

**From:** [Foerster, Kevin](#)  
**To:** [Stenvall, Charlie](#); [BrownScott, Jennifer](#)  
**Subject:** Fw: FOR ROBYN/HUGH - Dungeness Update  
**Date:** Thursday, March 4, 2021 12:46:57 PM

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**Kevin Foerster**

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**From:** Nelson, Marjorie <marjorie\_nelson@fws.gov>  
**Sent:** Thursday, March 4, 2021 12:07 PM  
**To:** Thorson, Robyn <robyn\_thorson@fws.gov>; Morrison, Hugh R <hugh\_morrison@fws.gov>  
**Cc:** Foerster, Kevin <kevin\_foerster@fws.gov>; Norman, Kate <Kate\_Norman@fws.gov>; Ogura, Christine <christine\_ogura@fws.gov>  
**Subject:** FOR ROBYN/HUGH - Dungeness Update

Good Morning, Robyn and Hugh-

Per your request, please find below a very brief update on the current status of work from ES. We coordinated with Refuges on this issue.

- WFWO completed a formal consultation through an existing Shellfish Aquaculture Programmatic. A letter was sent to the Corps of Engineers on 10/20/2020 documenting consistency with the Programmatic Biological Opinion. That concluded our formal consultation with the Corps on the Jamestown S'Klallam Tribe's action.
- ACOE has not issued a FONSI or permit; if they do issue the permit then the Tribe would need to work through state DNR on leasing and create disturbance monitoring protocols that are acceptable to the refuge.
- Recent litigation brought by the Center for Food Safety against the ACOE will likely impact the use of Nationwide Permit 48 for oyster culture activities in the Puget Sound area. <https://www.centerforfoodsafety.org/press-releases/6264/court-of-appeals-backs-environmentalists-federal-greenlight-of-industrial-shellfish-aquaculture-unlawful>

Please let us know if you have additional questions on this issue.

Thank you,  
Marj

Marjorie Nelson (she/her)

Acting Assistant Regional Director - Ecological Services

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