

**From:** [Teachout, Emily](#)  
**To:** [BrownScott, Jennifer](#)  
**Cc:** [Stenvall, Charlie](#)  
**Subject:** Re: Aquaculture Issues - Not Resolved  
**Date:** Wednesday, February 24, 2021 8:51:58 AM

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Thank you for this detailed update Jennifer. As I had an inquiry about status from RO leadership, I'll route this to them. It is certainly good for us to have an update on the current context and potential for litigation.

Best,  
Emily

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**From:** BrownScott, Jennifer <jennifer\_brownScott@fws.gov>  
**Sent:** Wednesday, February 24, 2021 8:37 AM  
**To:** Teachout, Emily <emily\_teachout@fws.gov>  
**Cc:** Stenvall, Charlie <charlie\_stenvall@fws.gov>  
**Subject:** Aquaculture Issues - Not Resolved

ACE has not yet issued a FONSI, or decided if they will issue a permit. **If** a permit is issued, it is highly likely that Center for Food Safety (and others) will sue ACE related to process and the substance of the Environmental Assessment and sue FWS on our decision to forgo Compatibility. ACE has lost multiple aquaculture related lawsuits brought by this organization, with the most recent decision coming a little over a week ago

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

**If** ACE proffers a permit for this proposed commercial farm, then JST would still need to work through the DNR lease process, which will again look at impacts to the Refuge, and create a disturbance monitoring protocol that is acceptable to Audubon and the Refuge.

It appears ACE has the Section 7 information needed for their EA. However, we have not seen any changes to the proposed farm reducing impacts to the highest migratory bird use area of the Refuge. These impacts should be considered the primary issue related to this proposed commercial aquaculture farm - and they have not been resolved.

-jennifer

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