**INFORMATION/BRIEFING FOR THE REGIONAL DIRECTOR**

**SUBJECT**

Jamestown S’Klallam Tribe’s (Tribe) application for commercial oyster cultivation within the boundary of Dungeness National Wildlife Refuge (Refuge).

**BACKGROUND**

In 2015, the Tribe began the process to reestablish a commercial shellfish operation on 50 acres within the boundary of the Refuge. Commercial shellfish cultivation has not occurred within the Refuge since 2005. The lease tidelands are incorporated into the Refuge by a Use Easement Deed (Deed) from WA Department of Natural Resources (DNR). The Deed grants the right to manage the tidelands as a wildlife refuge and allows the Service to assert limitations on aquaculture leases that may make aquaculture unprofitable or impractical, so long as they are tied to refuge purposes. Permitting/leasing authority for aquaculture activities resides with the US Army Corps of Engineers (Corps), Clallam County (County), WA Department of Ecology (WADOE), and DNR. Limitations need to be incorporated into these agencies' permitting processes.

The Tribes application for commercial aquaculture permit is currently being reviewed by the County, Corps and WADOE. The Refuge provided comment to the County for this project on April 4, 2018. Refuge comments to Corps/WADOE on this proposal are due by March 4, 2019.

**DISCUSSION**

* With up to 18,300 waterfowl (including 2,700 brant) and 4,000 shorebirds per day in and adjacent to the requested lease, these tidelands are the highest use area of the Refuge. They provide habitat to at least 38% of the birds using the greater Dungeness Basin. To reduce disturbance to this important migration and wintering area, these tidelands are closed to all public access October 1 – May 14. Commercial shellfish activities will require year-round access, including night access and artificial lighting during the migration and wintering periods.
* Since 2005 eelgrass has become reestablished within portions of the lease area, providing important habitat for brant, dabbling ducks, Pacific herring and Threatened salmonid species. Aquaculture activities will preclude continuing improvement of eelgrass beds.
* Aquaculture will impact the substrate and benthic communities within and adjacent to the lease area. Changes to benthic species diversity and forage fish spawning habitat would impact federally listed salmonids and other federal trust species (e.g., seabirds).
* Allowing a commercial aquaculture farm within the boundaries of Dungeness NWR will establish precedence for aquaculture in the greater Dungeness Basin. Taylor Shellfish Farms has a 30 year lease for 350 acres for a commercial geoduck farm at the mouth of the Dungeness River in 2014. They are not currently seeking permits, but could begin application at any time. Approval of a commercial farm in such a highly used portion of the Refuge would make it very difficult to limit future lease requests.
* The Refuge is amenable to evaluating alternate sites for commercial oyster cultivation along the southern shore of Dungeness Bay that provide easier access and limit disturbance to important migratory bird resources.