

**From:** [Darlene Schanfald](#)  
**Subject:** [EXTERNAL] Another shellfish case won!  
**Date:** Thursday, February 11, 2021 8:59:15 PM  
**Attachments:** [image001.png](#)  
[ATT00001.htm](#)  
[2021-02-11 ECF 71-1 - MEMORANDUM.pdf](#)  
[ATT00002.htm](#)

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While this covers nationwide general permits and the Jamestown is under an individual permit, this is still a great victory.

It means that all commercial shellfish companies will need to get individual permits and address cumulative impacts, toxins, etc.  
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----- Forwarded message -----

From: **Amy van Saun** <[AvanSaun@centerforfoodsafety.org](mailto:AvanSaun@centerforfoodsafety.org)>

Date: Thu, Feb 11, 2021 at 4:53 PM

Subject: Victory on NWP 48!

To: [offshore-aquaculture@googlegroups.com](mailto:offshore-aquaculture@googlegroups.com) <[offshore-aquaculture@googlegroups.com](mailto:offshore-aquaculture@googlegroups.com)>

This just in! <https://www.centerforfoodsafety.org/press-releases/6264/court-of-appeals-backs-environmentalists-federal-greenlight-of-industrial-shellfish-aquaculture-unlawful>

Ninth Circuit today upheld Judge Lasnik's (WD Wash) decision that the Army Corps was arbitrary and capricious in adopting Nationwide Permit 48 for commercial shellfish aquaculture in Washington, violating CWA and NEPA. For, among other things, lack of meaningful cumulative impacts analysis. Decision is attached.

On a personal note, we were lucky to have worked with Thane Tienson on this case and the broader fight against industrial shellfish aquaculture in Washington for years. Sadly, Thane passed just before the oral argument last week. I'm honored to have worked with him on one of his many fights for the environment.

[https://www.dailyastorian.com/news/local/tienson-prominent-lawyer-from-astoria-dies-at-74/article\\_7a98c5f2-64e2-11eb-9d42-bbdb3ac2477d.html](https://www.dailyastorian.com/news/local/tienson-prominent-lawyer-from-astoria-dies-at-74/article_7a98c5f2-64e2-11eb-9d42-bbdb3ac2477d.html)

Best,

Amy van Saun

Senior Attorney

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Pronouns: she/her/they



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