

**From:** [BrownScott, Jennifer](#)  
**To:** [Kelly Toy](#)  
**Subject:** Re: Dungeness Bay Lease  
**Date:** Wednesday, August 26, 2015 3:51:39 PM  
**Importance:** High

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Kelly,

I have taken a look at the application you referenced and it appears that the description may be different than what you had mentioned to me in the spring. I think you had mentioned placing some bags out to see if they survived. This application appears to request use of the entire lease acreage and use of lines.

It would really be helpful if you could send me a detailed description of the type of aquaculture application you are proposing to use, a map of the area that you will be using, and the dates that you propose to have equipment on the site as well as deployment/harvest/and removal dates.

Thank you,  
Jennifer

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Jennifer Brown-Scott  
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~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
~~Copolis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

On Wed, Aug 26, 2015 at 2:48 PM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:

There is a description of the oyster culture methods in the NWP48 application which has been at the corp for 6 years. I thought the Army Corp developed programmatic permits, and conducted programmatic consultations with NMFS and USFWS, to ensure all activities comply with ESA and EFH requirements. I'm having a hard time understanding which federal regulations or policies need to be met that would be specific to Dungeness Bay as opposed to any other farm in Puget Sound. Hope this gets resolved soon.

Kelly

**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]  
**Sent:** Wednesday, August 26, 2015 2:10 PM  
**To:** Kelly Toy  
**Subject:** Re: Dungeness Bay Lease

Kelly,

Great question! We are trying to get a full understanding of our jurisdiction as it pertains to the Use Easement Deed granted by the state so we know which/if any federal regulations and policies we must meet as we discuss/approve the activity.

Do you have a written proposal of the activity you are planning on conducting?

Thanks for your patience,

Jennifer

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Jennifer Brown-Scott

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On Wed, Aug 26, 2015 at 1:44 PM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:

In Exhibit B (Plan of Operations) of the lease it states that the size, location and culture methods used to grow oysters, as well as geoduck, will be discussed and approved by DNR and USFW prior to establishment. Does this need further clarification?

Kelly

**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]

**Sent:** Wednesday, August 26, 2015 1:12 PM

**To:** Kelly Toy

**Subject:** Re: Dungeness Bay Lease

Thanks for your email. We are looking for clarification on our jurisdiction as it relates to aquaculture within the DNR Use Easement.

I'll let you know where we stand as soon as I know.

-jennifer

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Jennifer Brown-Scott

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On Wed, Aug 26, 2015 at 11:38 AM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:

Jennifer,

Scott Chitwood informed me that you are still waiting for the solicitor's opinion concerning our lease. I'm assuming you have a copy of the lease and was wondering if the solicitor's opinion concerns the legality of the DNR lease? If not, what opinion about the lease are you waiting for? Jamestown would like to move this forward as soon as possible, which as you know involves USFWS as the lead for the ESA consultation. Thanks.

Kelly

Kelly Toy

Shellfish Manager

Jamestown S'Klallam Tribe

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