

From: [W Ron. Allen](#)
To: [Thorson, Robyn](#)
Cc: [Hansi Hals](#); [Morrison, Hugh R](#); [Elizabeth Tobin](#); [Sissi Bruch](#); [Lauren P. Rasmussen \(lauren@rasmussen-law.com\)](#)
Subject: [EXTERNAL] USF&WS Checking in
Date: Monday, April 4, 2022 4:01:51 PM
Attachments: [They Were Here First - American Indian Tribes, Race & Constitution \(2017\).pdf](#)
[Public Lands, Conservation, & possibility of Justice \(2018\).pdf](#)

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**Robyn, thanks for the update discussion this afternoon.
Encouraging**

I forgot to ask for a copy of your analysis paper so we can absorb it and enable us to collaborate so we can identify how to navigate around the 'box' that you thought you were in on this last permit. Like I said I do believe the President's memorandum provides that path. We are curious who did the paper and if they considered the logic of these papers by DOI Associate Solicitor Sarah Karakoff? Thanks, Ron

**W. Ron Allen, Tribal Chair/CEO
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From: Thorson, Robyn <robyn_thorson@fws.gov>
Sent: Tuesday, March 1, 2022 4:18 PM
To: W Ron. Allen <rallen@jamestowntribe.org>
Cc: Hansi Hals <hhals@jamestowntribe.org>; Morrison, Hugh R <hugh_morrison@fws.gov>; Elizabeth Tobin <etobin@jamestowntribe.org>; Sissi Bruch <sbruch@jamestowntribe.org>
Subject: RE: [EXTERNAL] USF&WS Checking in

Thank you for writing to me to emphasize your concerns. I value seeing that message below, and messages through your staff, and in writings, and in comments.

It has been on my mind (worryingly) that my short update last Friday, written at the close of the day, did not sufficiently recognize the extent of the tribe's interests and criticisms. I know this is of

huge import to you and the Jamestown S'Klallam Tribe and did not intend to understate that with a brief note. And I intended to compliment you on the energy you contribute to TRAR (and in other venues); I hope that came through.

I have no interest in being contrarian (at all) but I do not believe FWS is taking a step backward. This new undertaking is highly significant: it departs from more narrow considerations of the tribe's interests that had reflected the known procedures and policies. Admittedly the new analysis of the situation is slow but it is stepwise, to address policy and process in ways not previously considered. Absent this effort I fear FWS and the tribe would have very little room to see each other's interests more clearly, with potential resolution of positions, viewpoints, approaches.

Thank you again for what you wrote (below). I appreciate your message and am sharing it with FWS and DOI leaders engaged in this, to keep us aware of the high stakes of JST and your high expectations of our work to address that.

Robyn

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I live and work in the traditional homelands of the Chinook, Clackamas, Cowlitz, Kalapuya, Kathlamet, Molalla, Multnomah, and Wasco people who have made their homes along the lower Columbia River for thousands of years.

From: W Ron. Allen <rallen@jamestowntribe.org>
Sent: Tuesday, March 1, 2022 12:17 PM
To: Thorson, Robyn <robyn_thorson@fws.gov>
Cc: Hansi Hals <hhals@jamestowntribe.org>; Morrison, Hugh R <hugh_morrison@fws.gov>; Elizabeth Tobin <etobin@jamestowntribe.org>; Sissi Bruch <sbruch@jamestowntribe.org>
Subject: [EXTERNAL] USF&WS Checking in

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Robyn, I deeply appreciate your email after the TRAR Tribal/Federal meeting and yes, I knew you were on the Zoom call. I felt compelled to raise our shellfish issue as we were engaged in the subject of protecting and advancing our Treaty

rights in the 21st Century. Our Tribe appreciates that USFWS has convened a workgroup 'to look afresh at the situation and identify options', but we are frustrated this workgroup appears to be another 'step back' at making what we believe should be an easy decision knowing the commitment of the President and his Executive Orders on this subject. The Tribe's seafood business was disrupted for more than 20yrs (including the 13 years to remedy environmental pollution problems that impacted and fallowed our Oyster farm). Our journey to resume farming should not take this long.

I hope you have had time to review the Letter of Agreement (LOA) proposal I sent on Feb 3rd. Please let me know what you think the merits of entering a LOA would be. The LOA is a short-term remedy proposal so that Tribe and USFWS would have mutual understanding/agreement. This short-term solution will provide additional time to develop a long term remedy which assures our Treaty Right for future generations. If the newly convened USFWS workgroup is seeking to identify a permanent solution to assure Jamestown S'Klallam Tribe's treaty rights, we are in favor. But please recognize that the Tribe should participate meaningfully. Having the federal government define and deliver the 'solution' perpetuates wrongs to our Tribe. Jamestown must be an equal voice in identifying, vetting, and selecting the mechanism to assure mutual goals, and protect treaty rights.

This right of our Tribe has drifted into a deep, spiraling USFWS bureaucratic black hole. It defies logic and flies in the face of current policy and direction coming from the White House. We are concerned that this extended workgroup process and lack of tribal involvement undermines confidence in the outcome. As I have noted, we would rather not raise this matter to the DOI Secretarial level, but this very long delay challenges our patience. I have no idea what the March 4th report will say, but we are expecting it to say, the shellfish farm is alignment with the existing Letter of Agreement (LOA) to provide access to Klallam/S'Klallam. Per our joint 1983 LOA "The USFWS recognizes that the Indian treaty fishing rights

include the right of access to National Wildlife Refuge lands. This is a treaty right against land owned by the United States". As you know, Treaty fishing includes modern techniques.

How long do you expect our patience and respect to last for this system? This process to not resolve this matter (i.e., get to yes) at the local/regional is another example of why we are raising the "Treaty Rights at Risk" to the highest level as we are not making progress with these Treaty/Trust duties delegated to the Region officials.

Let me know if we need to talk in person to discuss when we will resolve this last issue. Thanks, Ron

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From: Thorson, Robyn <robyn_thorson@fws.gov>
Sent: Friday, February 25, 2022 5:26 PM
To: W Ron. Allen <rallen@jamestowntribe.org>
Cc: Hansi Hals <hhals@jamestowntribe.org>; Morrison, Hugh R <hugh_morrison@fws.gov>
Subject: Checking in

Chairman Allen:

Yesterday I attended the Treaty Rights at Risk meeting (virtually, not in person) and heard your remarks, including criticism of the Fish and Wildlife Service over access to the shellfish permit in Dungeness Bay. I also heard your firm comments about the priority for salmon and habitat recovery in Pacific Northwest marine waters, and the need for actions (not just talk). In all your remarks (including "who's in charge?") I noted respect among attendees for your contributions and appreciation for your expressions of good will (including good humor). I extend my compliments, even though the shellfish permit comments (well known to me already) were critical.

As update: after much dialogue ("marshaling" is the word I previously used) about the Jamestown S'Klallam Tribe access issue at Dungeness Bay, the Fish and Wildlife Service convened a work group mid-February to examine this matter through application of Joint Secretarial Order 3403. The charge to the workgroup includes this language:

On November 15, 2021 the Secretary of the Interior and the Secretary of Agriculture issued Joint

Secretarial Order 3403 (JSO), which reflects the intention to strengthen the consideration of tribal knowledge and interests in decision-making and outlines requirements for interactions with Tribes in the management of Federal lands and waters managed by the two agencies. The JSO was issued concurrent with ongoing deliberations between the U.S. Fish and Wildlife Service (FWS) and the Jamestown S'Klallam Tribe regarding access to the tribe's shellfish farming lease on tidelands in Dungeness National Wildlife Refuge.... This presents opportunity to examine how interests of both the tribe and the refuge could be considered with perspectives not previously applied. The analysis...is to look afresh at the situation and identify options.

Assessing this matter through the JSO lens has been slow, contrary to your request for expediency; I realize that is a disappointment. However, this reflects firm resolve on our part to step back from conflict and examine this with larger consideration of tribal heritage and interests, as expressed in the JSO. I'll receive a progress report on the analysis on/around March 4 and after that I should have an update for you about the timeline ahead.

Again, I appreciate your TRAR remarks (even though I look forward to not being the target of some of them).

Thank you.
Robyn

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