

**From:** [Pelizza, Sylvia](#)  
**To:** [BrownScott, Jennifer](#)  
**Cc:** [Thomas, Sue](#); [Sollmann, Lorenz](#)  
**Subject:** Re: Jamestown S'Klallam Tribe Shellfish Farm Permitting Meeting  
**Date:** Monday, April 4, 2016 4:38:43 PM  
**Importance:** High

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Looks like it went well. I'll call tomorrow to follow up or we can discuss during your mid-year.

Sylvia

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**Sylvia R. Pelizza**

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On Mon, Apr 4, 2016 at 9:55 AM, BrownScott, Jennifer <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)> wrote:  
This is a great overview of last week's aquaculture meeting.

-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: **Sanguinetti, Pamela NWS** <[Pamela.Sanguinetti@usace.army.mil](mailto:Pamela.Sanguinetti@usace.army.mil)>  
Date: Mon, Apr 4, 2016 at 9:08 AM  
Subject: RE: Jamestown S'Klallam Tribe Shellfish Farm Permitting Meeting  
To: Ralph Riccio <[rriccio@jamestowntribe.org](mailto:rriccio@jamestowntribe.org)>, "Carlson, Sean (DNR)" <[Sean.Carlson@dnr.wa.gov](mailto:Sean.Carlson@dnr.wa.gov)>, "Ryan\_McReynolds@fws.gov" <[Ryan\\_McReynolds@fws.gov](mailto:Ryan_McReynolds@fws.gov)>, "josh.peters@dnr.wa.gov" <[josh.peters@dnr.wa.gov](mailto:josh.peters@dnr.wa.gov)>, "BrownScott, Jennifer" <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)> <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)>, "Lund, Perry (ECY)" <[plun461@ecy.wa.gov](mailto:plun461@ecy.wa.gov)> <[plun461@ecy.wa.gov](mailto:plun461@ecy.wa.gov)>, "Laura Hoberecht - NOAA Federal

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Good Morning,

I would like to thank the Jamestown S'Klallam Tribe for hosting the permitting meeting at their tribal facility, and particularly Ralph for coordinating the meeting. We covered a lot of information about the evaluations that are required for the shellfish operation to resume. The following is a summary of the key points I noted, but please feel free to clarify or expand if I missed an important point.

1. a. For the application as described in the meeting, the Corps will be evaluating the operation for compliance with Nationwide Permit 48 (Commercial Shellfish Aquaculture Activities), which is a general permit. A general permit has a five year time period, but the Corps is working to streamline the re-verifications when the NWP 48 expires in March 2017. If the applicant requests a permit longer than five years, an individual permit is used for the evaluation. The individual permit requires an individual NEPA review (public process).

b. Because there are two federal agencies with involvement in the evaluation of this project, one agency assumes the position of the federal lead for purposes of ESA section 7 consultation and 106 historic properties coordination. The Corps had previously determined FWS is the federal lead agency, but FWS is coordinating this decision. We expect a quick decision. However, no matter which agency is the federal lead, both FWS and Corps expect the project will meet the terms and conditions of the Programmatic ESA consultation the Corps is expecting to be completed by this summer. This would streamline the ESA coordination.

c. In the case of 106 coordination, whether the Corps or FWS is the federal lead, the Tribe will be actively involved in the cultural resource assessment and determinations. The on-ground work will occur when the tides and weather permit.

2. FWS will be evaluating the project for compatibility with the Refuge mission/purposes, notably for any conflicts with migratory birds. This process is required but never completed in the past. As a result of this evaluation, additional avoidance measures may be considered. FWS provided compatibility guidance questions to assist the Tribe in providing this information. Additional information can be found at <http://www.fws.gov/pacific/planning/main/docs/wa/docsdungeness.htm#proj>

3. Because the underlying ownership of the tidelands in WA state, a shoreline permit is required. Clallam County will decide which type of permit is required based on the activities applied for. The County will coordinate this directly with the Tribe.

4. Ecology's involvement will be based on the Corps permit and the County permit type.

5. DNR will provide the lease when all the above evaluations/ permits are completed. Although the current lease expires next year, DNR did not believe there would be any problems with

reissuing a lease even if there was a gap in time between the lease expiring and a new lease being provided.

6. The Tribe described a number of minimization measures for the project, including the avoidance of native eelgrass. In addition, we discussed types of predator control gear such as using the Vexar protective sleeves instead of individual tubes and large area nets.

7. Laura Hoberecht also alerted the Tribe that citizen legal challenges are common with intertidal geoduck projects, but have not occurred for other types of aquaculture. The federal permits have not been challenged in court but there may be concerns from citizen groups who monitor activities on federal lands/National Wildlife Refuges.

Nest Steps forward:

1. It was recommended the Tribe consider determining their cultivation methodology now rather than applying for a sweep of cultivation methodologies. This would streamline the process by reducing the types of methodologies that must be evaluated.

2. The Tribe will respond to the compatibility questions from FWS and include their responses with their application. The same application (JARPA) will be provided to all of the agencies (i.e., Corps, Ecology, Clallam County and DNR). Instructions for completing a JARPA for shellfish activities is available at

[http://www.epermitting.wa.gov/site/alias\\_\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx)

3. Agency evaluations will be concurrent.

I would also suggest we consider meeting again, perhaps in July or August, for an update on our progress in moving forward.

Pam

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-----Original Message-----

From: Ralph Riccio [mailto:[riccio@jamestowntribe.org](mailto:riccio@jamestowntribe.org)]

Sent: Tuesday, March 29, 2016 5:13 PM

To: Carlson, Sean (DNR) <[Sean.Carlson@dnr.wa.gov](mailto:Sean.Carlson@dnr.wa.gov)>; [Ryan\\_McReynolds@fws.gov](mailto:Ryan_McReynolds@fws.gov);

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Subject: [EXTERNAL] Jamestown S'Klallam Tribe Shellfish Farm Permitting Meeting

All,

Please find attached the agenda for our meeting on Friday, along with the updated JARPA Application and Project Drawings. Let me know if you would like the opportunity to present on behalf of your agency, and we can amend the agenda. Be prepared to discuss your agency's requirements as we move forward with permitting our shellfish farm in Dungeness Bay. Please remember as a pre-existing farm we will be applying for a Nationwide Permit 48, not an Individual Permit.

I look forward to collaborating on Friday.

Ralph

Ralph Riccio

Jamestown S'Klallam Tribe

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