

**From:** [BrownScott, Jennifer](#)  
**To:** [Thomas, Sue](#)  
**Subject:** Fwd: [EXTERNAL] USFWS comment letters - follow up  
**Date:** Wednesday, May 8, 2019 10:50:44 AM

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This is what I sent to Hansi.

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*~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
~~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~*

----- Forwarded message -----

From: **BrownScott, Jennifer** <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)>  
Date: Thu, Mar 7, 2019 at 10:08 AM  
Subject: Re: [EXTERNAL] USFWS comment letters - follow up  
To: Hansi Hals <[hhals@jamestowntribe.org](mailto:hhals@jamestowntribe.org)>

This tideland area is closed to all public use from October 1 - May 14 because of its importance to migrating and wintering waterfowl and shorebirds. The 2700 brant that have been recorded during one-day surveys, provide just one example of the importance of this area. They represent 48-75% of Brant in the entire Bay, making this one of the largest roost sites for brant in the Salish Sea. The shoreline and tidelands in and adjacent to the lease also provide one of the few high quality forage sites for shorebirds in Dungeness Bay. Disturbance to these species and others, especially during the wintering and migration periods, can reduce survival and productivity (see our April 4th letter to Clallam County).

The current proposal requests year-round access into these tidelands, with the designated boat landing and access on the end of the lease closest to the highest wildlife use areas. The requested activities are within the disturbance range for waterfowl and shorebirds that use the tidelands, eelgrass, and shorelines in and adjacent to the lease. During the initial review period we attempted to find as many time periods as possible that could potentially allow for work, without impacting migrating and wintering waterfowl and shorebirds. Upon a closer look at migration patterns and timing in this area, we realized that some of these work windows, did not meet this intent. Fall shorebird migration is the earliest concern (starting in July). The overlapping migration and wintering seasons of the various species continue through mid-May, and make it impossible to find a time that would not impact species during these highly sensitive life stages. If you are interested in

learning more about waterfowl and shorebird migration and wintering periods you may wish to look at the Birds of North America online for the primary species that occur on the refuge shown in the Refuge data we shared previously as well as Paulson, D. 1993. Shorebirds of the Pacific Northwest. University of Washington Press, Seattle; and Wilson, U. W., & Atkinson, J. B. (1995). Black Brant Winter and Spring-Staging Use at Two Washington Coastal Areas in Relation to Eelgrass Abundance. Condor, 91-98.

Given that these tidelands and associated shorelines are managed as a National Wildlife Refuge with an established purpose of providing a “refuge, preserve, and breeding grounds for migratory birds; the access requested would cause disturbance that is not consistent with this purpose.

Review of eelgrass mapping efforts has shown that eelgrass has begun to regrow on the lease area. Even though the more dense areas of eelgrass will be protected by a larger buffer than required by the State, there are individual eelgrass plants that were identified outside of this buffer. If given the opportunity to continue growing, these areas could become thicker and denser. If the soil in this area is frequently disturbed, covered in bags, or walked on by workers, these plants will not survive and additional plants will not re-establish.

We hope you find this additional information helpful.

-jennifer

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On Wed, Mar 6, 2019 at 1:19 PM Hansi Hals <[hhals@jamestowntribe.org](mailto:hhals@jamestowntribe.org)> wrote:

Jennifer,

Jamestown S’Klallam Tribe has read your recent letters to USACE and Clallam County carefully. We appreciate your interest and involvement. We wish to fully understand the statement ‘Even with implementation of the best management practices, the operation of a commercial oyster farm within the area that supports the highest abundance of waterfowl

and shorebirds within the Refuge (Complex unpublished data 2010-2018), ***will cause an unacceptable level of impact.*** You reference further assessment of impacts from human disturbance to migrating and wintering waterfowl and shorebirds. Could you please provide detail related to that assessment? You also describe that the site would be negatively impacted by limiting eelgrass regrowth within the site and we are interested in the basis for this determination. Thank you, Hansi

Hansi Hals

Natural Resources Director

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