

From: [Ogura, Christine](#)
To: [Thorson, Robyn](#); [Morrison, Hugh R](#)
Subject: Re: Follow up and update from Monday's Dungeness meeting
Date: Thursday, September 16, 2021 4:49:42 PM
Attachments: [Outlook-ftchp5j1.png](#)
[Outlook-34wlqlcd.png](#)

Hi Robyn and Hugh,

I wanted to provide an update on the conversation I had today with Hansi Hals, who is the Natural Resources Director for the Jamestown S'Klallam Tribe. Key highlights:

- I shared the need to do an access compatibility determination and that though we are not done with the process, it would likely be found incompatible given the year round lease issued by the State to the Tribe for the area. For this reason, I emphasized I was calling her to find a way before getting to "not compatible" so they weren't caught by surprise by this determination and we still had an opportunity to work with them to find a way to be compatible and in line with refuge purpose.
- She confirmed that in her conversation with Kevin that they didn't think we needed to do a CD, but that if the refuge felt that they needed to do one, they understood it needed to proceed.
- I explained that what makes the access incompatible is the year round activity and that the way the state had issued the lease was not in line with our easement agreement with the state, which requires leases be in line with refuge purpose (e.g., closures). I shared that we will be having a conversation with the state, but that we wanted to let her know first and have the conversation with her first to let her know.
- She shared her disappointment as they were planning to start Oct. 15 and thought they had all the permits needed in hand and were ready after all these years. I acknowledged her disappointment and said that there was still time to work with Jennifer to try to find the use compatible by looking at different options.
- She said she would need to talk to her tribal elders to see what they wanted her to do next (e.g, work with Jennifer, work with the state, going to court).
- I ended the conversation reiterating that we did not issue the not compatible determination because we wanted to continue to try to work with them for compatibility and that there was still time to work together, and that our door was always open.

Please let me know if you have any questions.

Thanks and please take care,
Christine

Christine Ogura
Acting Regional Chief, [National Wildlife Refuge System](#)

[U.S. Fish and Wildlife Service](#)

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From: Morrison, Hugh R <hugh_morrison@fws.gov>

Sent: Thursday, September 16, 2021 9:16 AM

To: Ogura, Christine <christine_ogura@fws.gov>; Thorson, Robyn <robyn_thorson@fws.gov>

Subject: Re: Follow up and update from Monday's Dungeness meeting

Christine,

Thank you for the follow-up from Monday's discussion. I much appreciate the work your folks have done to capture the history of communication with the Tribe on this issue. I hope that Refuges is able to connect with Director Hals soon.

A clarification on the communications history - it does not indicate that the Tribe has received the results of Frank's evaluation of the Tribe's legal assertions and the conclusion that a CD is necessary. If they are unaware of this legal assessment, it is even more critical that we connect with Director Hals as soon as possible.

In addition, can you confirm that we are also reaching out to WA-DNR to verbally share our concerns about the lease and gage their willingness to amend it?

Thank you so much for helping to navigate this difficult issue in way that does all we can to retain positive relationships with JST and WA-DNR.

Hugh

Hugh Morrison

Deputy Regional Director

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(he/him/his)

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: Ogura, Christine <christine_ogura@fws.gov>

Sent: Thursday, September 16, 2021 7:25 AM

To: Thorson, Robyn <robyn_thorson@fws.gov>; Morrison, Hugh R <hugh_morrison@fws.gov>

Subject: Follow up and update from Monday's Dungeness meeting

Good morning Robyn and Hugh,

I wanted to let you know that I reached out to Director Hals and am waiting to hear back.

In the meantime, I wanted to provide the JST aquaculture communication history we promised per Monday's meeting. Rather than having to look for emails regarding this and other documents, I created this [oneDrive folder](#) for your ease and use.

To summarize discussion points from Monday's meeting and related reference documents:

- DNR issued the lease to the JST in a way that is not in line with our easement agreement with the State (e.g., in line with refuge purpose). This is a deviation from the past where they have worked with us to add explicit language in leases they have issued. This time however, no explicit language was included as part of this lease (e.g., the closure dates for the area (October 1 – May 14), requiring coordination with the refuge, etc.). This sets a significant precedence that needs to be addressed because they can issue other leases for this area for other activities. It also puts the onus on us for enforcement. Additionally, we have other similar easement agreements with the State at other refuges that this precedence could affect. This [SQL memo](#) identifies why this is an issue and how it infringes on our property rights.
- Though still going through the formal process, as a result of the way the lease was issued (year-round), our compatibility determination regarding access to the area would likely be found incompatible. The [JST aquaculture communication history](#) shows we have tried to work with JST since 2015 to explain the need for compatibility determinations and how activities need to be in line with refuge purposes, and working to identify different ways of conducting their commercial shellfish operations (e.g., time of year, method of cultivation, identifying other areas, etc.) to try to make this compatible.

Please let me know if we can provide anything further as a follow up from Monday's meeting. We will schedule another briefing once conversations with JST and DNR have concluded.

Thanks and please take care,
Christine

Christine Ogura

Acting Regional Chief, [National Wildlife Refuge System](#)

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