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Cc: [Sollmann, Lorenz](#); [Peters, Josh \(DNR\)](#); [DNR RE Public Disclosure](#)
Subject: [EXTERNAL] Lease 20-B13012 Exhibit B - courtesy draft
Date: Wednesday, June 02, 2021 11:37:37 AM
Attachments: [image003.png](#)
[20-B13012 - Exhibit B Draft.pdf](#)

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Hello Jennifer,

Thank you for the call this morning. As discussed, attached is a courtesy draft copy of the habitat stewardship measures for the prospective Lease No. 20-B13012 with the Jamestown S'Klallam Tribe.

Please let us know if you have any questions or comments.



Sean Carlson

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**EXHIBIT B
AQUACULTURE PLAN OF OPERATIONS**

1. PERMITS

Tenant has secured the following permits for operations:

U.S. Army Corps Engineers Individual Permit	NWS-2007-1213	Issued: _____, 202_
Shoreline Substantial Development Permit	SHR2017-00011	Issued: January 13, 2020
Shoreline Conditional Use Permit	SHR2017-00011	Issued: March 12, 2020

2. ADDITIONAL OBLIGATIONS

A. SURVEYS.

1. Tenant shall visually inspect the harvest area for presence of herring using the herring egg photographs at <http://www.flickr.com/photos/wastatednr/sets/72157630049550012> for reference prior to conducting any operations during the herring spawning window of May 1 to January 15.
 - i. If herring eggs are present on the property, Tenant must immediately notify DNR and cease all harvesting and maintenance activity for a period of 14 days.
 - ii. After 14 days, Tenant may conduct a follow up herring spawn survey or inspection. If no herring eggs are present Tenant may begin harvesting and maintenance activities without further notice to DNR.

B. OPERATIONS

1. Tenant shall design and secure predator exclusion and fencing devices so they do not break free and litter surrounding areas.
2. Tenant shall not install anti-predator exclusion devices other than the approved on-bottom oyster bags that are depicted in Attachment 1 to this Exhibit B.
3. Tenant shall identify and regularly patrol areas where debris accumulates because of prevailing winds, currents, or other cause. Tenant shall retrieve any litter or debris that enters the eelgrass beds on the Property or escapes the Property, and, if necessary, shall employ divers in deeper waters to retrieve

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litter and debris. Tenant shall remove any litter or debris from the Property before the next incoming tide, and when each day's harvest is completed. Tenant shall secure materials, such as bags, tools, markers, rebar, or nets. Any materials that are stored for longer than seven consecutive days shall be stored above the high tide line.

4. Tenant shall not place gravel or other forms of bed enhancement on the Property.
5. Within thirty (30) days of the Commencement Date of the Lease, Tenant shall remove all metal and PVC pipes and tubing that currently exist on the Property.
6. Tenant shall not use pesticides on the Property.
7. To protect documented surf smelt and sand lance spawning areas in the shallow nearshore environment, Tenant shall not conduct in-water operations that potentially disturb habitat or block migration to avoid impacts. This includes, but is not limited to, sluicing oyster cultch, graveling, hydraulic harvest, mechanical harvest, grading, cleaning, tilling, and harrowing.
8. Within thirty (30) days of the Commencement Date, Tenant shall prepare a contingency plan for addressing petroleum product toxic material spills in the intertidal area and provide a copy to State.
9. If accessing the Property by water, Tenant shall avoid and minimize impacts to sensitive aquatic resources, such as forage fish spawning areas and aquatic vegetation. At a minimum, Tenant shall:
 - i. minimize the grounding of moored and operational work boats and barges in native aquatic vegetation attached to or rooted in substrate.
 - ii. prevent anchors, chains, and ropes from dragging on the bottom through native aquatic vegetation attached to or rooted in substrate.
10. Tenant shall ensure all employees working on the Property understand all laws, rules, regulations, standards, and best management practices established by the Washington Department of Ecology for bilge water, sewage, and spill cleanup in marine waters.
11. Tenant shall ensure all employees working the Property have a copy of and understand Tenant's contingency plan for addressing petroleum product toxic material spills in the intertidal area.

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12. Tenant shall maintain spill prevention kits that include absorbent materials for all equipment on site to address spills of hydraulic fluids and fuels from vessels, vehicles, and other equipment. Tenant shall notify DNR and appropriate agencies of any spills in accordance with the Lease. Tenant shall also:
 - i. Routinely service all equipment to prevent loss of harmful fluids including any hydraulic fluid or petroleum product.
 - ii. Document inspections in writing.
13. Tenant shall provide 25-foot buffers separating the oyster bags from the edge of any *Zostera marina* eelgrass bed. The edge of the bed is defined as the area where the density of the eelgrass is equal to or greater than three shoots per quarter square meter.
14. Tenant shall provide a copy of the following surveys and reports to State within thirty (30) days of Tenant's submission to the regulatory agency requiring the survey or report in fulfillment of the "Monitoring and Mitigation Plan for the Jamestown S'Klallam Tribe's Dungeness Shellfish Farm":
 - i. Eelgrass surveys;
 - ii. Forage fish surveys;
 - iii. Shorebird counts.

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ATTACHMENT 1

Proposed On-bottom Shellfish Culture Methods

On-bottom Beach Oysters



On-bottom Culture Bags

