

From: [Hansi Hals](#)
To: [Teachout, Emily](#); [Elizabeth Tobin](#); [BrownScott, Jennifer](#)
Cc: [McReynolds, Ryan](#); [Morris, Frances NWS](#)
Subject: RE: [EXTERNAL] RE: JST Dungeness Bay Oyster Farm
Date: Monday, September 21, 2020 11:04:35 AM

Emily, Thank you very much for keeping us posted. I am glad that everyone's understanding is as originally discussed and that the proposed farm operations can be brought under the existing programmatic consultation, with the adapted conservation measure #22 as described by the gear/equipment monitoring and retrieval plan.

We appreciate your clear communication, Hansi

Hansi Hals

Natural Resources Director

Jamestown S'Klallam Tribe

1033 Old Blyn Hwy

Sequim WA 98382

(360) 681-4601

Cell (360) 460-1578

From: Teachout, Emily <emily_teachout@fws.gov>

Sent: Monday, September 21, 2020 8:43 AM

To: Elizabeth Tobin <etobin@jamestowntribe.org>; Hansi Hals <hhals@jamestowntribe.org>; BrownScott, Jennifer <jennifer_brownScott@fws.gov>

Cc: McReynolds, Ryan <ryan_mcreynolds@fws.gov>

Subject: Re: [EXTERNAL] RE: JST Dungeness Bay Oyster Farm

A follow up to my message last week. This issue has been resolved.

Template language in the ACOE's cover language caused some confusion. When Ryan followed up with the ACOE project manager he was able to confirm that they are seeking coverage of proposed farm operations under the existing programmatic consultation. They are seeking our endorsement of the proposed gear/equipment surveillance and retrieval plan, as the only special ESA condition for their permit.

We plan to prepare a letter in response to the Corps, 1) confirming that the proposed farm operations can be brought under the existing programmatic consultation; and 2) endorsing the proposed gear/equipment surveillance and retrieval plan for this farm.

Let me know if you have any questions. Sorry if this caused confusion but we want to keep you posted on status.

-Emily

From: Teachout, Emily <emily_teachout@fws.gov>

Sent: Friday, September 18, 2020 1:07 PM

To: Elizabeth Tobin <etobin@jamestowntribe.org>; hhals <hhals@jamestowntribe.org>; BrownScott, Jennifer <jennifer_brownScott@fws.gov>

Cc: McReynolds, Ryan <ryan_mcreynolds@fws.gov>

Subject: Re: [EXTERNAL] RE: JST Dungeness Bay Oyster Farm

Hansi, Liz, Jennifer -

Hello all - I just wanted to provide you with a brief update. I just spoke with Ryan. After having a bit of time to digest the package sent by the ACOE, unfortunately, we now realize it is not what we expected; primarily in that they requested formal consultation. Ryan is contacting the project manager at the ACOE as a starting place for restoring a clear path forward. Importantly, we are confident we can resolve current confusion on the approach with the ACOE. I will keep you posted and will update you after Ryan has had a chance to connect with the project manager.
-Emily

From: Elizabeth Tobin <etobin@jamestowntribe.org>
Sent: Wednesday, September 2, 2020 11:30 AM
To: McReynolds, Ryan <ryan_mcreynolds@fws.gov>; Hansi Hals <hhals@jamestowntribe.org>
Cc: BrownScott, Jennifer <jennifer_brownScott@fws.gov>; Teachout, Emily <emily_teachout@fws.gov>; Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>; Bennett, Matthew J CIV USARMY CENWS (USA) <Matthew.J.Bennett@usace.army.mil>
Subject: [EXTERNAL] RE: JST Dungeness Bay Oyster Farm

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Hello Ryan,
Thank you very much for the update and your direction on following up with USACE staff. We will submit the gear surveillance and retrieval plan to the Corps today with a cover email as requested. Hansi and myself are available to answer questions that may come up as you move forward with ESA consultation.
Thank you,
Liz

From: McReynolds, Ryan <ryan_mcreynolds@fws.gov>
Sent: Wednesday, September 2, 2020 10:01 AM
To: Elizabeth Tobin <etobin@jamestowntribe.org>; Hansi Hals <hhals@jamestowntribe.org>
Cc: BrownScott, Jennifer <jennifer_brownScott@fws.gov>; Teachout, Emily <emily_teachout@fws.gov>; McReynolds, Ryan <ryan_mcreynolds@fws.gov>; Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>; Bennett, Matthew J CIV USARMY CENWS (USA) <Matthew.J.Bennett@usace.army.mil>
Subject: JST Dungeness Bay Oyster Farm

Hello, Good Morning Liz, Good Morning Hansi,
Thank you, again, for working collaboratively with the refuge manager and staff to improve on and refine the culturing gear surveillance and retrieval plan.
Our Ecological Services office just spoke with the Corps' PM, ESA Lead, and Section Chief. We are in good agreement about the path forward for ESA consultation and compliance. The culturing gear surveillance and retrieval plan is key to that, since ultimately the plan will be substituted for the more generic beach patrol conservation measure from the programmatic,

and the plan will be identified by the Corps as a special permit condition.

There has been previous correspondence between the JST and Corps regarding culturing gear surveillance and retrieval, and therefore the Corps is requesting that the JST send to the Corps directly the plan reflecting input and technical assistance from the refuge (i.e., the same copy received by Ecological Services on 8/28).

Please send the culturing gear surveillance and retrieval plan directly to the Corps. Please also include the helpful explanations appearing in the email immediately below (re: input from the refuge; re: compliance with all other applicable conservation measures from the programmatic).

It is our understanding that the Corps can/will request ESA consultation using the Corps Programmatic BA and Service/FWS Biological Opinion as reference documents (i.e., a "reference BA"). That should lighten the load and provide some efficiencies.

Also, I have a to-do item ... I will speak with our sister-agency/NMFS, so that NMFS has some background on this action, and understands our suggested path forward for ESA consultation and compliance.

Please call or email if you have questions. We will keep you informed of our progress.

Thank You, Regards, Stay Well,

- Ryan -

Ryan McReynolds

U.S. Fish and Wildlife Service, Lacey WA

Consultation & Conservation Planning Division

ryan_mcreynolds@fws.gov

360.753.6047

Working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

From: Elizabeth Tobin <etobin@jamestowntribe.org>

Sent: Wednesday, August 26, 2020 1:48 PM

To: Teachout, Emily <emily_teachout@fws.gov>

Cc: McReynolds, Ryan <ryan_mcreynolds@fws.gov>; BrownScott, Jennifer <jennifer_brownScott@fws.gov>; Hansi Hals <hhals@jamestowntribe.org>

Subject: [EXTERNAL] JST Proposal Gear Retrieval Plan

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Emily and Ryan,

Attached is the Jamestown S'Klallam Tribe's plan for meeting conservation measure #22, specific to gear surveillance and retrieval for the Dungeness Bay Oyster Farm.

All other applicable conservation measures of the Programmatic Biological Opinions for Shellfish Activities in WA State Inland Marine Waters (USFWS Reference number 01EWF00-2016-F0121,

and NMFS Reference number WCR-2014-1502) shall be met as explicitly presented in the Programmatic. We have incorporated the specific recommendations provided by Jennifer so that it can be assured this plan is compatible with DNWR management and can obtain a special use permit for gear retrieval if needed.

Please feel free to contact me if you require any clarification or have follow up questions.

Thank you,

Liz

Elizabeth Tobin
Shellfish Biologist
Jamestown S'Klallam Tribe
office: 360-681-4656
cell: 360-912-2961
email: etobin@jamestowntribe.org