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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF EDMONDS

Robert Bernhoft, a Resident of the City of  
Edmonds,

Appellant,

v.

CITY OF EDMONDS,

Respondent.

File No. PLN 2024-0020

DECLARATION OF JOE SCORDINO,  
RETIRED NOAA FISHERY  
BIOLOGIST/ADMINISTRATOR  
IN SUPPORT OF THE BERNHOFT APPEAL  
OF THE CITY OF EDMONDS DNS

I, Joe Scordino, am over the age of 18, am competent to testify, and have personal knowledge of the matters asserted herein, and declare as follows:

1. I am a retired fishery biologist who has lived in Edmonds for over 44 years. I retired from the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service after 32 years of studying and managing marine and anadromous fish species and marine wildlife. In my last ten years with NOAA, I was the Deputy Regional Administrator supervising over 150 professional fishery and wildlife biologists in the Northwest Region (WA, OR, ID). I was directly involved in determinations for listing salmon under the Endangered Species Act and implementing the “Pacific Coastal Salmon Recovery Fund” which provided upwards of \$100 million per year to west coast states and Tribes for salmon recovery programs. In the last 10 years of retirement, I have dedicated my time and career expertise to community volunteering and leading stream/wetland habitat

1 monitoring, salmon surveys, salmon enhancement, and restoration of natural areas of  
2 Edmonds.

3 2. I am knowledgeable on salmon habitat as evidenced by a published report  
4 on essential habitat for salmon that I co-authored in 1998 [Exhibit B71] and direct  
5 involvement in preparing and reviewing salmon recovery plans and projects as part of my  
6 job from 1999 until I retired in 2007.

7  
8 3. In 2015, I founded and currently lead the Edmonds Stream Team which has  
9 monitored stream habitat and water quality conditions in upper and lower Perrinville Creek  
10 since 2018 with high school students that I trained to collect scientific field data on water  
11 quality that is comparable to that of State agencies. Thus, I am very familiar with the  
12 Perrinville watershed, and the excess stormwater impacts on the creek that have been  
13 documented as far back as 1991 [Exhibit B79] and 1998 [Exhibit B70]. To my knowledge,  
14 the City has never done an Environmental Impact Statement or prepared a comprehensive  
15 Restoration Plan to address the array of downstream and upstream issues that have and  
16 continue to adversely impact salmon habitat, resident trout, and anadromous salmon that  
17 utilize Perrinville Creek. Although Perrinville Creek is designated as a critical area [ECDC  
18 23.90.010], the City has not taken necessary actions to protect the stream from  
19 destructive high stormwater flows from the stormwater outfall below the Perrinville Post  
20 Office. Further, the City's action to maintain the blockage to fish passage in lower  
21 Perrinville Creek as part of their stormwater management to prevent flooding is a direct  
22 violation of the City's own critical area ordinance at ECDC 23.40.050 which states "No  
23 activity or use shall be allowed that results in a net loss of the functions or values of critical  
24 areas." There is no doubt that violating the City's critical area ordinance is an adverse  
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1 impact necessitating preparation of an Environmental Impact Statement to assess the  
2 impacts, consider alternatives and/or mitigation in accordance with SEPA.

3  
4 4. The Edmonds-Woodway High School (EWS) Students Saving Salmon Club  
5 under my supervision and guidance documented the presence of juvenile coho salmon and  
6 cutthroat trout in lower Perrinville Creek as part of the City's fish removal effort just before  
7 they drained the lower creek for maintenance in 2019. The presence of salmon, trout and  
8 sculpin has been reported in lower Perrinville Creek for many, many years during the lower  
9 stream draining process for maintenance of the overflow structures. HOWEVER, the SEPA  
10 Checklist prepared for the subject DNS made NO MENTION of salmon or potential effects  
11 on salmon, cutthroat, or any other wildlife species that occurs in lower Perrinville Creek. If  
12 the City had followed the required SEPA processes, they could not justify a Determination  
13 of Non-Significance. The proposed 3-year maintenance project is actually MAINTAINING an  
14 ILLEGAL FISH BLOCKAGE and thus has significant impacts on the salmon and cutthroat  
15 populations in Perrinville Creek and will result in extirpation of anadromous fish in this  
16 watershed. My comments and concerns with the SEPA finding of no significance and the  
17 City's SEPA Officer's refusal to correct the SEPA checklist from which he made his DNS  
18 determination are documented in numerous emails to the City [Exhibit B69]. My belief is  
19 that had the SEPA checklist been completed correctly, the SEPA officer could NOT have  
20 justified a DNS for this project to maintain an illegal fish blockage.  
21

22 5. The City's illegal diversion of the entire creek flow through the overflow  
23 structures in 2021 not only prevents coho and chum salmon spawners from accessing  
24 traditional spawning areas in the lower Creek, but it also causes injury and possible  
25 mortality of any migrating salmon that responds to the "attraction water" coming out of the  
26 pipe. Once attracted and swimming into the pipe, the salmon are faced with an unpassable

1 concrete basin and pipes, which they can't get through, and are thus injured or die trying.  
2 And NONE OF THIS impact is mentioned in the SEPA documents for this project. There ARE  
3 alternatives whose impacts should be properly analyzed in an Environmental Impact  
4 Statement.

5  
6 6. As part of the Edmonds Stream Team (EST) salmon enhancement  
7 Cooperative Program with Washington Department of Fish and Wildlife (WDFW), the EST  
8 and Sound Salmon Solutions placed 4,000 juvenile coho salmon into good rearing habitat  
9 in upper Perrinville Creek in 2023 and 2024. These coho salmon will spend their first year  
10 of life in the stream and then go out to sea the following year. After two-years in the ocean  
11 the survivors will return to the creek they imprinted to (Perrinville Creek) as adult spawners.  
12 So, we are expecting adult spawners under this Cooperative WDFW Program to be coming  
13 back to Perrinville Creek in 2026 and 2027 with the expectation that the illegal blockage  
14 will have been removed and habitat conditions restored. Instead, we are now seeing for  
15 the first time that the City is not going to do anything except MAINTAIN the ILLEGAL  
16 BLOCKAGE for another three years (which overlaps when these coho would return). This is  
17 unacceptable and must be addressed in an environmental assessment with opportunity  
18 for the public to comment on the DEIS.  
19

20 7. After a December 2020 habitat damaging rainstorm with torrents of  
21 stormwater coming down the creek, the City **illegally** blocked the creek in early 2021, and  
22 nothing has been done to rectify the City's illegal action. And now the City is proposing to  
23 maintain this illegal blockage for another three years. This is unacceptable, and potential  
24 alternatives to that, potential mitigation, and the comparison of impacts of potential  
25 alternatives and mitigation **MUST BE DONE** and State Law (SEPA) requires it be done via  
26 an Environmental Impact Statement.

