

From: [Darlene Schanfald](#)
To: Robyn_Thorson@fws.gov
Subject: The USACE agrees that the Dungeness National Wildlife Refuge will be destabilized
Date: Thursday, March 3, 2022 1:47:48 PM
Attachments: [NWS-2007-1213, MFR from FA-21-138.doc](#)
Importance: High

Robyn Thorson, Regional Director

Regional Director's Office-R1

USFWS Pacific Region

911 NE 11th Avenue

Portland OR 97232-4181

Dear Director Thorson:

As an update to my earlier correspondence (below), I am attaching the USACE decision-making document / "MEMORANDUM FOR RECORD" (MOR) on how the Corps believes the Dungeness National Wildlife Refuge will be destabilized if the industrial oyster operation is implemented.

The word "destabilize" isn't in the document. That is my term. The Corps uses these words equal to "destabilize" :

more than minimal impacts. will alter convert stressed preclude change

With this information now in your purview, It seems clear that the mission of the Refuge and the mission of the USFWS to protect this Refuge will be seriously harmed if this industrial operation is allowed to proceed.

Excepts from the MOR:

P. 5: The permits and the lease do not contain protective measures. **"The District Engineer determined the adverse environmental effects of the proposed activity were more than minimal due to the proposed project being sited entirely within the Dungeness National Wildlife Refuge creates more than minimal impacts to the refuge." (P. 5)**

P. 12: The European green crab exists in the area. It is likely that the concentration of oysters could provide habitat and a food source potentially resulting in an increase in oyster drills and highly invasive European green crab, recently found adjacent to the project

P 1 2 : Bag culture could possibly **entrap** fish species by creating a physical barrier across

the tidelands. This barrier may temporarily impound water and/or prevent fish from returning to deeper water during a receding tide which would result in stranding fish on the tidelands

Under 4. Coordination

P. 14

Corps Response: The Corps agrees the project site is an area of both national and regional significance for migratory shorebirds and waterfowl, including Brant geese. The Corps believes the aquaculture work activities will **alter the behavior and availability of feeding, resting/rooting and grit collection habitat necessary for these species at the project site.**

P. 17: Under Topic 5 **Impacts to Eelgrass**

Para. 4 and on to next page. **The project would convert a sand/mud tidal substrate with intermittent eelgrass to a high-density Pacific oyster dominated substrate.** The shift would be expected to alter the benthic substrate and ecological community to one more favorable to a rockier shoreline and would predictably exclude the flocks of shorebirds which feed by probing sandy/mud sediment as the tide recedes. This shift would be expected throughout the 34 acres in oyster cultivation. The up to 20,000 plastic mesh bags secured with lines and anchors could potentially result in entrapment of wildlife...or have talons that become snagged in the openings... Also, small or juvenile fish have been documented to become entrapped in the mesh bag openings. The implementation of ESA conservation measures would prevent or minimized the potential for the bags to become unsecured.

P. 18:

There is a potential for eelgrass to be stressed by boat grounding, anchoring or prop scarring. Eelgrass can also be stressed by trampling. The ESA Programmatic conservation measures require a 16 horizontal ft. setback to eelgrass to avoid disturbing the rhizomes. In addition, the ESA Programmatic does not allow vessels to ground or anchor in native eelgrass or kelp or establish paths through native eelgrass or kelp. If there is no other access to the site other than through native eelgrass, a site specific plan must be developed with practices to minimize negative effects to eelgrass and kelp from vessel operations and accessing the shellfish area.

The bag cultivation area will be sited with a 25-ft. buffer to native eelgrass. Once installed the bags would **preclude colonization** by eelgrass in the footprint of the bagcultivation area.

P. 29: Aesthetics: The proposed project would **change the visual landscape** from its current state. The proposed location of the aquaculture operation may have visual impacts for visitors coming to enjoy the beauty of the refuge and to connect with nature. The visitors to the Refuge use the driftwood backbone of the spit as a blind to observe wildlife in a natural setting. Visitors participating in wildlife-dependent uses, such as watching birds, marine mammals, and the visiting the historic lighthouse, typically are using binoculars or scopes and will have a clear view of the 5 acres of plastic oyster bags at low tides and the workers. Aquaculture activities such as maintenance, planting, and harvest would be expected at the low tides, which

from April through September coincide with the highest visitor use.

P. 32: Shoreline Erosion and Accretion: If the sediment accumulates from the placement of 20,000 bags/acre or due to the high density of Pacific oyster shell, this may result in a **change in the longshore transport of sediments.**

The Corps did not even consider an EIS/EIR.

I hope you will reconsider and vociferously oppose the pending tragedy. You can ask that the USACE rescind its permit. You can ask the WA State Dept. of Nature Resources rescind its permit.

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Robyn Thorson, Regional Director

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RE: USACE says that the Dungeness National Wildlife Refuge (DNWR) will be destabilized

Dear Director Thorson:

I am writing you out of concern for the destabilization of the DNWR ecosystem.

It was beyond disappointing when you withdrew your Service's original comments to Clallam County and the USACE about an industrial oyster operation in the DNWR, even though you followed it up with a communication stating that you still had concerns. Pulling back your comments allowed the operation to continue receiving permits.

There is documentation from the USACE that this operation will destabilize the DNWR

ecosystem. There is USACE documentation that they were going to push this project through *prior to* taking public comment. With over 70 people opposing the operation — including the County’s Department of Community Development -- to the County Hearings Examiner, and over 120 comments to the USACE from national NGO’s, the USEPA and the general public — all but seven in opposition to the operation, both decision makers ignored the public and the weak application data and signed permits.

Yet the Corps’ decision-making document was in agreement with the public.(1) For example, the Corps defined the damage to the birds feeding grounds — a 50% loss. It defined problems using plastic. It defined how the bags would change the normal transport of sediments and would impact the eel grass beds. It wrote about added plastic to the Refuge and the movement of the operation’s trash through the Refuge. It acknowledged the cumulative impacts. **The Corps wrote: “...the project as proposed in the location desired may result in more than minimal adverse effects to the aquatic environment.” “...the adverse environmental effects of the proposed activity are more than minimal.”** Bizarrely, the Corps concluded a Determination of No Significant Impact! Therefore, no Environmental Impact Statement was necessary. “The project will allow the [applicant] to enjoy and derive income from the Dungeness Bay...The community will benefit from any jobs generated.” What a pathetic conclusion after acknowledging the Refuge will be trashed and the mission of the Refuge greatly diminished..

The applicant claims they need a bay like that at the DNWR to protect their shellfish from weather impacts. In the USACE document, it can be seen that the applicant reviewed other sites for its operation. None were satisfactory to the applicant. Yet the USACE **omitted** to have the applicant address and report why the project could not be placed at its Blyn shellfish farm site where there is plenty of acreage offering them the bay protection they seek.

The WA State Department of Natural Resources (DNR) also ignored public input. DNR dismissed its own mission of protecting the bottom lands and pointed its finger to the County MOU. The MOU is partly for an Avian Monitoring Plan (AMP) to be assessed and overseen by either your agency or the local Audubon chapter. The AMP is written so that damage can happen and then they will figure out how to adapt the project to lessen the impact! Begin by allowing damage. That is bizarre from any point of view. Your service and Audubon declined the role of overseer, and the Plan is incompatible in a myriad of ways.

Enough is enough. It is time for your office to step back in and stop the implementation of this damaging oyster operation. Documentation on the pending impacts to the Refuge will back you up.

If the above isn’t enough, consider this. Worldwide, this industry suffers from heat loss. Especially so this summer. The applicant’s east Sequim Bay oysters died at low tide from the heat. They were left with a graveyard. As waters continue to warm, as atmospheric temperatures continue to climb, as algal blooms increase in numbers and density, these losses and graveyards will become common. Inserting this oyster operation with thousands of toxic plastic bags and 34-acres of oyster grow-outs on the beach will wreck the Refuge. The Refuge will experience graveyards of oysters. The foreseeable weather patterns will doubly insure this. The applicant will not derive income, as the Corps concludes. It can cut losses with tax write-offs and reimbursements from the U.S. Government. The wildlife cannot.

According to a recent report, the ocean’s vegetated habitats are among the most productive

carbon sinks on the planet, with aquatic environments like estuaries sequestering carbon at 90 times the rate of forested areas. It places the value of carbon storage and sequestration at over \$60,000 a year at one WA State site.(2) Why would your service want to suffer loss of this benefit so a corporation can gain economically? Further, why would your service agree to a precedent-setting act that will allow others to apply for industrial shellfish operations in other national wildlife refuges?

Dungeness Bay is recognized as a Western Hemisphere Shorebird Reserve Network. This status, along with others, and the recent reinstatement of the Migratory Bird Migration Act, should be protecting the wildlife of the DNWR. Too, you know many other habitats are compromised causing birds to reorient their migratory patterns. And now, just this month, we learned how many birds are extinct and are on the verge of being so. And today there are multiple reports about Turkey's lack of water for migrating birds and the birds dying from thirst. Turkey is a stopover for some of the DNWR migrating birds, increasing the importance of maintaining a healthy DNWR.

The DNWR is not a forest to cut down or thin. It is a living system of complexity to protect, to hold in awe. We are not disconnected from this nature, even when we are not on the property.

Director, Thorson, stand up for the Refuge. Do not sacrifice it. Step in and work to have the permits rescinded.

I would appreciate hearing back from you.

Respectfully,

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(1) The USACE decision-making document electronically sent to me in four PDFs.

(2) https://theyee.ca/News/2021/10/06/New-Squamish-Study-Puts-Actual-Price-Nature/?utm_source=ActiveCampaign&utm_medium=email&utm_content=Top+news%3A&utm_campaign=ATF+Daily

A New Squamish Study Puts an Actual Price on Nature

It found a local estuary delivers more than \$12 million a year in benefits. And it keeps appreciating.