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U.S. Army Corps of Engineers  
Email: [NWP2017@usace.army.mil](mailto:NWP2017@usace.army.mil)

RE: Comments on Docket No. COE-1015-0017 (NWP 48)

We are a group of citizens who reside in Boston Harbor on the shores of South Puget Sound. The following comments pertain to the proposed Nation Wide Permit for Industrial Aquaculture (NW 48), Docket noted above.

Since 2005, we have observed and documented changes to the shorelines in Dana Passage in South Puget Sound due to incursion of industrial tideland aquaculture, particularly, but not limited to geoduck aquaculture. We are specifically concerned with the proposed ChangMook Sohn industrial geoduck farm, which will be installed at the mouth of one of the last pristine estuaries in South Puget Sound, Zangle Cove.

Our mission is:

- To preserve critical habitat on Puget Sound tidelands for all critters who live on or gather food from the tideland, in keeping with the goals of environmental organizations in the Puget Sound region, such as the Sierra Club and the Audubon Society;
- To preserve the economic value of recreation and aesthetics on our Puget Sound shorelines, a value which according to Earth Economics and based on income reported from the shellfish industry is more than 100 times greater than geoduck farming in Puget Sound.
- To support the US Department of Energy and US Environmental Protection Agency in their multi-million dollar mission to restore eelgrass in Zangle Cove and other specific areas in Puget Sound

We are writing with the following specific concerns over the proposed Nationwide Permit 48 for 2017.

1. A 100 year time frame for tidelands to lie unused and have an operation started, and not be considered "new," is unreasonable. The Corps is required to take a "hard look" when permitting. Over a 100 year time frame the habitat and other uses of waters change - dramatically. A five year time frame for tidelands to lie fallow is a far more reasonable period. After five years, if no activity has occurred on a specific tideland, it should not qualify for coverage under the Nationwide Permit 48 without a new permitting process.

Additionally, any permits given should contain time limits and restrictions related to the continuance of the permit. If it is the ACOE's intention is to give permits in perpetuity to the aquaculture industry, (which a 100 year time frame would be) then the Army Corps must require an environmental impact study on the general conversion of Puget Sound tidelands to plastics and monoculture.

2. A deed should not be used to establish an enforceable property interest for an operator, thereby allowing an operation to qualify for coverage under the Nationwide Permit 48. In the case of Washington, tideland sales by the state to private owners were not all done for the purpose of aquaculture, and in fact, many - if not most - were for uses other than shellfish cultivation. That sets

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an expectation for future buyers that shellfish operations will not simply be allowed because there is a "deed" and instead that an individual permit should be required, allowing for input from neighbors and the public in general.

Please see our attached letter to Thurston County documenting the sale of tidelands in Zangle Cove as NOT being for aquaculture (oyster) cultivation. This historical material was compiled by Nancy Moore, expert title officer in Thurston County, now deceased. When, for example, the biological evaluation for the permit application for the ChangMook Sohn geoduck farm in Zangle Cove states that Zangle Cove is traditionally an oyster growing area, that is, according to historical documents, a falsehood.

3. Additionally, the Washington State Department of Natural Resources has been working in Zangle Cove in conjunction with the US Department of Energy and the US Environmental Protection Agency, as well as in other areas of Puget Sound to determine the feasibility of eelgrass restoration, a habitat component critical for salmon spawning. Zangle Cove is the furthest south in Puget Sound that native eelgrass has self-recruited. The goal of many state agencies and environmental groups to restore Puget Sound with projects such as the eelgrass restoration in Zangle Cove is on a collision course with the attempts of the shellfish industry to gain access to all tidelands without permitting requirements and regardless of the presence of eelgrass or restoration efforts related to eelgrass.

Please see our attached letter to Thurston County documenting the eelgrass restoration project in Zangle Cove and other areas of Puget Sound. This Washington State project is the type of project that provides an additional reason why the 100 year time frame for tidelands to lie unused in order to require a permit for aquaculture, is, without a doubt, ridiculous. We do know what restoration is needed in Puget Sound now and what other types of restoration may be required for Puget Sound in the future. If the wide latitude of permitting that the shellfish industry is demanding is allowed, many restoration efforts will become impossible.

Sincerely,

Kathryn and Patrick Townsend  
Protect Zangle Cove, a 501c3 non-profit  
Web: <http://protectzanglecove.org>