

From: [BrownScott, Jennifer](#)
To: [Stenvall, Charlie](#)
Subject: Fw: Compatibility of MOU and Letter of Non-objection
Date: Friday, October 28, 2022 2:12:10 PM

FYI. This issue was brought to Hugh's attention during our discussion this morning.

Jennifer Brown-Scott
Project Leader
Washington Maritime National Wildlife Refuge Complex
715 Holgerson Road
Sequim, WA 98382
(360) 457-8451

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

From: BrownScott, Jennifer
Sent: Friday, October 28, 2022 7:22 AM
To: Ogura, Christine <christine_ogura@fws.gov>
Cc: Stenvall, Charlie <charlie_stenvall@fws.gov>
Subject: Compatibility of MOU and Letter of Non-objection

I was having a conversation about easement regulations yesterday and a questions still remains. If an MOU is signed that Hugh believes has zero affect on our property interest, it would seem that he would still be required to complete a determination of compatibility and issue a letter of non-objection to be consistent with the Cape Romain court case and [50 CFR 25.44\(b\)](#). According to 50 CFR 25.44(b), permits are required for use of easement areas administered by the Service where proposed activities **may affect** the property interest acquired by the United States. Applications for permits will be submitted in writing to the Regional Director or a designee. We may grant special use permits to owners of servient estates, or to third parties with the owner's agreement, by the Regional Director or a designee, **upon written determination that such permitted use is compatible. If we ultimately determine that the requested use will not affect the United States' interest, the Regional Director will issue a letter of non-objection.**

Have Frank and Hugh considered this regulation?

-jennifer

Jennifer Brown-Scott
Project Leader
Washington Maritime National Wildlife Refuge Complex
715 Holgerson Road
Sequim, WA 98382

(360) 457-8451

[~~Dungeness NWR](#)~[Protection Island NWR](#)~[San Juan Islands NWR](#)~[Copolis NWR](#)~[Flattery Rocks NWR](#)~[Quillayute Needles NWR](#)~~