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Public Comments Processing  
U.S. Fish & Wildlife Service, MS: BPHC  
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5275 Leesburg Pike  
Falls Church, VA 22041-3803

National Marine Fisheries Service  
Office of Protected Resources  
1315 East-West Highway  
Silver Spring, MD 20910

Re: Docket Numbers: FWS-HQ-ES-2018-0006  
FWS-HQ-ES-2018-0007  
FWS-HQ-ES-2018-0009

The Port of Port Angeles (Port) submits these comments in response to the Department of Commerce and Department of Interior's Notices of Proposed Rulemaking regarding Endangered and Threatened Wildlife and Plants; *Revision of the Regulations for Listing Species and Designating Critical Habitat* (Docket No. FWS-HQ-ES-2018-0006; Docket No. 180202112-8112-01; 500030113); *Revision of the Regulations for Prohibitions to Threatened Wildlife and Plants* (Docket No. FWS-HQ-ES-2018-0007; 4500030113); and *Revision of the Regulations for Interagency Cooperation* (Docket No. FWS-HQ-ES-2018-0009; FXES11140900000-189-FF09E300000; 180207140-8140-01; 4500090023); as stated in

83 Fed. Reg. 35,193, 83 Fed. Reg. 35,174, 83 Fed. Reg. 35,178 (July 25, 2018).

### **Introduction:**

The Port of Port Angeles's responsibility under its enabling legislation is to promote economic prosperity for Clallam County in Washington State. Clallam County spans the northern portion of Washington's Olympic Peninsula. The forest products industry continues to play a vital role in the economy of the North Olympic Peninsula and, provided an adequate supply of timber is available, has wonderful opportunities for growth into the future. The Port provides shipping, handling, logistical and barge support to serve the industry's needs for sorting and transporting logs throughout Clallam County, the Olympic Peninsula and across Puget Sound.

Past decisions on the management of federal and state lands have reduced the supply of timber on the Olympic Peninsula, with dramatic, and long-lasting impacts to our economy and communities. These declines in timber supply are the consequence of decisions to protect species listed under the Endangered Species Act (ESA).

The impact of these decisions has had profound impacts on the predictability and supply of timber to the businesses and communities on the Northern Olympic Peninsula. Our economy has never recovered fully from the shocks created by these decisions, and we are sensitive to how certain features of the ESA could benefit from clarification and simplification. We welcome this process because the last major updates to these regulations were made 30 years ago. It is timely to take what we have learned and adapt the rules.

The following highlights two specific issues of key concern on Washington's Olympic Peninsula.

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**I. The Port Encourages Consistency between USFWS and NMFS on Regulations Related to Threatened Fish and Wildlife**

The National Marine Fisheries Service develops species specific rules related to prohibited activities for threatened species of fish. The USFWS; however, simply applies the regulations prohibiting take of endangered species to all threatened species. The NMFS process allows for species specific information and considerations to be incorporated into the implementing regulations. The USFWS does not afford that flexibility.

The Port supports aligning the regulations by replacing the blanket 4(d) regulation, 50 C.F.R. § 17.31 that applies for the USFWS with the NMFS species-specific regulations.

This change would bring consistency in implementation between the agencies and allow for important species-specific flexibility when addressing threatened species.

**II. Streamlining Agency Enforcement and Approval Processes**

The Port urges adoption of regulations that streamline and add predictability to the consultation process; both formal and informal. The multiple agency processes add time and unpredictability to project scheduling and implementation. Accordingly, the Port supports the proposal to add a 60-day overall deadline for informal agency consultation.

To implement the change, why not allow the Federal Forest Management Team members the latitude to make the “not likely to adversely affect” determination? The federal agencies in our region which implement forest management projects have significant expertise in dealing with forest ecology *and* administer their lands under extensive land management plans. These plans have already gone through their own formal consultation. Accordingly, if a project tiers to the forest plan, which has already been through formal consultation, then it makes both legal and practical sense to empower these agencies’ biologists and foresters in the informal consultation process.

These common-sense modifications to existing regulations would bring additional flexibility, predictability and confidence to our region, while, at the same time, continue the necessary protection for listed species. These changes would increase the opportunity to enhance wood products manufacturing and innovation on the Olympic Peninsula.

Thank you for the opportunity to comment.

Sincerely,



Karen F. Goschen  
Executive Director  
Port of Port Angeles