

**Re: Bullets for Dungeness powerpoint**

Ogura, Christine <christine\_ogura@fws.gov>

Tue 5/31/2022 7:48 AM

To: Morrison, Hugh R <hugh\_morrison@fws.gov>

Cc: Seto, Nanette <nanette\_seto@fws.gov>; Hubbard, Kim <kim\_hubbard@fws.gov>

Yes ACOE permit process was where the S7 was done.

Thanks and please take care,  
Christine

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Christine Ogura

Acting Regional Chief, [National Wildlife Refuge System](#)

[U.S. Fish and Wildlife Service](#)

[Pacific Region 1](#) (American Samoa, Guam, Hawaii, Idaho, Northern Mariana Islands, Oregon, Washington)

911 NE 11th Avenue, 4E

Portland, OR 97232

Phone: 503-231-6214

Cell: 503-913-8027

Email: [christine\\_ogura@fws.gov](mailto:christine_ogura@fws.gov)



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**From:** Morrison, Hugh R <hugh\_morrison@fws.gov>

**Sent:** Tuesday, May 31, 2022 7:41 AM

**To:** Ogura, Christine <christine\_ogura@fws.gov>

**Cc:** Seto, Nanette <nanette\_seto@fws.gov>; Hubbard, Kim <kim\_hubbard@fws.gov>

**Subject:** Re: Bullets for Dungeness powerpoint

Christine,

I much appreciate these bullets and related information. Just one question - regarding the area being CH for listed species. My understanding is that ES completed Section 7 consultation on the proposed oystering operation (likely along with the Corps' EIS). Is that your understanding?

Thanks,

Hugh

Hugh Morrison

Acting Regional Director

Interior Regions 9 & 12

911 NE 11th Ave.

Portland, Oregon 97232-4181  
(503) 231-2282  
(he/him/his)

*I live and work in the traditional homelands of the Chinook, Clackamas, Cowlitz, Kalapuya, Kathlamet, Molalla, Multnomah, and Wasco people who have made their homes along the lower Columbia River for thousands of years.*

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**From:** Ogura, Christine <christine\_ogura@fws.gov>

**Sent:** Sunday, May 29, 2022 5:19 PM

**To:** Morrison, Hugh R <hugh\_morrison@fws.gov>

**Cc:** Seto, Nanette <nanette\_seto@fws.gov>; Hubbard, Kim <kim\_hubbard@fws.gov>

**Subject:** Bullets for Dungeness powerpoint

Hi Hugh,

As promised from Thursday's meeting, information for bullet points and/or talking points related to operations, impacts, and abbreviated history of issue to date for your consideration:

- Operations:
  - Year round up to 34 acres affected and a maximum of 80,000 bags. Activities would also include gear placement/removal, maintenance of bags and harvest which translates into multiple visits per month (2-6) with 3-15 people with each visit 4-6 hours.
- Wildlife impacts:
  - Significant populations of brant, diving ducks, seabirds, loons, grebes, and other diving birds (15-20,000 shorebirds during spring migration alone)
  - Refuge accounts for up to 98% of brant and 61% of wigeon in Clallam county during midwinter
  - Brant's population is in decline and this species is particularly sensitive to disturbance
  - Adjacent to the proposed oyster farm area and within flushing distance is the south shore of Dungeness Spit, which is one of the few high-quality foraging sites for Dunlin in Dungeness Basin
  - Established in 1915, Refuge establishment purposes are for native birds, endangered species, and fish and wildlife resources.
    - We also have E.O. 13186 - Responsibilities of Federal Agencies to Protect Migratory Birds and MBTA and ESA.
    - 321 acre 1943 Easement Deed with the State established for the purpose of "establishing and maintaining on these lands a wildlife refuge"
  - The area in question is also an Important Bird Area as designated by the American Bird Conservancy and National Audubon Society; the North Pacific Coast Regional Shorebird Management Plan identifies the area as qualifying as a Western Hemisphere Shorebird Reserve Network site of Regional Importance
  - Area is also CH for six species, including 2 salmon species and Bull Trout. Other ESA listed species include Marbled murrelet and Western snowy plover
  - Note that the oysters being considered are non-native.
- Abbreviated history of issue to date:
  - Since 1953 commercial oyster farming occurred. In 1990 JST purchased lease from the previous private entity. However due to water quality issues in the Bay, commercial operations were suspended in the early 2000s and have remained suspended. Under the 2007 lease issued by the state to JST, JST conducted experimental oyster and geoduck

production but this was done outside of the closure period (Oct 1-May 14) and had only 60 oyster aqua-purses in a 100x100 foot area and required the Tribe to consult with and get approvals from the Refuge and DNR before activities commenced.

- Since 2015, USFWS has been engaged with JST regarding their proposed use, including as recently as 2022 when we received a draft letter of agreement from JST and also convened a Service team to consider options under ISO 3403. JST has also engaged other federal, state, and local agencies for approvals, which were issued in 2021.
  - Note that there is strong opposition from local residents and NGOs. For ACOE permit process more than 90% of comments submitted were in opposition and more than 75% for county permit process.
- Conclusion is the need to do a compatibility determination.

Also, I was able to touch base with our folks and colleagues across the Refuge System in every region and they all confirmed that they do not know of any examples of doing any pilots without a CD.

Lastly the previous letter of agreement we think JST is referring to has to do with their fishing rights. In 1983, the USFWS and 3 S'Klallam Tribes signed a letter of agreement for management of the Tribal Fishery on the refuge. It contained 8 principles of agreement to promote mutual understanding and cooperation between the Service and Tribes of the Point-No-Point Treaty and to provide for orderly conduct of the fishery on the refuge.

Let us know if you have any questions and/or need anything else regarding preparations for our Tuesday's meeting with Martha.

Thanks and please take care,  
Christine

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Christine Ogura

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