

**From:** [BrownScott, Jennifer](#)  
**To:** [Sollmann, Lorenz](#)  
**Subject:** Fwd: Commercial Use Reg and BIDEH Policy Review  
**Date:** Friday, September 25, 2015 1:55:06 PM  
**Attachments:** [WO-NWRS Guide Economic Uses 04182005.pdf](#)  
[HQ Memo Ag Practices on Refuges 07172014.pdf](#)  
[BIDEH and Commercial Use Regs Review 092515.docx](#)

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FYI. This is what I sent to Sylvia.

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~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
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From: **BrownScott, Jennifer** <[jennifer\\_brownscoott@fws.gov](mailto:jennifer_brownscoott@fws.gov)>  
Date: Fri, Sep 25, 2015 at 1:51 PM  
Subject: Commercial Use Reg and BIDEH Policy Review  
To: Sylvia Pelizza <[sylvia\\_pelizza@fws.gov](mailto:sylvia_pelizza@fws.gov)>

After working through the regulation on commercial uses (CFR.50§29.1) and BIDEH (601FWS3) line by line, it is looking pretty bleak.

Here's a quick overview:

A proposal to initiate a commercial aquaculture program within Dungeness NWR that includes non-native oysters and structure would seem to violate BIDEH. We would also need to gather information on historical conditions and baseline species and environmental data to meet the requirement for evaluation of impacts.

The use must contribute to the DNWR purpose or mission of the NWRS to be allowed under CFR.50§29. If an assessment showed the potential for wildlife disturbance and disruption of the natural landscape and/or 100% of oysters were harvested the practice would most likely be in violation of this regulation. Given that the CCP did not identify introduction of supplemental food sources as a management strategy and since we are currently meeting refuge purposes, it may be difficult to say that the introduction of the Pacific oyster would contribute to the purpose or mission.

I've also attached a couple of memos signed by Jim Kurth relating to farming, BIDEH,

and commercial uses.

Please take a look at the attached information and let me know what you think.

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