



THE AQUATIC LANDS LEASE

More than eight years of study and review before decision

“...preparation of the Maury Island Environmental Aquatic Reserve Management Plan... included evaluating the proposed Maury Island Area for aquatic reserve status, conducting a technical review by ad-hoc review committee, providing recommendations to the Commissioner of Public Lands, developing the elements of the management plan, integrating public comments, conducting numerous public individual meetings regarding the plan development and conducting SEPA (State Environmental Policy Act) review of the management plan.” Declaration of David Palazzi, Washington Department of Natural Resources planning unit supervisor for the Aquatic Lands Division, December 9, 2008. This declaration was filed in opposition to Preserve our Islands request, which was denied, for an injunction to stop construction. Palazzi was involved in the development and management of the Maury Island Aquatic Reserve and the review of Glacier’s lease application.

- The issue of the renewal of Glacier’s aquatic lands lease was raised more than eight years ago within the Department of Natural Resources (DNR). On November 17, 2000, the outgoing Commissioner of Public Lands informed Glacier that its aquatic lands lease was not being renewed and that a marine reserve was being created around Maury Island. There was no public, scientific or environmental review and no consultation with Glacier. Because a reserve was going to be established, the letter indicated that shoreline habitat issues, the goals of the marine reserve, plans for any improvements that would be made and operating conditions would likely have to be considered before a lease could be granted.
- Glacier had applied for a new lease a year earlier. It had leased the state-owned bedlands for the prior 32 years. The marine reserve idea was created after discussions with opponents of Glacier’s project.
- Glacier Northwest owns the tidelands – the area between the ordinary high water mark and extreme low tide mark – adjacent to its Maury Island site. Its lease was on the state-owned bedlands – the area waterward of the extreme low tide mark.
- Between 2001 and 2004, DNR completed an environmental review of the aquatic reserve proposal with full public input, before issuing a management plan in 2004. This plan allowed existing uses such as the Quartermaster Yacht Club, Quartermaster Harbor Marina, Dockton County Marina and the Glacier facility to continue if stringent management criteria were met.
- After the management plan was completed, DNR still could not issue a lease until all other needed permits were obtained. After an extraordinarily long permitting process, with multiple public comment and appeal periods, Glacier received the last of these permits from the Corps of Engineers in July 2008.

- DNR reviewed the King County Environmental Impact Statement at the time it was issued in June 2000 and again in conjunction with the new lease. It also reviewed a supplemental EIS at the time it was issued in March 2004 and again prior to the lease
- DNR reviewed the additional permits, further evaluated the project under the criteria in its Aquatic Land Management Regulations and the Maury Island Aquatic Reserve Final Management Plan. Permits reviewed, which contained numerous mitigation requirements and conditions included the Hydraulic Project Approval from the Washington Department of Fish and Wildlife; the King County Shoreline Substantial Development and Conditional Use permits; Corps of Engineers Section 10 and Section 404 Permit issued following an Environmental Assessment under the National Environmental Policy Act; and the Joint Water Quality Certification Order issued by the state Department of Ecology and the Corps of Engineers.
- Also reviewed were the state Shoreline Hearings Board Findings of Fact, Conclusions of Law and Order; King County's Revised Report and Decision for Shoreline Conditional Use Permit and Shoreline Management Substantial Development Permit; the Biological Evaluation and the National Marine Fisheries Service and U.S. Fish and Wildlife Service Endangered Species Act consultation documents; September 2008 Annual Eelgrass Survey Report; the Mitigation Plan: Maury Island Barge-Loading Operations (Extended Dock); the Barge Approach and Departure Protocol; the Draft Conveyor Replacement (Eelgrass) Mitigation Planting Plan; Maury Island Gravel Mine Impact Study: Nearshore Impact Assessment by the Washington Department of Ecology; documents provided by Preserve Our Islands discussing the importance of the Maury Island environment, Glacier Northwest and regulatory issues; and the Department of the Army Permit Evaluation and Decision Document and Final Environmental Assessment. After several months of additional review, DNR then issued a lease on December 2, 2008.
- The lease also included among its terms a number of additional monitoring requirements and other conditions. Among those were the permanent granting of a 400-foot conservation easement for the bluff overlooking Puget Sound; another permanent conservation easement for the tidelands Glacier owns between the bluffs and the leased bedlands; monitoring all eelgrass, including individual shoots, out to minus 30 feet mean lower low water; conducting additional studies on macroalgae, prop wash and drift cells and implementing corrective actions if needed; limiting all exterior lighting other than required for navigation to protect herring during spawning

To suggest that the recommendation of the experienced, professional DNR staff – who over several years analyzed the Aquatic Reserve and lease issues, the criteria established for the reserve management plan and the numerous mitigation measures in place to protect Puget Sound – were influenced by political considerations or favoritism is demeaning and totally without merit.