

From: [Stenvall, Charlie](#)
To: [Gaboriault, Holly T](#); [Ogura, Christine](#)
Cc: [BrownScott, Jennifer](#)
Subject: Fw: ACE EA
Date: Monday, April 11, 2022 9:41:18 AM
Attachments: [20210726-SP-MFR-Signed-NWS-2007-1213-reduced.pdf](#)

Holly / Christine

The Corps documentation of the EA is encapsulated in this Memorandum of Record. It's worth reading as they clearly talk about the impacts that this would have, the almost total opposition to the proposal by the public, and FWS responsibility and our abstaining from taking a stand in a couple of situations. None of this strengthens the position of moving forward with allowing the proposed activity. Some of the more succinct verbiage from the MoR is as follows;

"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. Activities authorized under a Nationwide Permit must be minimally impacting individually and cumulatively. Therefore, the activity did not qualify for authorization under the Nationwide Permit and would be evaluated under a standard individual permit."

"Almost every comment (190+) stated they opposed siting a commercial oyster aquaculture operation within an NWR. Many stated they supported the JSKT's treaty rights but opposed a 'commercial' shellfish operation cultivating non-native species as described in the project description within the NWR. A couple of commenters believed the JSKT would operate with sensitivity for the environment. Many requested the JSKT consider other culturally appropriate. alternative commercial sites outside the Refuge."

"The Corps also asked USFWS to take the position of federal lead on this project, which was declined. It is the Corps understanding that USFWS, as the responsible and knowledgeable federal agency for the NWR, has the responsibility of completing the evaluation of whether siting a commercial shellfish aquaculture within the NWR is compatible with the Refuge management, and consistent with their related federal laws and executive orders, Service policies, and treaties, While the Corps has analyzed the Impacts of the project generally, it cannot assess further what impact the project will have on refuge management."

"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. To prevent human disturbance to Refuge Wildlife species, USFWS currently manages public

assess and activities within the project site (tideland) to preclude public access within the migratory and wintering time periods of shorebirds and waterfowl."

Charlie

From: BrownScott, Jennifer <jennifer_brownScott@fws.gov>

Sent: Monday, April 11, 2022 9:23 AM

To: Stenvall, Charlie <charlie_stenvall@fws.gov>

Subject: ACE EA

Find attached the USACE Environmental Assessment and Statement of Findings for the Jamestown S'Klallam Tribe commercial oyster culture farm in Dungeness Bay.

The Corps assessment discusses the USFWS responsibility to evaluate the project for compatibility with Refuge management and regulations multiple times throughout the document (pg. 10, 14, 15, 19, 28, 30, 31, and 34). They also state the impacts from the project will be more than minimal due to the proposed project being sited entirely within the Dungeness National Wildlife Refuge, creating more than minimal impacts to the Refuge (pg. 5).

I apologize for the low resolution of the attached file. If a higher resolution copy is needed, the memo will need to be split into parts and sent as separate files, or shared over OneDrive.

-jennifer

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