

From: [Kilbride, kilb](#)
To: [BrownScott, Jennifer](#)
Cc: [Loveri, Vanessa](#)
Subject: Re: Request for Availability: Aquaculture Monitoring Discussion
Date: Tuesday, March 30, 2021 2:55:59 PM

Hi, Jennifer:

It would be important for us to discuss your expectations for survey(s) before going into a meeting with tribal representatives and other stakeholders. Because there are a suite of potential surveys described in your email and documentation, I'm concerned about the necessary funding and personnel to fully implement, especially if the expectation is for robust, intensive surveys. In our [I&M policy](#) and Survey Protocol Handbook, there are high standards for "scientifically rigorous" survey protocols.

Also, have you considered bringing in an outside entity (e.g., USGS) to design and conduct this monitoring? For my experience with other high-profile, controversial situations in the past, results/findings can be scrutinized for any or all aspects of surveys that are conducted by Service employees.

Kevin Kilbride
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From: BrownScott, Jennifer <jennifer_brownScott@fws.gov>
Sent: Tuesday, March 30, 2021 2:07 PM
To: Kilbride, kilb <kevin_kilbride@fws.gov>; Loveri, Vanessa <vanessa_loverti@fws.gov>
Subject: Request for Availability: Aquaculture Monitoring Discussion

Thank you for helping us with the Jamestown S'Klallam Tribe's request for assistance re: Aquaculture Monitoring Plan/Disturbance Monitoring MOU.

As Charlie may have mentioned, the County and Corps permitting for the Tribe's commercial aquaculture farm in the tidelands of Dungeness NWR require monitoring of impacts from the farming activity. The language that has been shared with us follows:

ACE Proffered Permit

"a copy of the U.S. Fish and Wildlife Service's determination of the work activities authorized by this permit being compatible with U.S. Fish and Wildlife Service's management, laws and executive orders, policies, and treaties"

"a monitoring plan for assessing disturbance to wildlife from work activities and structures and from the potential impacts to accretion and long-shore transport of sediment. This plan should be developed in coordination with U.S. Fish and Wildlife Service."

County Shoreline Permit

"the Applicant shall enter into a Memorandum of Understanding (MOU) with the Olympic Peninsula Audubon Society or USFWS concerning the monitoring of shorebirds and waterfowl. The MOU should address the scientific approach that will be taken toward monitoring impacts of the proposal on the Refuge.

Jamestown S'Klallam Tribe representatives have requested a preliminary discussion, and provided Thursday or Friday of this week and anytime next week as their availability. I am hoping we can get a better understanding of the planning requirement from the Corps and what role they would like us to play in their planning process. Do you have any availability that meets this request?

We hope that this process will lead to a scientifically rigorous survey protocols (and potentially thresholds for impact) for wildlife disturbance and impacts to habitat that affect Refuge Purpose (e.g., eelgrass surveys), using an approach that minimizes impacts to the refuge wildlife and habitats from monitoring.

If you would like to discuss the wildlife and habitat of the tidelands surrounding the lease, the concerns that have been raised by the Refuge related to activity on these tidelands, a compatible approach to monitoring or any other aspect of this assistance request, please let me know.

The most recent draft plans from the Tribe are attached.

Thanks again,
Jennifer

Jennifer Brown-Scott
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[~~Dungeness NWR](#)~[Protection Island NWR](#)~[San Juan Islands NWR](#)~[Copalis NWR](#)~[Flattery Rocks NWR](#)~[Quillayute Needles NWR](#)~~

From: Elizabeth Tobin <etobin@jamestowntribe.org>

Sent: Monday, March 29, 2021 4:45 PM

To: BrownScott, Jennifer <jennifer_brownScott@fws.gov>

Cc: Sissi Bruch <sbruch@jamestowntribe.org>; Hansi Hals <hhals@jamestowntribe.org>

Subject: [EXTERNAL] Follow-up/Recap: Special Conditions of USACE Initial Proffered Permit

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Hi Jennifer,

Thanks again for taking the time to discuss further USFWS coordination on the special conditions as part of the USACE initial proffered permit. I would like to start by summarizing our conversation for the benefit of Hansi and the Tribe's new Environmental Planning Biologist, Sissi Bruch, who will be taking the lead on tracking/overseeing the terms and conditions of the Tribe's oyster farm permits.

- Regarding the compatibility determination (CD), USFWS has been waiting for the signed permit so that the entirety of the project, including monitoring activities, can be considered. Hence, while the Operational Plan, Monitoring and Mitigation Plan and the Gear Retrieval Plan (attached) have not changed, any additional monitoring activities need to be finalized before you can initiate that process. *Could you provide clarification on the timeline for completing the CD once the additional monitoring plan(s) are final?*
- Regarding the Monitoring Plan as a special condition of the USACE proffered permit, you are happy to begin working with us immediately on development of a monitoring plan (acknowledging that you are going into your busy field season) but would like to involve a representative from USFWS Migratory Bird Program who has more experience/expertise with monitoring behavior. Given the requisite MOU for the Shoreline Permit, Olympic Peninsula Audubon should also be involved in coordination of the monitoring plan.

As a next step, I will have you coordinate with Sissi (cc'd) to set up a conference call with USFWS staff, Audubon and Tribal staff to initiate the conversation on co-development of a monitoring plan. As we discussed, there is a need to initiate these conversations quickly - over the next couple of weeks - as the special conditions state that project activities cannot commence until the agreed to monitoring plan and CD have been submitted to USACE. As you know, the Tribe has been working towards re-establishing its oyster farm in Dungeness Bay for well over a decade, and is eager and ready to begin activities on the DNR lease area as early as June.

Please feel free to add or clarify anything that I may have unintentionally omitted.

Best,

Liz

Elizabeth Tobin

Shellfish Program Manager

Jamestown S'Klallam Tribe

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