protections inherent to the reserve program, primarily limits on further use authorization activities that conflict with the reserve's objectives. In contrast, those state-owned aquatic lands not designated as an aquatic reserve would continue to receive impacts from additional use authorization activity because future development on state-owned aquatic lands would be concentrated in areas that are not designated as reserves.

Because uses may be displaced from the majority of aquatic lands, those lands not in reserve status may be subject to higher, more intense use. Concentrating future development in already heavily used areas could cause additional impacts to species and ecosystem functions of concern in those areas.

This alternative mitigates any significant adverse impacts to earth, air and water resources in three distinct ways. First, this alternative defines clear and measurable objectives for the different types of aquatic reserves. Second, this alternative identifies and applies ownership-based criteria to determine eligibility for inclusion and priorities for selecting reserves. Finally, mitigation would be achieved by requiring a public review process, consistent with SEPA, for each aquatic reserve candidate site.

4.1.2.4 Alternative 4 (No Action)

Impacts resulting from Alternative 4 are unpredictable in that there would not be formal guidance as to the timing, designation and review criteria, number of sites, and management of potential reserve areas. As such, the impacts of this alternative are uncertain. If the Commissioner of Public Lands decides to designate areas as aquatic reserves, then the impacts to plant and animal resources could be similar to those described in Alternative 1 or Alternative 3. If the commissioner decides not to exercise his/her authority to designate aquatic reserves, the impacts would be similar to those described in Alternative 2.

Since this alternative describes DNR's current designation and management actions for aquatic reserves, no mitigation measures are included within this "no action" approach.

4.1.3 Energy and Natural Resource Use

SEPA defines "natural resource use" as nonrenewable resources, conservation, and renewable resources and scenic resources. Within its authority to manage state-owned aquatic lands, DNR can allow uses that may impact these energy and natural resources. Examples of uses that may impact these resources include allowing a use that obstructs a view corridor or mining of clean sediment from the state's rivers (viewed as a renewable resource).

Before addressing possible impacts caused by an aquatic reserves program, it is important to state that DNR does not have complete control over all activities that take place on state-owned aquatic lands.

As such, activities may take place within and outside of reserves that DNR cannot control. These activities may contribute to the degradation of energy and natural resources regardless of DNR's management efforts. The significant adverse impacts that may result to the State's energy and natural resource use from this proposed action are described below.

4.1.3.1 Alternative 1 (Preferred Alternative)

The aquatic reserves program, as developed under this alternative, would designate a specified number of reserves per biennium. Within the reserves, authorization of certain new and existing activities would be prohibited. As a result, those areas selected as reserves would maintain or improve the natural condition, and potentially stimulate the production of renewable resources at the site.

However, a reserve designation may limit the extraction of renewable resources for energy and natural resource use. Additionally, in areas where reserve designations are not present, an increase in demand for resources could be experienced, resulting in a higher concentration of uses and further decline of renewable resources outside reserve areas.

This alternative mitigates any significant adverse impacts to energy and natural resource use in four distinct ways. First, this alternative defines clear and measurable objectives for the different types of aquatic reserves. Second, this alternative identifies and applies criteria and priorities for selecting reserves. Third, this alternative requires coordination and consultation with other entities in both reserve designation and management actions. DNR recognizes that many activities that degrade the environment are not managed by DNR, therefore by working with other managers and regulators, the chances of protection are increased through integrated management. Finally, mitigation would be achieved by requiring a public review process, consistent with SEPA, for each aquatic reserve candidate site.

4.1.3.2 Alternative 2

Under this alternative, no aquatic reserves would be designated or managed under WAC 332-30-151. DNR would rely upon other department programs and other entities to establish aquatic protected areas. As a result of this alternative, opportunities for energy and natural resource uses may not be maintained or improved by DNR's aquatic reserves program. This is difficult to determine though, since it is not possible at this time to predict the number, types, sizes, or restrictions that may be associated with other programs' aquatic resource protective statuses. As such, there is an uncertain risk of further degradation of energy and natural resource uses resulting from DNR use authorizations.

While other programs and entities could achieve successful protection measures, the lack of active participation from DNR could result in a process that does not include the primary land manager. Continuing to rely on use authorizations as the primary mechanism for ensuring environmental protection would prolong DNR's fragmented protection efforts for energy and natural resource use.

Adverse impacts to energy and natural resource uses would be mitigated under Alternative 2 through DNR's aquatic land management authority. DNR would consider the protected status of aquatic

areas as determined by other entities and programs when determining the appropriateness of an application for use authorization. In these cases, DNR may restrict some activities in those areas that may result in maintenance or improvement of earth, air and water resources. Additionally, DNR would engage other authorities and programs as a mechanism to help “ensure environmental protection” for areas needing added protection.

4.1.3.3 Alternative 3

Alternative 3 has the potential for affecting the largest geographic area for energy and natural resource use because all non-encumbered state-owned aquatic lands (as defined in section 3.2.3) would be designated as reserve status. Therefore, conditions of those lands would be maintained or improved due to the protections inherent to the reserve program, primarily limits on further use authorization activities. However, limits may also be imposed on extraction of renewable resources within reserve areas. In contrast, those state-owned aquatic lands not designated as an aquatic reserve would continue to receive impacts from additional use authorization activity because future resource extraction on state-owned aquatic lands would be concentrated in areas that are not designated as reserves.

This alternative mitigates any significant adverse impacts to earth, air and water resources in three distinct ways. First, this alternative defines clear and measurable objectives for the different types of aquatic reserves. Second, this alternative identifies and applies ownership-based criteria to determine eligibility for inclusion and priorities for selecting reserves. Finally, mitigation would be achieved by requiring a public review process, consistent with SEPA, for each aquatic reserve candidate site.

4.1.3.4 Alternative 4 (No action)

Alternative 4 would have unpredictable impacts to energy and natural resource uses in that there is no guidance as to the timing, designation and review criteria, number of sites, and management of potential reserve areas. As such, the impacts of this alternative are uncertain. If the Commissioner of Public Lands decides to designate areas then the impacts to energy and natural resource use could be similar to those described in Alternative 1 or Alternative 3. If the Commissioner decides not to exercise his/her authority to designate aquatic reserves, the impacts would be similar to those described in Alternative 2.

Since this alternative describes DNR’s current designation and management actions for aquatic reserves, no mitigation measures are included within this “no action” approach.

4.2 Affected Built Environment

The built environments that may be affected by all of the alternatives presented in this FEIS include environmental health, land and shoreline uses, transportation, and public services and utilities. These effects may be caused by DNR’s approval or denial of authorizations for new and existing manmade structures that are located on state-owned aquatic lands. These structures include: road and railroad bridges; dams and dikes; ferry, transportation, and shipping terminals; docks, piers, and wharves; utility

easements; outfalls; petroleum pipeline easements; shipping, port, and military facilities; boat sales and repair facilities; sand and gravel operations; water intake easements; aquaculture facilities; bank armoring; marina, mooring, and buoy structures; residential structures; log booming and storage; dredge and fill material disposal; and other miscellaneous commercial structures.

DNR issues use authorizations (or enters into other types of formal agreements), with private and governmental entities to allow activities and structures (listed above) to be built and used on state-owned aquatic lands. All of the alternatives presented in this FEIS may restrict or promote DNR's authorization of some of these activities and structures on certain areas of state-owned aquatic lands (those areas designated as aquatic reserves or another form of protected status). In this sense, the Aquatic Reserves Program under any alternative could cause direct impacts to the built environment.

At the same time, all of the alternatives may also increase the need for, or reduce the applicability of, DNR's authorization for some activities and structures on other areas of state-owned aquatic lands (those areas not designated as aquatic reserves or another form of protected status). In this sense, the Aquatic Reserves Program under any alternative could cause indirect impacts to the built environment.

In general, under Alternatives 1, 3, and 4, some portions of state-owned aquatic lands may be designated as aquatic reserves. An aquatic reserve designation would carry with it restrictions on the types of activities that DNR could authorize (and/or continue to authorize) within those areas. Depending on the alternative, this could limit the continued existence and new development of the built environment in areas designated as aquatic reserves. Under Alternative 2, portions of state-owned aquatic lands may be designated for protected status by another program. While specific types of designations under this alternative are not known, implicit with designations would be restrictions on activities that could occur there. If this is the case, DNR may be limited in its ability to authorize the continued existence and new development of some aspects of the built environment in these areas as well.

By restricting activities and structures in some areas of state-owned aquatic lands and increasing activities and structures in other areas of state-owned aquatic lands, all of the alternatives may affect aspects of the built environment (either directly or indirectly). In areas where some activities are restricted, their associated negative environmental impacts would likely be reduced. In areas where some activities are increased, their associated positive or negative environmental attributes may be increased.

Alternative 1 (Preferred Alternative)

Alternative 1 would have both positive and negative impacts to the built environment. Every two years Alternative 1 would establish a specified number of unique geographic areas of state-owned aquatic lands as aquatic reserves. The size, locations, and boundaries of the reserves would be determined at the time they are designated. The total number of reserves that would eventually be placed into reserve status would be determined as the program evolves. For these reasons, the effects of Alternative 1 on the built environment can only be presented in a general sense.

The restrictions on new activities and development that occur within the reserves will be as per [Section 3.2.1.4.2](#) of this document. In general, DNR would limit uses within reserves (within DNR's

legal authority) to activities that are compatible with the aquatic reserves. New uses that are within DNR's authority that would likely not be authorized within aquatic reserves include activities such as marinas, net pens, shellfish aquaculture, commercial development, mooring fields, and piers. New uses that would likely be authorized are those that are environmentally benign, and/or improve the aquatic habitat, and/or serve primarily to implement the purposes of the reserves. Examples of allowable uses may include restoration projects, educational projects, underground utility easements, and scientific research. The ultimate effect of the reserves on specific geographic areas of state-owned aquatic lands would be to limit some types of new uses. A mitigating factor here is that due to the limited number of individual reserve sites proposed to be designated every two years, the limitations on uses is expected to be small.

Activities and development that exist within a site, prior to it being designated as an aquatic reserve, may also be limited. Mitigating factors for these existing activities include working actively with current lessees, whose activities and developments are ultimately located within an aquatic reserve boundary after the area is designated as a reserve, to make them compatible with the aquatic reserve. If leases are in good standing, DNR would work with lessees to improve their operations under the terms of the lease so that the lessees' activities do not contradict or undermine the intent of the reserve. When leases expire, the activities conducted under each lease would be evaluated to determine if they are compatible with, and promote, the intent of the reserve. If the activities conducted under an expired lease were not compatible with and did not promote the intent of the reserve, then the lease would be allowed to expire and would not be renewed.

Further mitigating factors that would avoid and minimize effects to the built environment include the designation criteria. These criteria would include the compatibility of existing lease activities at the site, the compatibility with existing and future land and shoreline uses and plans at the site, and the distribution of reserves throughout the state. The ad-hoc committee would use these criteria to review and recommend sites for reserve candidacy. Sites that have multiple lease activities or existing and proposed land and shoreline uses that are incompatible with the aquatic reserves would likely not rank as high as sites that have no incompatible activities within them. When the ad-hoc committee recommends a site for aquatic reserve status, they would make attempts to configure the reserve boundaries to avoid and minimize the potential conflicts with existing and proposed activities.

The review and designation process would seek to establish a system of aquatic reserves that represents the different types of aquatic communities and also an equitable distribution of the aquatic reserves throughout the state. As such, DNR would strive to locate reserves equitably throughout the entire state so that no one specific geographic region would be limited in its land and shoreline uses. This approach should minimize the economic impact associated with limitations on the built environment within any specific geographic region.

Alternative 2

Alternative 2 would have uncertain impacts to the built environment. In this alternative, DNR would not establish or manage aquatic reserves. Instead, DNR would rely on other programs that manage aquatic resources (such as the Washington Department of Fish & Wildlife, the Washington Department of Ecology, DNR's Natural Areas Program, and the National Oceanic & Atmospheric

Administration's National Marine Sanctuary Program) to establish and manage some form of aquatic protected areas.

Under this alternative, there would be no restrictions on new or existing activities or structures (the built environment) related to DNR's aquatic reserves program. From DNR's aquatic reserves program perspective under Alternative 2, the built environment could grow and develop unabated. There may, however, be restrictions on activities through other aspects of DNR's Aquatic Resources Program, as well as shoreline permits, Hydraulic Project Approvals, and/or other types of permits if they fall within the aquatic areas identified for protective status under other programs, as mentioned above. DNR cannot predict the number, areas, locations, types, or restrictions that other programs may place on aquatic protected areas established and managed under their programs.

To mitigate impacts to the built environment stemming from Alternative 2, DNR would use case-by-case determinations of appropriate allowable uses based on the Aquatic Lands Statutes. Since DNR would not be designating aquatic reserves, DNR would decide on the individual merits of a proposal whether the use was appropriate and consistent for a given area of state-owned aquatic land. DNR's determination of appropriateness, however, may be influenced by the protective status placed on aquatic areas by other programs. Exactly how, when, and where these other programs may influence DNR's decisions cannot be determined at this time.

Alternative 3

Alternative 3 would have the maximum effect, both positive and negative, on the built environment. Essentially, all state-owned aquatic lands that are currently unencumbered, or not planned to be encumbered, with incompatible activities associated with the built environment, would be designated as a reserve. This alternative would confine incompatible uses to sites that are currently encumbered and/or to harbor areas, waterways, public places, port management areas, dredge material disposal sites, and geoducks tracts.

By placing emphasis on environmental protection and ecosystem function, this alternative would limit commerce-driven uses of state-owned aquatic land to areas where those uses already exist. This may have the effect of increasing pressure on privately owned aquatic lands, where DNR has no jurisdiction. If a city or county has planned for development in specific areas (for example under the Growth Management Act or Shoreline Management Act) this alternative may conflict with those land use plans and negatively affect the built environment.

Under this alternative, converting undeveloped state-owned aquatic lands to uses that are incompatible with aquatic reserves would not be allowed. This could constrain growth, drive development into confined areas, or require the development of alternatives to using state-owned aquatic land (for example, if no new outfalls were going to be allowed, that could drive communities toward water recycling, upland disposal, and upland stormwater management).

To mitigate for possible impact to the built environment under this alternative, DNR would ensure that sufficient provision for direct and active commerce and navigation, public access, and natural resource extraction is available on currently encumbered lands to meet the requirements of the Aquatic Lands

Statutes. Also, activities (such as piers, marinas, ferry docks) that are under DNR's influence would continue in areas and from facilities where they are currently taking place. As Washington's population grows and demand for commercial access to the water increases, this alternative would require improved and more efficient use of non-reserve (previously encumbered) aquatic lands.

Alternative 4 (No Action)

Alternative 4 would have uncertain effects on the built environment. Under the “no action” alternative, the compatibility between proposed reserves and activities that contribute to the built environment would be determined on a case-by-case basis.

Since aquatic reserve designation will take place on a random basis, opportunities to direct different kinds of uses (such as those that contribute to the built environment versus those that primarily ensure environmental protection) to pre-planned areas based on a consideration of cumulative impacts or on regional plans would be limited. Also, the Commissioner of Public Lands would determine on an informal basis the relative value of activities that contribute to the built environment. The Washington Administrative Code (332-30-151 (4) (b)) states, “The site will not conflict with other current or projected uses of the area. If it does, then a determination must be made by the Commissioner of Public Lands as to which use best serves the public benefit.”

Considerations such as cumulative impacts, regional plans, and the relative values of different activities would be part of the commissioner’s decision-making process to mitigate impacts to the built environment. As such, under this alternative, local jurisdictions would have less certainty of likely outcomes if DNR is making its decisions on a case-by-case basis.

4.2.1 Environmental Health

Aspects of environmental health that may be affected by all of the alternatives include: noise generated by activities of lessees on state-owned aquatic lands; risks of explosions created by gas pipelines and potentially volatile oil refinery sites; and releases of foreign materials (such as toxic and hazardous substances) from outfalls, shoreland and tideland industries, aquaculture activities, and gas and oil pipelines.

4.2.1.1 Alternative 1 (Preferred Alternative)

Alternative 1 would have direct positive impacts on environmental health by maintaining, reducing, and/or preventing noise, risks of explosions, and releases of foreign materials (all of which could be caused by leasing activities that would be prohibited within reserves) in small, distinct geographic areas of state-owned aquatic lands.

Alternative 1 would have indirect negative impacts on environmental health by possibly increasing small amounts of noise, risks of explosions, and releases of foreign materials (all of which could be caused by leasing activities that would be allowed outside of reserves) in large, non-distinct geographic areas of state-owned aquatic lands.

4.2.1.2 Alternative 2

Alternative 2 would have uncertain direct or indirect effects on environmental health related to noise, risks of explosions, and releases of foreign materials (all of which may be caused by leasing activities that may or may not be allowed on state-owned aquatic lands within or outside of other programs' designated protected aquatic areas). These uncertainties would occur on unknown sizes or geographic areas of state-owned aquatic lands.

4.2.1.3 Alternative 3

Alternative 3 would have direct positive impacts on environmental health by maintaining, reducing, and/or preventing noise, risks of explosions, and releases of foreign materials (all of which could be caused by leasing activities that would be prohibited within reserves). These positive impacts would occur on large, non-distinct geographic areas of state-owned aquatic lands.

Alternative 3 would also have indirect negative impacts on environmental health by increasing noise, risks of explosions, and releases of foreign materials (all of which could be caused by leasing activities that would be allowed outside of reserves). These negative impacts would occur on small, distinct geographic areas of state-owned aquatic lands.

4.2.1.4 Alternative 4 (No Action)

Alternative 4 would have uncertain direct or indirect effects on environmental health related to noise, risks of explosions, and releases of foreign materials (all of which may be caused by leasing activities that may or may not be allowed within or outside of aquatic reserves). These uncertainties would occur in small and distinct or large and non-distinct geographic areas of state-owned aquatic lands.

4.2.2 Land and Shoreline Use

Aspects of land and shoreline use that may be affected by all of the alternatives include: existing land use plans if activities are authorized or prohibited by DNR contrary to local zoning; housing changes as they relate to residential use on vessels and moored houses; light and glare caused by lessee operations; aesthetic characteristics related to leasing activities; recreation such as boating, sport fishing, and shellfishing; and historic and cultural preservation of Native American Indian sites and historical buildings.

The major issue when considering the relationship between aquatic reserves and existing land use plans is coordination between DNR and the local (private and public) entities that have developed the plans or that have existing, historic, or planned uses of state-owned aquatic lands.

4.2.2.1 Alternative 1 (Preferred Alternative)

Alternative 1 could have direct negative and positive impacts to land and shoreline use. It could negatively impact existing land use plans by conflicting with them when designating aquatic reserves. It would have direct positive impacts by maintaining, reducing, and/or preventing new or existing housing, light, and glare. Alternative 1 would also have direct positive impacts by maintaining or improving aesthetics, recreation, and historic and cultural preservation. These direct

affects would occur within aquatic reserves, which would likely be small, distinct geographic areas of state-owned aquatic lands.

Alternative 1 could have indirect negative impacts to land and shoreline use. It could have no indirect impacts (positive or negative) on existing land use plans. It would, however, cause a small amount of indirect negative impacts by increasing housing, light, glare, disrupting aesthetic qualities, and decreasing recreational opportunities, outside of reserves. Alternative 1 would have no indirect impacts to historic/cultural preservation. These indirect impacts would occur outside of aquatic reserves, which would likely be large, non-distinct geographic areas of state-owned aquatic lands.

4.2.2.2 Alternative 2

Alternative 2 would have uncertain direct or indirect effects on land and shoreline uses related to existing land use plans, housing, light, glare, aesthetics, and recreational opportunities (all of which may be affected or caused by leasing activities that may or may not be allowed on state-owned aquatic lands within or outside of other programs' designated protected aquatic areas). These uncertainties would occur on unknown sizes or geographic areas of state-owned aquatic lands.

4.2.2.3 Alternative 3

Alternative 3 would have direct positive and negative impacts on land and shoreline uses. These include the possibility of small non-conformances with existing land use plans; small reductions of housing, light & glare from illegal structures; and maintenance or improvement of aesthetics, recreation, and historic/cultural preservation. These impacts would occur on large, non-distinct geographic areas of state-owned aquatic lands.

Alternative 3 could also have indirect negative impacts on land and shoreline uses. These include the possibility of small non-conformances with existing land use plans; large increases in the concentration of housing, light, and glare; large increases in impacts to aesthetics and recreation; and no effect to historic/cultural preservation. These impacts would occur on small, distinct geographic areas of state-owned aquatic lands.

4.2.2.4 Alternative 4 (No Action)

Alternative 4 would have uncertain direct or indirect effects on land and shoreline uses related to existing land use plans; housing, light, and glare; aesthetics; recreation; and historic/cultural preservation. All of these may or may not be affected by leasing activities that may or may not be allowed within or outside of aquatic reserves. These uncertainties would occur in small and distinct or large and non-distinct geographic areas of state-owned aquatic lands.

4.2.3 Transportation

Aspects of transportation that may be affected by all of the alternatives include: transportation systems such as bridges for highways and ferry terminals, and waterborne and rail transportation and commerce systems that traverse state-owned aquatic lands.

None of the four alternatives presented in this FEIS will affect the movement of people and goods by way of vessels. The United States Constitution gives the federal government "navigational servitude."

In doing so, the Constitution protects the use of navigable waters and aquatic lands for navigation and commerce. DNR does not have the authority to prevent ships from transiting any navigable waters of the state.

4.2.3.1 Alternative 1 (Preferred Alternative)

Alternative 1 could have direct negative impacts on transportation. It could cause small reductions in areas available for new and continued use for transportation systems. Direct impacts to transportation would occur within aquatic reserves, which would likely be small, distinct geographic areas of state-owned aquatic lands.

Alternative 1 could also have indirect negative impacts to transportation. It could cause small re-alignments in transportation systems. Indirect impacts to transportation would occur outside of aquatic reserves. The areas outside of aquatic reserves would likely be large, non-distinct geographic areas of state-owned aquatic lands.

4.2.3.2 Alternative 2

Alternative 2 would have uncertain direct or indirect effects to transportation systems. Transportation may be affected by leasing activities that may or may not be allowed on state-owned aquatic lands within or outside of other programs' designated protected aquatic areas. These uncertainties would occur on unknown sizes or geographic areas of state-owned aquatic lands.

4.2.3.3 Alternative 3

Alternative 3 would have direct negative impacts on transportation. It would cause large reductions in areas available for new and continued use for transportation systems. These impacts would occur on large, non-distinct geographic areas of state-owned aquatic lands.

Alternative 3 could also have indirect negative impacts on transportation. It could cause large re-alignments in and concentration of transportation systems. These impacts would occur on small, distinct geographic areas of state-owned aquatic lands.

4.2.3.4 Alternative 4 (No Action)

Alternative 4 would have uncertain direct or indirect effects on transportation. Transportation may or may not be affected by leasing activities that may or may not be allowed within or outside of aquatic reserves that are either small and distinct, or large and non-distinct, geographic areas of state-owned aquatic lands.

4.2.4 Public Services and Utilities

Aspects of public services and utilities that may be affected by all of the alternatives include: parks and other recreational facilities that occur on state-owned aquatic lands through cooperative agreements or leasing; communication transmission systems such as fiber optic cables; discharge from outfalls and non-point sources; and other services and utilities.

In an initiative separate from the reserve program, DNR has considered developing utility corridors. If DNR chooses to establish utility corridors, it would take the existence (and likely location) of those

corridors into account when considering reserve designations, regardless of which reserve program alternative is implemented.

4.2.4.1 Alternative 1 (Preferred Alternative)

Alternative 1 would cause small direct negative and positive impacts to public services and utilities. It would cause small decreases in areas available for communication systems, water and waste disposal, and other services and utilities. These direct effects would occur in distinct geographic areas of state-owned aquatic lands that are designated as aquatic reserves.

Alternative 1 could also cause small indirect negative and positive impacts to public services and utilities. It could cause small decreases in areas suitable for parks and other recreational facilities and small increases in the concentration of communication systems, water and waste disposal, other services and utilities. These indirect effects would occur in non-distinct geographic areas of state-owned aquatic lands that are not designated as aquatic reserves.

4.2.4.2 Alternative 2

Alternative 2 would have uncertain direct or indirect effects to public services and utilities as they relate to parks and other recreational facilities, communication systems, waste and water disposal, and other services and utilities. Public services and utilities may be affected by leasing activities that may or may not be allowed on state-owned aquatic lands within or outside of other programs' designated protected aquatic areas. These effects, if realized, would occur on unknown sizes or geographic areas of state-owned aquatic lands.

4.2.4.3 Alternative 3

Alternative 3 would cause direct positive and negative impacts to public services and utilities. It would cause large decreases in areas available for communication systems, water and waste disposal, and other services and utilities. These effects would occur in large, non-distinct geographic areas of state-owned aquatic lands that are designated as aquatic reserves.

Alternative 3 would cause indirect negative impacts to public services and utilities. It would cause small decreases in the suitability of confined areas for parks and other recreational facilities, while also causing increases in the concentration of communication systems, water and waste disposal, and other services and utilities. These effects would occur in small, distinct geographic areas of state-owned aquatic lands that are not designated as aquatic reserves.

4.2.4.4 Alternative 4 (No Action)

Alternative 4 would have uncertain direct or indirect effects on public services and utilities. Public services and utilities may or may not be affected by leasing activities that may or may not be allowed within or outside of aquatic reserves that are either small and distinct, or large and non-distinct, geographic areas of state-owned aquatic lands.

5.0 Distribution

Notice of the availability of this document on DNR's website (www.dnr.wa.gov) will be sent to all local government planning departments (city and county), all state and federal agencies with jurisdiction over shoreline development, public port districts, leaseholders, selected environmental organizations, academia, industry representatives, selected Washington newspapers and affected Tribes. A copy of the notice distribution list is included as Appendix E. In addition, two hard copies will be printed and submitted to Department of Ecology. Additional hard copies may be printed and made available upon request, by contacting the Department of Natural Resources, Aquatic Resources Division, as follows:

Department of Natural Resources
Aquatic Resources Division, Attn: David Palazzi
1111 Washington St SE
P.O. Box 47027
Olympia, WA 98504-7027
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Appendix A - Legal authority and regulations

RCW 79.90.450: Aquatic lands--Findings.

The legislature finds that state-owned aquatic lands are a finite natural resource of great value and an irreplaceable public heritage. The legislature recognizes that the state owns these aquatic lands in fee and has delegated to the department of natural resources the responsibility to manage these lands for the benefit of the public. The legislature finds that water-dependent industries and activities have played a major role in the history of the state and will continue to be important in the future. The legislature finds that revenues derived from leases of state-owned aquatic lands should be used to enhance opportunities for public recreation, shoreline access, environmental protection, and other public benefits associated with the aquatic lands of the state. The legislature further finds that aquatic lands are faced with conflicting use demands. The purpose of RCW 79.90.450 through 79.90.545 is to articulate a management philosophy to guide the exercise of the state's ownership interest and the exercise of the department's management authority, and to establish standards for determining equitable and predictable lease rates for users of state-owned aquatic lands.

RCW 79.90.455: Aquatic lands--Management guidelines.

The management of state-owned aquatic lands shall be in conformance with constitutional and statutory requirements. The manager of state-owned aquatic lands shall strive to provide a balance of public benefits for all citizens of the state. The public benefits provided by aquatic lands are varied and include:

- (1) Encouraging direct public use and access;
- (2) Fostering water-dependent uses;
- (3) Ensuring environmental protection; and
- (4) Utilizing renewable resources.

Generating revenue in a manner consistent with subsections (1) through (4) of this section is a public benefit.

RCW 79.68.060

Public lands identified and withdrawn from conflicting uses -- Effect -- Limitation.

For the purpose of providing increased continuity in the management of public lands and of facilitating long range planning by interested agencies, the department of natural resources is authorized to identify and to withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public lands under its jurisdiction. Acreages so withdrawn shall be maintained for the benefit of the public and, in particular, of the public schools, colleges and universities, as areas in which may be observed, studied, enjoyed, or otherwise utilized the natural ecological systems thereon, whether such systems be unique or typical to the state of Washington. Nothing herein is intended to or shall modify the department's obligation to manage the land under its jurisdiction in the best interests of the beneficiaries of granted trust lands.

[1971 ex.s. c 234 § 6.]

Additionally, DNR can designate areas as “aquatic reserves” according to:

WAC 332-30-151 Reserves (RCW [79.68.060](#)).

- (1) Types of reserves: Educational, environmental, scientific - see definitions (WAC [332-30-106](#)).
- (2) Aquatic lands of special educational or scientific interest or aquatic lands of special environmental importance threatened by degradation shall be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.
- (3) The department or other governmental entity or institution may nominate specific areas for consideration for reserve status.
- (4) Such nominations will be reviewed and accepted or rejected by the Commissioner of Public Lands based upon the following criteria:
 - (a) The site will accomplish the purpose as stated for each reserve type.
 - (b) The site will not conflict with other current or projected uses of the area. If it does, then a determination must be made by the Commissioner of Public Lands as to which use best serves the public benefit.
 - (c) Management of the reserve can be effectively accomplished by either the department's management program or by assignment to another governmental agency or institution.
- (5) The department's reserves management program consists of prevention of conflicting land use activities in or near the reserve through lease actions. In those cases where physical protection of the area may be necessary the management of the area may be assigned to another agency.
- (6) When DNR retains the management of reserve areas the extent of the management will consist of a critical review of lease applications in the reserve area to insure proposed activities or structures will not conflict with the basis for reserve designation. This review will consist of at least the following:
 - (a) an environmental assessment.
 - (b) Request of agencies or institutions previously identified as having a special interest in the area for their concerns with regard to the project.
- (7) Proposed leases for structures or activities immediately adjacent to any reserve area will be subjected to the same critical review as for leases within the area if the structures and/or activities have the potential of:
 - (a) Degrading water quality,
 - (b) Altering local currents,
 - (c) Damaging marine life, or
 - (d) Increasing vessel traffic.
- (8) All management costs are to be borne by the administering agency. Generally, no lease fee is required.

[Statutory Authority: RCW [43.30.150](#), 80-09-005 (Order 343), § 332-30-151, filed 7/3/80.]

Additional information on types of aquatic reserves is detailed in the definition section of WAC 332-30-106.

WAC 332-30-106 Definitions. All definitions in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC [332-30-114](#)). For the purpose of this chapter:

- (14) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.
- (16) "Environmental reserves" means areas of environmental importance, sites established for the

continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest requiring special protective management.

(61) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

Other WACs and RCWs worthy of mentioning

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE

RCWs

RCW 77.12.047 Scope of commission's authority to adopt rules -- Application to private tideland owners or lessees of the state.

Description: The wildlife commission can establish game reserves and designate closed areas where hunting for wildlife may be prohibited.

RCW 77.60.100: Establishment of reserves on state shellfish lands.

Description: The commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the Commissioner of Public Lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches.

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES

RCW 79.68.010 Concept to be utilized, when. (Multiple use concept)

Description: Multiple management concept required to be used by DNR managing state-owned aquatic lands.

RCW 79.68.060 Public lands identified and withdrawn from conflicting uses -- Effect -- Limitation.

Description: For continuity of management and long-range planning purposes, DNR authorized to identify and withdraw limited acreages of public lands.

RCW 79.68.080 Fostering use of aquatic environment -- Limitation.

Description: DNR must foster commercial/recreational use of state-owned aquatic lands for production of food, fiber, income, and public enjoyment.

RCW 79.68.110 Compliance with local ordinances, when.

Description: DNR needs to comply with local ordinances.

RCW 79.90.457 Authority to exchange state-owned tidelands and shorelands -- Rules -- Limitation.

Description: DNR can exchange state-owned aquatic lands with private/public landowners.

RCW 79.90.460 Aquatic lands -- Preservation and enhancement of water-dependent uses -- Leasing authority.

Description: DNR must preserve water-dependent uses; nonwater-dependent uses are low priority; prior to issuing a lease, DNR must consider natural values... including natural area preserve.

RCW 79.90.475 Management of certain aquatic lands by port district -- Agreement -- Rent -- Model management agreement.

Description: If requested, DNR can enter into an agreement with a port district authorizing the port management of state-owned aquatic lands.

RCW 79A.50.010 Use of public lands for state or city park purposes -- Regents' consent, when.

Description: DNR is authorized to withdraw from sale or lease and reserve for state or city park purposes lands selected by state parks and recreation commission.

RCW 79.92.010 Harbor lines and areas to be established.

Description: It shall be the duty of the board of natural resources acting as the harbor line commission to locate and establish harbor lines and determine harbor areas...

RCW 79.92.020 Relocation of harbor lines by the harbor line commission.

Description: It shall be the duty of the board of natural resources acting as the harbor line commission to relocate the inner harbor line erroneously established...or for any other good cause...

RCW 79.92.030 Relocation of harbor lines authorized by legislature.

Description: Areas where DNR is authorized by legislature to change relocate or establish harbor lines.

RCW 79.94.390 certain tidelands reserved for recreational use and taking of fish and shellfish.

Description: Areas withdrawn from sale and lease and reserved as public recreational areas for the taking of shellfish and fish.

RCW 79.94.410 Tidelands and shorelands -- Use of tide and shore lands granted to United States -- Purposes -- Limitations.

Description: The use of any tide and shore lands belonging to the state...is granted to the government of the U.S. Limitations: U.S needs to give payment of lands. Aquatic lands covered by more than 4 fathoms of water at ordinary low tide are not included; and the U.S. shall not prevent any citizen of the state from using these lands.

RCW 79.94.430 Tidelands and shorelands -- Use of tide and shore lands granted to United States -- Easements over tide or shore lands to United States.

Description: Grant the use of them (state-owned aquatic lands) to the United States, upon payment for such land, so long as it may require the use of them for such public purposes.

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE

WACs

220-56-128 Food fishing- closed areas

Description: Listing of areas closed for food fishing.

220-56-307 Shellfish-closed areas

Description: Listing of areas closed for shellfish harvesting.

220-56-196- 199 Salmon-closed areas

Description: Listing of areas closed for salmon fishing.

220-56-196- 199 Salmon-closed areas

Description: Listing of areas closed for salmon fishing.

220-56-230 Bottom fish-closed areas

Description: Listing of areas closed for bottom fish fishing.

WASHINGTON STATE DEPARTMENT OF HEALTH

WACs

246-282-20 Growing areas

Description: DOH has the authority to classify shellfish growing areas as approved or conditional approved.

246-280-020 Shellfish beach classification

Description: DOH has the authority to classify shellfish beaches as open or closed.

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES

WACs

332-30-106 Definitions

332-30-151 Reserves

FEDERAL GOVERNMENT

- National Wildlife Refuge System Act of 1997 (P.L. 105-57)
- Refuge Recreation Act of 1962 (U.S.C. 460k-4)
- Refuge Trespass Act of 1909.
- Protection Island National Wildlife Refuge (P.L. 97-333)
- Endangered Species Act (ESA)

LOCAL GOVERNMENTS

- San Juan County Resolution 49-1997. Kellet Bluff and other 7 proposed sites as bottom fish recovery voluntary only no-take areas.

Appendix B – Classification systems

This appendix includes a partial list of classification system references that may be useful in aquatic reserve program development:

Allee, R.J., M. Dethier, D. Brown, L. Deegan, R. G. Ford, T.F. Hourigan

J. Maragos, C. Schoch, K. Sealey, R. Twilley, M.P. Weinstein, M. Yoklavich. 2000. Marine and Estuarine Ecosystem And Habitat Classification. U.S Department of Commerce, National Marine Fisheries Service, NOAA Technical Memorandum NMFS-F/SPO-43, July 2000.

Cowardin, L., V. Carter, F. Golet, and E. LaRoe, 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service. FWS/OBS-79/31.

Dethier, M.N. 1990. A marine and estuarine habitat classification system for Washington State. Washington Natural Heritage Program, Department of Natural Resources, Olympia, WA. 56p.

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Howes, D.E., J.R. Harper and E.H. Owens 1994. Physical shore-zone mapping system for British Columbia. BC Ministry of Environment, Lands and Parks, Victoria, BC, 71p.

Howes, D.E., P. Wainwright, R. Baird, L. Berg, J. Cooper, J.M. Haggarty, J.R. Harper, E.H. Owens, P.D. Reimer and K. Summers 1995. Oil spill response atlas for Southern Strait of Georgia. Environmental Emergency Services, BC Ministry of Environment, Victoria, BC, 317p.

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Salmon and Steelhead Habitat Inventory and Assessment Project (SSHIAP). [Accessed on May 21, 2002 at <http://www.nwifc.wa.gov/sshiap2/index.asp>.]

Simenstad, C.A., C.D. Tanner, R.M. Thom, and L.L. Conquest, 1991. Estuarine Habitat Assessment Protocol. US Environmental Protection Agency, Puget Sound Estuary Program. EPA 910/9-91-037. 201 pp.

Zacharias, M.A., D.E. Howes, J.R. Harper and P. Wainright, 1998. The British Columbia marine ecosystem classification: rationale, development, and verification. *Coastal Management*, 26:105-124

Appendix C –Interim Management Guidance

This interim guidance is modeled on the Approved Interim Management Guidance for Aquatic Reserves and Withdrawn Areas from Fran McNair, Aquatics Steward to Aquatic Resources Program Staff, June 27, 2001.

The exact types of future leasing activities that will be authorized and prohibited within aquatic reserves will be established after the area is formally designated as an aquatic reserve and the site-specific management plan has been adopted.

1. The aquatic reserve interim management guidelines apply to aquatic lands that have been identified by the ad hoc committee for formal SEPA review and planning for reserve candidacy.
2. The guidelines will continue to be in effect until the area is designated as an aquatic reserve (at which time, permanent guidelines will be implemented) or the area is no longer being considered for reserve status.
3. There will be no attempt to curtail legal activities conducted under existing DNR use authorizations within the candidate sites.
 - 3.1. DNR staff will work with lessees to address environmental concerns and operational improvements related to authorized activities.
4. All legal activities conducted under existing use authorizations in areas adjacent to candidate sites, will be managed using the best available knowledge to approve re-authorizations, assignments, maintenance, and construction activities.
 - 4.1. DNR staff will use the best available knowledge to approve such activities under conditions that afford the greatest amount of environmental protection and improvement of the general area and that minimize the disturbance to the adjacent reserve candidate site relative to its intent.
5. All use authorizations existing within a candidate site at the time of reserve designations, whether in normal or holdover status:
 - 5.1. Will be honored throughout their current terms.
 - 5.2. May conduct maintenance and construction activities as per the existing terms and conditions of the original agreement.
 - 5.2.1 DNR staff will use the best available knowledge to approve maintenance and construction activities that afford the greatest amount of environmental protection and improvement to meet the intent of the candidate reserve.
 - 5.3. May be re-assigned to another entity under the existing terms and conditions of the original agreement.
 - 5.4. That expire during the candidate reserve site's SEPA review and planning process, will be held in holdover status until completion of the process.
 - 5.4.1. DNR staff will work with lessees to address environmental concerns and operational improvements related to authorized activities.
 - 5.5. That are in holdover status or expire after the area has been formally designated an aquatic reserve, will be evaluated based on the adopted site management plan to assess their compatibility with the reserve and reserve goals.
 - 5.5.1. Activities determined to be compatible may be authorized.
 - 5.5.2. Activities determined not to be compatible will not be authorized.

6. Applications for use authorizations within reserve candidate sites, which occurred before, during, or after the SEPA review and planning process, but were not finalized and signed by DNR (except as described below in 6.1 and 6.2), will be placed on hold pending completion of the SEPA review and planning process. No new uses will be authorized within reserve candidate sites until the SEPA review and planning process for the site is completed (except as described below in 6.1 and 6.2).
 - 6.1 Applications for use authorizations that will restore, enhance, and/or preserve the environmental features of the site and will serve to improve the ecological conditions of the site relative to its intent as described in the applicable reserve application, will be processed under the terms and conditions as set forth by DNR under its Conservation Leasing and Licensing Program.
 - 6.2 Applications for short-term (less than one year) use authorizations that will have no functional, physical, or aesthetic impacts to the environmental features or ecological functions of the site may be authorized after a thorough review by region staff in consultation with Aquatic Resources Division staff.
7. Unauthorized and trespass activities (whether historical or new) located within reserve candidate sites shall be managed as follows:
 - 7.1 Those activities determined to pose no or minimal environmental concerns relative to the intent of the reserve, as described in the applicable reserve application, and that would be authorized under normal (non-reserve) conditions, will be identified, documented as existing by region staff, and allowed to continue until the SEPA review and planning process is completed.
 - 7.2 Those activities determined to pose significant environmental concerns relative to the intent of the reserve, as described in the applicable reserve application, and/or that would not be authorized under normal (non-reserve) conditions, will be prohibited and pursued as a trespass against the state in the same manner as would any trespass in a non-reserve area.
 - 7.3 Those activities that are subject to public, political, and/or regulatory pressures will be evaluated based on the best available knowledge to determine their compatibility with the intent of the reserve, as described in the applicable reserve application.

Appendix D – References

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J. West. 1997. Protection and Restoration of Marine Life in the Inland Waters of Washington State. Puget Sound/Georgia Basin Environmental Report Series: Number 6. Prepared for the Puget Sound/Georgia Basin International Task Force, Washington Workgroup on Protecting Marine Life.

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Appendix E – Distribution list

MIKE SATO PEOPLE FOR PUGET SOUND	TIMOTHY COLEMAN KETTLE RANGE CONSERVATION	AL HANNERS
GORDON SCOTT WHATCOM LAND TRUST	JOEL KUPERBERG	PAUL A DINNEL PHD SHANNON POINT MARINE CENTER
RICH STOCKWELL FIDALGO BAY RESORT	PAUL DYE THE NATURE CONSERVANCY	TERRY COOK THE NATURE CONSERVANCY
GRANT JONES QUARTER MASTER MARINE	RICH STOCKWELL FIDALGO BAY RESORT	CHIP HILARIDES GEORGIA PACIFIC WEST
DEEANN KIRKPATRICK NOAA/NMFS	DALE GRIGGS NOOKSACK TRIBE	BOB KELLY NOOKSACK TRIBE
RAY HELLWAY DEPT OF ECOLOGY	LUCY PEBLES DEPT OF ECOLOGY	MIKE STEPHENS DEPT OF TRANSPORTATION
RICK SINGER DEPT OF TRANSPORTATION	BARRY WENGER DEPT OF ECOLOGY	REGINA DELAHUNT WHATCOM CO HEALTH DEPT
BRIAN WILLIAMS DEPT OF FISH AND WILDLIFE	HARLAN C. JAMES LUMMI INDIAN BUS COUNCIL	MIKE COCHRANE LUMMI INDIAN BUS COUNCIL
LOREN STERN DEPT OF NATURAL RESOURCS	FRAN MCNAIR DEPT OF NATURAL RESOURCES	JACK GARNER CITY OF BELLINGHAM
CHRIS SPENS CITY OF BELLINGHAM	STEVE SUNDIN CITY OF BELLNGHAM	JONATHAN FREEDMAN US ARMY CORP OF ENGINEERS
DAVID KENDAL US ARMY CORP OF ENGINEERS	STUART GLASOE PUGET SOUND WATER QUALITY	JOHN DOHRMANN PUGET SOUND WATER QUALITY
JAY DAVIS US FISH AND WILDLIFE	LOU ELLEN JONES US FIAH AND WILDLIFE	STEVEN ROY US EPA REGION 10
JOHN MALEK US EPA REGION 10	MIKE STONER PORT OF BELLINGHAM	MARK ASMUNDSON CITY OF BELLINGHAM
WHATCOM CO PLANNING DEPT	NW POLLUTION CONTROL AUTH	NW STEELHEAD & SALMON COUNCIL
PAM JOHNSON PEOPLE FOR PUGET SOUND	SIERRA CLUB MT BAKER GROUP	JOAN CROOKS WA ENVIRONMENTAL COUNCIL
ROBYN DUPREE RESOURCES	BJ CUMMINGS PUGET SOUNDKEEPER ALLIANCE	LARRY DAUGERT NORTH CASCADES AUDOBON
FRAN WILSHUSEN NW INDIAN FISHERIES COMM	BELLINGHAM/WHATCOM CO	BELLINGHAM & WHATCOM CO
ERIC JOHNSON WA PUBLIC PORTS ASSOC	DEBRAH MARRIOTT LOWER COLUMBIA RIVER	MATT BERGMAN PRESERVE OUR ISLAND

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 Washington State Department of Natural Resources - Aquatic Resources Program
 September 6, 2002

RAY LAMPERS	TIM CULLINAN	SIERRA CLUB CASCADE CHAPTER
WENDELL & KELLY VERDUIN	AL LUNDGREN LUNDGREN ENTERPRISES	SHELLEY TAYLOR CARILLON PROPERTIES
ELIZABETH DAVIS LEAGUE OF WOMEN VOTERS OF WA	JON BOYCE ANCHOR ENVIRONMENTAL	APRIL MARKIEWICZ WWU
JOHN BLOXOM	LONGBRANCH IMPROVEMENT CLUB PRESIDENT	DALE SEAMAN CITY OF SOUTH BEND
DONNA ROBERSON CHELAN COUNTY PUD	ROY VELLING	MICHAEL KYTE GOLDER ASSOCIATES
TERI PIEPER CENTRAL BASIN AUDUBON SOCIETY	DAVID FLUHARTY SMA/UW	RICHARD STRATHMANN FHL/UW
CLAUDIA MILLS FHL/UW	JAN NEWTON ECOLOGY/UW	DON GUNDERSON FHL/UW
LINDA LYSHALL	BOB QUERRY	ROBERT BAILEY STATE OF OREGON OCEAN MGMT
BILL ENGLE FRIENDS OF SAN JUANS CHAPTER NATIVE PLANT SOCIETY	DAVID T HOOPES SAN JUAN CO CONSERVATION DIST	JIM SLOCOMB SJC MARINE RESOURCES COMMITTEE
HEATHER SPAULDING FRIENDS OF THE SAN JUANS	MIKE KAILL SAN JUAN CO GREEN PARK	TOM MUNSEY NEAR SHORE FUND
KENDRA HAYASHI FRIDAY HARBOR LABS	PIERRE LABOSSIEIE JOURNAL OF THE SAN JUANS	JERRY VICE SOAP LAKE CONSERVANCY
BRUCE CHATTIN WA AGG & CONCRETE ASSOC	MICHAEL MARSH WA NATIVE PLANT SOCIETY	CHUCK NAFZIGER GROUNDSWELL NW
STEPHEN ROOS	LIZ MURTAUGH ASSOCIATED PRESS	PAT COLLIER
ELLEN KRITZMAN VASHON-MAURY ISLAND AUDUBON	GENE CORONETZ	JOEL & LYVONNE KUPENBERG COPPER MOUNTAIN
PHILIP BLOCH PEOPLE FOR PUGET SOUND	ROBERT MORRIS MARINE INDUSTRIES NW INC	ADAMS CO PLANNING DEPT
DAVE SELUGA LOUISIANA PACIFIC CORP	CASEY RICE NOAA/NMFS	LARRY STOCKTON CITY OF NORTH BEND
STEVE HARVEY COWLITZ-WAHKIAKUM COUNCIL	BRENDA CUNNINGHAM SKAGIT LAND TRUST	JEFF DIXON CITY OF AUBURN PLANNING DEPT
AMILYN STILLINGS WHATCOM CO PUBLIC WORKS DEPT	DARRELL POCK GRANT COUNTY PUD	AL RAINSBERGER TODD SHIPYARDS

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DEVIN SMITH SKAGIT SYSTEM COOPERATIVE	SUE CHICKMAN OLY PENINSULA AUDUBON SOCIETY	AJAY RAMACHANDRAN
BILLY PLAUCHE VASHON - MAURY ISLAND LAND TRUST JW TURNER	DON & SHARON MARSLAND PRESERVE OUR ISLANDS GREG BLAR	ED SWAN VASHON - MAURY AUDUBON DAN WILLSIE VASHON - MAURY ISLAND AUDUBON SOCIETY JOHN NELSON
JAMES DAM VASHON - MAURY ISLAND LAND TRUST MARY MEANS	BRENDA MOORE LIBBY MCCARTY PRESERVE OUR ISLANDS	JACK BARBASH VASHON FORESTRY COMMITTEE
MICHAEL KNOTT VASHON FORESTRY COMMITTEE SCOTT POKSWINSKI PEOPLE FOR PUGET SOUND	ROGER SHERMAN ISLAND CO MRC GEORGE MILLER PEOPLE FOR PUGET SOUND	CARL GOWLER RAYTHEON SYSTEMS KIM RASMUSSEN NAVAL STATION EVERETT
ANN EISSINGER	PHYLLIS KIND ISLAND CO MRC	WAYNE PALSSON WASH DEPT OF FISH & WILDLIFE
BRITLY ESCHETE PEOPLE FOR PUGET SOUND	STEIN SVENDSEN SNOW MOUNTAIN MILLS	NANCY MORRIS
MARY BOSBYSHELL	KOJO FORDJOUR TERMINAL ENGINEERING WA STATE	BROOKE NELSON
SHARON GOLDEN	DAN KARI RADIO PACIFIC INC	STEVE FRADKI OLYMPIC NATIONAL PARK
ELOISE KAILIN PROTECT THE PENINSULAS FUTURE ED BOWLBY CLALLAM CO MRC ANNE SHAFFER WDFW	JOE SCHMITT CLALLAM CO MRC CAM FIELD M & R JIM JOHANNESSEN COASTAL GEOLOGIC SVCS	LIAMANTRIM KEVIN RYAN US FISH & WILDLIFE SERVICE SUE ROBERDS CITY OF PORT ANGELES
PATRICIA WOLFSON BUCK & GORDON LLP ROLAND HAERTL HAERTL CONSULTING	MONA GREEN THE MCANDREWS GROUP LTD GRETCHEN STARKE VANCOUVER AUDUBON	RICHARD FAZIO FAZIO BROS SAND CO INC ROB MCNAIR-HUFF PUGET CREEK RESTORATION SOCIETY KATHY TAYLOR PSWQAT
LIZ LATHROP	ROSS LYTLE	KAYCE CAMPBELL SUMNER HIGH SCHOOL IAN HARGUS SUMNER HIGH SCHOOL
PATRICK PRESENTIN JOHNS ISLANDERS CHRIS GOODMAN UW OCEANOGRAPHY	HOLLY GARD SUMNER HIGH SCHOOL DICK VANCISE LONGBRANCH IMPROVEMENT CLUB	

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JARO SQUOL
SUMNER HIGH SCHOOL

JEFF IRELAND
SUMNER HIGH SCHOOL

JILL COLGAN
SUMNER HIGH SCHOOL

LINDSAY PRESCOTT
SUMNER HIGH SCHOOL

SARAH OBRIEN
SUMNER HIGH SCHOOL

DAVID ADAMS
TAHOMA AUDUBON

GEORGE HESS
TAHOMA AUDUBON

LESLIE ANN ROSE
CITIZENS FOR A HEALTHY BAY

DAVID SECORD
UW OF TACOMA

WENDY CHURCH
CITIZENS FOR A HEALTHY BAY

COURTNEY DRAKE
CITIZENS FOR A HEALTHY BAY

ANDREW TENGWALL
CITIZENS FOR A HEALTHY BAY

JOHN OLOUGHLIN
CITY OF TACOMA

KRISTIN HEMMELGARN
UW OF TACOMA

TONYA KAUI
GEO ENGINEERS

RON SUMMERS
GLACIER NORTHWEST

GARY COY
SPERRY OCEAN

SCOTT HANSEN
PUGET CREEK REST. SOCIETY

NATALIE MCNAIR-HUFF

BRUCE WISHART
PEOPLE FOR PUGET SOUND

TED & JAN TORVE

MEREDITH SUMMERS

JULIA WALKER
APHETI

FRANCIS WALKER

TACOMA CHAPTER #146
WA COUNCIL TROUT UNLIMITED

BARTLEY MADISON

DAVID MEISTER
WDFW

PUGET SOUND RESTORATION FUND

TIMOTHY CULLINAN
AUDUBON WASHINGTON

VERN MARQUS

RAYNA HOLTZ
MAURY ISLAND AUDUBON SOCIETY

R DOC INC

WILLIAM WHITE

AMY TOUSLEY
PUGET SOUND ENERGY

MICHAEL RIGIK

MARY ANN BAIRD
SEATTLE DIST ARMY CORPS OF
ENGINEERS

SUSAN POWELL
SEATTLE DIST ARMY CORPS OF
ENGINEERS
MARK MOBBS
QUINULT INDIAN NATION

BRETT DUMBAULD
WDFW WILLAPA BAY FIELD
STATION
BRUCE JONES
QUINULT INDIAN NATION

ERIK BENTZEN

MEGAN KEFAUVER

GAYLAND ROGERS

BERNIE BUDAY

HAROLD & MARCILEE JONES

DAVID LARSON
KITSAP DRIVING ASSOCIATION

GARY BETHKE

JOHN HALVER

MELNICK DON

KATY VANDERPOOL
KING COUNTY DNR

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DAVID TEMPLETON ANCHOR ENVIRONMENTAL LLC	KIM MARIE JOHANNESON JOHANNESON AND ASSOCIATES PS	TOM EDWARDS LUMMI INDIAN BUSINESS COUNCIL
KEVIN BRIGHT CYPRIS ISLAND INC	DON BOYER FOSTER WHEELER ENVIROMENTAL	GINNY BROADHURST PSWAT
ANDREA COPPING	BOB LAROCK SKAGIT SYSTEM COOPERATIVE	BOB PACUNSKI
DENNIS WILLOWS	DOUG DOBYNS	PETER DOWTY
GRANT KIRBY	JACQUES WHITE	JIM NORRIS
JOE GAYDOS MARINE ECOSYSTEM HEALTH PROGAM	JOHN RUPP	KEVIN RANKER
KIRSTIN GILARDI UNIVERSITY OF CALIFORNIA	MEGAN DETHIER	DOUG MYERS
RICH OSBORNE	STEVE JEFFRIES	ULRICH WILSON
BRIAN LYNN	FRAN WILSHUSEN	KIT RAWSON
LIAM ANTRIM OLYMPIC COAST MARINE SANCTUARY	MARY LOU MILLS	MARY MAHAFFY
MICHAEL RYLCO	PAUL DYE	RANDY PERSON
ROBERT FIMBLE	TERRY KLINGER	TOM COWAN
ENVIRONMENTAL COORDINATOR DEPARTMENT OF ECOLOGY	ENVIRONMENTAL COORDINATOR DEPT. FISH AND WILDLIFE	ENVIRONMENTAL COORDINATOR STATE PARKS AND RECREATION
JEFF THOMAS PUYALLUP INDIAN TRIBE	PLANNING DIRECTOR YAKIMA COUNTY	PLANNING DIRECTOR WHITMAN COUNTY
SHARON DIGBY WHATCOM COUNTY	PLANNING DIRECTOR WALLA WALLA COUNTY	PLANNING DEPARTMENT WAHIAKUM COUNTY
PLANNING DEPARTMENT THURSTON COUNTY	PLANNING DIRECTOR SKAGIT COUNTY	JENNI ANDERSON STEVENS COUNTY
JOHN PETERSON SPOKANE COUNTY PLANNING DIRECTOR PIERCE COUNTY COUNTY COMMISSIONERS	PLANNING DEPARTMENT SKAMANIA COUNTY PLANNING DEPARTMENT PEND OREILLE COUNTY	PLANNING DEPARTMENT SNOHOMISH COUNTY PLANNING DEPARTMENT PACIFIC COUNTY COUNTY COMMISSIONERS
TRIBAL BIOLOGIST POINT NO POINT TREATY COUNCIL	PLANNING DEPARTMENT OKANOGAN COUNTY	OKANOGAN COUNTY

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PLANNING DEPARTMENT MASON COUNTY	PLANNING DEPARTMENT LEWIS COUNTY	PLANNING DEPARTMENT LINCOLN COUNTY
PLANNING DEPARTMENT KLIKITAT COUNTY	PLANNING DEPARTMENT KITITAS COUNTY	PLANNING DEPARTMENT KITSAP COUNTY
BUILDING & LAND DEVEL. KING COUNTY	SCOTT HALL KALISPEL TRIBE	SCOTT JONNY LUMMI INDIAN BUSINESS COUNCIL
MIKE MCHENRY LOWER ELWHA TRIBE	TRIBAL BIOLOGIST SUQUAMISH TRIBAL COUNCIL COUNTY PERMIT CENTER JEFFERSON COUNTY	PLANNING DEPARTMENT ISLAND COUNTY
PLANNING DEPARTMENT GRAYS HARBOR COUNTY	PLANNING DEPARTMENT GRANT COUNTY	MIKE HAGERTY MAKAH INDIAN TRIBE
COUNTY ENGINEER GARFIELD COUNTY	PLANNING COMMISSION DOUGLAS COUNTY	PLANNING DEPARTMENT FRANKLIN COUNTY
PLANNING DEPARTMENT FERRY COUNTY	PLANNING DEPARTMENT COWLITZ COUNTY	PLANNING DEPARTMENT COLUMBIA COUNTY
JIM JORGENSEN HOH TRIBE	COMMUNITY DEVELOPMENT CLARK COUNTY	TRIBAL COUNCIL SNOQUALMIE TRIBE
NATURAL RESOURCES DIR. SKOKOMISH TRIBE	TRIBAL COUNCIL SAMISH TRIBE	DONALD MECHALS CHINOOK TRIBE PLANNING DEPARTMENT CLALLUM COUNTY
INDIAN SENATE SWINOMISH TRIBE	MONTY FORD SPOKANE TRIBE	CHEHALIS BASIN FISHERIES ABERDEEN WA
COEUR D ALENE TRIBE PLUMMER ID	CHEHALIS INDIAN TRIBE OAKVILLE, WA	BOARD OF DIRECTORS STILLAGUAMISH TRIBE
PLANNING DEPARTMENT CHELAN COUNTY	PLANNING DEPARTMENT BENTON COUNTY	PLANNING DEPARTMENT ASOTIN COUNTY
PLANNING DEPARTMENT ADAMS COUNTY	ADELINE FREDIN COLEVILLE CONFEDERATED TRIBES	COWLITZ INDIAN TRIBE LONGVIEW WA

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RICHARD YOUNG TULALIP TRIBE	TOM EDWARDS LUMMI NATION	TRIBAL BIOLOGIST NISQUALLY INDIAN COMMUNITY
DUWAMISH TRIBE SHEAN HESS COLEVILLE CONFEDERATED TRIBE	CARROLL PALMER YAKIMA NATION	QUINALT BUSINESS COMMITTEE TAHOLAH WA
SCOTT EDSON CCT – FISH AND WILDLIFE DEPT.	JAMESTOWN KLALLAM TRIBE SEQUIM WA	TED LABBE PORT GAMBLE INDIAN TRIBE
NATURAL RESOURCES DIVISION STEILICOOM INDIAN TRIBE	WILLIAM EL MATHESON SNOHOMISH TRIBE	SHOALWATER BAY COUNCIL TOKELAND WA
SHERI BREWER SAUK-SUIATTLE INDIAN TRIBE	QUILEUTE INDIAN TRIBE LA PUSH, WA	TRIBAL BIOLOGIST NOOKSACK INDIAN TRIBE
FISHERIES DEPARTMENT MUCKLESHOOT INDIAN TRIBE	SQUAXIN INDIAN TRIBE SHELTON WA	KEITH WYMAN UPPER SKAGIT INDIAN TRIBE
CITY OF ABERDEEN PLNG/ECON DEV DIR	CITY OF AIRWAY HEIGHTS PLANNING DIRECTOR	CITY OF ALGONA CHIEF ADMINISTRATIVE OFFICER
CITY OF ANACORTES PLANNING DIRECTOR	CITY OF ARLINGTON PLANNING MANAGER	CITY OF ASOTIN CLERK-TREASURER
CITY OF AUBURN PLNG/COMM DEV DIR	CITY OF BAINBRIDGE ISLAND PLNG/COMM DEV DIR	CITY OF BATTLE GROUND CITY MANAGER
CITY OF BELLEVUE COMMUNITY DEVELOPMENT DIRECTOR	CITY OF BELLINGHAM ACTING CITY ADMINISTRATOR	CITY OF BLACK DIAMOND CITY ADMINISTRATOR
CITY OF BLAINE CITY MANAGER	CITY OF BONNEY LAKE INTERIM PLANNING DIRECTOR	CITY OF BOTHELL CITY MANAGER
CITY OF BREMERTON ECON & COMM DEV DIR	CITY OF BREWSTER CITY SUPERINTENDENT	CITY OF BUCKLEY CITY ADMINISTRATOR
CITY OF BURIEN COMMUNITY DEVELOPMENT DIRECTOR	CITY OF BURLINGTON PLANNING DIRECTOR	CITY OF CAMAS COMMUNITY DEVELOPMENT DIRECTOR
CITY OF CARNATION CITY PLANNER	CITY OF CASHMERE CITY ADMINISTRATOR	CITY OF CASTLE ROCK PLANNING DIRECTOR
CITY OF CENTRALIA CITY MANAGER	CITY OF CHEHALIS COMMUNITY DEVELOPMENT DIRECTOR	CITY OF CHELAN CITY ADMINISTRATOR

CITY OF CHENEY
 CITY ADMINISTRATOR

CITY OF CHEWELAH
 CITY ADMINISTRATOR

CITY OF CLARKSTON
 PUBLIC WORKS DIRECTOR

CITY OF CLE ELUM
 CITY ADMINISTRATOR

CITY OF CLYDE HILL
 CITY ADMINISTRATOR

CITY OF COLFAX
 CITY ADMINISTRATOR

CITY OF COLLEGE PL
 CITY ADMINISTRATOR

CITY OF COLVILLE
 PLANNING DIRECTOR

CITY OF CONNELL
 CITY ADMINISTRATOR

CITY OF COSMOPOLIS
 COMMUNITY DEVELOPMENT
 DIRECTOR

TOWN OF COUPEVILLE
 PLANNING DIRECTOR

CITY OF COVINGTON
 INTERIM CITY MANAGER

CITY OF DAYTON
 PLANNING DIRECTOR

CITY OF DEER PARK
 COMMUNITY SERVICE DIRECTOR

CITY OF DES MOINES
 CITY MANAGER

CITY OF DUPONT
 LEGISLATIVE CONTACT

CITY OF DUVALL
 PLNG DIRECTOR/ADMINISTRATOR

CITY OF EAST WENATCHEE
 COMMUNITY DEVELOPMENT
 DIRECTOR

CITY OF EDGEWOOD
 CITY MANAGER

CITY OF EDMONDS
 COMMUNITY SERVICE DIRECTOR

CITY OF ELLENSBURG
 CITY MANAGER

CITY OF ELMA
 PUBLIC WORKS DIRECTOR

CITY OF ENUMCLAW
 CITY ADMINISTRATOR

CITY OF EPHRATA
 PLANNING DIRECTOR

CITY OF EVERETT
 PLNG/COMM DEV DIR

CITY OF FEDERAL WAY
 CITY MANAGER

CITY OF FERNDALE
 CITY ADMINISTRATOR

CITY OF FIFE
 COMMUNITY DEVELOPMENT
 DIRECTOR

CITY OF FIRCREST
 CITY MANAGER

CITY OF FORKS
 ECONOMIC DEVELOPMENT
 DIRECTOR

TOWN OF FRIDAY HARBOR
 TOWN ADMINISTRATOR

CITY OF GIG HARBOR
 DIRECTOR PLNG/BLDG SVCS

CITY OF GOLD BAR
 CLERK-TREASURER

CITY OF GOLDENDALE
 CITY ADMINISTRATOR

CITY OF GRAND COULEE
 COMMUNITY DEVELOPMENT
 DIRECTOR

CITY OF GRANDVIEW
 CITY ADMINISTRATOR

CITY OF HOQUIAM
 PLANNING DIRECTOR

TOWN OF HUNTS POINT
 TOWN ADMINISTRATOR

CITY OF ISSAQUAH
 CITY ADMINISTRATOR

CITY OF KELSO
 CITY MANAGER

CITY OF KENMORE
 COMMUNITY DEVELOPMENT
 DIRECTOR

CITY OF KENNEWICK
 COMM/ECON DEV DIR

CITY OF KENT
 PLANNING DIRECTOR

CITY OF KIRKLAND
 PLNG/COMM DEV DIR

TOWN OF LA CONNER
 PLANNING DIRECTOR

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CITY OF LACEY COMMUNITY DEVELOPMENT DIRECTOR	CITY OF LAKE FOREST PARK PLANNER	CITY OF LAKE STEVENS CITY ADMINISTRATOR
CITY OF LAKEWOOD CITY MANAGER	CITY OF LANGLEY PLANNING OFFICIAL	CITY OF LEAVENWORTH COMMUNITY DEVELOPMENT DIRECTOR
CITY OF LIBERTY LAKE INTERIM CITY MANAGER	CITY OF LONG BEACH CITY ADMINISTRATOR	CITY OF LONGVIEW CITY MANAGER
CITY OF LYNDEN INTERIM CITY ADMINISTRATOR	CITY OF LYNNWOOD EXECUTIVE ASSISTANT TO MAYOR	CITY OF MABTON PUBLIC SAFETY ADMINISTR
CITY OF MAPLE VALLEY CITY MANAGER	CITY OF MARYSVILLE CITY PLANNER	CITY OF MCCLEARY CITY ADMINISTRATOR
CITY OF MEDICAL LAKE CITY ADMINISTRATOR	CITY OF MEDINA CITY MANAGER	CITY OF MERCER ISLAND DEV SVCS DIRECTOR
CITY OF MILL CREEK PLNG/COMM DEV DIR	TOWN OF MILLWOOD PLANNING DIRECTOR	CITY OF MILTON PLANNING/BUILDING DIRECTOR
CITY OF MONROE COMMUNITY DEVELOPMENT DIRECTOR	CITY OF MONTESANO COMMUNITY DEVELOPMENT DIRECTOR	CITY OF MOSES LAKE CITY MANAGER
CITY OF MOUNT VERNON COMM & ECON DEV DIR	CITY OF MOUNTLAKE TERRACE PLANNING MANAGER	CITY OF MUKILTEO PLANNING DIRECTOR
TOWN OF NACHES TOWN ADMINISTRATOR	CITY OF NEWCASTLE CITY MANAGER	CITY OF NEWPORT CITY ADMINISTRATOR
CITY OF NOOKSACK CITY PLANNING CONSULTANT	CITY OF NORMANDY PARK CITY MANAGER	CITY OF NORTH BEND COMMUNITY DEVELOPMENT DIRECTOR
CITY OF OAK HARBOR CITY ADMINISTRATOR	CITY OF OCEAN SHORES PLANNING DIRECTOR	CITY OF OLYMPIA CITY MANAGER
CITY OF OROVILLE COMMUNITY DEVELOPMENT DIRECTOR	CITY OF ORTING CITY ADMINISTRATOR	CITY OF OTHELLO CITY ADMINISTRATOR
CITY OF PACIFIC COMMUNITY DEVELOPMENT DIRECTOR	CITY OF PASCO PLNG/COMM DEV DIR	CITY OF PATEROS CITY SUPERINTENDENT
CITY OF PORT ANGELES CITY MANAGER	CITY OF PORT ORCHARD CITY PLANNER	CITY OF PORT TOWNSEND CITY MANAGER

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CITY OF POULSBO
PLANNING DIRECTOR

CITY OF PROSSER
CITY ADMINISTRATOR

CITY OF PULLMAN
CITY SUPERVISOR

CITY OF PUYALLUP
COMMUNITY DEVELOPMENT
DIRECTOR

CITY OF QUINCY
CITY ADMINISTRATOR

CITY OF REDMOND
PLANNING DIRECTOR

CITY OF RENTON
DEV SVCS DIV DIRECTOR

CITY OF RICHLAND
PLANNING DIRECTOR

CITY OF RIDGEFIELD
CITY MANAGER

TOWN OF ROCKFORD
TOWN SUPERINTENDENT

CITY OF SAMMAMISH
CITY MANAGER

CITY OF SEATAC
CITY MANAGER

CITY OF SEATTLE
CONSTRUCTION/LAND USE
DIRECTOR

CITY OF SEDRO-WOOLLEY
CITY PLANNER

CITY OF SELAH
CITY SUPERVISOR

CITY OF SEQUIM
PLANNING DIRECTOR

CITY OF SHELTON
PLANNING DIRECTOR

CITY OF SHORELINE
PADS DIRECTOR

CITY OF SNOHOMISH
CITY MANAGER

CITY OF SNOQUALMIE
DIR OF PLANNING/PARKS

CITY OF SOUTH BEND
CITY SUPERVISOR

TOWN OF SOUTH PRAIRIE
PLANNER

CITY OF SPOKANE
PLANNING DIRECTOR

CITY OF STANWOOD
PLANNING DIRECTOR

CITY OF STEVENSON
CITY ADMINISTRATOR

CITY OF SULTAN
CITY ADMINISTRATOR

CITY OF SUMAS
UTILITIES SUPERINTENDENT

CITY OF SUMNER
CITY ADMINISTRATOR

CITY OF SUNNYSIDE
CITY MANAGER

CITY OF TACOMA
PLANNING DIRECTOR

CITY OF TONASKET
COMMUNITY DEVELOPMENT
DIRECTOR

CITY OF TOPPENISH
CITY MANAGER

CITY OF TUKWILA
CITY ADMINISTRATOR

CITY OF TUMWATER
PLANNING DIRECTOR

TOWN OF TWISP
COMMUNITY DEV CHAIRPERSON

CITY OF UNION GAP
PLANNING DIRECTOR

CITY OF UNIVERSITY PL
PLANNING MANAGER

CITY OF VANCOUVER
DEVELOPMENT REVIEW SERVICES
MANAGER

CITY OF WALLA WALLA
DEVELOPMENT SERVICES DIRECTOR

CITY OF WARDEN
CITY ADMINISTRATOR

CITY OF WASHOUGAL
PLANNING DIRECTOR

CITY OF WENATCHEE
COMM PLNG/DEV DIR

CITY OF WEST RICHLAND
CITY ADMINISTRATOR

CITY OF WESTPORT
CITY ADMINISTRATOR

CITY OF WOODINVILLE
COMMUNITY DEVELOPMENT
DIRECTOR

PORT OF ALLYN

PORT OF ANACORTES

PORT OF BELLINGHAM

PORT OF BENTON	PORT OF BREMERTON	PORT OF BROWNSVILLE
PORT OF CAMAS	PORT OF CENTRALIA	PORT OF CHEHALIS
PORT OF CHELAN COUNTY	PORT OF CLARKSTON	PORT OF COLUMBIA
PORT OF COUPEVILLE	PORT OF DEWATTO	PORT OF DOUGLAS COUNTY
PORT OF EDMONDS	PORT OF ELGON	PORT OF EPHRATA
PORT OF EVERETT	PORT OF FRIDAY HARBOR	PORT OF GARFIELD
PORT OF GRANDVIEW	PORT OF GRAPEVIEW	PORT OF GRAYS HARBOR
PORT OF HOODSPORT	PORT OF ILLAHEE	PORT OF ILWACO
PORT OF INDIANOLA	PORT OF KAHLOTUS	PORT OF KALAMA
PORT OF KENNEWICK	PORT OF KEYPORT	PORT OF KINGSTON
PORT OF KLICKITAT	PORT OF LONGVIEW	PORT OF LOPEZ
PORT OF MANCHESTER	PORT OF MATTAWA	PORT OF MOSES LAKE
PORT OF OLYMPIA	PORT OF OTHELLO	PORT OF PASCO
PORT OF PEND OREILLE	PORT OF PENINSULA	PORT OF PORT ANGELES
PORT OF PORT TOWNSEND	PORT OF POULSBO	PORT OF QUINCY
PORT OF RIDGEFIELD	PORT OF ROYAL SLOPE	PORT OF SEATTLE
PORT OF SHELTON	PORT OF SILVERDALE	PORT OF SKAGIT COUNTY
PORT OF SKAMANIA COUNTY	PORT OF SOUTH WHIDBEY ISLAND	PORT OF SUNNYSIDE
PORT OF TACOMA	PORT OF TAHUYA	PORT OF TRACYTON
PORT OF VANCOUVER	PORT OF WAHAKIYAKUM COUNTY 1	PORT OF WAHAKIYAKUM COUNTY

PORT OF WALLA WALLA

PORT OF WARDEN

PORT OF WATERMAN

PORT OF WHITMAN COUNTY

PORT OF WILLAPA HARBOR

PORT OF WOODLAND

PORT OF CHINOOK

PORT OF GRANT COUNTY 4

PORT OF GRANT COUNTY 5

PORT OF GRANT COUNTY 7

PORT OF MABANA

PORT OF ORCAS

PARK SUPERINTENDENT
OLYMPIC NATIONAL PARK

BUREAU OF LAND MANAGEMENT
SPOKANE DIST. OFFICE

SUPERVISOR
OLYMPIC NATIONAL FOREST

NATIONAL AUDUBON SOCIETY
WASHINGTON STATE OFFICE

WASHINGTON ENVIRONMENTAL COUNCIL

US FISH & WILDLIFE SERVICE

STEVE GIBBONS
NATIONAL NATURAL LANDMARKS PROGRAM MANAGER
NATIONAL PARK SERVICE

TERRY COOK
WASHINGTON FIELD OFFICE
THE NATURE CONSERVANCY

PAUL WAGNER
ENVIRONMENTAL OFFICE
WA DOT

KEN BRUNNER
US ARMY CORPS OF ENGINEERS
SEATTLE DISTRICT-ENGINEERING DIV

COLUMBIA LAND TRUST
ATTN: CHERIE KEARNEY

LISA LANTZ
WA STATE NOXIOUS WEED
CONTROL BOARD

JOE LATOURRETTE
WA PCJV COORDINATOR

WA ENVIRONMENTAL COUNCIL

CASCADE LAND CONSERVANCY
ATTN: MARK JOHNSEN

LAND TRUST ALLIANCE
ATTN: DALE BONAR

GRAYS HARBOR AUDUBON
ATTN: DEAN SCHWICKERATH

ANDREW HARCUMBE
BC CONSERVATION DATA CENTRE
CONSERVATION BIOLOGY SECTION

JIMMY KAGAN
OREGON NATURAL HERITAGE PROGRAM

USDA NRCS
OLYMPIA FIELD OFFICE

NORTHWEST ECOSYSTEM ALLIANCE
TRUST FOR PUBLIC LAND
NORTHWEST REGIONAL OFFICE

NORTHWEST ECOSYSTEM ALLIANCE
SIERRA CLUB
NORTHWEST/ALASKA OFFICE

DR ALAN BLACK
DEPARTMENT OF BOTANY

MS DIANE CARTER

DR MEGAN DETHIER
FRIDAY HARBOR LABS

MS LAURA SMITH
THE NATURE CONSERVANCY

MR WADE TROUTMAN

MS JANE RUBEY
SHORELAND SECTION
DEPARTMENT OF ECOLOGY

MS ELIZABETH RODRICK
WILDLIFE DIVERSITY DIVISION
DEPARTMENT OF FISH & WILDLIFE

MR BART HAGGIN

MR JOE WEEKS
SOUTHEAST REGION

DR SALLY HACKER
WASHINGTON STATE UNIVERSITY VANCOUVER

MR BILL JOLLY
ENVIRONMENTAL PROGRAMS
WASHINGTON STATE PARKS & RECREATION

MR JIM EYCHANER
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Appendix F – Responsiveness Summary

Public Meeting Comments:

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Holistic analysis of all state-owned aquatic lands is key. Alternative 3 does that but is extreme – a way to tweak #3 so it’s not all set aside.	No action taken	Alternative 1 best meets the requirements of the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Hybrid 1&3 desirable. Proposed #1 is erroneous. Instead, incorporate/build on/ improve on programs with existing criteria to identify reserves.	No action taken	This should be done through the development of the implementation guidance
Alternatives	Alternative #1 has strengths but opportunistic and not based on holistic analysis	No action taken	See previous comment
Alternatives	Alternative 3: First, protect and then consider impact of leasing. That puts SEPA back on a true environmental impact footing.	No action taken	Evaluating the impacts of lease is not within the scope of this EIS
Alternatives	Proposal 1 – “bass-backwards” Protect 1 st then consider impacts of leasing.	No action taken	See previous comment regarding alternative 1
Alternatives	Likes that #1 will rely on scientific inventory	No action taken	We appreciate your support
Alternatives	Combination of alternative 1&3 ownership and habitat criteria	No action taken	The state would own the land in both alternative 1 & 3. We will look at the differences in the habitat criteria when developing the implementation guidance.
Alternatives	Alternative 3 looks like it would protect more habitat – but don’t know quality	No action taken	DNR shares your concern that we would compromise quality with quantity.
Alternatives	Alternative 1 sounds like it would not protect enough, fast enough	No action taken	Alternative 1 best meets the requirements of the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Alt 1- Lots of delays and sidetracks. Panel could be a delaying tactic. Why need panel if DNR already knows goals?	No action taken	Panel is needed to conduct objective external review.
Alternatives	Supports alt 3- Need inventory before you can do other alternatives. Inventory an end in itself.	No action taken	Inventory work is included in the preferred alternative (1), section 3.2.1.3.
Alternatives	Alt 3- enough development so any additional leases need to be looked at. Preservation more effective than restoration	No action taken	Alternative 1 best meets the requirements of the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	What about reserves in encumbered areas under Alt 3?	No action taken	Encumbered areas are presently committed to other uses. DNR cannot arbitrarily negate these leases.
Change/de-listing	90 years is a long time- but is should be difficult to reverse; and also should be considered while establishing (national Park is an example)	No action taken	Agree
Change/de-listing	If it is going to be hard to get a reserve, it should also be hard to undo a reserve.	No action taken	We hope we have made the bar high enough in both cases to create an effective program for protecting truly critical areas.
Change/de-listing	De-listing and change process might take care of some 90-year concerns; flip side is that special interests could have undue influence.	No action taken	There is a process for de-listing
Change/de-listing	Specific criteria for status change or removal without specifying a set number of years preferable to 90 years	No action taken	We can't anticipate why a reserve would be de-listed. We would only be able to speculate on this type of criteria.
Change/de-listing	Need to have a well defined process for re-considering reserves areas	No action taken	The intention is it to be as well defined as establishing a reserve.
Change/de-listing	Reasonable process must include a formal change process – so by not specifying time you have perpetuity	No action taken	See previous comment. Not necessarily.
Coordination	Work with locals and uplands – opportunity to consider adjacent uses especially if you do overall analysis	No action taken	See section 3.2.1.4.1

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Coordination	Look to SRF board for coordination opportunities.	No action taken	We welcome external participation whenever feasible.
Coordination	Hopes that program will drive coordination	No action taken	Coordination is a critical aspect of the program. See section 3.2.1.4.1
Coordination	Tap into partners for education, grassroots support, volunteers for restoration monitoring.	No action taken	These groups will be a valued resource.
Coordination	Coordinate with other entities to designate new sites first (there is a lot going on right now) then go back after the old ones for added value of added reserve	No action taken	See previous comment
Coordination	DEIS does not tend to mention federal agencies for coordination	No action taken	See fourth bullet of section 3.2.1.4.1 on pg. 26.
Coordination	Coordination – have to make sure you are aiming at the right part of the larger organizations	No action taken	See previous comment
Coordination	List of groups to coordinate with:	No action taken	Specifics will be driven by the specific reserve.
Coordination	Help citizens get in contact with non-profits/ NGOs to facilitate the process	No action taken	This may be a good investment of time.
Coordination	Final program should use local volunteers reduced management costs – increased community involvement – provide training	No action taken	Community involvement could be important
Criteria	Possible limits on size both for management parameters and time span concerns.	No action taken	This is criteria to be developed through the site establishment of reserves.
Criteria	Species ignore political borders – so considering management in adjacent jurisdictions important	No action taken	This will be appropriate in some cases. Specifics will be driven by the specific reserve.
Criteria	Will you scrutinize other entities' management criteria? – How do other states' DNR's manage aquatic reserves?	No action taken	We have and will continue to review and evaluate other programs.
Criteria	Designation checklist good to be upfront. But daunting to nominate given this list.	No action taken	We don't want the nomination process to be taken lightly.
Criteria	Based on amount of habitat that has been lost, should protect as much as possible	No action taken	That is the purpose of the reserve program.

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Criteria	Designation criteria will take a lot of time- work to be done up front	No action taken	Designation criteria is critical to a viable process.
Criteria	Success of reserve system partly depends on identifying lands that are most valuable ecologically (especially in alternative-1)	No action taken	That is the intention
Criteria	Instead of a total encumbrance, look at 0-30 meters. Focus needed uses in existing encumbered lands	No action taken	Depending on the area, specific areas must be defined for reserve status. A static 0-30 meters may be inadequate.
Criteria	Weighing could take coordination into account (chances for coordination could help an area score higher)	No action taken	Coordination is a critical aspect of the program.
Criteria	Site function, Site Values	No action taken	Will be considered
Criteria	Educational value	No action taken	General criteria for educational reserves.
Data/information	Puget Sound Science Conference could provide a forum for discussion.	No action taken	This conference provides a wealth of applicable science.
Data/information	Must use best available science to resolve use/reserve questions. Must be a component of each alternative	No action taken	See section 3.2.1.3.3 & 3.2.3.3.3
Designation	Outside forces (such as ESA listing) could trigger need for more than 2 per biennium	No action taken	Two is a minimum.
Designation	Biennial not very dynamic – Annual might be more appropriate	No action taken	We chose a biennial cycle after considering staff and budget.
Designation / time	Time span should vary with specific area based on site specific ecological, biological parameters	No action taken	Unless re-evaluated, reserves will be reviewed every 90 years
Designation / time	90 years- too short for some species – Should be in perpetuity – also more cost effective	No action taken	See previous comment
Designation/ time	Consider longer term/ 180!	No action taken	See previous comment
Designation/time	Consider shorter term/renew	No action taken	See previous comment

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Designation/time	Once a reserve, it's likely to stay that way- so 90 years is a long time, need to take that into consideration when establishing.	No action taken	Section 3.2.1.3.2 establishes a process of changing and de-listing a reserve after it is established.
Designation/time	Discussing the number of years is backward. Burden of proof should fall on developers not on protectors. Should be protected in perpetuity.	No action taken	See previous comment
Designation/time	How did you arrive at 90 years? Other ecological and political time frames exist – spell out why 90 years	No action taken	DNR felt that a 90-year time frame establishes a serious program with defined time frames for reviews.
Designation/time	Impact of 90 years – water transportation example: Eby's landing bought easements; crowds out cemetery. Hard to foresee 90 years. Need to be able to change.	No action taken	See previous comments.
Designation/time	Designations should be permanent since there are no provisions for changes/de-listing	No action taken	See Section 3.2.1.3.2
Designation/time	No scientific support for 90 year review, potential to un-do the good work of the 90 year interval	No action taken	90 years is not based on science, but long-term management. See previous comments.
Designation/time	Demands in urban areas for expanded human use argues for perpetuity	No action taken	This all needs to be considered when establishing a reserve.
Designation/time	Perpetuity should mean its set aside forever and don't mess with it thereafter	No action taken	In theory this is true. In practice it is not realistic.
Existing reserves	Document does not explicitly state what happens to existing reserves – it should	Language regarding how existing reserves will be dealt with in respect to each alternative has been added to the Program Administration sections of alternatives 1,3 & 4 in the EIS.	Existing reserves will be evaluated according to the selected alternative. We will add language to the Program Administration section of alternatives 1,3 & 4 that explains that they will be evaluated based on the criteria of the specific alternative.
Existing reserves	Existing reserves valuable as habitat performing biological functions should be grandfathered	See previous response	See previous comment

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Existing reserves	Prerequisite- keep existing sites	See previous response	See previous comment
Financial	Leasing for funding and reserving from leasing raises a conflict of interest. Other sources of funding	No action taken	Leasing revenue represents a portion of funding, but not specifically for establishing reserves.
Financial	As landowner, can use land value as federal match= funding source for restoration activities	No action taken.	This will need to be established if considered as an option.
Financial	Determining available funds will be a major step	No action taken	Funding is committed to the program
Financial	Need legislative support for funding in perpetuity – investing in the state	No action taken	This has, and is being secured
General	Education mandatory (Ferries and other public arenas for education)	No action taken	See education reserves
General	How has the demand for leased areas changed over the years?	No action taken	Demand seems to vary depending on economics and market development.
General	DNR's power is proprietary. Reserved from leasing or development. Education is important but not sure of enforcement.	No action taken	Adequate oversight established in the management plan of a specific reserve can substitute for enforcement.
General	Education will build support for the program	No action taken	We agree.
General	Added value to added protection, but first designation creates most benefit. So if you can't administer a lot then save the added layer for last	No action taken	This will be considered when administering the program.
General	Public trust lands in natural state keep them so	No action taken	State owned aquatic lands are not traditionally public trust lands.
General	Must find a way to keep reserve areas from being a political football	No action taken	In some cases this may be a factor we will all need to deal with.
Goals/objectives	Reserve as much as you can as long as you can. Think of ecosystem first.	No action taken	We agree

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Impacts	Imbalance in document. Table 3- impacts Alt 2 and 4 “uncertain” negative impacts of designating reserves. Don’t go far enough in describing potential negative impacts of 2 and 4	No action taken	That is the issue with alt. 2 & 4, the impacts of these actions are uncertain.
Management	Enforcement necessary	No action taken	Oversight will be developed in specific management plans.
Management	(How) Could uses change during the term of the reserve?	No action taken	It is dependent on the situation.
Management	General questions –Will there be different uses on different reserves? Will the reserves create another layer of bureaucracy for leasing?	No action taken	See previous comment. No additional layers for lease as far as the public is concerned.
Management	Businesses wont even try to prove they can co-exist with a reserve.	No action taken	It will be in their best interest.
Management	Whidbey example- Deception pass transportation problem. Reserved via state park – so one solution to traffic problem is off the table.	No action taken	Local insight needed to keep everyone aware of issues.
Management	Concentrating development is a good thing (under GMA); this document infers it could be bad; not sure which it is.	No action taken	Concentrating development is an option for limiting environmental impact under GMA. In a limited environment, like aquatic lands, it could present some problems.
Management	P. 43, 4.1.1.1 – Concentrating uses is a standard approach to zoning	No action taken	See previous comment.
Management	Can rely on regulations to make sure that concentrated uses are not biologically damaging.	No action taken	Concentrating uses simply concentrates damage.
Management	Adaptive management feedback between monitoring and management	No action taken	This flexibility will be important in a management plan.
Nomination	Like a grant application- nominators don’t have resources to do the process outlined in alternative 1.	No action taken	We hope it will be worth the effort.
Nomination	Needs to be agency driven nomination	No action taken	DNR can nominate areas for consideration.
Nomination	What if there was a simple primary nomination DNR/resource agency swat team analysis so there is consistent analysis across all sites (ecological criteria)	No action taken	DNR thinks external groups have some thoughts and investment in establishing reserves.

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Nomination	May need more frequent reviews. Other triggers (such as dive areas and no take zones) should also trigger reviews.	No action taken	Alternative 1 does not accommodate recreation reserves, though recreation could be an acceptable use under the management plan. WDFW must establish no take zones.
Nomination	No clear trigger here. Suggest that when other agencies identify areas then DNR should review for reserve status. (With a public process)	No action taken	See section 3.2.1.3.1, pg 18.
Nomination	Expect a list of nominations – staff time limitations may kick in	No action taken	DNR has tried to accommodate staffing and budget to run the program on a biennial basis.
Nomination	Some groups (e.g. Army Corps) might not be involved in nomination, but could be involved in management	No action taken	This is correct
Nomination	Creating reserves may not be as consensus driven as implied by application info (pp18-19.) Onerous for applicants.	No action taken	See previous comments
Nomination	Continuous application process – give timeless deadlines/steps so they know they don't have to do everything at once	No action taken	The time frame established in the call for proposals should allow for adequate time frame for applying.
Nomination	ALEA grant applicants are more technically equipped than the likely applicants for aquatic reserves	No action taken	We are reviewing this information.
Nomination-ad hoc	Ad Hoc committee – it would be nice to have some continuity in committee members from cycle to cycle	No action taken	We hope to build this into the selection process. The specifics will be developed in the program implementation guidance.
Nomination-ad hoc	Need more thorough description of ad hoc committee – annual nominations would keep them more active	No action taken	This will be more fully developed during implementation guidance.
Nominations	If citizens wish to propose a reserve, agency resources (scientists, mappers) should be available to them	No action taken	We hope to have these resources available.
Nominations	Bulk of nominations likely to come from neighborhood/community groups. Current proposal not friendly to such groups	No action taken	DNR agrees that the process will take some effort and insight.

Location / Topic	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Outside scope	Prove need for leasing rather than need for saving/reserving	No action taken	Leasing is not being evaluated under the EIS
Process	SEPA process is awkward; disconnected to consider impacts on built environments	No action taken	Comment noted
Process	SEPA review must include evaluations of what happens with and without designation inside and outside of the boundaries	No action taken	This is more appropriately done in a project specific SEPA review.
Public input	Nominating builds public support- also has opposition	No action taken	We agree. No one said it was going to be easy.
Reserve system	Size of reserves: Patchwork doesn't make sense though question to wrestle with. 2 year work to build system.	No action taken	It depends on the site.
Reserve system	Consider small site linkages	No action taken	Could be critical
Reserve systems	Consider getting network scientific studies. Example from Baja: What's needed to maintain biological diversity - by reserving some preserve all.	No action taken	That is the plan.
Statutory	WAC terminology needs to be changed, because "Reserve" has a specialized meaning already. Or we need to figure out a different word.	No action taken	DNR does not have immediate plans to change any statutes.
Statutory	Begin by protecting unencumbered land	No action taken	Alt. 3 considers the option of protecting all unencumbered land.
Statutory	Do programmatic EIS on leasing	No action taken	Outside scope of project.
Statutory	Hybrid 1 and 3	No action taken	Alternative 1 best meets the requirements of the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Statutory	Include Watershed groups – p. 26	Action taken	This group will be added to the list on page 26.

Written Comments:

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
2.1	Jerry Marco – CCT	Would like an example of “unique and sensitive areas”	No action taken	This will be defined during program development
3.2	Jerry Marco – CCT	“process to solicit ideas from the public...” does this include the Tribes?	No action taken	Yes. See sections 2.3 & 3.2.1.4.1
Alternatives	Tom Cowan - NWSC	Encourage adoption of Alternative 1 it would set up a rational structure for assessing and adopting (or de-listing) any future DNR aquatic reserves	No action taken.	Alternative 1 is the preferred alternative in the FEIS, which DNR will be adopting as an action for developing an aquatic reserve program.
Alternatives	Tom Cowan - NWSC	Alternative 1 – creates a nomination, review and assessment process that integrates public and Tribal input and uses defensible criteria to support any future aquatic reserve designation	No action taken	See comment above
Alternatives	Tom Cowan - NWSC	Alternatives 2 and 4 fall short for public and Tribal input and fail to provide a proper balance of environmental stewardship	No action taken	DNR is not adopting alternatives 2 & 4.
Alternatives	Tom Cowan - NWSC	Could strengthen Alternative 1 by	No action taken	The process is not meant to be simple. Coordination with other agencies is described in section 3.2.1.4.1, page 28. Dealing with encumbered lands is dealt with in the third bullet of <i>General Lease Management Consideration</i> in this same section. See previous comment regarding treaty tribe participation.
Alternatives	Crooks / Moore – WEC /POI	The general measures set out in the preferred alternative provide reasonable guidelines for the development of a lasting and credible AR program	No action taken	DNR feels this alternative provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Julie Adberg	Alternative 1 is the only one that begins to approach the reserve issue from an environmental standpoint in that the designation framework relies on habitat and species protection.	No action taken	Alternative 1 is the preferred alternative in the FEIS, which DNR will be adopting as an action for developing an aquatic reserve program.
Alternatives	Julie Adberg	Concerns about the some of the components of alternative 1.	No action taken	The ad hoc panel will be established after program guidance is developed and we are ready to evaluate proposed reserves. The designation criteria listed in section 3.2.1.3.4 are critical for initial site evaluation parameters. Additional criteria are identified in Section 3.2.1.3.5.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Jerry Marco – CCT	Are currently unencumbered lands currently being impacted by other activities?	No action taken.	This needs to be evaluated on a site-by-site basis.
Alternatives	Jerry Marco – CCT	Groups listed for participation under this action does not include Tribes.	No action taken.	Tribes are listed first on the list on page 26 in Section 3.2.1.4.1 as well as other places in the document.
Alternatives	Bill White	Alternative 1 seems to be the most manageable and most likely to yield the desired results of the aquatic reserve program.	No action taken	This is DNR's preferred alternative
Alternatives	Carol Bernthal	Express support for the Preferred Alternative 1 and urge WDNR to move forward with implementing this option. This is the only alternative in the DEIS that offers a systematic approach to evaluation and creation of aquatic reserves in Washington State.	No action taken	This is DNR's preferred alternative
Alternatives	Carol Bernthal	Alternatives that offer no systematic approach to enhanced management responsibility for aquatic habitats are not responsive to need.	No action taken	Several alternatives are required to be evaluated according to SEPA. See WAC 197-11-402 (1).
Alternatives	Carol Bernthal	Alternatives 2 and 4 are poor choices because they provide WDNR with no organized program and public process to develop aquatic reserve sites.	No action taken	DNR is not adopting alternatives 2 & 4.
Alternatives	Elizabeth Davis	League of Women Voters of Washington opposes #2 and # 4.	No action taken	Alternatives 2 & 4 are not DNR's preferred alternatives.
Alternatives	Elizabeth Davis	Number 4, the "no action" alternative, perpetuates the current situation of aquatic reserve designation with few criteria and guidance for designation and a future dependent on continued support by the Commissioner of Public Lands.	No action taken	Alternative 2 is not DNR's preferred alternative.
Alternatives	Elizabeth Davis	#2 fails entirely to implement the existing legislation and administrative regulations establishing the aquatic reserve program. In fact, this alternative divests DNR of its statutory authority to manage the state's aquatic lands for the benefit of the public (RCW 79.90.450); to make withdrawals of aquatic lands (RCW 79.68.060); and to designate the aquatic reserves	No action taken	Alternative 2 is not DNR's preferred alternative.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Elizabeth Davis	League supports Alternative # 1 with modifications, the suggestions outlined below, and some features of Alternative # 3	No action taken	Alternative 1 best meets the requirements of the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Elizabeth Davis	Alternative 1 creates ³ at least ² two new reserves per biennium is too limiting. Why not four, or ten? It is too easy for the goal of two to become the limit.	No action taken.	As the program is described in the EIS, and considering proposed staffing for the program, DNR presently feels this is a manageable goal.
Alternatives	Elizabeth Davis	By putting all non-encumbered state-owned aquatic lands into reserve status, these lands are immediately protected from uses in conflict with educational, environmental and scientific objectives.	No action taken.	This would only partially fulfill DNR's mandate for managing state owned aquatic lands.
Alternatives	Elizabeth Davis	Alternative #3 does not include the criteria and objectives as set forth in # 1. By combining the immediate reserve status with meeting the educational, environmental and scientific criteria and objectives for reserve designation as set forth in Alternative #1, the overall goals of the aquatic reserve program will be more effectively met.	No action taken.	Alternative #3 is not meant to have the same objectives or criteria as #1, 2 or 4.
Alternatives	Elizabeth Davis	Alternative 1 refers to the designation of ³ a specified number of reserves per biennium ² [#4.1.1.1], a clear indication of the intent that setting a limit of two is the goal. Such a limit disregards the need for expanding the state's aquatic reserve system so cogently expressed in Sections 1 and 2 of the DEIS.	No action taken.	As the program is described in the EIS, and considering proposed staffing for the program, DNR presently feels this is a manageable goal.
Alternatives	Elizabeth Davis	League believes that Alternative #1 with the recommended modifications and additions from Alternative #3 best achieves that result.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Joseph and Edith Ulatoski	We agree that Alternative 1 should be the preferred alternative. Input from the public is critical	No action taken	This is DNR's preferred alternative
Alternatives	Amy Wolf	Alternative 1 is the only one that begins to approach the reserve issue from a habitat protection standpoint.	No action taken	This is DNR's preferred alternative

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Mary Masters	Recommend a hybrid Alternative	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Andrew Schwarz	Alternative 1 is the only one that begins to approach the reserve issue... Review has some concerns	No action taken	This is DNR's preferred alternative
Alternatives	Steve Roos - HCMP	Several concerns about reserve program's proposed administration	No action taken	The point the reviewer is missing in his review of the ARPIM is that when considering a use authorization, DNR must consider the natural/environmental values of the area. In his recommendation regarding pending use authorization applications, the reviewer appears to be providing opponents of reserve designations a tool to stop or delay the consideration of an area as a reserve. The designation criteria listed in section 3.2.1.3.4 is meant to evaluate the environmental parameters. Section 3.2.1.3.5 specifies a requirement that the applicant consult with local planning jurisdictions. Public benefits will be considered in the site-specific review of a proposed reserve.
Alternatives	Joel Kuperberg	Alternative 1 - Unnecessary given existing authority and precedents	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Joel Kuperberg	Alternative 2 - Actually, this is the "no action" alternative. If workable, there would already be a chain of aquatic reserves established by "other state agencies and other entities" something that has not happened in the history of Washington State. This is not a rational alternative.	No action taken.	Alt. #2 differs from the "no Action" alternative because these reserved areas would be formally recognized by the state.
Alternatives	Joel Kuperberg	Alternative 3 - While it is good to have WADNR acknowledge (Page 32) that, "since statehood the balance has been tipped toward	No action taken	If alternative 3 was the preferred alternative the work to ensure consistency with existing laws would have been completed

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Joel Kuperberg	Alternative 4 - this should be the preferred alternative. The authority exists, the process works and of the four alternatives, the author(s) have done the most credible job of outlining a lucid process herein. Since an official elected statewide controls this process, a newly aware public can readily fix responsibility for action or inaction in the protection of this paramount public trust.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Kevin Bright - WFGA	I think Alternative 2 is the action DNR should take on its Reserve Program.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Kevin Bright - WFGA	Alternative 2 is the correct action that DNR should be taking with its aquatic reserves program.	No action taken	See comment above
Alternatives	Bob Dixon	Support alternative 1 – will include a level of protection and definition that will be clear to all	No action taken	This is DNR's preferred alternative
Alternatives	Rayna Holtz	Alternative 1 is best	No action taken	See comment above
Alternatives		Encourage alternative 1, seems to provide the most protection	No action taken	See comment above
Alternatives	John Whitlock	Favor Alternative 1	No action taken	See comment above
Alternatives	Shirley Nixon	Urge rejection of Alternative 1	No action taken	See comment above
Alternatives	Shirley Nixon	Conduct more study and analysis of Alternative 3 as preferred	No action taken	See comment above
Alternatives	Leslie Ann Rose - CHB	CHB does not support Alternative 1, DNR's preferred option under the DEIS, as it fails to realistically address the vital need to proactively preserve and protect critical aquatic habitat resources in our marine and freshwater environments where habitat loss has become the most pressing threat to regional ecosystem health.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Leslie Ann Rose	Citizens for a Healthy Bay staunchly urges that the Department adopt Alternative 3 as discussed in the DEIS.	No action taken	See comment above

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	David Weekes	Adopt the preferred alternative, Alternative 1, as the basis for the final program guidance, but modify it in specific ways that will strengthen the effectiveness of the program.	No action taken	This is DNR's preferred alternative
Alternatives	David Weekes	We want to emphasize our support for Alternative 1. In particular, the Reserve Designation Framework (3.2.1.3.3, p.20-21) and the Designation Criteria (3.2.1.3.4, p.21-22) are strong foundations for an effective program and should be carried forward as elements of the final guidance	No action taken	See comment above
Alternatives	David Weekes	Alternative 3 also has merit, and some of its features should be considered in formulating the final guidance	No action taken.	This will be considered when developing program guidance.
Alternatives	David Weekes	Establishing all unencumbered state submerged lands, as Aquatic Reserves is a highly precautionary approach to environmental protection.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	David Weekes	Using the unencumbered status of state submerged lands, as the <u>sole</u> criterion for designation will result in a scientifically insufficient and economically inefficient system of reserves.	No action taken	See comment above
Alternatives	David Weekes	The framework in Alternative 1 is stronger and more scientifically defensible.	No action taken	This is DNR's preferred alternative
Alternatives	David Weekes	Alternative 2 is unacceptable in that it does nothing to improve environmental protection or correct the balance of use that currently favors development (i.e., it does not serve the Primary Objective stated in 2.4, p.14). It also does not reflect the obvious interest on the part of the public and the state legislature to designate and protect Aquatic Reserves. Public input during the scoping process and the recent legislative proviso on DNR appropriations provide evidence	No action taken	This is not DNR's preferred alternative

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	David Weekes	Alternative 4 is insufficient to substantially increase environmental protection for state aquatic resources, because the currently designated sites are not representative of the entire array of habitats and species on state submerged lands. Alternative 4 also provides no process for establishing criteria, choosing priorities, or assessing the degree to which the chosen sites met criteria that were in place at their time of designation.	No action taken	See comment above
Alternatives	Julie Shannon	I support Alternative 1, as presented	No action taken	This is DNR's preferred alternative
Alternatives	Enid Dolstad	Of the four alternatives under consideration for proposing the designation of aquatic reserves, the most reasonable seems to be Alternative 1.	No action taken	See comment above
Alternatives	Enid Dolstad	Alternative 1, invites interest from a wide range of parties; it depends on scientific study of specific sites, and review by stakeholders as well as staff; and, of course, depends finally on SEPA and approval by the Commissioner.	No action taken	See comment above
Alternatives	Ellen Kritzman	I support Alternative I of the program administration. However, as a biologist, I remain concerned by some elements of that alternative.	No action taken	Our intention is that specific biological issues will be addressed during program development
Alternatives	Dr. Megan Dethier	I STRONGLY support Alternative 1. The strongest points for this alternative are: an independent panel evaluates reserve proposals; there are clearly defined, objective, scientific designation criteria.	No action taken	This is DNR's preferred alternative
Alternatives	Dr. Megan Dethier	The "designation criteria" for Alternative 3 are frightening!	No action taken	See comment above
Alternatives	Zoë Cherokee	I support alternative 1	No action taken	See comment above
Alternatives	May Gerstle	I favor your preferred alternative # 1	No action taken	See comment above
Alternatives	Carole Elliot	My inclination is to support your preferred alternative and agree with the science it would support.	No action taken	See comment above

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Blake Trask	The DEIS and Alternative 1 (preferred) represent a step backwards in preserving many important marine habitats throughout Washington.	No action taken	See comment above
Alternatives	Blake Trask	Program would establish a two-year criteria (3.2.1 and 3.2.1.3.2) that imposes an artificial barrier to habitat preservation. This method, instead of employing a precautionary principle for habitat protection, would err on the side of establishing too few reserves as opposed to Alternative 3.	No action taken.	There is a minimum of two per biennium. If straightforward, or if enough resources, could do more. We feel this alternative provides opportunity for the necessary in depth analysis necessary to establish a reserve.
Alternatives	Blake Trask	DNR might see this as a method to best preserve agency resources (i.e. staff time) but it may seriously delay the establishment of reserves because the biannual process will be too slow and the degradation of Washington State's shoreline habitat continues to occur too fast.	No action taken.	We will evaluate the biannual process as well as other aspects of the program as they are implemented.
Alternatives	Blake Trask	Requests an alternative that incorporates the best points from both the first and third alternatives.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives		Alternative 3 is clearly not feasible (I suspect, this was DNR's design when producing the DEIS) but it errs on the side of protection.	No action taken	See comment above
Alternatives		Alternative 1 clearly does not aim to protect but rather aims to enact a lengthy process whereby preservation becomes a slow and difficult process that becomes far too complicated and inaccessible to all but the most involved.	No action taken	See comment above
Alternatives	Cindy Lantry	We strongly recommend that DNR consider a combination of Alternatives 1 and 3 in order to more fully ensure environmental protection of state-owned aquatic lands.	No action taken	See comment above
Alternatives	Cindy Lantry	Alternatives 2 and 4 are both flawed and do not merit serious consideration.	No action taken	Alternative 2 & 4 are not DNR's preferred alternatives.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Cindy Lantry	RCW 79.90.450 specifically states that "the responsibility to manage these lands for the benefit of the public."	No action taken	RCW 79.990.45 also recognizes ". The legislature further finds that aquatic lands are faced with conflicting use demands."
Alternatives	Cindy Lantry	Alternative 4 allows future designations of aquatic reserves, as well as changes to or de-listing of reserves, to be heavily influenced by political pressures. This alternative will not provide a consistent policy to guide management authority and ensure environmental protection as mandated in RCW 79.90.450.	No action taken	That is why Alternative 4 is not the preferred alternative.
Alternatives	Cindy Lantry	Seattle Audubon recommends combining specific elements of Alternatives 1 and 3 to develop an Aquatic Reserves Program that would prioritize the goal of ensuring environmental protection. Measurable Objectives, listed in sections 3.2.1.2 and 3.2.3.2, can be used as guidelines for a Program that would incorporate public involvement, best available science, inventory of ownership and encumbrance status, and management guidelines for the three types of reserves (environmental, educational, and scientific).	No action taken.	The objectives are much more manageable under Alternative 1.
Alternatives	Cindy Lantry	A sustainable aquatic reserve that	No action taken	Per the FEIS
Alternatives	Verna Bromley	The preferred alternative set forth in the Draft EIS is not a reasonable alternative, as it will not feasibly attain the proposal's objectives of implementing an aquatic reserve program that is consistent with DNR's statutory authority and existing federal, state and local laws and regulations.	No action taken	DNR disagrees with the reviewer. Since DNR (or any government entity) is a public agency, we must represent the public's interests and input (i.e. proposals) when establishing aquatic reserves. We believe the preferred alternative will best attain the objectives of impending an aquatic reserve program that is consistent with DNR's statutory authority and existing federal, state and local laws and regulations.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Verna Bromley	The preferred alternative would unlawfully jeopardize aquatic resources, the public health and welfare and the significant regional investment by taxpayers in the existing utility infrastructure by allowing the designation of reserve areas in sites that are currently or projected to be occupied by utility pipelines and outfalls.	No action taken.	The reviewer is making a presumption that may never occur. Within the preferred alternative, there are considerations made for existing and planned used (which could conflict with a reserve) within a proposed reserve area. DNR does not agree that the preferred alternative (1) is unlawful.
Alternatives	Verna Bromley	The preferred alternative is inconsistent with the Growth Management Act as it allows for the nomination and designation of aquatic reserve areas in sites that are currently or projected to be occupied by utility pipelines and outfalls, which are essential public facilities under the Growth Management Act.	No action taken	Section 3.2.1.4.1 identifies local governments among others that will be consulted and coordinated with.
Alternatives	Verna Bromley	The preferred alternative is inconsistent with DNR's statutory authority. King County's existing and proposed facilities are consistent with the Aquatic Lands Act's (RCW 79.90.450 to 79.90.545) essential provisions in that they are water dependent uses and are called out in the Aquatic Lands Act as entitled to special consideration.	No action taken.	DNR does not agree that the preferred alternative is inconsistent with DNR's authority. Outfalls are <u>not</u> water dependent. See Appendix A regarding DNR's legal authority and regulations. See RCW 79.90.455 and 79.68.060
Alternatives	Verna Bromley	Alternatives evaluated in the Draft EIS (including the preferred alternative), which allow for the nomination and designation of aquatic reserve areas in sites that are currently or projected to be occupied by King County utility pipelines and outfalls are not reasonable alternatives as required under the State Environmental Policy Act.	No action taken.	To DNR's knowledge, no aquatic reserves have been nominated or designated to date at sites that are currently of projected to be occupied by King County utility pipelines and outfalls.
Alternatives	Verna Bromley	These alternatives should be rejected or modified to be consistent with existing state laws and regulations	No action taken.	DNR is confident we are being consistent with existing laws.
Alternatives	George H. Hess	Agree that Alternative 1 is the best choice of the four alternatives.	No action taken	This is DNR's preferred alternative
Alternatives	Richard Strathmann	Recommend Alternatives 1 and 3	No action taken	See comment above

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Bruce Sutherland	Support Alternative #1	No action taken	This is DNR's preferred alternative
Alternatives	Liam Antrim	Supports the preferred alternative with modifications	No action taken	Biennial nominations and evaluations are manageable under the present staffing scenario. Biennial nominations are also the minimum number. DNR will actively collaborate with other agencies among others as described in section 3.2.1.4.1. Existing aquatic reserves will be evaluated through the process described in alternative 1.
Alternatives	Liam Antrim	Alternative 2 is hugely regressive	No action taken	Alternative 2 is not DNR's preferred alternative.
Alternatives	Liam Antrim	Alternative 3 could be considered a radical action, the paradigm shift would be difficult to defend and it does not offer an ecologically based approach to the issue	No action taken	Alternative 3 is not DNR's preferred alternative.
Alternatives	Liam Antrim	Alternative 4 is haphazard with no defined ecological or management goals, little public input for site selection and too much at the discretion of the commissioner	No action taken	See comment above
Alternatives	Clifford Goodman	Alternative 1 is initial choice	No action taken	This is DNR's preferred alternative
Alternatives	Robin Hess	Consider a combination of alt 1 and alt 3. All DNR aquatic lands would be declared "potential aquatic reserves", if any change were made or considered, that parcel or parcels would immediately become "actual aquatic reserves" and the proposed change would be subject to all the applications, studies and restrictions as indicated in alternative 1. This may present a challenge for DNR to keep up with the changes. However, the attempt to change a "potential aquatic reserve" would automatically make it an "actual reserve," and DNR could hold firm on the idea that absolutely no changes could be made in that property until all studies had been taken care of, those throughout the state interested in making changes to aquatic lands would soon see to that money was forthcoming to do the necessary work.	No action taken	Typically, regional land managers require that all necessary local and state permits are complete prior to issuing a lease for use of aquatic lands. The permits identify what, if any environmental studies, mitigation, etc are necessary for the site. DNR must also meet it's other mandates (other than environmental protection)

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives		Support Alternative #1 – it will provide the strongest and most long standing means of preserving aquatic reserves.	No action taken	Alternative 1 is DNR's preferred alternative.
Alternatives		Like the internal and external reviews with input from scientists, tribes, and other agencies to inform and guide the commissioner's ultimate decision	No action taken	Per the FEIS
Alternatives	Vernon & Christine Trevellyan	Hope Alternative #1 is approved	No action taken	This is DNR's preferred alternative
Alternatives	Courtney Estevenin	Yes for Alternative #1	No action taken	See comment above
Alternatives	Marianne	Strongest alternative that will protect the most coastline.	No action taken	See comment above
Alternatives	David Frank	Alternative 1 is preferable to maintain the health of aquatic resources. However, the reliance on a scientific method for designating the reserve needs to be strengthened. The scientific basis championed by Alternative 1 is laudable, but should be strengthened.	No action taken	This will be considered when developing program guidance.
Alternatives	Dave Kiehle	Alt 1 imposes additional workload with high expectations for results that existing staff will be expected to accomplish.	No action taken	The DNR regional land managers are critical to the implementation of the program.
Alternatives	Pat Collier	Sincere and diligent efforts to create at least two reserves per biennium are an improvement over the focus on economic interests	No action taken	Per the FEIS
Alternatives	Michael Rigik	Alternatives 1 and 3 are most favorable	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Alternatives	Scott Hansen	Alternative 1 best fits and addresses concerns. Only with modifications would we feel that it could be accepted as preferred alternative	No action taken	Reserves will be re-evaluated every 90 years. Adaptive management is accommodated for in section 3.2.1.4.2. The avenue for monitoring "...should be made jointly by DNR, the nominator and the management partner." per section 3.2.1.4.3. Best available science should be the standard. DNR feels that establishing a site for a specific period of time (90 years) provides for a more legitimate case for the program. The Designation Criteria will consider these parameters. How a reserve will "fit into a corridor scenario" and "continue a synergistic

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Donald Marsland	Support alternative 1 – if offers flexibility, a standardized approach and ongoing selection process, contains a rigorous and complex process for nominating and evaluating future sites	No action taken	Alternative 1 is DNR's preferred alternative.
Alternatives	Donald Marsland	Artificial distinction is created for Alt 1 and 4. Appears to create a system independent of the Commissioner. Any program developed by DNR can be changed or dismantled by the Comm. Commissopner can rescind reserves set aside for 90 years at any time.	No action taken.	The reserve would be required to go through the de-listing procedures discussed on pg. 20
Alternatives	Donald Marsland	Agree with preferred alternative	No action taken	We appreciate your support.
Alternatives	Donald Marsland	Alter 3, Id's 95% of land can be in reserve yet the RCW 79.68.060limits by description the acreage DNR can withdraw	No action taken.	RCW 79.060 does not quantify "limited."
Alternatives	Donald Marsland	Actions under alternative 2 will continue whether there is a program or not	No action taken.	The reviewer is correct
Alternatives	Donald Marsland	Under Alternative 2, it does not make sense to rescind existing reserve designations. Since mgt of reserves is limited to lease review and administration, and since DNR is required by law to consider environmental impact of leasing, oversight of existing reserves need not be a burden to DNR – if so, NGO's might be solicited to develop mgt concept for existing sites.	No action taken	Alternative 2 is not DNR's preferred alternative.
Alternatives	Donald Marsland	If Alternative 4 is selected, commissioner can still demand his staff the types of information and analysis contained in the alt. 1.	No action taken	Alternative 4 is not DNR's preferred alternative
Alternatives	Donald Marsland	Suggestion that if this alternative is selected, the Commissioner's role will suddenly become one w/o "rigorous nominating or screening process" is inconsistent with this entire process	No action taken	See comment above

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Alternatives	Scott Redmond	Supports Alternative 3 – based upon a goal that places environmental protection as the priority and allows DNR to use a precautionary approach to managing its lands	No action taken	See comment above
Alternatives	Scott Redmond	Positive attributes of Alternative 1 include – initial science-based inventory of lands and resources, recognition of the role of tribes, citizen groups and other agencies in nomination and review processes, variety of management objectives for the lands and development of long-term, individually written management plans for sites	No action taken	This is DNR's preferred alternative
Alternatives	Scott Redmond	Alt 1 – 2 reserves / biennium may not go far enough and will not allow the department to keep pace with the nomination process – protective measures are needed and restoration is more expensive	No action taken	Biennial nominations and evaluations are manageable under the present staffing scenario. Biennial nominations are also the minimum number.
Alternatives – amend 3	Kathy Fletcher – P4PS	People For Puget Sound supports adoption by the Department of Alternative 3 with modifications	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands
Alternatives – amend 3	Kathy Fletcher – P4PS	Inventory all encumbered and unencumbered state-owned aquatic lands to 20 fathoms as to their environmental attributes and functions they perform. These attributes and functions should be based on criteria established by	No action taken.	As ideal as the reviewer suggestion is, the work proposed represents a tremendous amount of work. The intention of the reserve program is to do this on a site-by-site basis and make some incremental progress.
Alternatives – amend 3	Kathy Fletcher – P4PS	Establish a user-friendly process for nominating state-owned aquatic lands as aquatic reserves based on the environmental attributes and functions they perform and/or based on existing or anticipated federal, tribal, state, local or private non-profit protections.	No action taken.	The purpose is to establish a meaningful nominating process that requires thoughtful and insight.
Alternatives – amend 3	Kathy Fletcher – P4PS	Encourage nomination of sites not under federal, tribal, state, local or private non-profit conservation protections, sites that create networks among existing or anticipated sites under conservation	No action taken	Networks are factors will be considered when evaluating a site-specific nomination.

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Alternatives – amend 3	Kathy Fletcher – P4PS	Aquatic reserves would be especially effective within the intertidal or photic zones. Areas with existing or historic salt marsh or eelgrass, habitats that have suffered the most dramatic declines in Puget Sound should be focal areas for protection as aquatic reserves. Second to these areas in importance is anywhere streams or rivers enter marine waters, and third would be rivers or streams and deeper water sites.	No action taken	See comment above
Alternatives – amend 3	Kathy Fletcher – P4PS	Establish a transparent Department process involving an ad-hoc citizen	No action taken	The make-up of the ad hoc committee is described on page 23 of the EIS. Committee members will need to be able to apply the site evaluation parameters discussed on page 24 & 25.
Alternatives – amend 3	Kathy Fletcher – P4PS	Encourage the Department to solicit nominations from all sectors of	No action taken	The public sector is one category of expertise that is desired for the committee.
Alternatives – amend 3	Kathy Fletcher – P4PS	Establish a process in conjunction with the Department's review and	No action taken	Nominations should include some discussion of site specific management plans (see page 22, <i>The manageability of the site</i>). More detailed management plans will be developed after a site is designated.
Alternatives – amend 3	Kathy Fletcher – P4PS	Create and identify avenues for donation and/or purchase of private	No action taken	DNR presently does not have the clear legal authority to accept donations or purchase tidelands. The establishment of this authority will not be addressed in the EIS.
Alternatives – amend 3	Kathy Fletcher – P4PS	Include in the nomination, review and designation process any new leasing or lease renewal or change of authorized use of state-owned aquatic lands that would affect the environmental attributes and functions of such lands prior to any Commissioner's Order and specify that all such proposals would require fulfillment of State Environmental Policy Act requirements.	No action taken	This review is commonly done prior to issuing a lease through state and local permit requirements.
Alternatives – amend 3	Kathy Fletcher – P4PS	Specify that all unencumbered state-owned aquatic lands withdrawn from leasing and all designated aquatic reserves will remain in perpetuity unless changed by a Commissioner's Order.	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands

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Alternatives - goals	David Weekes	Overall Goal in Alternative 1 is weaker and less specific than it might be, and the Measurable Objectives actually confuse some important management issues	No action taken.	Section 3.2.1.3.5, pages 23-25 provide more information. In addition, the implementation plan will provide additional specifics that will address the reviewers concerns.
Alternatives – site specific	Pat Collier	Describe the implications of each of the alternatives for each of the withdrawn areas and the reserves that have been designated.	No action taken	This is more appropriately done in a project SEPA for a specific proposed reserve.
Alternatives – amend 3	Kathy Fletcher – P4PS	Commence with designation of all unencumbered state-owned aquatic lands to 20-fathom depth as withdrawn from leasing	No action taken	The reviewer should specify why 20 fathoms.
Alternatives – amend 3	Kathy Fletcher – P4PS	Department should refer to and use The Nature Conservancy's	No action taken	DNR will incorporate TNC data and other appropriate information when developing reserves.
Change/de-listing	Leslie Ann Rose	Any change in reserve designation must be supported by best available science.	No action taken	This is specified in the principles to be used to establish the foundation of the aquatic reserves program described in section 3.2.1.3.3
Change / de-listing		There should be a limitation on how many times in the life of a reserve it can be appealed for reconsideration...multiple appeals to stop a designation should not be allowed. Perhaps a limit of one repeal in the 90-year life or maybe one for every 20 years, but not less than that.	No action taken	The purpose of establishing a reserve program is to discretely define those areas that justify the need for long-term environmental protection.
Change / de-listing	Marianne Twyman	So future commissioners can't 'de-list' areas, would like a 99 year lease on the aquatic reserve lands (of MI)	No action taken	See comment above
Change/de-listing	John Whitlock	Reserve being studied may be modified in order to maximize the sought-after environmental protection	No action taken	This will be carried out as part of the monitoring considerations described in section 3.2.1.4.3.
Change/de-listing	John Whitlock	After the site specific SEPA is complete, any change that the commissioner makes should repeat the public process	No action taken	That is a requirement of SEPA.
Change/de-listing	John Whitlock	Any subsequent variance request would require the whole process be repeated	No action taken	See section 3.2.1.3.2, pg. 20, <i>change process</i>
Change/de-listing	Jerry Marco – CCT	What if a change is proposed? What is the process?	No action taken	See comment above
Change/De-listing	Joseph and Edith Ulatoski	Reserve Designation, Change, and De-listing Process needs to be spelled out very clearly.	No action taken	The process will be the same as that used for designation and specified in the implementation plan.

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Change/de-listing	Joseph and Edith Ulatoski	Once a decision is made, will there be an appeal process, other than taking the matter to court? If so, how will it work?	No action taken	There is no appeal process.
Connectivity	Richard Strathmann	Connectivity is generally good over long distances for marine species but is difficult to prove for some sites and species. Also genetic connectivity is different from demographic connectivity	No action taken	This will be considered for specific reserve nominations.
Cooperation	Cindy Lantry	Cooperation between DNR and other entities should be inherent in the management plans in order to share monitoring responsibilities and information among interested parties in watersheds. Management decisions affecting aquatic lands may affect adjacent or downstream areas, and should be considered in a watershed context.	No action taken	DNR agrees that the success of the reserve program is dependent on cooperation with other entities and the public.
Coordination	Tom Cowan - NWSC	Improve coordination of designation and management activities with other agencies involved with creation of MPAs	No action taken	DNR is presently working, and will continue to coordinate with other agencies and the public in establishing reserves and the reserves program.
Coordination	Jerry Marco – CCT	What is envisioned when mention coordinating reserve actions with other entities?	No action taken	DNR realizes that other government entities have jurisdiction and/or management authority over state owned aquatic lands.
Coordination	Carol Bernthal	All aquatic areas have multiple jurisdictions associated with waters and various aspects of the human interaction with the natural environment. The complexity of these jurisdictions requires that WDNR actively coordinate with other agencies for resource protection, particularly at sites designated as aquatic reserves by any other agencies.	No action taken	DNR agrees. See above comment.
Coordination	Elizabeth Davis	Omitted from the list of groups that will be consulted during the application phase are environmental groups. Is this an oversight, intentional, or a mistake (local citizen groups ² are listed twice)? Environmental groups should be on the list of groups consulted.	Add "environmental groups" to the list in section 3.2.1.4.1, page 26.	Provides additional clarification

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Coordination	Joseph and Edith Ulatoski	Will the state program be coordinated with similar federal and other local programs so that a coordinated and comprehensive approach to the protection of aquatic life can be developed, including the designation of corridors between reserves operated by the other entities?	No action taken	See section 3.2.1.4.1 starting on page 25.
Coordination	Leslie Ann Rose	Coordinate and consult with Watershed Councils and/or Basin Recovery Planning Groups in addition to local governments, Tribes, local citizens groups and other interested stakeholders in the designation and management of aquatic reserves	Add "watershed councils/bas in planning organizations" to the list in section 3.2.1.4.1, page 26.	Provides additional clarification
Coordination	David Weekes	The Washington's Natural Heritage Council is an example of a model for public involvement and coordination in the protection of ecologically important lands but in the case of Aquatic Reserves the role of managing agencies and Tribes may need to be strengthened to ensure coordination on designation and management issues.	No action taken	Sections 2.3, Tribal Relations, and 2.5, Relation to Ongoing and Future Regulatory and Planning Efforts emphasizes the importance of coordination with tribes and managing agencies respectively.
Coordination	Liam Antrim	DNR needs to actively collaborate with other agencies to develop reserves and other protected sites where human impacts are minimized and pieces of ecosystems can be more fully functional	No action taken	This type of consideration will be made during the development of the reserve's management plan.
Coordination	Clifford Goodman	Water quality issues threaten PS shoreline – including failing/failed septic. DNR is in a unique position to speak authoritatively on the issue to influence/encourage/embarrass those state and county agencies that do have the authority to act responsibly in dealing with an important issue they have thus far ignored.	No action taken	The issue of water quality, as described by the reviewer is more of a regulatory shortfall.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Coordination	Pat Collier	Coordinated planning and cooperation among agencies and organizations should lead to better management, enforcement, supervision and protection of the marine species, habitats and ecosystems than has been seen thus far.	No action taken	This type of consideration will be made during the development of the reserve's management plan.
Criteria	Tom Cowan - NWSC	Give full consideration of unencumbered lands and those presently encumbered that may have exceptional merit as AR	No action taken	Alternative 1 best meets the requirements under the Aquatic Lands Act and provides the best balance of uses of state-owned aquatic lands (SOAL)
Criteria	Crooks / Moore – WEC /POI	"Sites with unusually rich plant and animal communities" should be considered for more than just scientific reserves – could be appropriate for environmental reserves as well	No action taken	This criteria is not meant to be unique to scientific reserves. See criteria for environmental reserves on page 24
Criteria	Crooks / Moore – WEC /POI	Areas that are "relatively undisturbed examples of habitats that were common historically" should be considered for environmental reserves in addition to scientific reserves	No action taken	See above comment
Criteria	Julie Adberg	Critical that designation criteria listed do not defeat the purpose of AR – viability, defensibility and manageability are all criteria that can be used to accommodate commercial interests and make it less likely that a site would be designated as a reserve	No action taken	Section 3.2.1.3.3 best describes the purpose and intent of the designation criteria.
Criteria	Carol Bernthal	Specific area of interest to OCNMS is the outer coast. We are particularly interested in promoting processes that will ensure the continued productivity of this rich area.	No action taken	The reserves program is designed for all of the state's aquatic lands.
Criteria	Elizabeth Davis	Under "ecological/cultural quality of the site", an additional parameter should be whether the site contains habitat essential to the protection and restoration of any endangered species.	No action taken	This should be captured under the third criteria; "Is the site of special value for biodiversity or species diversity?"

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Criteria	Elizabeth Davis	Omitted from this section, and in fact from the DEIS altogether, is any discussion of the Endangered Species Act and the listing of several salmon and bull trout species in the Pacific Northwest. Does the right hand not know what the left hand is doing? DNR must include in its DEIS evaluation of these alternatives and analysis of how each alternative affects salmonid protection and recovery. The chosen alternative should be the one that is most beneficial to long-term recovery of ESA-listed species.	No action taken	See section 1.2 for a description of the need, purpose and objects of establishing a reserve program. Sec. 2.5 also addresses this comment. That's where we acknowledge these issues exist. Salmonid protection is only one potential goal of reserves program; certainly needs to be considered in site-specific analysis.
Criteria	Steve Roos - HCMP	Perhaps inadvertently, the designation criteria listed in Section 3.2.1.3.4 do not specifically include the compatibility of a reserve with local land use plans and designations. We hope this omission will be corrected in the Final EIS.	No action taken	See section 3.2.1.4.1 starting on page 25.
Criteria	Steve Roos - HCMP	Giving greater weight to local land use planning might alleviate the concerns of local jurisdictions such as the City of Anacortes that the Draft EIS shows a "bias against local GMA plans and planning." See Comment Letter of I. Munce, Anacortes Director of Planning & Community Development (June 24, 2000)	No action taken	See above comment
Criteria	Steve Roos - HCMP	To be consistent with WAC 332-30-151, the designation criteria outlined in Section 3.2.1.3.4 of the EIS must include a careful public benefits analysis to determine whether reserve status creates the greatest public benefit for a given site. The designation criteria should make it clear that a reserve should not be placed on any sites where reserve status would conflict with any current or projected use that serves a greater public benefit.	The criteria, "will reserve status serve or conflict with the greatest public benefit" will be added to the first set of criteria is section 3.2.1.3.4 on page 22.	It is important to reiterate this as part of the process throughout the EIS

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Criteria	Kevin Bright – WFGA	DNR must be respectful of the past and current uses for that area. Regulations should include criteria of consideration, and in that criteria, current uses should be number one	No action taken	See section 3.2.1.3.5, <i>Step 1</i> , point #6, "Do the area or adjacent areas include current ..."
Criteria	Rayna Holtz	Designation criteria is good	No action taken	
Criteria	Rayna Holtz	Manageability can be used to offset site liabilities where there are interested local groups eager to protect and restore sites	No action taken	These local efforts will be important to site management.
Criteria	Rayna Holtz	Add criteria to indicate sites value for recreation (passive) and education (kayakers, scuba and photographers), including is there public access by land? Can school groups go there?	No action taken	See section 3.2.1.3.5 for specific use criteria. At this time there is not a plan to establish a recreational reserve.
Criteria		Consider the unique features of Islands, specifically look at WAC 173-16-050(4)	No action taken	This is more appropriately assessed if an island is proposed for reserve status.
Criteria	John Whitlock	Criteria for ranking should be spelled out with effective environmental protection being a "must" requirement before other specific site aspects are ranked as how they meet other criteria "wants"	No action taken	Environmental protection is a top priority, however other priorities must be recognized to have a complete, objective program.
Criteria	David Weekes	The most important aspects of site-specific planning that should precede designation are assessing the status of the area using the Designation Criteria (3.2.1.3.4, p.21-22) and determining an appropriate reserve boundary	No action taken	These will be carried forward when developing the final guidance.
Criteria	Dr. Megan Dethier	The state (and the nation) have excellent methods, involving a high degree of objectivity, that can be used for site selection and designation, and it makes a huge amount of sense to adopt parts of these criteria for use within the state.	No action taken	DNR is working with state and federal agencies. We will be contacting you regarding the criteria.
Criteria	Blake Trask	The DEIS lacks any clear explanation of the criteria for preserve selection within the Program	No action taken	See sections 1.2, 3.2.1, 3.2.1.3.4; 3.2.3,

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Criteria	Blake Trask	The Program will favor sites that have no conflicts with other land uses. Unfortunately, it is these very sites that are threatened by other land uses that are most in need of the aquatic reserve designation! Throughout the rest of the DEIS no language is as explicit with respect to a concern over site selection for environmental considerations. Either the Program must be as explicit of its consideration for the environment or this entire paragraph should be removed from the DEIS.	No action taken	See section 1.2.1, Need for Proposed Action.
Criteria	Verna Bromley	Proposed designation criteria set forth at Section 3.2.1.3.4 of the Draft EIS does not require the nominator, the ad-hoc panel or DNR staff to determine that the nominated or proposed reserve site will not conflict with other current or projected uses of the area, as is required under State law. (WAC 332-30-151)	No action taken	See section 3.2.1.3.1, pg. 19, 4th bullet. DNR reviews the applications, which must include this information (per section 3.2.1.3.2).
Criteria	Verna Bromley	Eligibility criteria in Alternative 1, does not appear to be a mandatory criterion as required by State law. In other words there is no assurance that if the answer to this question is "Yes" then the nomination will be rejected.	No action taken	We disagree with the reviewer's conclusion about lawful authority. See the first sentence of section 3.2.1, pg. 16.
Criteria	Verna Bromley	Designation criteria for aquatic reserves as described in the preferred alternative are not consistent with DNR's statutory and regulatory authority. The preferred alternative also fails to recognize that uses by public agencies are expressly identified, as potentially compatible with DNR's multiple use mandate (RCW 79.68.050(12)).	No action taken	RCW 79.68.050 is in reference to the compatibility with the financial obligations in the management of trust land . State owned aquatic lands are not traditionally trust lands.
Criteria	Richard Strathmann	Multiple criteria are appropriate for deciding areas for marine reserves	No action taken	As stated in section 3.2.1.3.4 & 3.2.1.3.5.
Criteria	Liam Antrim	Defined set of evaluation criteria should be established to help prioritize on an annual basis the list of potential sites for designation	No action taken	Please review Reserve Designation Framework, section 3.2.1.3.3.

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Criteria	John Browne, Jr.	Are prospective reserves to be “weighed” based upon their availability to particular salmonid stocks that are considered more “at-risk” than other stocks? And /or do regions that have been more heavily impacted by human intervention have a higher priority to be maintained as “declared reserves” than other, less impacted regions? Weighting for both species and threats should occur and should be focused enough to consider enough of the lifecycle and habitat to support species of concern	No action taken	There are no “weighted” factors or “declared reserves” when evaluating the benefits of a potential reserve. The <u>Environmental Reserve Criteria</u> listed on page 24 are intended to address listed species.
Criteria	John Browne, Jr.	Isn’t it important to consider whether a criterion is ‘positive’ or ‘negative’ with regard to the ecological parameters? And isn’t DNR conflicted by this, since part of the DNR ‘mission statement’ is to provide an economic return from management of state lands? Shouldn’t a different agency be the ‘SEPA lead’ on this issue? (WDFW?)	No action taken	The purpose of developing a reserve program is to address the other aspect of DNR's stewardship responsibilities. DNR as SEPA lead since we are the ones who would be taking the action
Criteria	David Frank	Of the 5 designation criteria, three sound more management-based rather than science-based, Viability, defensibility and manageability should be recast into science-based criteria rather than solely management –based.	No action taken	See <u>Scientific Reserve Criteria</u> on page 24.
Criteria	David Frank	Perhaps, the more physically-based criteria “quality and features of the site” should receive greater weight	No action taken	This will more appropriately be evaluated when considering a specific site for reserve status.
Criteria	Pat Collier	Explain why it is necessary to prioritize aquatic reserves?	No action taken	See appendix A - Legal authority and regulations.
Criteria	Scott Hansen	Use best available science as standard to review and provide criteria for potential areas	No action taken	This is the intention.
Criteria	Scott Hansen	Include parameters such as functionality, values of site, and locations in relation to other sites and importance to specific area	No action taken	These parameters will be evaluated by the ad-hoc committee using the guidelines on page 24.
Criteria	Scott Hansen	Look at criteria used to establish existing reserves to give a baseline for developing other locations	No action taken	To what criterion is the reviewer is referring?

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Criteria	Scott Hansen	Look at the ecosystem picture, but putting reserves in these ecosystem scenarios, it would help to provide needed habitat areas in a wider scale and help the ecosystem recovery effort	No action taken	This could be factor when establishing a specific reserve.
Criteria	Donald Marsland	Criteria is too complex	No action taken	It is not meant to be simple.
Criteria	John St. Pierre	Weighting of reserve sites should not be based on level of west side interest i.e. need to look at biological needs of east side so its not disproportionately under represented	No action taken	We agree.
Criteria	Sherie Sears	Look at more than just bodies identified by ESA listings – Okanagan River ceded areas are not included in ESA listing, but this area needs help.	No action taken	We will rely on the insight of the reviewer and others to provide this insight.
Current conditions	Crooks / Moore – WEC /POI	Minimal discussion in the DEIS about degradation of the state’s aquatic lands – helpful to have areas mapped that have been degraded, examples – exceed sediment standards, shoreline modification	No action taken	This is outside the scope of the EIS
Current conditions	Crooks / Moore – WEC /POI	FEIS should identify the “growing pressures on aquatic lands” and “the declining health of PS”	No action taken	This work has been done by the Puget Sound Action Team
Current conditions	Kevin Bright - WFGA	While DNR’s intentions are admirable in considering further ways of protecting the marine environment, I believe that there is currently a sufficient amount of regulatory oversight that is accomplishing these very same goals	No action taken	DNR is not a regulatory agency, but the (state) land steward for the state. Managing state owned aquatic lands through developing reserves is part of DNR's mandate.
Current conditions	Kevin Bright - WFGA	DNR’s proposed Reserve Program may be overestimating the potential benefits of removing State land from future water dependent uses.	No action taken	See previous comments regarding this point. The reviewer appears to be the only one with this opinion.
Current conditions	Kevin Bright - WFGA	DNR has not experienced a significant increase in the applications for aquatic land leases over the past 10 years and in fact, the amount of leased land over that time period has remained static.	No action taken	Leasing trends over the last several years appear to ebb and flow based on technology and changes in the economic development in the state. The reserve program was not developed to compete with leased areas, but as a management tool.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Current conditions	Kevin Bright - WFGA	current regulatory criteria safeguarding our state's waters from over development have, by their own very nature, reduced the risks that our aquatic lands will become overexploited. It has become too onerous for private businesses or individuals to undertake the permit processes for the use of our state's public lands.	No action taken	This is outside the scope of the EIS
Current conditions	Kevin Bright - WFGA	there is not overwhelming pressure on DNR for new development of the state's aquatic lands, then the reasons for establishing an Aquatic Reserve Program become less and less.	No action taken	see previous response
Current conditions	Liam Antrim	Degradation is inevitable consequence of human habitation, things have been getting worse, we don't understand the complexities of the ecosystems to be able to predict consequences of development, utilization, and alterations to coastal environments.	No action taken	comment noted
Data / information	Bill White	I could furnish references on the effect of natural changes on bio-diversity if desired. They are about the intertidal zone which is of special interest to me.	No action taken	We are very interested in this information
Data / information	Phil Mees	Map shows Yakima River as non-navigable, why? It fits the definition of navigable on page one both historically and contemporaneously.	No action taken	There has never been a court determination of navigability on the Yakima. Without this legal definition, DNR relies on historic information to determine if the Yakima was ever used for the transport of any useful commerce. Using this guideline DNR assumes the Yakima River to be definitely navigable from its mouth up to Ellensburg. The map on page 2 may not clearly depict this assumption.
Data/information	Crooks / Moore – WEC /POI	FEIS will be more valuable if baseline data were included – no data on where lands with highest biodiversity or habitat values are – more useful if species with economic and aesthetic value were mapped or otherwise identified.	No action taken	This will be developed for specific reserves.
Data/information	Crooks / Moore – WEC /POI	Maps should be prepared identifying critical habitat for state and federally listed species	No action taken	This information may be available through WDFW and NMFS (ex. (ESU) for these species and will be utilized when developing a specific reserve.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Data/information	Crooks / Moore – WEC /POI	Describe more fully the benefits of aquatic reserves – what benefits have been observed in the currently existing reserves, withdrawn areas, and MPA’s in PS and elsewhere?	No action taken	This is a programmatic EIS. This type of specific information will be developed for specific reserves as they are established.
Data/information	Elizabeth Davis	one-time ownership-based inventory of state-owned aquatic lands is essential. This inventory is necessary in order for the state to manage effectively the variety of aquatic lands it owns.	No action taken	DNR has ownership information that is used for land management activities.
Data/information	Bob Dixon	Look to other entities who have completed research for scientific data. Specifically for the area surrounding MI reserve	No action taken	we intend to do this during program development and specific reserve development.
Data/information	John Whitlock	DNR nearshore data should be augmented by whatever information is available from other reliable sources	No action taken	see previous comment.
Data/information	Ellen Kritzman	As a biologist I urge that all the scientific data gathered by People for Puget Sound, and other reputable groups must be taken into account.	No action taken	see previous comment
Data/information	Zoë Cherokee	consider some of the scientific work that has already been done. Especially re: habitat and species information	No action taken	see previous comment
Data/information	Cindy Lantry	Conduct a systematic inventory and review of ownership and encumbrance status simultaneously with scientific and habitat information. including WRIA planning groups under Department of Ecology and Department of Fish and Wildlife programs. This information is essential for responsible management of state-owned lands in any case, and will become critical in developing and managing aquatic reserves according to their designated status (environmental, educational, and scientific).	No action taken	see previous comment
Data/information	John Browne, Jr.	What historic guidelines of ecological function (i.e. baseline) does DNR have for the prospective reserves? Are there records of herring harvests? Clam harvest? Should consider local historical knowledge, landing records, etc.	No action taken.	Fisheries landings records are maintained by WDFW. WDFW also has information on habitat, such as the Forage Fish Stock Status Report .

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Data/information	John Browne, Jr.	There should be a general mapping of upland edges to all of PS with an eye to protecting those least roaded (and/or armored by sea wall) since these sites offer the greatest degree of continuing ecological function (where those fragments exist)	No action taken	we intend to do this during program development and specific reserve development.
Data/information	Commenter unknown	Computer programs can rapidly analyze proposed biological reserve 'designs' against scientific data (i.e. species surveys) and economic uses. Would like to see these tools applied to assess reserves	No action taken	see previous comment
Data/information	Commenter unknown	Have you reviewed studies of existing reserves and what does "best science" tell us about ingredients, factors, elements, which contribute to the success or failure of reserves? How does the DEIS reflect and embody this scientific knowledge? How does each alternative stand up when evaluated against this scientific knowledge?	No action taken	This review has not been conducted for this EIS. We would welcome any references the reviewer can provide.
Data/information	Joy Nelson	Consider winter bird populations, young fish, eelgrass beds, brantt geese, bird migration routes, etc.	No action taken	we intend to do this during program development and specific reserve development.
Data/information	Donald Marsland	Using scientific data used for the previous designations as a test of the criteria developed four the DEIS could provide an evaluation of the process suggested in Alt. 1. After evaluation, a specific designation of the reserve and management plan could be developed based on the standards set forth in the DEIS	No action taken	see previous comment.
Data/information	Scott Redmond	Agencies need to rely on a precautionary approach and use best available science when making resource decisions	No action taken	This is supported in EIS.
De-listing	Kristine Dahms	Needs to be a clause that limits the number of times or frequency of appeals by those opposed to the reserve	No action taken	This may be considered to subjective. There is a process described in section 3.2.1.3.2 that must be followed to change or de-list a reserve.
De-listing	Richard Strathmann	De-listing sites should not be done frequently, easily, or without compensating measures that retain the effectiveness of the network of reserves.	No action taken	comment noted

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
De-listing/change	Elizabeth Davis	Once an area is designated as an aquatic reserve, there should be a specified and stringent process by which that area loses its designation.	No action taken	See section 3.2.1.3.2
De-listing/change	Elizabeth Davis	While the SEPA review is appropriate for any de-listing, the balance of this section seems far too lenient to achieve such a change in status. After going through the reserve designation status, withdrawal from that status should be far more stringent including a specified time period before any such change can be instituted.	No action taken	comment noted
Designation	Bill White	Section 3.2.1.3.2: The commissioner's decision should be subject to a subsequent review. Part of such review would determine if corrective action could be taken to reestablish the reserve	No action taken	This review will occur before a commissioner's order is signed and will ideally be the basis for the recommendation to the commissioner.
designation	Elizabeth Davis	We support the ad-hoc review panel with the various representatives named. This is a very important part of the reserve designation process.	No action taken	comment noted
Designation	John Whitlock	AD-hoc panel should be carefully balanced with business, environmental groups and citizen representation in addition to state agencies	No action taken	We are looking for a panel to provide an objective review of proposed reserves.
Designation	Leslie Ann Rose	Evaluation of all unencumbered state aquatic lands for reserve consideration must be made using best available science as defined in the State's Growth Management Act, RCW 36.70A.172	No action taken	This type of evaluation reflects the action evaluated in alternative 3. DNR feels alternative 1 best meets it's mandates for managing SOAL. This may be a task more appropriately completed by local government.
Designation	David Weekes	Streamline designation by deferring Site-Specific Processing and Planning steps (the management plan) until a site has been designated and the Commissioner's Order has been issued.	No action taken	That is the plan.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
designation	David Weekes	We recommend establishing what might be called the "Aquatic Reserves Commission," appointed by the Commissioner of Public Lands and drawing from among the groups listed under Consultation/Coordination Actions (3.2.1.4.1, pp. 25-26). The functions of this commission would be to	No action taken	The intent of the groups listed on page 26 is to provide this local consultation on a regional basis. An established "Commission" would not necessarily have a regional emphasis.
Designation - time	Elizabeth Davis	The 90-year reserve validity period is certainly appropriate. But, it appears to be contrary to the provisions of the section dealing with de-listing discussed above.	No action taken	This is true as a de-listing would remove an area from reserve status.
Designation - time	Andrew Schwarz	Once designated, a reserve should not have to prove itself every two years. The value of a preserve cannot possibly be measured in two-year increments.	No action taken	The two-year cycle is in reference to new applications, not to re-evaluate an existing reserve. Technically, however, the process does allow for re-evaluation on a two-year cycle.
Designation- time	Kevin Bright - WFGA	most people cannot fully realize the ramifications that a reserve designation may have on an area over a ninety-year period. As such, DNR may not receive a correct or balanced opinion on the impacts of a reserve area since it will certainly hear substantial testimony from the proponents of a reserve, and probably very little from the people it may potentially adversely impact.	No action taken	We are confident that this information will be clarified before an area becomes a reserve.
Designation/time	Julie Adberg	Once designated, a reserve should not have to prove itself every two years. The value of a preserve cannot be measured in a two-year period.	No action taken	See Schwarz comment above.
Designation/time	Joseph and Edith Ulatoski	The statement that the decision will be good for 90 years or for any specific time is confusing for several reasons. These include:	No action taken	A commissioner's order is binding. The program requires a process for de-listing and recommendation to the Commissioner. This is meant to avoid arbitrary actions on a reserve from successive commissioners. The 90-year period has no relation to the biennial call for proposals. A proposal for a change in status of a reserve can, technically, be made every two years.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Designation/time	Amy Wolf	Once designated, a reserve should not have to prove itself every two years. The value of a preserve cannot possibly be measured in two-year increments	No action taken	See Schwarz comment above.
Designations	Elizabeth Davis	Ecological imperatives together with threats of habitat degradation necessitate an open number of reserves to be designated in any biennium.	No action taken	Establishing two reserves a year is based on management limitations. See first sentence of section 3.2.1.3.2
Designations	Kristine Dahms	Do not allow for "cookie-cutter" exemptions	No action taken	comment noted
Designations	Pat Collier	Explain *...the aquatic reserve designation would be valid for a	No action taken	After 90 years the aquatic reserve would automatically be re-evaluated.
Designations	Pat Collier	Make clear and definite that designations, management and	No action taken	See the nine bulleted principles of the aquatic reserves program discussed in section 3.2.1.3.3, pg. 20
Designations	Michael Rigik	Concerned with possibility of having our leased land converted onto one of three proposed reserve categories, resulting in possible loss of our lease, and subsequent loss of the dock	No action taken	The reviewer can be assured of the opportunity to participate in any decision regarding reserve status designation
Designations / time	Leslie Ann Rose	Specify that all designated aquatic reserves will remain in perpetuity.	No action taken	We feel that a 90-year period, then re-evaluation is a more credible process. A 90-year review cycle does not necessarily preclude designation in perpetuity.
Designations/time	Bob Dixon	Designations by one commissioner could be changed by successor	No action taken	See <i>De-listing Process</i> described on page 20.
Designations/time	Scott Hansen	Reserves must be in perpetuity – 90 years too short for some species	No action taken	see Rose comment above.
Educational Reserves	Liam Antrim	Page 18, Definition is vague as written. It should remain intact and functional and should be rephrased in an ecological context somehow.	The language was changed in the EIS to "Sites remain intact and functional for the purpose they are established"	New language provides further clarification.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Enforcement	Bob Dixon	Definitive boundaries and plan for enforcement of protective regulations should be addressed by the EIS, concern with poachers, and disregard for regulations	No action taken	This will be addressed as needed in the development of specific management plans described in section 3.2.1.4.2, pg. 26. We will need cooperation from WDFW enforcement regarding poaching and violation of fishing regulations.
Enforcement	Richard Strathmann	Reserves with weak enforcement have been demonstrated to offer some protection of otherwise harvested populations of organisms. Weak enforcement should be accepted as better than none. Signs and maps of protected areas in itself provides some (though weak) enforcement	No action taken	comment noted
Existing reserves	Crooks / Moore – WEC /POI	Program guidance should clarify the evaluation process for existing reserves – how will the application process work for AR that have already been designated? Will an application be necessary before DNR reevaluates these reserves? Will the ad-hoc panel be involved in the review?: when will these evaluations be initiated and complete? Will reevaluation of existing reserves preclude designation of new reserves during this period?	No action taken	Existing DNR reserves will need to be analyzed through the program described under Alternative 1.
Existing reserves	Crooks / Moore – WEC /POI	FEIS should also describe implications of each of the alternatives for each of the previously designated areas	No action taken	see comment above
Existing reserves	Julie Adberg	should leave existing ones in place	No action taken	See new language for alternative 1,3 & 4, under Program Administration for the options of how existing reserves will be dealt with.
Existing reserves	Jerry Marco – CCT	State where the current reserves are	No action taken	We feel that identifying existing reserves, even if we were sure we knew we had a complete list, is outside the scope of this EIS. We are doing an environmental review of existing reserves.
Existing reserves	Elizabeth Davis	Alternative # 2, requires the rescinding of the existing aquatic reserves and, we assume, the existing withdrawals in line for reserve status. The League strenuously opposes such rescinding of the only existing aquatic reserves and withdrawals that the state has.	No action taken	DNR is not adopting alternative 2. DNR feels alternative 1 best meets it's mandates for managing SOAL.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Existing reserves	Elizabeth Davis	two existing reserves should automatically be continued into reserve status under the new program, and should not be counted as the two for the first biennium.	No action taken	All existing reserves will be evaluated under the preferred alternative 1.
Existing reserves	Elizabeth Davis	existing withdrawals logically would be next to evaluate for reserve status; those evaluations probably would not be as lengthy to complete as ones for new areas never withdrawn.	No action taken	see above comment
Existing reserves	Amy Wolf	We need more aquatic reserves and should leave the existing reserves in place.	No action taken	see above comment
Existing reserves	Steve Roos - HCMP	the EIS fails to discuss how the application and review process outlined in Section 3.2.1.3 will be applied to existing reserves. We believe this is another significant issue that must be carefully addressed in the Final EIS.	Language regarding how existing reserves will be dealt with in respect to each alternative has been added to the Program Administration sections of alternatives 1,3 & 4 in the EIS.	The EIS needs to acknowledge that there are existing reserves that need to be dealt with in the context of this new aquatic reserve program.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Existing reserves	Steve Roos - HCMP	DNR has indicated that existing sites will be reviewed through the process outlined in Section 3.2.1.3.2. This appears to be a sound approach, provided that the Final EIS clarify the following three issues: First, the Final EIS should confirm that the previous Withdrawal Orders will essentially be treated as nominations; Second, the Final EIS should explain whether the ad-hoc panel will consider existing reserves (or withdrawal orders) individually or collectively; The Draft EIS indicates that reserve applications for a given biennial cycle will be reviewed "as a group." Third, in discussing how existing reserves will be evaluated after selection of one of the four program alternatives, the Final EIS should candidly acknowledge the existence of the 2002 budget proviso that makes \$4.0 million of RMCA funding contingent upon the "establishment, management, and protection" of existing reserves. The Final EIS should explain whether or how this proviso will be a factor in the evaluation of existing reserves.	No action taken	The reviewer is correct that the existing six reserves will be evaluated as outlined in section 3.2.1.3.2, the previous withdrawal orders will be evaluated in the same manner as nominations. 2.DNR has not rectified the best approach for the ad-hoc panel to consider the existing reserves. 3. It is not within the scope of the EIS to include a discussion regarding the budget proviso.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Existing reserves	Steve Roos - HCMP	We assume that, in applying this process to existing reserves, DNR will treat all the previous Withdrawal Orders as nominations for the 2002-03 biennium. This process seems reasonable to us, if it can be completed within the time periods specified in the Settlement Agreement between DNR and Northwest Aggregates. If this process cannot be completed in a timely manner, then each reserve must be evaluated individually, beginning with Mary Island. In this case, the role of the ad-hoc panel would presumably not be to rank a proposal, but instead to make some kind of individual determination as to the appropriateness of an area as a permanent reserve. We trust that the Final EIS will shed further light on this issue.	No action taken	Under the preferred alternative, the six reserves designated in 2000 will be analyzed according to the criteria outlined and reviewed by the ad hoc panel.
Existing reserves	John Whitlock	Nothing changes until the process called for is complete	No action taken	comment noted
Existing reserves	Kristine Dahms	Critical that the existing reserves remain for a minimum of 90 years	No action taken	comment noted
Existing reserves	Bob Dixon	Essential to maintain the preserve around MI	No action taken	comment noted
Existing reserves	Leslie Ann Rose - CHB	Under Alternative 1, the status of the existing aquatic reserves is ambiguous.	No action taken	Under the preferred alternative, the six reserves designated in 2000 will be analyzed according to the criteria outlined and reviewed by the ad hoc panel.
Existing Reserves	Leslie Ann Rose	The status of those sites designated in 2000 as Aquatic Reserves be reaffirmed and preserved by the Department. This is the single-most consistent and clear message the Department heard during the public scoping meetings conducted in December 2001.	No action taken	see previous comment
Existing reserves	Blake Trask	The program will further politicize (the existing reserves) and, I fear, place undue import on the interests of businesses over those of the varied species and communities that depend on these important areas.	No action taken	Per WAC 332-30-151, the Commissioner must determine which use best serves the public benefit.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Existing reserves	Blake Trask	the Program appears to rollback existing reserves to review them under the new program criteria, thus enabling the current Department of Natural Resources (DNR) Administration the ability to remove the reserve status of certain existing unwanted reserves.	No action taken	The existing reserves will be evaluated according to the criteria described in alternative one. The criteria in the EIS is established to alleviate unilateral decisions on establishing or de-listing reserves.
Existing reserves	Blake Trask	the rollback of existing reserves established in 2000 will be required with the implementation of the Program. This appears to provide policy cover for the Sutherland Administration to remove certain reserves that are unwanted and politically charged so as to make it difficult to remove their status without damage to Mr. Sutherland's environmental reputation.	No action taken	see previous response
Existing reserves	Blake Trask	For existing reserves, it will be very difficult for it to become a reserve if the language in Section 4.2 (see above quoted paragraph) is retained in the DEIS. No existing aquatic reserves should lose their designation; they should continue to be recognized as preexisting reserves that predate this new Program.	No action taken	see previous response
Existing reserves	Liam Antrim	Existing reserves should not be rescinded	No action taken	see previous response
Existing reserves	Marianne Twyman	Why can't current reserves be grandfathered-in, since an extensive review process was already done and much scientific evidence presented?	No action taken	DNR feels that existing reserves must meet the same criteria as is required for establishing new reserves.
Existing reserves	Scott Hansen	Existing reserves must be protected and should be grand-fathered without any changes to existing reserves status	No action taken	see previous response.
Existing reserves	Scott Hansen	Should be no loss of existing aquatic reserves and that measures should be in place to protect the existing reserves from any detrimental effects	No action taken	see previous response.
Existing reserves	Donald Marsland	Use existing sites to test management protocols	No action taken	existing sites do not have management protocols established.
Financial	Karen Person	Concerned about monies to continue alternative #1, funding is always so arbitrary	No action taken	Funding is committed to establish a minimum two reserves a biennium.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Funding	Pat Collier	Given funding uncertainty, focus should be immediately put on designating reserves. Management plans can be developed later	No action taken	Management plans are a critical component of a legitimate reserve.
Funding	Pat Collier	Specify the current management costs for designated aquatic reserves and withdrawn areas.	No action taken	Presently the cost is the expense of one full time staff. There are additional staffing, indirect and other costs that cannot be established until the reserve program has been functioning for several years.
Funding	Scott Redmond	DNR should look for additional funding sources and seek partnerships with private organizations such as land trusts to help with workload so more designations can be achieved	No action taken	These partnerships will be important.
General	Kyle Cruver, Vashon-Maury Community Council	We applaud you for your stand in support of habitat preservation, in support of threatened aquatic species, in support of the AR system statewide	No action taken	thanks for the support
General	Crooks / Moore – WEC /POI	It is encouraging that DNR is considering moving toward exercising its proprietary authority in a manner that emphasizes protection of natural resources rather than commerce and navigation	No action taken	Keep in mind that all these uses must be balanced for the best public benefit. This program is not meant to emphasize on use over another.
General	Crooks / Moore – WEC /POI	FEIS should make clear that designations, management and de-listing decisions will be based on best available science. The precautionary principle should be used: “where there are threats of serious or irreversible damage, lack of full-scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”	No action taken	See section 3.2.1.3.3. This framework will be carried through the entire process.
General	Crooks / Moore – WEC /POI	FEIS should, more thoroughly explain the need for AR	No action taken	See sections 1.2.1 and 1.2.2
general	Crooks / Moore – WEC /POI	Specify the environmental consequences if there are no additional reserves or withdrawn areas and current designations of withdrawn areas and reserves are changed or rescinded	No action taken	This work is more appropriately done in a project specific EIS, not this programmatic EIS. Also, environmental consequences of no additional reserves or rescinding are discussed in section 4.1.1.2. see section

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
General	Jerry Marco – CCT	Reserve management should not replace management of resources outside the reserve	No action taken	that is not the intention
General	Jerry Marco – CCT	Need a definition for aquatic reserves (with map and locations) and also a definition for aquatic resources	No action taken	See Appendix A, pg. 59, WAC 332-30-151 for a definition of aquatic reserves. See page 58, RCW 79.90.450, Aquatic lands--finding, and RCW 79.90.455, Aquatic lands--Management guidelines for an example of the broad definition for aquatic resources. Also, since this is a programmatic EIS a map of existing or potential reserves is not pertinent.
General	Jerry Marco – CCT	Cultural resources needs to be included for all three reserve types (page 27, specifies only part of environmental reserves), also add archeological resources for management plans	No action taken	WAC 332-30-151 establishes cultural in Environment. reserves
General	Bill White	Section 3.2.1.2: Conservation may not protect biodiversity. As biological systems mature there can be a decrease in diversity. Further, change brought about by natural causes generally enhance biodiversity. Conservation might result in attempts to maintain a status quo.	No action taken	rational is not clear
General	Bill White	Healthy habitats constantly change so baseline monitoring may not be a good concept. However. A good monitoring program can give insights as to factors that cause change. This could be important in developing management tools.	No action taken	This will be considered when developing specific monitoring plans.
General	Bill White	baseline monitoring: Healthy ecological systems are in a constant state of flux. Baseline implies a “normal” state which is rarely the case.	No action taken	see previous comment
general	Carol Bernthal	OCNMS supports the efforts within WDNR to establish a formal Aquatic Reserves Program and anticipates active collaboration with WDNR on natural resource management on the outer coast.	No action taken	Collaboration is a critical component of the DNR reserve program.

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General	Elizabeth Davis	League of Women Voters of Washington commends the efforts of Commissioner Sutherland and the Department of Natural Resources to develop a more detailed program to implement the state's aquatic reserves program.	No action taken	comment appreciated
general	Elizabeth Davis	continue to believe that the establishment of these educational, environmental and scientific aquatic reserves is an essential component of the state's obligation to care for the long-range health of the aquatic lands under its jurisdiction.	No action taken	We agree.
general	Elizabeth Davis	state currently under a mandate from National Marine Fisheries	No action taken	The state is not under mandate from NMFS. However, the state is committed to taking appropriate actions to comply with ESA.
general	Joel Kuperberg	Legislature granted WADNR the authority to withdraw (limited acreages) of Washington's state-owned aquatic lands from leasing and to establish Aquatic Reserves. The authority is clear; the purpose is equally clear, to benefit the environment. As public trustee, WADNR has done a very poor job.	No action taken	The purpose is to determine which use best serves the public benefit.
General	Joel Kuperberg	No agency of Washington government has called upon WADNR to invoke its authority to create aquatic reserves, not the DFW, not DOE, nor has DNR, our trustee invoked its aquatic reserve authority, until a couple of years ago, toward the end of the last DNR administration.	No action taken	comment noted
General	Joel Kuperberg	The Public Lands Commissioner has existing authority, precedent and evidence of need, to continue to designate certain aquatic lands of the highest educational, environmental and scientific value as reserves.	No action taken	comment noted

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
general	Kathy Fletcher – P4PS	People For Puget Sound does not believe it is feasible for the Department to restore the balance of uses solely through an aquatic reserve program; however, it can, as you note in Alternative 3, "shift the paradigm of aquatic resources management	No action taken	DNR does not claim to be restoring the balance of uses through the reserve program. Our intention is to fully meet our mandate of determining which use best serves the public benefit.
general	Kathy Fletcher – P4PS	In regards to nearshore and estuarine aquatic lands, we support establishing "the policy that nearly all state-owned aquatic lands inherently contain significant natural values that should be	No action taken	DNR feels alternative 1 best determines and prioritizes significant natural values of SOAL. The reviewer must remember that preserving natural values of SOAL only meets part of the agency mandate.
General	Kathy Fletcher – P4PS	We find the DEIS to be inadequate	No action taken	comment noted
General	Kevin Bright – WFGA	There are certainly fragile areas of aquatic lands that do need our protection, but those areas are well known, easily identifiable, and are already afforded protection through the existing regulatory framework.	No action taken	DNR still has a responsibility for managing state owned aquatic lands.
General	Bob Dixon	Proposal provides consideration for saltwater resources for salmon to acclimate themselves to saltwater, its food sources, and the protection of near shore areas for both food and shelter	No action taken	A priority system will be initially established during the program development.
General	Bob Dixon	Consider the 3 C's – concern for all aspects of the preserve, cooperation between all parties with a desire to presser and commitment by all to do something to solve problems	No action taken	These factors will be important to the success of the program.
General	John Whitlock	Starting point is here and now	No action taken	comment noted
General	David Weekes - TNC	congratulate the Commissioner of Public Lands and staff of the Department for making the Aquatic Reserves Program a priority and thinking carefully about how to implement it	No action taken	thanks for the support

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
General	David Weekes	Ensuring environmental protection <u>is</u> a public use of aquatic. This concept is critical to fulfilling the Department's mandate to provide environmental protection for aquatic resources and must be incorporated into the final adopted alternative <u>and</u> the state submerged lands leasing program.	No action taken	We feel, by adopting alternative 1, that we are fulfilling our mandate for environmental protection. Incorporating language into the leasing program is beyond the scope of this EIS.
General	David Weekes	We strongly support existing DNR staff proposals for modifications to the leasing program that could provide for restoration, education, and scientific activities using leases and easements with provisions tailored for these uses.	No action taken	DNR is not modifying the leasing program but developing a reserve program. DNR appreciates TNC's support.
general	David Weekes	Moving the educational and scientific functions to leases and easements will allow DNR to focus the Aquatic Reserve Program exclusively on the protection of environmental reserves.	No action taken	We agree that it is the staff's responsibility to ensure that educational and scientific functions can be accommodated without developing an aquatic reserve. This work will be accomplished during the initial screening of proposed nominations described in section 3.2.1.3.1.
General	Dr. Megan Dethier	Nicely put together document! You have thoroughly laid out the options, and made it clear to me, at least, why <u>this program is (desperately) needed.</u>	No action taken	thanks for the support
General	Dr. Megan Dethier	Selection of reserves by the current (lack of) process is frustrating for all involved;	No action taken	We agree.
General	Blake Trask	I ask that you strongly consider (these) objections and that you extend the DEIS process to further involve public input in the development of this Program.	No action taken	It is not DNR's intention to open up the EIS for further review.
general	Blake Trask	no clear definition of prioritization of the Program exists within the DEIS. Euphemisms such as "Best Science" and a myriad of criteria are used to obfuscate the Program but it is not clear how the process will be used, who will comprise the ad-hoc committees, or what the programmatic priorities will be. It is imperative that these details be explained before one of the "Alternatives" is chosen.	No action taken	This work will be done during program development (when the EIS is complete)

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
General	Blake Trask	questions the need for this Program at all.	No action taken	We will be evaluating the utility of the program.
General	Blake Trask	please review your Alternatives and resubmit this DEIS to the public for further comment	No action taken	see previous response
General	Cindy Lantry	commend DNR's effort to develop a program that would ensure environmental protection through implementation of the state's public trust responsibility as described in RCW 79.90.450 to manage state-owned aquatic lands.	No action taken	We appreciate the support
general	Cindy Lantry	Seattle Audubon recognizes the inherent conflicts in management of public lands for environmental protection and for other public uses.	No action taken	We hope you can assist us in sorting out these conflicts
General	Verna Bromley	Under existing State regulations at WAC 332-30-151, only the Department of Natural Resources or another governmental entity or institution may nominate aquatic lands to be considered for reserve status.	Further clarification will be made in <i>step 4-DNR staff recommendation for further action</i> , pg. 25 to clarify the reviewer's point regarding who can actually "nominate" a reserve. References to the publics "proposal" of a site for consideration will be clarified throughout the EIS.	The process, <i>step 4-DNR staff recommendation for further action</i> , pg. 25, calls for DNR to evaluate and review nominations and then nominate them as potential reserves to the commissioner.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
General	Verna Bromley	Under existing laws, the Commissioner of Public Lands must accept or reject the nominations based upon the criteria set forth in the State's regulations and must find that the site <u>will not conflict with other current or projected uses</u> of the area. If there is a conflict, then the Commissioner must determine which use best serves the public benefit. (WAC 332-30-151)	We will add specific language on page 25, <i>Step 4 - DNR staff recommendation for further action</i> to clarify the Commissioner's role in determining the best public benefit.	For clarification, DNR staff and the ad hoc committee will evaluate, review, and rank proposals and then DNR staff shall nominate top priority sites to the Commissioner of Public Lands for designation as aquatic reserves.
general	Verna Bromley	RCW 79.90.470 requires DNR to authorize use of aquatic lands without charge for public utility lines, including sewer pipelines and sewer outfalls owned by government entities as long as such use is consistent with the purposes of the Aquatic Lands Act and does not obstruct navigation or other public uses.	No action taken	ESHB 1005, passed during the 2002 legislative session, now permits DNR to recover "reasonable direct costs incurred in processing and approving the request or application and reviewing plans for the construction of public utility lines."
general	Verna Bromley	By allowing the nomination and designation of aquatic reserve areas in sites that are currently or projected to be occupied by utility pipelines and outfalls, DNR is exceeding its authority to withhold use authorizations for public utility lines.	No action taken	see previous response
general	Verna Bromley	DNR is only authorized to deny use authorizations for non-water-dependent uses or for lands DNR finds to have "significant natural values." [1]	No action taken	see previous response
General	Liam Antrim	Appreciate DNR's efforts and fully encourage creating a dynamic, proactive, and collaborative program for WA citizens.	No action taken	We appreciate the support
General	Dave Kiehle	A well-organized program that actively works at building the reserve network is great in concept and will gather public support as more areas are nominated.	No action taken	We look forward to working with regional staff to ensure a well-organized program.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
General	Pat Collier	DNR is to be commended for the apparent redirection of the aquatic resources program, for too long the balance has been in favor of the use, access and revenue at the expense of environmental protection	No action taken	We appreciate the support
General	Pat Collier	Current designations / nominations and withdrawn areas should receive caution consideration if there is an application for an aquatic land lease	No action taken	This will be considered with other factors.
General	Pat Collier	Explain thoroughly the need for aquatic reserves, including, but not limited to, the implications of the potential effects of climate change on nearshore habitat. What are the *... growing pressures on aquatic lands ...*? What are the indicators of “... declining health of Puget Sound...”? What species *... are declining in health and numbers*? (DEISAR 1.2.1) What are the potential consequences if there are no reserves and/or withdrawn areas? What are the potential consequences to the Puget	No action taken	DNR cannot make any correlation regarding the need for reserves and potential effects of climate change. Growing pressures are synonymous with an increasing population. The Puget Sound Action team has information on indicators of declining health in the Puget Sound. The potential consequences of not having reserves are, generally, that critical aquatic habitat might be lost. Specific consequences will be determined when specific areas are nominated for reserve status.
General	Pat Collier	Describe more fully the benefits of aquatic reserves. What benefits have been observed in currently existing reserves, withdrawn areas, marine protected areas in Puget Sound and elsewhere?	No action taken	see sec 1.4, existing status, trends, and anticipated impacts to affected environment.
General	Donald Marsland	Produced a valuable analysis of the aquatic reserve program	No action taken	comment noted
general	Donald Marsland	Inventory of SOAL is essential to DNR regardless of the status of the ARP – valuable resource management tool and would enhance identification of habitat essential to continue development of healthy marine and river environment in the state	No action taken	This will be one of the work products during the program development phase.
General	Scott Redmond	Congrats for developing excellent program guidance	No action taken	thanks

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
General	Scott Redmond	Lands without encumbrances, and w/o spectacular attributes to make them AR also need good management and protection from deleterious activities – all leasing activity be held to the highest environmental standards to support the protection of PS	No action taken	This work is outside the scope of this EIS
General ?	Tom Cowan - NWSC	Well-defined programs for both the leasing and reserve program could then function in a coordinated way to provide the proper balance of both use and protection of aquatic lands.	No action taken	The purpose of the reserve program is to provide more balance
Geoducks	Crooks / Moore – WEC /POI	The significant presence of harvestable geoduck resources should not automatically disqualify an area from consideration for reserve status under alternative 1. Important areas in PS may also be geoduck areas	No action taken	This factor will be considered when evaluating a specific site for reserve status.
Geoducks	Crooks / Moore – WEC /POI	DNR can not prohibit geoduck harvest due to Tribal rights	No action taken	see section 2.3 of DSEIS
Geoducks	Crooks / Moore – WEC /POI	Areas containing commercially important geoduck resources may deserve greater, not less protection – FEIS should consider the ways in which reserves might benefit DNR’s geoduck program	No action taken	see previous comment
Geoducks	Pat Collier	Discuss how geoduck tracts would be compatible with reserves.	No action taken	see previous comment
Goal/ objective	Leslie Ann Rose	Specify that all unencumbered state-owned aquatic lands are withdrawn from leasing	No action taken	DNR cannot do this and meet it's mandate to manage SOAL for the best public benefit.
Goal/objective	Julie Shannon	Aquatic Reserve Program is an important part of a larger plan	No action taken	We agree
Goal/objective	Cindy Lantry	An effective Aquatic Reserves Program should support the ecological integrity of the remaining undeveloped aquatic habitats now and for future	No action taken	Ideally the ecological integrity of developed aquatic habitats
Goal/objectives	Kevin Bright - WFGA	Creating aquatic reserves will not diminish those upland pressures, nor will it solve the impacts of urban growth on the marine environment.	No action taken	These issues will need to be addressed in order to have a successful program and effective reserve.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Goal/objectives	David Weekes	Strengthen the Overall Goal and Measurable Objectives for the program so that they provide clear direction on the purpose and priorities of the Aquatic Reserves system.	No action taken	DNR feels that additional effort in these areas is better spent in the program development stage.
Goals / objectives	Shirley Nixon	It's time for DNR to shift its emphasis toward ensuring environmental protection for all of the state's aquatic lands	No action taken	comment noted
Goals / objectives	Leslie Ann Rose	areas for protection as aquatic reserves should be habitats that have suffered the most dramatic declines in Puget Sound with special emphasis within the intertidal or photic zones. Second to these areas in importance is anywhere streams or rivers enter marine waters, and third is rivers or streams and deeper water sites	No action taken	If these areas are nominate they will be considered.
Goals / objectives	Leslie Ann Rose	Create and identify avenues for donation and/or purchase of private tidelands as part of the Department's aquatic reserve program	No action taken	Presently DNR cannot accept donations or purchase aquatic lands.
Goals / objectives	Liam Antrim	Passive management, without proactive measures to protect valuable natural resources, does not work in our society. It is essential to protect critical habits and areas highly susceptible to damage from development, such as eelgrass beds and forage fish spawning areas, by prohibiting development and leasing so that further loss of these habitats is minimized.	No action taken	comment noted
Goals / objectives	Scott Hansen	Reserves should be protected from development, pollutants, and any other activities that do not relate to scientific, environmental or educational activities	No action taken	see section 3.2.1.3.4, designation criteria starting on page 21.
Goals/objectives	Tom Cowan - NWSC	Standardize terminology between state agencies	No action taken	This is something to work toward.
Goals/objectives	Crooks / Moore – WEC /POI	Clarification on what constitutes “uses that conflict with the goals of the reserve program” (specifically under alternative 1.	No action taken	This information can only l be determined in a site specific project EIS.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Goals/objectives	Crooks / Moore – WEC /POI	“ensure that the initial qualities that triggered establishing a reserve remain” listed as measurable goal under scientific reserves should apply to all three-reserve types.	No action taken	This is the basic pretense for establishing a reserve.
Goals/objectives	Elizabeth Davis	An objective not listed here, and important to accomplishing the program, is the extent to which DNR publicizes the aquatic reserve program and enlists the public in understanding its goals and long-term benefits. Gaining public support for this program is essential for its success.	No action taken	DNR strongly agrees that public support is critical to the success of the reserve program. This is reflected in section 3.2.1.4.1, Consultation/Coordination Actions.
Goals/objectives	Joseph and Edith Ulatoski	The ultimate goal of the program should be clearly stated, e.g., the	Language in section 3.2.1.1 was rewritten to read: "Use aquatic reserves as a tool to help DNR ensure environmental protection, preservation and enhancement of SOAL to include direct and indirect benefits to the state's aquatic resources."	New language adds more clarity to goal of program.
Goals/objectives	Amy Wolf	We need to create aquatic reserves to PROTECT habitat and plant and animal species.	No action taken	That is the intention of the program.
Goals/objectives	Mary Masters	The most important issue in my opinion is the need to designate all	No action taken	DNR feels alternative 1 best meets it's mandates for managing SOAL.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Goals/objectives	Mary Masters	Lands should be protected until a use higher than ensuring environmental protection can be demonstrated for them. This would put the burden of conducting the EIS process on to leasing proposals. Alternative 3 addresses this issue.	No action taken	see previous comment
Goals/objectives	Kevin Bright - WFGA	Reserve Program as it is currently written, will arbitrarily be turning areas of aquatic land into parks. Once those areas are created they will be permanently removed from most public uses. This was not the intent of the Washington legislature when they established DNR as stewards of the aquatic lands.	No action taken	We disagree. See RCW 97.68.060 & WAC 332.30.151 in appendix A.
Goals/objectives	Kevin Bright - WFGA	There needs to be a balanced approach between protecting our environment through these regulatory processes, and for allowing for the "use" of that environment for aquaculture, commerce, navigation, and resource extraction.	No action taken	see previous comment
Goals/objectives	Kevin Bright - WFGA	DNR obviously needs to strike a balance between generating new lease revenues, and undertaking new environmental programs for preservation.	No action taken	see previous comment
Goals/objectives	Kristine Dahms	Not providing protection, connected areas within PS would be senseless, short-sighted and selfish	No action taken	comment noted
Goals/objectives	Leslie Ann Rose	CHB supports establishment of a policy that "nearly all state-owned aquatic lands inherently contain significant natural values that should be protected (preserved, restored, and/or enhanced) due to the environmental attributes and functions they perform	No action taken	There are must be many avenues to achieve this goal. This most certainly cannot rest on one (aquatic reserve) program.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Goals/objectives	Leslie Ann Rose	Objective 1, definition of differences among the aquatic reserve types be amended to read: "...and criteria that DNR should apply to identify areas with features, habitats, functions, values, and/or species worthy of setting aside as an aquatic reserve".	The language in section 1.2.3 (1) was re-written to read: Identify the priorities, management objectives, and criteria that DNR should apply to identify areas with features, habitats, function, values, and species to be managed as an aquatic reserve."	Language provides additional clarification to this objective.
Goals/objectives	David Weekes	Focus the program exclusively on "Environmental Reserves" by accommodating scientific and educational uses on state submerged lands through the Conservation Leasing and Licensing Program anticipated by reference in Appendix C (6.1, p.65).	No action taken	We agree that scientific and educational uses can also be accommodated for outside the reserve program. The Cons. Leasing program is one option.
Goals/objectives	David Weekes	The most effective application of the Aquatic Reserve concept will be to establish strictly protected sites with the attributes usually described under "Environmental Reserves"	No action taken	The level of protection will be specific to the site and it's attributes for being established as a reserve.
Goals/objectives	David Weekes	We suggest an appropriate Overall Goal (3.2.1.1) for such a program would be as follows: Ensure environmental protection for state aquatic resources by designating and managing a system of aquatic reserves that harbors the full array of native species and habitats representative of state aquatic lands.	No action taken	The reviewer's goal may be depicting a particular reserve, but we disagree that the goal of the program , and every reserve, is to establish a full representation of aquatic species and habitats.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Goals/objectives	Carole Elliot	I am sure there are many outlooks on how to go about naming aquatic reserves but agree with your views that it must be "defendable" and consistent.	No action taken	thanks for your support
Goals/objectives	Blake Trask	Program will artificially establish and maintain a biannual review process that promises to restrict the amount of reserves established	No action taken	Two reserves a biennium is a minimum.
Goals/objectives	Blake Trask	the Program appears to favor established land use interests over those of the environment	No action taken	The intent is to emphasis the later and create more opportunity for a balance of these two interests.
Goals/objectives	Cindy Lantry	encourage DNR to give serious consideration to the long-term needs for environmental protection of aquatic lands through the Aquatic Reserves Program.	No action taken	We feel a 90-year period will provide long-term needs.
Goals/objectives	Cindy Lantry	hope that the Department will give the highest consideration for wildlife needs and habitat protection in its development of an Aquatic Reserves program.	No action taken	see the criteria for Environmental Reserves on pg. 24
Goals/objectives	Kyle Cruver	Reserves should create an enduring legacy, an example of preservation for the long term benefit of our fragile ecosystem	No action taken	see previous comment
Goals/objectives	Laurie Wischild	DNR should actually work to protect the lands in the most danger of exploitation.	No action taken	This will be established when developing a priority system for establishing reserves.
Goals/objectives	Jim Shutfield	Natural habitat and spawning habitat are more precious then any commercial/extractable commodity	No action taken	Could become a high priority
Goals/objectives	Jim Shutfield	Should be focused on protecting vital areas	No action taken	see previous comment
Goals/objectives	Hugh McLarty	Support stringent guidelines to protect and preserve reserves	No action taken	comment noted
Goals/objectives	Alby Baker	Mission of DNR should be to protect what's left rather than be an agent for the corporations and industries	No action taken	DNR's goal is to support which use best serves the public benefit.
Goals/objectives	Alby Baker	Protect what's left, don't give resources away	No action taken	comment noted
Goals/objectives	Kathy Flynn	Prefer to let the underwater lands 'sit there' and maintain their natural state	No action taken	comment noted

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Goals/objectives	Kyle Cruver	Preserving and actively forwarding the mission and objectives of the aquatic reserve program may just save us from ourselves	No action taken	comment noted
Goals/objectives	Donald Marsland	Limiting selections to those areas identified by DNR as having unique features or habitat types (Section 1.2, page 11) runs counter to RCW 79.68.060 which includes such systems be unique or typical to the state – could overlook large ‘typical areas’ in process of seeking out “unique areas”	No action taken	"uniqueness" is only one parameter that would be considered. See Section 3.2.1.3.5, evaluation parameters, page 24.
Goals/objectives -	Carol Bernthal	urge DNR to proactively designate such areas in advance of degradation. WDNR cannot do this and still meet the stated primary objective to ensure environmental protection without establishment of an aquatic reserves program that uses a proactive, science-based, systematic approach to reserve designation.	No action taken	The reviewer is expressing one of the objectives for establishing reserves.
Impacts	Crooks / Moore – WEC /POI	Affected Environment should be significantly expanded to provide more baseline info on the value of aquatic lands and the degradation they have experienced.	No action taken	Establishing the value of aquatic lands and the level of degradation would/could be a subjective exercise and not necessarily within the scope of work for developing the EIS. The underlying purpose for establishing aquatic reserves is to emphasize the value of specific areas of aquatic lands.
impacts	Crooks / Moore – WEC /POI	Impact discussion is so general that it is of little use for tiering purposes when DNR makes site-specific decisions to establish or de-list reserves.	No action taken	This will be more appropriately developed in a site-specific analysis of impacts.
Impacts	Jerry Marco – CCT	Impacts table should include more information for Alt 2 and 4, where it states impacts are “uncertain”	No action taken	The uncertainty is one of the critical aspects of alternatives 2 & 4.
Impacts	Bill White	The negative impacts in 4.2.1.1 are a little farfetched. It’s very difficult to see how an aquatic reserve could even be remotely responsible for them. Academically, I suppose it might be so.	No action taken	This evaluation is based on SEPA guidance in WAC 197-11-444.
Impacts	Shirley Nixon	No justification or support for statement “limiting uses in one area may concentrate impacts....”	No action taken	This will be evaluated in a site specific SEPA review

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Impacts	Shirley Nixon	4.2.3 – impacts on transportation appears to be flawed or incomplete. States alternative 3 would have impacts, but constitution protects uses for navigation, and these areas are considered encumbered...	No action taken	It would be conjecture for the EIS to projects impacts to non-water transportation until a site-specific analysis is completed.
Impacts	Shirley Nixon	Insufficient analysis of benefits of alternative 3. unsubstantiated conclusions regarding negative impacts - negative impacts to utilities assumes that utilities could not be allowed in reserves but statutes allows for uses that are compatible with reserve designation	No action taken	The point is that utility infrastructure could be limited based on the current system of leasing.
Impacts	Leslie Ann Rose	negative impacts to the built environment from an Aquatic Reserve program is a misleading issue which is irrelevant if all remaining undeveloped aquatic lands are protected and the impacts of development on lands held in reserve fully assessed	No action taken	All remaining undeveloped aquatic lands are not being protected under the preferred alternative (1). Impact analysis, per Chapter 43.21C RCW, State Environmental Policy, is presently required of all development, regardless of the status of the lands.
impacts	Verna Bromley	Draft EIS does not contain an adequate discussion of the probable significant environmental impacts associated with the alternatives. The descriptions of the significant environmental impacts are incomplete and not supported by data or a fully reasoned analysis. The conclusionary statements in Section 4 of the Draft EIS do not provide a sufficient level of detail commensurate with the importance of the impacts being discussed as required by SEPA.	No action taken	We feel this EIS meets the requirements of SEPA. The EIS is a programmatic EIS. Specific impacts are uncertain. Only general, speculative impacts can be addressed and compared.
impacts	Verna Bromley	Impacts for Alternative 4 lacking, no information is presented about where the existing reserves are located, what category they are, or what benefits their designation has provided.	No action taken	The purpose of this EIS is to discuss programmatic alternatives, not to analyze existing site-specific issues.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
impacts	Verna Bromley	At a minimum, because of the significant public health and safety functions served by municipal wastewater and storm water pipelines and outfalls, the Draft EIS should specifically discuss the significant environmental impacts to municipal wastewater and storm water pipeline and outfall easements, leases and use authorizations associated with the alternatives	No action taken	This is not an appropriate analysis for a programmatic EIS. This analysis should be conducted for a project specific SEPA review.
impacts	Verna Bromley	The Final EIS should specifically discuss the significant environmental impacts to municipal pipeline and outfall easements, leases and use authorizations associated with the various alternatives.	No action taken	see previous response.
Impacts	Liam Antrim	Use of "uncertain" under alternative 2 and 4 should have some explanation, as has been done with speculation about negative impacts for Alter 1 and 3. Offsite impacts have been overemphasized.	No action taken	For this review, the uncertainty surrounding these options is one of the reasons they are not considered and preferred alternatives.
Impacts	Liam Antrim	Offsite impacts repeatedly overemphasized (pg. 9 and 43) particularly because they are speculative. Concentration of uses is a standard zoning approach to land management	No action taken	The first sentence of the first bullet under <i>Anticipated Impacts</i> , pg. 9, emphasizes the difficulty in anticipating impacts.
Impacts	Pat Collier	Document evidence for the statement *negative impact outside reserves if uses are concentrated there.* (DEISAR Table 3) Has this been true for existing reserves and withdrawn areas? To what extent?	No action taken	Under Alternative 3, if other uses were concentrated on 5% of aquatic lands, we anticipate there could be negative impacts on those areas outside reserves. Existing reserves constitute a small percentage of total aquatic land acreage.
Impacts	Donald Marsland	negative impacts resulting from concentrating uses on lands not in reserves reaches beyond reason	No action taken	comment noted
Impacts	Donald Marsland	Hard to conceive two reserves per year will result in negative impacts to the built environment	No action taken	There is uncertainty at this time.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Implementation	Dave Kiehle	Creation of reserves will generate their own set of complaints, trespass, inquiries, training and management opportunities that need to be dealt with for a successful program. Additional field staff whose primary job is the reserve program are needed to make the program a success	No action taken	This is being considered.
Management	Bill White	Section 3.2.1.4.3: Monitoring for research should be included in relatively undisturbed areas. Seems that, for example, a purpose could be to establish the effects of natural change. This, in turn, could help assess the effect of human activity in an aquatic reserve.	No action taken	If monitoring is conducted as part of the management plan, some control sites may be established.
Management	Carol Bernthal	Public lands should be managed to accommodate a variety of uses and to provide differing levels of protection for natural resources in different areas. This is essentially a zoning approach to aquatic lands management.	No action taken	Per RCW 79.90.455
management	Joseph and Edith Ulatoski	the use of volunteers to reduce funding requirements should be considered. Certainly, these could be of value where passive monitoring of reserves is feasible.	No action taken	Volunteers could be an important component to the management plan established for an aquatic reserve.
Management	Steve Roos - HCMP	DNR's current Aquatic Resources Policy Implementation Manual (ARPIM) states that the aquatic reserve designation process "should occur before a use authorization application is made for a given parcel of state-owned aquatic lands." To ensure consistency with the ARPIM, the designation criteria outlined in Section 3.2.1.3.4 should be revised to provide that sites with a pending use authorization application to DNR for a use or development that has already been evaluated under SEPA cannot be nominated or reviewed for reserve status. Adherence to such a policy will protect the long-term credibility of any aquatic reserve program.	No action taken	The FEIS is consistent with the manual because the review process will consider current and planned uses for a given proposed site (see section 3.2.1.3.5, <i>Step 1 - Internal Review, bullet # 6</i> . The reviewer neglected to include in the referenced section of the ARPIM, " As much as possible, this process should occur before a use authorization application is made..." The purpose for this is to minimize the potential for conflicting uses between an existing use authorization and a newly established reserve. The purpose is not to preclude the designation of a reserve.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Management	Steve Roos - HCMP	“management actions” outlined in Section 3.2.1.4.2 should be much more flexible, to allow some uses at certain sites within a given aquatic reserve, if those uses serve a specific public benefit, as defined in WAC 332-30-106(48), and if the reserve as a whole can still achieve the goals of environmental protection.	No action taken	Reserve status does not preclude some use authorization requests, dependent upon the nature of the reserve, the proposed activity, and the site-specific management plan.
Management	Steve Roos - HCMP	concerned about the access restrictions described in Section 3.2.1.4.2, which are excessive and could preclude uses that might otherwise be compatible with the objectives of the reserve. If DNR still wishes to retain the strict restrictions suggested in the Draft EIS[1], then the designation criteria should also be narrower, so that only the most fragile, valuable, and unique sites in the state are subjected to such severe use restrictions.	No action taken	see previous response.
Management	Steve Roos - HCMP	The “Draft Interim Management Guidance” to be applied to aquatic lands “identified by the ad hoc committee for formal SEPA review and planning for reserve candidacy: does not appear to be consistent with the Alternative 1 designation process outlined in Section 3.2.1.3 of the EIS. The ad-hoc panel merely reviews and ranks nominations. It is up to DNR to propose reserves, and to develop management plans and a monitoring strategy for the proposed reserve	No action taken	The draft Interim Management Guidance works as interim management guidance until those reserves nominated by the ad hoc committee have completed management plans as described in section 3.2.1.4 through 3.2.1.4.5.
Management	Steve Roos - HCMP	The interim guidelines should not apply when a nominated site is merely being reviewed and ranked by the ad hoc panel.	No action taken	They don't. They apply after they have been identified (see #1 of appendix C).
Management	Kevin Bright - WFGA	there may be future uses of our state’s waters that we may not even be thinking about right now. The Aquatic Reserve Program proposed by DNR will only further complicate the development of any potential future uses of our States aquatic lands, no matter how benign they may be.	No action taken	DNR disagrees. Establishing an area in reserve status for 90 years would clarify future uses of that site.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Management	Kevin Bright - WFGA	Simply locking aquatic lands into a reserve will not by itself accomplish a successful return of the natural environment. Many upland factors contribute significantly to the quality of the marine environment, and when comparing upland development to the only 1.2% of aquatic lands being leased, we should be focusing our attention there.	No action taken	Upland impacts will be evaluated. See section 3.2.1.3.4 and 3.2.1.3.5.
Management	Leslie Ann Rose - CHB	Alternative 1 provides no framework for a systematic review of currently leased lands at the end of the use authorization term to determine whether or not that use should be continued or those lands be added to the aquatic reserve inventory.	No action taken	This is not the purpose of the preferred alternative nor is it the purpose of the reserve program.
Management	Leslie Ann Rose	Re-lease decisions and evaluation for aquatic reserves designation of and re-lease decisions for state-owned aquatic lands presently under existing use authorizations must also be made using best available science.	No action taken	The only correlation that could occur between re-lease decisions and aquatic reserves is if a reserve is proposed or established where the re-lease exists. In addition, evaluating re-leases is outside the scope of the analysis of this EIS.
Management	Leslie Ann Rose	prior to lease renewal, a SEPA review must comprehensively examine the potential adverse impacts of renewing a lease as well as the potential benefits and gains to be gained through designation of the site as an aquatic reserve.	No action taken	outside scope of reserve program.
management	Leslie Ann Rose	Establishing a process in conjunction with the Department's review and designation process to develop site-specific management plans that coordinate federal, tribal, state and local management responsibilities and private non-profit and volunteer involvement in public education, site monitoring, enforcement and, if relevant, enhancement.	No action taken	This work will be done when developing site-specific management plans.
management	Leslie Ann Rose	DNR should commit to actively managing their lands and exploring ways they can contribute their land as local match towards restoration projects on their lands.	No action taken	The state cannot give away public lands.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
management	David Weekes	educational and scientific uses often don't conflict with other reasonable public uses. The biggest exception – providing relatively unaltered benchmarks for ecological research – can easily be incorporated into the criteria and management considerations for environmental reserves. Manipulative experiments and the facilities commonly associated with educational access can be more easily accommodated, with less administrative burden on DNR and the interested partner institutions, by dealing with them under the leasing program.	No action taken	see previous response to this comment.
management	David Weekes	a full management plan incorporating the details listed under 3.2.1.4 can reasonably be deferred until the site has been designated. To apply limited staff resources to this task in advance of designation is likely to slow the development of the Aquatic Reserves system unnecessarily. It may also result in staff time being wasted on management plans for sites that are never designated	No action taken	That is the intention.
Management	Stephen Andrus	Mitigation measures and trade-offs by private interests are not acceptable alternatives to strong protective measures at the State level.	No action taken	comment noted
management	Cindy Lantry	Implement the management of aquatic reserves based on the criteria	No action taken	Alternative 1 is the preferred alternative
Management	Clifford Goodman	During re-evaluation of existing reserves, it is critical that new uses meet criteria appropriate for an aquatic reserve. It is very important to assure the qualities that make the reserve a viable candidate aren't compromised prior to final determination.	No action taken	Refer to Appendix C, Draft interim management guidance.
Management	Robin Hess	Seems to be the implication that the interests of immediate upland owners might take precedence over those of the citizenry in general.	No action taken	Were hoping for cooperation.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Management	Kyle Cruver	The most stringent guidelines should be set as a standard for aquatic reserves to prevent the rules from being bent by corporate and other special interests to the point of breaking	No action taken	comment noted
Management	Kyle Cruver	Serious effort should be made to make sure designations are not easily reversed by the whim of a future executive	No action taken	See <i>de-listing process</i> on page 20.
Management	John Browne, Jr.	Historically, the shoreline of PS contained numerous driftwood trees, litter, landslide slumps, etc that enhanced these shorelines as aquatic habitat. Is there any prospective 'enhancement' planned to mimic historic conditions in the proposed reserves? Couldn't some man-made structures be actual enhancements? Some man-made structures could be enhancements such as neglected docks, artificial reef, and purposeful neglect, to provide varied landscape. Working dock would not provide equal benefit	No action taken	This type of consideration will be made during the development of the reserve's management plan.
Management	John Browne, Jr.	Site Parameters are of major concern. Fragmentation of these proposed reserves is a critical question. Clear-cut logging is a good example. If corridors of commercial activity bisect reserves, this may diminish the ecological value of an aquatic reserve program to the very species/habitats that need support and protection.	No action taken	This will be evaluated when establishing a reserve.
Management	John Browne, Jr.	Is the 'multiple-use' concept part of the proposed plan of reserves? I.e. is it possible that clam harvests could be part of the management plan? Some uses, such as clam harvest are necessary to maintain connection between the resource and the citizens.	No action taken	This type of consideration will be made during the development of the reserve's management plan.
Management	Laurie Wischild	Is seems that the environment wouldn't need so much protecting if adjacent activities hadn't failed it in the first place.	No action taken	comment noted
Management	Commenter unknown	There should be some way to discourage or disallow the "cookie cutter" approach	No action taken	comment noted

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Management	Marianne Twyman	Why can't the people get a lease on the reserve lands like business does?	No action taken	See section 3.2.1.4.2, General Lease Management Considerations. Private citizens can and do lease state owned aquatic lands. DNR is also developing a conservation leasing/licensing program that could accommodate the reviewer's interests.
Management	Dave Kiehle	Alt 1 - To say that volunteers will do the work is not correct, DNR is still the manager and must work with volunteers to make them an effective arm of DNR rather than allowing them to do what they please	No action taken	The intention was to establish the use of volunteers/collaborators with DNR oversight.
Management	Pat Collier	Mechanisms and tools for better stewardship do presently exist and should be used to the fullest extent possible	No action taken	comment noted
Management	Scott Hansen	Should be some avenue to include some form of adaptive management whereas protection /restoration /maintenance can be changed to afford better ways to achieve end means	No action taken	See section 3.2.1.5.2, Proactive Management
Management	Scott Hansen	Include citizen monitoring and maintenance avenues to provide stronger watchful eye and get the community to take more responsibility	No action taken	Could potentially be part of reserve-specific management plan
Management	Donald Marsland	Management goals beyond lease considerations are beyond the scope established by the legislature. Such considerations might well be considered by NGO's invited to help management reserves, but are beyond the capacity of DNR	No action taken	DNR does not agree that leasing is the limit to our mandate. Therefore, we are establishing an aquatic reserve program.
Management	Donald Marsland	Careful administration and review of lease applications will permit DNR to control "conflicting" or damaging impacts on the reserve habitat. Suggesting that the designation of an reserve will mean withdrawal of all leasing agreements is not consistent with the law or WAC	No action taken	See section 3.2.1.4.2, General Lease Management Considerations.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Management	Donald Marsland	Use leasing authority in a flexible manner will permit DNR to effectively manage any AR established Evaluating leases on existing and proposed reserves with a goal of limiting impact on the overall intent of the reserve will allow many uses to continue without negative impact on the reserve	No action taken	This is established in section 3.2.1.4.2
Management ?	Pat Collier	All potentially vulnerable or biologically valuable or comparatively undeveloped nearshore habitat, whether identified by the ad hoc committee or nominated by others, should be protected as per the Draft	No action taken	These criteria need to be established and defined in program development
Maps	Pat Collier	Specify and show with maps:	No action taken	This information is available through DNR's ownership database.
Monitoring	Leslie Ann Rose	establish a monitoring program of both public and private tideland ownership and natural resources	No action taken	This work is outside the scope of the EIS.
Monitoring	Richard Strathmann	Agree that monitoring is not essential for all listed reserves. Funding for monitoring will be very useful, but listing should not be dependent on funding for monitoring. Studies other than monitoring also can contribute to understanding the effect of preserves	No action taken	The need for some level of monitoring will be established in a management plan.
Nomination	Tom Cowan - NWSC	Application process requires an exceptional amount of work on part of the nominee – some application requirements should become part of the review and or designation process	No action taken	Establishing an aquatic reserve, starting with the nomination process should not be easy.
nomination	Carol Bernthal	Encourage WDNR to promote a public process for aquatic reserve designation and a cooperative approach to environmental protection	No action taken	The public process will be an important component to establishing reserves.
nomination	Joseph and Edith Ulatoski	(Application Process) This process needs to be spelled out very clearly.	No action taken	to be further developed during program implementation/development stage.
nomination	Joseph and Edith Ulatoski	Once an application is made, what are the precise steps that will be followed before decision is made.	No action taken	See pages 19 through 29 of DEIS

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
nomination	Joseph and Edith Ulatoski	The fact that the public will have a chance to review the proposals immediately prior to the Commissioner's decisions is excellent. However, since this is the first time that their input is scheduled, it will be very difficult to prepare and present those inputs in a timely and comprehensive manner. Initial public input should be sought earlier and be considered by the staff and the Ad Hoc committee during their deliberations.	No action taken	The SEPA process will be followed.
nomination	Amy Wolf	There is no mention of who would sit the ad-hoc panel. It is of the utmost importance that the panel consist of individuals with expertise on habitat and species protection rather than a group of "stake holder" interests dominated by industry representatives with a token representation of scientific and environmental concerns.	No action taken	The credentials of the ad-hoc panel will be established during program development.
Nomination	Joel Kuperberg	Alternative 1 - So complex that no matter how many applications are placed into the "hopper" no more than one aquatic reserve designation per biennium will come out the other end of the process.	No action taken	The process is meant to be meaningful. In addition, there will be a minimum of two designated per biennium.
Nomination	Kevin Bright - WFGA	Accepting proposals for reserve areas from any interested party will set up a dangerous situation whereby the "opposing side" now has the burden of proof of establishing why there <u>should not be</u> a reserve in a particular area. This would be a significant burden on the part of ordinary citizens.	No action taken	Why an area should not be a reserve is one of many criteria to be evaluated.
nomination	Leslie Ann Rose	Establish a user-friendly and well advertised annual process for nominating state-owned aquatic lands as aquatic reserves based on the environmental attributes and functions they perform and/or based on existing or anticipated federal, tribal, state, local or private non-profit protections.	No action taken	The nominating process will occur every two years as specified in alternative 1. Criteria will be developed during implementation planning.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Nomination	David Weekes	Simplify the review procedure by using a statewide inventory to establish a comprehensive list of candidate sites that qualify under the Designation Criteria.	No action taken	This approach is of interest to DNR. We just need to determine a credible way to get there.
Nomination	David Weekes	Strengthen the identity and function of the ad hoc review committee to advance collaboration among interested agencies and groups, encourage designations, and review appropriate lease and management actions.	No action taken	This criteria could be established by the ad hoc committee. It will be formalized in a site-specific management plan.
Nomination	Verna Bromley	Contrary to existing State regulations, under the preferred alternative anyone may nominate aquatic lands for reserve status. Also, contrary to State regulations, the final phase of review of nominated aquatic lands is made by an ad-hoc panel outside of DNR.	No action taken	DNR will review and evaluate outside nominations then make the formal nomination to the Commissioner of Public lands. See <i>Step 4 - DNR staff recommendation for further action</i> , pg. 25
Nomination	Richard Strathmann	Unclear as to who would initiate designation process, should be from within DNR as well as from outside	No action taken	See section 3.2.1.3.1, <i>Application</i> .
Nomination	Richard Strathmann	Take advantage of information from within DNR and from expertise available from universities and other agencies in WA	No action taken	That is the plan.
Nomination	Donald Marsland	If relying on NGOs or individuals to nominate sites, a high-hurdle has been established – process might be expected to provide some of the data sought, but surely it would be up to DNR to examine the area in detail	No action taken	The area being nominated could be examined in detail.
Nomination	Donald Marsland	Process in alt. 1 give impression the program is too complex to be effectively administered.	No action taken	The process is designed to provide the DNR and the ad hoc committee the information necessary to make an adequate review and prioritization of the proposals. As such, it will be understandably rigorous. We expect that the aquatic reserves program specialist will be able to lend technical assistance to proponents that need it.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Nomination – ad-hoc	Joseph and Edith Ulatoski	What will be the composition and responsibility of the Ad Hoc committee? How will the committee be selected to ensure that parties having a direct interest in changing the designation of an aquatic reserve are not unduly influencing the members, directly or indirectly? Other than ranking the proposals on a feasibility basis, will the committee make disposition recommendations to the Commissioner? (It would seem to us that if there are contentious issues, the committee should be aware of these before they can effectively rank the proposals).	No action taken	The composition of the ad-hoc committee is described on pg. 23. <i>Step 3-External Review</i> . The review would be based on the evaluation parameters described on page 24 and the top of page 25.
Nominations	Andrew Schwarz	There is no mention of who would sit on the ad-hoc panel. It is of the utmost importance that this panel consists of individuals with expertise on habitat and species protection rather than a group of "stake holder" interests dominated by industry representatives with a token representation of scientific and environmental concerns.	No action taken	The credentials of the ad-hoc panel will be established during program development.
Nominations	Shirley Nixon	Alt 1 – application process is too complicated, burdensome and time consuming. Seems contrary to legislative policy (RCW 79.90.450) by making it difficult to nominate let alone designate	No action taken	The application process is meant to be meaningful.
Nominations	Shirley Nixon	Onus should be on the developer or DNR to show why a proposed use is not in conflict with the site's inherent value	No action taken	Ideally this will be a cooperative effort.
Nominations	Shirley Nixon	Ad-hoc panel should be scrapped or severely streamlined – too costly in time and in money and could be too easily corrupted to defeat the purpose of the statutes	No action taken	It is important to run a cost effective program. One of the criteria for panel members will emphasize objectivity.
Nominations	Shirley Nixon	Review procedure for nominations is too costly and time consuming for agency and for outside panels. Lacks requirement for prompt decision-making	No action taken	The process is designed to allow for adequate and through evaluation of an area being considered for reserve status.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
nominations	Leslie Ann Rose	Establish a transparent Department process involving an ad-hoc citizen panel for review and designation of nominated aquatic reserves that gives priority to nominations of areas with the most important environmental attributes and functions and areas where there are existing or anticipated federal, tribal, state, local or private non-profit protections	No action taken	The make-up of the external ad-hoc review panel for the preferred alternative is described on page 23 and could include a member or members from the general public. Criteria for selection will not be contingent on existing protection.
nominations	David Weekes	Advance planning could substantially simplify the review procedure and result in a much more effective system of Aquatic Reserves.	No action taken	We agree.
Nominations	Ellen Kritzman	I am concerned that the make-up of the Ad Hoc Panel be broad but also be fair, giving equal weight to non-government, non-business participants.	No action taken	The purpose of the panel is to apply the reserve criteria, not represent special interests.
nominations	May Gerstle	hope that you will add more non-agency citizens to the citizen panel.	No action taken	see previous comment
Nominations	Blake Trask	detailed process of site selection may serve as a greater strain on agency resources than simply establishing aquatic reserves when a need is seen by the community, scientists, the DNR, or another stakeholder.	No action taken	process is critical to ensure selection of legitimate sites
Nominations	Blake Trask	DNR, by employing this biannual review process, could delay reserve establishment to a point that the entire process is completely constipated and unable to function while important habitat continues to be misused and degraded.	No action taken	see previous comment
Nominations	Liam Antrim	Biennial nominations should be changed to annual to make the program more responsive to current information and needs	No action taken	Two years worth of information is more current than one.
Nominations	Scott Redmond	Nomination process may discourage the nomination of good sites by groups w/o adequate resources to complete application. It is important to have a thorough evaluation, but seem inappropriate to burden an outside group. Consider allowing groups to nominate a site for an initial screening and request DNR staff to assist with full evaluation if site seems worthy.	No action taken	I think this is more or less our intention; will be established during program development

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Nominations	Scott Redmond	Additional process where DNR reviews aquatic land that receives protective designation by another state, federal, local or tribal agency	No action taken	This option is described under alternative 2. DNR feels alternative one best meets our mandate for managing SOAL.
Nominations	Scott Redmond	DNR should proactively nominate sites based on the established expertise of staff	No action taken	Under the preferred alternative DNR may make its own proposals to be forwarded to the ad hoc committee
Nominations - ad hoc	Crooks / Moore – WEC /POI	Clarification should be provided on the criteria for selecting the ad-hoc panel and the procedures the panel will employ in making recommendations on the status of existing and new reserves.	No action taken	This will be further clarified during program development.
Nominations – ad hoc	Crooks / Moore – WEC /POI	Composition of the panel – an unspecified mélange of various interests groups and government officials and the lack of any specified procedures for making decisions does not inspire confidence that the panel’s recommendations will be objective and based on good science	No action taken	see previous comment
Nominations – ad hoc	Crooks / Moore – WEC /POI	Ad-hoc panel should be composed of disinterested scientists appointed by the commissioner – representative of relevant disciplines – but no economic interests, or relations with parties of financial interest in areas where designations are being considered (should only be allowed to make formal presentations to panel)	No action taken	We agree that the panel should have the objectivity implied by the reviewer.
Nominations – ad hoc	Crooks / Moore – WEC /POI	All recommendations by the panel should be made in writing and be consistent with the published criteria. Dissenting views should also be set out in writing and made public	No action taken	This process will be established in program development.
Nominations – ad hoc	Julie Adberg	No mention as to who would sit on the ad-hoc panel. It is very important that the panel consists of individuals with expertise on habitat and species protection rather than a group of disparate business interests with a token representative of environmental concerns.	No action taken	see previous comment

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Nominations – Alternatives	Pat Collier	Process is onerous and not encouraging to community groups who want to see more nearshore protection in their areas. It seems to obstruct environmental protection compared to the status quo where we hope the commissioner is a responsible steward and will comply with the statutory requirement to ensure environmental protections of aquatic lands	No action taken	process is critical to ensure selection of legitimate sites
Nominations-ad hoc	Jerry Marco – CCT	There is an expectation that other entities will have people to be on the panel, Is funding available?	No action taken	There is funding for the ad-hoc committee.
Outside of scope	Mica Gaxiola	Put swings and slides at the MI site, grass instead of gravel.	No action taken	Outside the scope of the FEIS
Outside Scope	Tom Cowan - NWSC	NWSC believes a programmatic EIS should be applied to WDNR's current aquatic lands leasing program prior to granting any new leases in aquatic/marine areas of the state.	No action taken	Outside the scope of the FEIS
Outside scope	Bob Dixon	Sewerage problems, Geoduck harvest issues, inadequate information on eelgrass and herring	No action taken	Outside the scope of the FEIS
Outside Scope	George H. Hess	DNR should make every effort to regain tidelands which have been sold to adjacent landowners	No action taken	Outside the scope of the FEIS
Outside scope	Clifford Goodman	There is a need for alternatives to traditional septic systems that rely on large tracts of land and high quality soil.	No action taken	Outside the scope of the FEIS
Outside scope	Jim Shutfield	Keep MI reserve	No action taken	Outside the scope of the FEIS
Outside scope	Hugh McLarty	Support reserve for any or all aquatic lands surrounding Vashon and Maury Islands	No action taken	Outside the scope of the FEIS
Outside scope	Karen Person	Concerned about how MI reserve would be included as a reserve and get the protection it needs.	No action taken	Outside the scope of the FEIS
Outside Scope	Alby Baker	Supports concept of reserves and supports MI reserve	No action taken	Outside the scope of the FEIS
Outside scope	Alby Baker	Laws which have been enacted are rarely enforced	No action taken	Outside the scope of the FEIS
Outside scope	Joy Nelson	Need to preserve the current reserves – supports a healthy shoreline eco-	No action taken	Outside the scope of the FEIS

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Outside scope	Courtney Estevenin	Protect MI for future of the water, island and future generations	No action taken	Outside the scope of the FEIS
Outside scope	Vernon & Christine Trevelyan	A colossal mega ton removal of weight from MI alone could create earthquake possibility. Please consider the change of weigh on MI and its possible impacts	No action taken	Outside the scope of the FEIS
Page 11	Dave Kiehle	Table 3 – Alt 2 and 4 are too vague, more analysis is needed to try to predict some results, better explain “uncertain”	No action taken	This is a synopsis of the impacts. They are uncertain/unpredictable.
Page 12	Dave Kiehle	Para 1.5 last bullet, not clear, what is it trying to say?	No action taken	clarifying DNR's mandate for managing state owned aquatic lands.
Page 13	Dave Kiehle	First bullet, how does the RCW direction for “...limited acreage...” fit with alternative 3 which would reserve all acres not encumbered? Seems like alt,. 3 goes beyond the RCW	No action taken	If alternative three were pursued the "Limited acreage" clause would require legal analysis.
Page 14	Dave Kiehle	Pg 14 – 16, Para 2.5 Like this section, so, how do all these other programs affect or tie into the reserve program? What does it mean to the program as proposed or to the alternatives?	No action taken	All these programs have direct or indirect correlation to the intent of the reserve program
Page 15	Bruce Sutherland	Last bullet should read “the Lower Columbia River Estuary Partnership”	Action taken	text will be corrected
Page 20	Bruce Sutherland	Section 3.2.1.3.3 first paragraph, last sentence should also include connections related to feeding and refugia	Action taken	to be included in FEIS
Page 22	Bruce Sutherland	Manageability of site, 4th bullet, federal lands ought to be called out here rather than just lumping them under other entities. Lands adjacent to existing federal refuges and reserves could be a very important decision factor	Action taken	to be included in FEIS
Page 22	Bruce Sutherland	Manageability of site, 6th bullet, consider adding – “is there an appropriate reference site for monitoring”?	No action taken	The ability to manage a site is critical.
Page 23	Jerry Marco – CCT	As worded, the Tribes are listed as another stakeholder group.	No action taken	The tribes are an important stakeholder. It is important that tribes sovereignty and be recognized.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Page 24	Bruce Sutherland	Environmental. Reserve Criteria, question – should a site that is not necessarily rare but is pristine deserve special consideration?	No action taken	to be determined during the evaluation of a site.
Page 28	Bruce Sutherland	Monitoring considerations – not clear if covered baseline monitoring for trend analysis, but this should be an important consideration. Next paragraph, noted that monitoring may not be appropriate for all sites, concerned that this statement leaves an easy out for folks to eliminate monitoring from consideration. Monitoring is important to learn what is working and if efforts are worthwhile.	No action taken	see previous comment
Page 3	Liam Antrim	Definition is vague and could be improved by modifying it to “having unique natural features”	No action taken	Natural features and cultural features could both potentially be considered.
Page 4	Dave Kiehle	Para 1.2.3 (4) “...the regulatory authority necessary to manage the site....” Is not clear, maybe you meant the regulatory authority of the other agencies	Action taken	we will clarify other regulatory authority
Pg 22	Jerry Marco – CCT	PS example provided within the viability of interest at the site....also provide an eastside example.	No action taken	The PS example is just meant to provide more emphasis to the point being made, not show geographic equitability.
Process	Joseph and Edith Ulatoski	the definition of what an aquatic reserve is and the purpose of a reserve needs to spelled out in sufficient detail so there is no question in anyone's mind as to what is being discussed and what is included in that discussion. Only then can the potential impact of any decisions be understood and effectively measured.	No action taken	See WAC 332-30-151. More specifics will be established during program development.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Process	Steve Roos - HCMP	The EIS states that an Aquatic Reserves Program is needed “to address the growing pressure on aquatic lands and the increasing demand on aquatic resources in our state.” Draft EIS, § 1.2.1. We do not believe this is a sufficient rationale for creating or maintaining an aquatic reserve program. Numerous local, state, and federal statutes and regulations already exist to address shoreline development pressures and to preserve the health of the region’s aquatic resources. DNR’s existing aquatic land management rules WAC 332-30-134 (2) specifically acknowledges others	No action taken	332-30-134 (2) state and federal agencies as resources for evaluating environmental impacts of "individual projects" that occur on SOAL. DNR is responsible for determining what uses should occur on SOAL. See RCW 79.90.450, RCW 79.90.455, RCW 79.68.060, WAC 332-300-151.
Process	Steve Roos - HCMP	Final EIS should give closer consideration to existing programs and regulations, and provide a more thoughtful explanation as to why a reserve program is the best use of DNR’s limited financial resources. The following regulations, in particular, warrant further analysis to determine whether an aquatic reserve program is a cost-effective way to promote environmental protection.[2] (We recognize that a monetary cost-benefit analysis is not necessarily required under SEPA rules. WAC 197-11-450. But we do believe that some reasoned examination of the potential costs and benefits of altering the current regulatory framework—that is, of choosing Alternatives 1, 3, or 4—is appropriate) - Aquatic Land Management Regulations	No action taken	Cost benefit analysis is not required by SEPA, WAC 197-11-450.
Process	Steve Roos - HCMP	The Draft EIS provides no explanation as to why the measures for environmental protection provided in WAC 332-30 are unable to address the “pressures on aquatic lands” and the “demand on aquatic resources.”	No action taken	The purpose of the EIS is to provide analysis of developing an aquatic reserve program.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Process	Steve Roos - HCMP	The Draft EIS does not indicate why the SMA, and the local shoreline master programs adopted pursuant to the SMA, are unable to meet the stated goal of “ensuring environmental protection.”	No action taken	See previous response.
Process	Steve Roos - HCMP	Final EIS should give particular consideration to the fact that the Washington Department of Ecology is currently involved in a major revision of its shoreline guidelines. These guidelines will undoubtedly result in stricter requirements for shoreline protection and conservation.	No action taken	Shoreline planning will be considered as part of the review and analysis of a specific reserve.
Process	Steve Roos - HCMP	We believe that DNR should allow Ecology to complete this process before pursuing Alternatives 1, 3, or 4. In the meantime, DNR should follow Alternative 2. After Ecology completes its revision of the guidelines, DNR will be in a far better position to determine if and how an aquatic reserve program could complement the SMA planning process.	No action taken	see previous comment
Process	Steve Roos - HCMP	We recommend that the Final EIS consider whether WDFW’s ongoing implementation of these standards—in conjunction with the planning guidelines of the Shoreline Management Act and DNR’s continuing authority to impose mitigation measures on use authorizations—will be sufficient to ensure that future development of aquatic lands does not injure the nearshore environment. We believe that such an analysis would likely lead to the conclusion that the current regulatory framework can adequately protect the nearshore environment, and that an aquatic reserve program would create unnecessary costs for DNR and adjacent property owners, with few benefits.	No action taken	DNR, DOE & WDFW all have different mandates. Section 3.2.1.4.1 emphasizes the consultation and coordination proponent of the aquatic reserves program.

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
process	Joel Kuperberg	Instead of recognizing the painfully obvious and urgent need for aquatic lands protection and continuing the designation process so recently implemented, this administration has chosen to undertake an	No action taken	comment noted
process	Joel Kuperberg	In this time when state budgets are in extremis, it defies good sense,	No action taken	opinion noted
process	Joel Kuperberg	Page 1 - Any such document should begin with a statement of the need and necessity for the action being contemplated, such as: Washington's aquatic resources are diminishing in quantity and quality. The WADNR holds these lands in perpetual public trust for this and future generations of Washingtonians. Therefore, the Commissioner of Public Lands will consult with local, state and federal ecology, wildlife and fisheries agencies to designate a series of aquatic reserves upon state-owned aquatic lands.	No action taken	see 1.2 - need, purpose and objectives, and 1.4 - existing status, trends, and anticipated impacts to the affected environment.
Process	Kevin Bright - WFGA	DNR is mandated to condition or withhold its land use authorizations to provide additional protections for the environment. This process adequately safeguards our aquatic environment from degradation caused by over development.	No action taken	comment noted
Process	Leslie Ann Rose	Commence with designation of all unencumbered state-owned aquatic lands to 50-fathom depth as withdrawn from leasing	No action taken	DNR feels alternative 1 best meets it's mandates for managing SOAL.
Process	Leslie Ann Rose	Inventory all encumbered and unencumbered state-owned aquatic lands to 50 fathoms as to their environmental attributes and functions they perform. These attributes and functions should be based on criteria established by federal, state, tribal, state and local jurisdictions for protection and recovery of salmon/steelhead, forage fish, marine fish, marine mammals and other species.	No action taken	see previous comment

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Process	David Weekes	Statewide inventories (both Alts. 1 & 3, pp.18, 33) are necessary steps toward developing a comprehensive and scientifically based Aquatic Reserves system and should be incorporated into the final adopted alternative.	No action taken	We anticipate integrating inventory work into program development.
Process	David Weekes	The lengthy and thorough processes for review, designation, public input, and management coordination are justified for environmental reserves because their management will necessarily preclude most other uses	No action taken	DNR feels it is important to have a thorough process.
process	David Weekes	Consider combining inventories from #1 and #3 which could yield: Properly executed and combined, these two inventories could yield:	No action taken	see previous comment
Process	Ellen Kritzman	I accept the need felt to go through the present process of setting up guidelines and tools to be used in the selection and management of all reserves on an equal basis.	No action taken	comment noted
process	Cindy Lantry	Upon adoption of the Aquatic Reserves Program, declare all currently unencumbered state-owned aquatic lands as aquatic reserves. Allow current lease activities to continue, and defer new requests for review under the guidelines of the Program, thus prioritizing protection of the 'natural capital' of public aquatic lands.	No action taken	DNR feels alternative 1 best meets it's mandates for managing SOAL.
process	Cindy Lantry	Following the procedure outlined in Alternative 1 - begin the designation of particular sites as environmental, educational, or scientific reserves. The current aquatic reserves should be the initial sites to be so designated; then nominations from state and local	No action taken	see previous comment
Process	Pat Collier	Explain fully the reasons for this SEPA - EIS process for Aquatic	No action taken	State Environmental Policy, RCW 43.21C
Process	Scott Hansen	Does not see the need to go through with the SEPA process	No action taken	see previous comment

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Process	Scott Hansen	DNR has sufficient guidance already in place to develop a very good and adequate program in establishing the criteria and protocol needed for an aquatic reserve program – RCW 79.90.460 and in implementation manual.	No action taken	We will be developing implementation guidelines after completion of EIS.
process	Donald Marsland	DEIS implies that previously designated reserves are flawed because they did not go through a systematic evaluation. Equally valid presumption is that the reserves are valid as established and provide an opportunity to fine tune selection and management criteria using the available data	No action taken	DNR feels a responsibility to follow a more public oriented process when establishing aquatic reserves.
Public input	Michael Rigik	Would like to maintain the opportunity to participate in public input to DNR prior to any decision that could result in leased land being designated into one of the three reserve categories	No action taken	There will be timely opportunities for public participation.
Question	Laurie Wischild	Who would be nominating areas? DNR or private entity?	No action taken	Ultimately, DNR will accept and process external nominations. Ultimately, DNR staff will be making nominations, based on the review process, to the Commissioner of Public Lands for a final decision. See section 3.2.1.3.1, <i>Application</i> .
Reserve locations	Richard Strathmann	There are areas for immediate opportunity that should be included in a system of reserves.	No action taken	Where? Why?
Reserve locations	Richard Strathmann	Biological reserves established by other agencies (state, county, federal) should be protected by DNR as well. Other agencies cooperation should be enlisted for reserves established by DNR. Cooperation and integration of efforts by different agencies will make systems of aquatic reserves much more effective.	No action taken	See section 3.2.1.4.1, Consultation/Coordination Actions.
Reserve locations	Richard Strathmann	Areas adjacent to environmentally protected uplands are good candidates for aquatic reserves for scientific research or environmental protection	No action taken	This may be a critical criteria or favorable criteria for specific areas that are nominated for reserve status.

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Reserve locations	Richard Strathmann	Areas accessible from laboratory facilities that support and complement field research – UW, Friday Harbor Labs and Shannon Point Marine Center, Anacortes.	No action taken	see previous comment
Reserve system	Kristine Dahms	Reserves should be connected to ensure a contiguous food supply	No action taken	comment noted
Reserve System	Richard Strathmann	Established sites should add up to a system that is effective in preserving the diverse and abundant marine	No action taken	This could be a site-specific attribute.
Reserve system	Scott Hansen	Include aspects of how a potential reserve would fit into a corridor scenario and how a proposed reserve would continue a synergistic effect associated with other important areas	No action taken	These considerations will be made as part of site-specific discussion as reserve system develops
Reserve system - criteria	Scott Hansen	Identify and manage reserves in relation to connectivity features to other important habitat areas, thus using them to fill in spaces between existing habitats. Areas may not be directly connected, but provide potential corridors between habitat areas	No action taken	see previous comment
Reserve system- criteria	Scott Hansen	Look at areas that are already set aside and try to develop reserves that enlarge those habitat sites and/or provide buffer areas	No action taken	see previous comment
Scientific Reserves	Richard Strathmann	A system of reserves should not inhibit scientific studies in a region	No action taken	That is not the intention
Scientific Reserves	Richard Strathmann	There should be accessible, varied, and sufficiently extensive areas for research. Permission (or denial) of requests for collecting or destructive sampling should be rapid and based on anticipated impacts and knowledge gained. Opportunities for studies arise on short notice and do not last. Look at process in Friday Harbor as example.	No action taken	This will be built into site-specific management plan.
Site Specific	Kyle Cruver, Vashon-Maury Community Council	Shoreline surrounding Maury Island and its designation as an AR offer an opportunity for species renewal and habitat enhancement unparalleled in the area	No action taken	comment noted

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Site Specific	Kyle Cruver, Vashon-Maury Community Council	MI represents the largest undeveloped shoreline in King County and the largest herring spawning ground in South Sound	No action taken	comment noted
Site specific	Kyle Cruver	MI represents one of the last and best chances to preserve an extended corridor of marine habitat in a region rapidly developing beyond the hope of future redemption	No action taken	comment noted
Site Specific	Kyle Cruver	Vashon and MI represent one of the few areas of respite for an ecosystem on the brink of extinction and home to a variety of threatened marine life.	No action taken	comment noted
Site Specific	Kathy Flynn	MI should be an environmental reserve without recreational development. Also, barging gravel would be a harmful disruption to the ecosystem	No action taken	comment noted
Site specific	Jessica Lisovsky	Use whatever criteria is necessary to make sure that a reserve designation for MI is retained and Glacier's dock is not considered to be an "allowable use"	No action taken	comment noted
Site specific		Please maintain aquatic reserve status for Maury / Vashon island (as environmental reserve)	No action taken	comment noted
State's interest	Steve Roos - HCMP	The Draft EIS does not appear to contemplate any evaluation of "public benefits" in determining whether a nominated site should be placed in an aquatic reserve. We believe this is a serious flaw in the proposed program.	No action taken	See <i>Step 4</i> on page 25. Public benefits will be evaluated as part of each reserve decision.
State's interest	Steve Roos - HCMP	DNR's aquatic land management regulations prohibit DNR from placing an aquatic reserve on any site whose current or projected uses serve a greater "public benefit" than would be created by placing that particular site in an aquatic reserve. See WAC 332-30-151(4)(b). "Public benefit" is a specifically defined term, and includes "mineral production" and "water-dependent uses." WAC 332-30-106(48)	No action taken	see previous comment

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State's interests	Robin Hess	The good of the people ought never be harmed for the good of a company.	No action taken	see previous comment
Statutory	Bob Dixon	Appears only a legal and binding definition by the legislature would suffice in providing long-term protection for designations	No action taken	The legislature determines the laws that provide this authority to the Commissioner of Public Lands.
Statutory	John Whitlock	The process should become statute	No action taken	comment noted
Statutory	Clifford Goodman	Recommend keeping this process away from the legislature and Governor. If an administrative group can draft/implement administrative code that has the force of law, that would be a great longer term goal after Alternative 1 is in place and working	No action taken	see previous comment
Statutory	Robin Hess	Policy adopted by one administration can be completely ignored in the next. The basics of your policy should be enacted into law. Of course statues can be changed, but not very easily w/o public scrutiny.	No action taken	The program is set up to allow for transitions between administrations without significant disruption to the program and existing reserves.
Statutory - time	Ellen Kritzman	I strongly urge that reserve designation move from policy into statute designation so that all the hard work, public input and public funds spent on making these designations cannot be changed by the political winds of each administration. If a sound process is set up there is no justification for the constant jeopardy of designating and undesignating.	No action taken	see previous comment
Support	Crooks / Moore – WEC /POI	Pleased that DNR has proposed to retain and strengthen its AR program	No action taken	thank-you for your support
Support	Julie Adberg	We need more AR	No action taken	comment noted
support	Bill White	In general, I think the doc. is well written and most readable. I do hope that the Aquatic Reserve program will be implemented. If I can be of further assistance, please let me know.	No action taken	The plan is to establish and implement an aquatic reserve program
support	Andrew Schwarz	We need more aquatic reserves and should leave the existing reserves in	No action taken	comment noted

Location / Topic	Comment Submitted by:	Comment or point for clarification	Proposed action in FEIS	Rationale for action
Support	Andrew Schwarz	We need to create aquatic reserves to PROTECT habitat and plant and animal species.	No action taken	that is the underlying purpose
Support	Julie Shannon	We are happy to have our shoreline protected under the Aquatic Reserve Program, and we are interested in maintaining habitat for species of life that make our island their home as well	No action taken	Existing reserves will be evaluated based on criteria in Alternative 1.
Support	Stephen Andrus	The DNR's Aquatic Reserve Program is finally showing some responsible leadership and we trust that the Aquatic Reserve Program as now established will be retained and strengthened.	No action taken	See previous comment
support	Carole Elliot	You have my support and confidence that this issue will be pursued in a considerate and valuable way.	No action taken	thank-you for your support
Support	John Browne, Jr.	I support the most comprehensive reserve program possible given the degradation of PS	No action taken	comment noted
Support	Laurie Wischild	In favor of a plan that preserves as much coastline/aquatic areas as possible, especially in light of recent EPA report on global climate change.	No action taken	comment noted
Support	Robert Mantynen	Support the strongest program of reserves	No action taken	comment noted
Support	Hugh McLarty	Support strongest possible reserve program in the sense of most strongly protecting the environment and the plant and animal populations, even if it costs money or inconveniences boaters.	No action taken	comment noted
Support	Scott Hansen	Unless a program contains these components then Puget Creek Restoration Society cannot support the program.	No action taken	See earlier comment regarding these components.
Support – existing reserves	Joseph and Edith Ulatoski	We are gratified that Commissioner Sutherland is not going to make any	No action taken	thanks for your support.
Table 1	Liam Antrim	Table is simplified beyond utility and inconsistent with Table 2 – how does rescinding of existing reserves and no program meet objectives? A yes in those boxes is unwarranted	No action taken	The tables are meant to simply provide a synopsis of the detail provided about each alternative in the document.
Table 2	Liam Antrim	What is the basis of a 90-year designation? Recommend a	No action taken	DNR felt that an established time was more legitimate process for establishing and

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Text	Bill White	Project Description: The first sentence would be easier to understand if it were broken up.	action taken	This section will be re-written in the final EIS.
Text	Bill White	Summary; 2nd paragraph; 2nd sentence: Why not just say program instead of programmatic. Same next sentence	No action taken	The document is a programmatic EIS.
Text	Bill White	Pp 1; section 1.1: It would be helpful to the reader if in referring to sections they would appear as; title followed by it's number	No action taken	This information is included in the remainder of the sentence.
Text	Bill White	Section 1.2.1: In reference to Puget Sound problems, some references to studies by orgs, groups. etc. would be helpful. Also. to help the reader, the last sentence of the 1st paragraph needs to be broken up.	No action taken	The relationship between development and the declining health of aquatic resources in general knowledge.
Text	Bill White	In Table 1, could the items in the 1st column be simplified?	No action taken	This is defined in WAC 197-11, SEPA guidance.
Text	Bill White	Section 1.4: Suggest that WDFW manages fisheries harvest. Time of year is also important.	No action taken	This is stated in the second bullet under <i>Current Trends</i> .
Text	Bill White	In reference to Table 3.I seem to remember reading that reserves can have a beneficial effect on adjacent areas. As the protected species increase, they migrate out of the reserve.	No action taken	that appears to be the trend
Text	Bill White	What's a "built environment"?	No action taken	areas that have been developed
Text	Bill White	Section 3.2.1.1: Environmental protection of what; endangered species?, critical species?, commercially valuable ones?, etc.	No action taken	Is simply meant as a general statement that is developed through the following text.
Tribal Relations	Tom Cowan - NWSC	Identify procedures that specifically incorporate Treaty Tribes participation into any designation process and avoidance of any management provisions that might impact Tribal fishing in U&A paces or reduce their treaty guaranteed fishing rights	No action taken	Generally described in section 2.3. Specific actions will be negotiated during the establishment of a specific reserve.
Tribal Relations	Jerry Marco-CCT	Will DNR include Tribes in defining priorities? How is this going to occur?	No action taken	See sections 2.3 & 3.2.1.4.1

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Tribal Relations	Jerry Marco – CCT	Tribal relations section includes both treaty and executive order tribes	No action taken	Our intention is to be respectful of all tribal interests to ensure feasibility and success of the program.
Tribal relations	Elizabeth Davis	Supports a DEIS process that will enable the state to ³ better meet treaty obligations by providing a mechanism for consultation-cooperation between DNR and the Tribes. ²	No action taken	see previous comment
Tribal relations	Elizabeth Davis	We urge DNR to make all its actions consistent with the state's treaty obligations and	No action taken	see previous comment
Tribal relations	Guy Moura	Colville Tribe should be formally consulted about cultural resources	No action taken	see previous comment