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Oregon Department of Environmental Quality, Northwest Region  
700 NE Multnomah Street, Suite #600  
Portland, Oregon 97232  
Attn: 401 Water Quality Certification Coordinator  
Submitted Via Electronic Mail: 401publiccomments@deq.oregon.gov

April 13, 2023

**Re: Corps of Engineers No: NWP-2023-24**  
**Oregon Department of State Lands No: APP0063610**

**Comments regarding the Portland Golf Club's permit application.**

The Defend Them All Foundation ("DTA") submits the following comments on the Portland Golf Club's permit application for its Irrigation Pond Sediment Removal and Placement project (#NWP-2023-24). DTA is an Oregon based 501(c)(3) non-profit organization dedicated to improving the legal protection of animals and their habitats. Given this mission, DTA is concerned with the ecological impacts of the proposed activities on the Fanno Creek Watershed and species that call it home.

The Endangered Species Act (ESA) was enacted with an intent to provide for the conservation of endangered and threatened wildlife and plants, and their habitats. In furtherance of this purpose, Federal agencies are required to "ensure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined ... to be critical." 16 U.S.C. § 1536(a)(2).

Agency "actions" include "all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies," including the granting of permits that may affect land, water, or air. 50 C.F.R. § 402.02. An "action area" is defined to encompass "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." Id. If listed or proposed species may be present, the action agency must prepare a Biological Assessment to determine whether the listed species is likely to be affected by the proposed action 16 U.S.C. § 1536(c)(1); 50 C.F.R. § 402.12(i).



567.703.7220



25 NW 23rd Place, Suite 6-310  
Portland, OR, 97210 USA



lzehel@defendthemall.org

Both Formal and Informal Consultation require sufficient detail to assess the effects of the action on listed species and critical habitat § 402.13(c)(1). Acknowledging in its Public Notice that the Portland Golf Club's proposed activities "may affect an endangered or threatened species or designated critical habitat," the Corps. intends "to complete the required consultation prior to finalizing a permit decision." It is our understanding that such consultation has not yet been initiated because no adverse effects are anticipated. However, no assessments or surveys have been conducted to support this presumption.

Considering the volume and nature of the proposed project, the inherent risks of manipulating soils and aquatic resources, and the increasing concerns over the well-being of treasured flora and fauna within the Fanno Creek Watershed, a thorough analysis to ensure that proposed activities will not jeopardize any endangered or threatened species nor result in adverse modification of critical habitat is essential and of utmost importance to this community.

The ecological value and potential presence of listed species in and around the Portland Golf Club should not be underestimated. While neighborhoods within the Fanno Creek Watershed are developed and various levels of degradation have occurred over time, new construction is rare and well-established landscapes are common. As such, mature trees provide ideal habitat for birds, squirrels, and many other species. A noticeable abundance of frogs, bats, beavers, and waterfowl are frequently observed in the area and surrounding wetlands.

The extent and quality of available habitats within the Fanno Creek Watershed have been further enhanced by the recent expansion of the Portland Audubon's Backyard Habitat Program to the City of Beaverton and unincorporated Washington County, creating an increased presence of wildlife in the area. The removal and relocation of 5500 cubic yards of sediment likely containing a cocktail of persistent chemicals within a wetland is unthinkable as species are already under heightened pressure due to climate change and other compounding human induced factors.

If dredging of the pond is truly necessary to maintain status-quo operations at the golf course, we encourage the Portland Golf Club to consider new uses for the property that celebrate and protect habitat for Portland's native plant and animal species. For example, developing a privately owned Nature Space would provide significant benefits to the community. Considering its intersection with Fanno Creek and Woods Creek, the property has significant potential to enhance biodiversity and ecosystem services provided by these wetlands including flood abatement, water quality improvement, carbon sequestration, and wildlife habitat. A natural refuge that offers walking, biking, birdwalking and education opportunities would be a welcome addition to the community consistent with its priorities.



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If the proposed dredge and fill plan are approved, and the project is permitted to proceed, we recommend implementation of on-site compensatory mitigation measures at the impact site, or at least within the same watershed. These measures may include, for example, extensive native plant revegetation, invasive plant removal (manual, i.e., without the use of herbicides), and/or the addition of bat and owl boxes.

We remain optimistic that additional information and scientific data will perpetuate a productive conversation around the proposed activities at the golf course as well as its ongoing operations. Approval of the proposed project without a proper and complete analysis of its effects is inconsistent with the requirements of the ESA. The project should not be allowed to proceed absent full compliance with the Endangered Species Act. We welcome an open dialogue regarding the current permit request, potential mitigation strategies, and the Portland Golf Club activities as plans for the property continue to evolve.

Respectfully submitted,



Lindsey Zehel, Esq., LL.M.  
Executive Director  
Defend Them All Foundation  
25 NW 23rd Place, Suite 6-310  
Portland, Oregon, United States  
LZehel@DefendThemAll.org



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