

**From:** [Foerster, Kevin](#)  
**To:** [BrownScott, Jennifer](#)  
**Cc:** [Dexter, Nathan L](#); [Sylvia Pelizza](#); [Trust, Kim KT](#)  
**Subject:** Re: Dungeness Aquaculture Proposal Received from Tribe  
**Date:** Wednesday, February 10, 2016 10:23:55 AM  
**Importance:** High

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Send copies of all letters to me and Sylvia (unless she had the already) thx. K

Sent from my iPhone

On Feb 10, 2016, at 8:14 AM, BrownScott, Jennifer <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)> wrote:

On December 7, the Army Corps sent a letter to the Tribe (attached) stating that their application was incomplete and provided direction for submitting a new application. This letter also stated that USFWS is the federal lead and responsible for Sect 7, Essential Fish Habitat, and Sect 106 compliance. The letter also stated that the project may require other federal authorizations. Prior to our meeting on January 12, Tribal fisheries biologist Ralph Riccio met with the Army Corps to get a better understanding of what is required. According to the Army Corps, the new application still does not contain enough specific information for processing. They have requested, in writing, meeting with the head of the Tribes Natural Resources Program within the next 30 days to discuss the continuing issues with the application.

Army Corps does not want to lead NEPA especially since they see our Compatibility/Appropriateness process as requiring NEPA. If they are able to process the request under the Nationwide 48 permit process, then no additional NEPA will be required for the Corps process.

We have also received a copy of DNRs response to Chairman Allen's letter below. It seems fairly clear that DNR expects the Tribe to receive approval from the Refuge before commencing activities in the lease. Their rationale cites both the purpose of the Use Easement and approval language found in the lease.

Let me know if you need anything else.

Hope you are enjoying your time in the islands. Can't wait to hear from Sue about PSG.

-jennifer

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Jennifer Brown-Scott  
Refuge Manager

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~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
~~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

On Wed, Feb 10, 2016 at 9:43 AM, Kevin Foerster <[kevin\\_foerster@fws.gov](mailto:kevin_foerster@fws.gov)> wrote:

Has the corps communicated back yo the tribe why they believe the application is inadequate? Is corps doing the nepa for this proposed permit?  
No letters right now. Jennifer, get back to tribal staff and let them know what we (Fws and corps) need in the proposal). Document your discussion. We have a mtg in early March. Aloha,  
Sent from my iPhone

On Feb 9, 2016, at 8:25 AM, BrownScott, Jennifer <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)> wrote:

We received this email from the Tribe yesterday. Given your discussions with Chairman Allen and after speaking with Army Corps of Engineers (ACE) it appears this is a copy of their ACE permit submission with the expectation that we will start Section 7 and 106 review. Tribal staff asked in January if the Section 7 and 106 review process could be completed by May.

We met with Tribal staff in January and discussed the cultivation methods that are listed in this proposal. At that time, we let them know that there was not enough detail for review and discussed additional information that would need to be provided. This information (including what time of the year cultivation activities would occur, description of required maintenance activities, size and location of cultivation activities, more information about fencing and netting materials) still appears to be missing.

We checked with ACE this morning and this permit application is not adequate for their review. Since this is the third time their application has been returned by ACE, we should probably wait for ACE acceptance before beginning any type of Sect 7 or 106 analysis. Otherwise we could be looking at a moving target.

Once a complete proposal is provided, we will be unable to conduct the required eelgrass delineation until at least June (best done in July). ACE will not accept a delineation completed outside of this window. During our meeting in January, Tribal staff was under the impression that the eelgrass delineation window begins in February or March.

During our meeting with Ralph Riccio in January, he asked us to let him know if the approval process could be completed by May. Should we draft a letter to the Tribe letting them know:

- we will not start the Section 7 and 106 processes until after a completed proposal has been accepted by ACE.
- we cannot begin the Section 7 process until after eelgrass delineation is completed (no earlier than June/July).

Or, would you like to wait and discuss these issues with Chairman Allen?

Thanks for all of your help on this matter,  
Jennifer

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~~Dungeness NWR~Protection Island NWR~San Juan Islands  
NWR~~  
~~Copolis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

----- Forwarded message -----

From: **Ralph Riccio** <[rriccio@jamestowntribe.org](mailto:rriccio@jamestowntribe.org)>  
Date: Mon, Feb 8, 2016 at 4:30 PM  
Subject: Dungeness Shellfish Farm - Project Proposal  
To: "[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)"  
<[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)>  
Cc: Scott Chitwood <[schitwood@jamestowntribe.org](mailto:schitwood@jamestowntribe.org)>, Kelly Toy  
<[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)>, Kurt Grinnell  
<[k\\_grinnell@msn.com](mailto:k_grinnell@msn.com)>

Hello Jennifer,

Please find attached the Jamestown S'Klallam Tribe's detailed project proposal of aquaculture activities in Dungeness Bay.

Thank you.

Ralph

Ralph Riccio

Jamestown S'Klallam Tribe

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<Dungeness\_Project Drawings\_final.pdf>

<Dungeness\_JARPA\_2016\_signatures.pdf>

<JARPA\_Dungeness\_2016.pdf>

<Attachment E - signed.pdf>

<ACOE ltr to Jamestown\_incomplete app\_120715.pdf>

<DNR Letter to Chairman Allen\_111815.PDF>