



ENDANGERED SPECIES

Eleven years of environmental study and permitting review determines: Endangered species will be protected

“Since adverse affects to Puget Sound Chinook or Chinook critical habitat are not anticipated, it is extremely unlikely that either the quality or quantity of this prey species or its availability to killer whales will be affected by this project.” Letter from D. Robert Lohn, Regional Administrator of the National Marine Fisheries Service, to Michelle Walker, Corps of Engineers, Seattle District Regulatory Branch, January 19, 2007.

The federal agencies charged with their protection have concluded that Glacier Northwest’s project is “not likely to adversely affect” threatened or endangered species or the habitat on which they rely. **This specifically includes killer whales and salmon.**

- These determinations came after 11 years of studies, consultations, reviews and permitting by the Corps of Engineers, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. This issue was also raised with the state Shoreline Hearings Board.
- In the case of endangered or threatened species potentially affected, it was determined that the project included sufficient mitigation and permits conditions to ensure they, as well as the critical habitat on which they rely, would be protected.
 - ***The Board concludes that there is not a reasonable likelihood of adverse impacts to marine mammals from the project, and that such impacts are remote and speculative.*** Shoreline Hearings Board decision, November 3, 2004
 - ***“...the Board concludes Glacier’s proposal will not have significant adverse impacts on eelgrass, or species that rely on eelgrass, including herring and salmon.”*** Shoreline Hearings Board decision, November 3, 2004
 - ***“As we have already ruled, substantial evidence supports the (Shoreline Hearings) Board’s conclusion that its conditions, combined with Glacier’s mitigation measures, minimize the adverse impact on the aquatic habitat and prevent substantial degradation of the area’s existing character.”*** Washington Court of Appeals decision, Preserve Our Islands vs. Shoreline Hearings Board, June 19, 2006
- Killer whales were proposed and added to the endangered or threatened list while the project review was underway. A biological evaluation of the projects impacts and Glacier’s proposal were updated to ensure protection for these species.
 - ***“NMFS studied the potential impacts of the project to Southern Resident killer whales and determined that the impacts will be discountable and/or insignificant... Because all potential adverse impacts to the Southern Resident killer whales are***

either discountable or insignificant, NMFS concurs with the COE effect determination of “may affect, not likely to adversely affect” for Southern Resident killer whales.” Letter from D. Robert Lohn, regional administrator of the National Marine Fisheries Service, to Michelle Walker, Corps of Engineers, Seattle Division Regulatory Branch, November 8, 2006

- **“...NMFS has determined that the proposed action is not likely to adversely modify or destroy proposed Southern Resident killer whale critical habitat.”** Letter from D. Robert Lohn, regional administrator of the National Marine Fisheries Service, to Michelle Walker, Corps of Engineers, Seattle Division Regulatory Branch, November 8, 2006
- A monitoring program is in place to ensure in-water work is curtailed when killer whales are in the vicinity of the dock construction. This program has already worked when Glacier suspected a killer whale was in the project area and stopped vibratory pile driving for 50 minutes until it was confirmed there were no whales present. Prior to the time when pilings were being vibrated into place, whales were seen in the area of the dock and also heard by hydrophones placed in the water. No construction work had to be stopped because no pilings were being installed at the time the whales were observed in the area,
 - **“Visual observation and hydroacoustic monitoring are intended to complement each other. When these two monitoring methods are used together, it is highly unlikely that SRKW (Southern Resident killer whales) will enter the project vicinity undetected.”** Declaration of Lynne M. Barre, marine mammal specialist for the National Marine Fisheries Service and lead person in its killer whale program, December 31, 2008. This declaration was filed in federal court in response to Preserve Our Islands’ (POI) request for an injunction to stop dock construction. This request was withdrawn after the court issued a written decision explaining its denial of POI’s request for a temporary restraining order to stop construction.