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To: WFWOComments@fws.gov
Subject: NMTA -- HCP Comments

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Subject: NMTA's Comments on the proposed Habitat Conservation Plan draft

On behalf of our 725 member businesses, the Northwest Marine Trade Association (NMTA) submits our comments on the Draft DNR Aquatic Lands Habitat Conservation Plan. We have a long-standing relationship with the Washington Department of Natural Resources and US Fish & Wildlife, working collaboratively on issues of mutual concern, including derelict vessels and invasive species.

Our membership consists of those entities that comprise Washington State's \$4.192 billion recreational boating industry. NMTA has existed since 1947 and we are the nation's oldest and largest marine trade association.

When it comes to advocating for sensible regulations, we are a national leader. Specifically when it comes to these two agencies, we have lobbied in support of the derelict vessel and invasive species fees on boat registrations. Another important law that we championed was the bill to phase-out copper-bottom paint by 2020. Washington State is the only state in the nation to have this phase-out, and we brought this bill forward to both keep our water clean, protect salmon runs, and provide a backstop for our member boatyards as they comply with the nation's strictest NPDES Boatyard Permit.

NMTA has maintained strong working relationships with key staff members working on the HCP, including Lalena Amiotte, Dave Palazzi, and Heather Gibbs. We also appreciate the access we have to DNR Aquatics Division management, including Kristin Swenddal. Ms. Amiotte has regularly spoken at the Northwest Marina & Boatyard Conference, NMTA Marina Committee meetings and the Washington Boating Alliance meetings.

Simply put: We share many of the same goals of the DNR Aquatics Program, including environmental protection, access to the water and fostering water-dependent uses. More often than not, what's good the tenant using state-owned aquatic lands (NMTA members) is good for the owner (DNR) and vice-versa.

That said, NMTA does not feel that a HCP for state-owned aquatic lands is necessary. Existing regulations and DNR management practices for state-owned aquatic lands already provide a high-level of Endangered Species Act compliance.

If DNR and the federal services end up adopting the HCP, we strongly believe that it should be a focused and limited approach. This approach would include only those species that are currently federally listed as endangered or threatened and it would allow for the scientifically rigorous and public listing process to occur for those species that DNR feels may become listed in the future. HCP allows for newly listed species to be included by amendment and NMTA believes this is the appropriate method instead of early inclusion of non-listed “covered species”.

When it comes to the process of reviewing and commenting on the Draft HCP, NMTA and the community of associations and maritime businesses, recreational boaters, and waterfront homeowners were surprised that our request for an extension of the 90-day comment period was denied. Considering how many delays that the HCP has encountered, volume of material, and the hectic end-of-the-year scheduling, an extension seemed like a reasonable request. Given the depth and breadth of the Draft Plan and the omission of several stakeholder groups that should have been notified, but were not, adds to the importance of modifying the HCP process.

NMTA requests a 90-day comment period instead of the minimum 30-day requirement for the next round of public comments. NMTA also requests that the Biological Opinion be available for review and comment prior to release of the Final Draft HCP document for review and comment.

If adopted, the HCP will result in a substantial increase in costs, especially to existing authorized lessees that will be required to implement the Operating Conservation Program. These new conservation measures and standards would arrive at the same time that this industry, devastated by the Great Recession, is just starting to show positive economic growth. Four years ago, we were a \$3.92 billion industry. Hitting the \$4 billion mark this year and seeing a stabilization of the numbers of segments is positive news.

We are committed to clean water because our members are committed to clean water. Many of our members have been in business for generations. By and large, they are in good standing with DNR lease requirements and regulatory permits. Existing lessees should not be required to move their authorized structures/facilities nor pay compensatory mitigation for previously authorized and permitted structures/uses. This *ex post facto*, retroactive approach strikes us as unfair and unnecessary.

NMTA realizes that this comment period is another part of a larger conversation and process. You can count on us to remain “at the table” during each stage. Accompanied with this cover letter are our 22 pages of comments. Should you need more information or have clarifying questions, please do not hesitate to reach out.

Sincerely,

Peter Schrappen

Vice President
Northwest Marine Trade Association

