

June 15, 2016

Hiller West
ICPCD
P O Box 5000
Coupeville WA 98239

RE: NBBB Consolidated Permit Application

Dear Mr. West,

Friends of Holmes Harbor (FOHH) is a nonprofit organization dedicated to protecting our pristine Holmes Harbor and quality of life on Whidbey Island. Our organization consists of hundreds of private citizens who live around the greater Puget Sound area and cover all economic backgrounds and professions. A great number of our members live in Holmes Harbor and near the Nichols Bros. Boat Builders (“NBBB”) site. As stated in our past comment letter dated Sept 15, 2015, we, overall, are still concerned about and disagree with the NBBB proposal to expand their several aspects of the present boatyard and become a major industrial shipyard in our rural residential area. Our organization has identified numerous concerns, questions and/or issues associated with the SEPA Threshold determination. Moreover, we have grave concerns regarding the conditions of the MDNS threshold determination especially pertaining to 5, 6, & 7. The following is a list of them (not in order of importance).

1. Code Reliance

The county has stated in determining the MDNS their reliance on RCW 36.7A.365, and RCW 43.21C.240. FOHH has noted the code requires buffers between the adjacent nonurban areas and major industrial developments. Since the county is proposing to exclude the Bercot Rd neighborhood from the NMUGA, at that time, it would be considered a “nonurban area”. NBBB is a major industrial development even though it is in the present rural center zoning. There are no buffers provided to the neighboring properties. It is poor planning to not anticipate the proposed shrinking of the NMUGA when addressing and/or conditioning this application.

RCW 36.70A.365

Major industrial developments.

(c) Buffers are provided between the major industrial development and adjacent nonurban areas;

Unfortunately, it is common knowledge that NBBB compliance to code requirements, or implementation/adherence of mitigating measures is woefully inadequate. For example, the 1980's mitigation measure to have a treed buffer on Shoreview Dr. has over the years been topped. The eastern and western landscape berms (1998) have been miserably under planted and neglected. Conditions placed in 1982 such as their Holmes Harbor buoy was for temporary use during launching and retrieving of vessels, whereas, for years a barge was moored attached to said buoy. Adherence to working hours, as demonstrated by the working during March 2016 evening hours, which FOHH contacted ICPCD to file a complaint. See link: <https://youtu.be/b2UcHJHhJQU> Unpermitted buildings, rail systems, septic systems etc. The noncompliance list seems endless.

RCW 43.21C.240

Project review under the growth management act.

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

FOHH lacks any confidence in NBBB's future adherence or compliance. Therefore, the conditions must have a clear path of enforcement, consequences for violations or noncompliance. Conditions 5, 6 & 7 are too vague.

2. Condition 5

Condition 5 wording allows the applicant to determine which external boundaries of the site are utilized to establish a protocol for noise level measurement. One of the placements needs to be directly across Shoreview on the harbor's edge. This is an extremely vulnerable location for noise transference to neighboring community. Currently, NBBB has a noise monitoring device attached to their upper soffit of the sales office, however, it is around the corner of the building, so measurement is skewed.

The applicant has not provided nor has the county requested implementation of noise mitigation measures for the harbor side (north boundary) of the industrial shipyard. The exposure to NBBB's noise emissions are a significant adverse impact on the neighboring homes surrounding the horseshoe shaped harbor. Several homes within the blast zone supposedly mitigated by proposed sound walls are completely open on their harbor side. The sound wall mitigation measure cannot lessen the impact below the significant threshold. Additionally, the homes along the harbor's shoreline, as far away as Holmes Harbor Golf Course (west shoreline), and Beverly Beach (east shoreline) hear NBBB's noise emissions. Especially, within ½ mile of the shoreline it is significant. See link: <https://youtu.be/31HvK8LaGX4>. Please note the decibel meter is set at 60 dbA. NBBB exceeds that measurement consistently. NBBB exceeds the WAC 173-60-040, all the time. However, there have been no consequences to their violation.

Noise mitigation measures should and could be identified to reduce the significant adverse impact. For example, all vessels or environmental shelters should have noise

walls placed on the harbor side during all phases of vessel construction. Environmental shelters should be fully enclosed when used, as well as, noise abatement walls placed. These noise abatement walls can be movable. In the past, NBBB has moved old shipping containers into different locations. These shipping containers can be utilized for noise abatement and filled with Styrofoam blocks to absorb sound.

In 2011, ICPCD had issued a MDNS for the applicant that had conditions for noise blankets, Environmental Shelters enclosed, certain operations were limited during nighttime hours, etc. The past conditions considered the noise emissions transmitted down the harbor. The present conditions do not.

Additionally, Condition 5 wording needs to be explicit. As presently written, providing every ninety (90) days a record of noise measurement to ICPCD fulfills the condition. There is no meat. Violations of WAC 173-60-040 are not addressed. There is no path to enforcement defined nor consequences for noncompliance.

3. Condition 6

The wording suggests “minimized”. What quantification is there for that word? Minimization suggests a lessening whether it is 5% decrease or 95% decrease. Any minimization would fulfill this condition. There needs to be an enforceable level determined. Moreover, many of the lights employed by NBBB are strung throughout the vessels, which are being constructed in the open. For example, the WSF superstructure cavity had the lights installed reminiscent of an open ended warehouse. How does ICPCD expect to enforce non downward focusing lights strung throughout vessels under construction? The condition needs to be expanded, clarified, and enforceable.