

From: [BrownScott, Jennifer](#)
To: [Stenvall, Charlie](#)
Subject: Fw: [EXTERNAL] RE: JSKT Oyster Operation, 2007-1213
Date: Wednesday, July 29, 2020 11:49:42 AM

See the message from JST Resource Manager Hansi Hals below. This looks like it is going to be a difficult discussion since they appear to be disregard the full-year shoreline and buffer zone closure (only mentioning Oct 1 - May 15), and they are ignoring the updated timing concerns provided in our March 5, 2020 letter to Corps/County. Even though that letter was removed by the RD, the disturbance dates would still apply. Especially given that the recovery of debris from the shoreline would be in addition to the general disturbance related to operating a commercial aquaculture farm, and be even more directly located on top of the highest use areas for migrating shorebirds and wintering waterfowl.

I requested the most recent CD/AU guidance from Planning to ensure that we start off in the correct direction. They suggested we use an SUP instead. It would seem that this activity would need to go through compatibility, since it is in a closed area and there is not a CD related to this use in the CCP (unlike researchers that are provided SUPs for work in closed areas). I want to make sure we all agree on the correct process, so I don't provide incorrect information to the Tribe and have to backtrack...again.

Hope you survived the dentist.

-jennifer

Jennifer Brown-Scott
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[~~Dungeness NWR](#)~[Protection Island NWR](#)~[San Juan Islands NWR](#)~[Copalis NWR](#)~[Flattery Rocks NWR](#)~[Quillayute Needles NWR](#)~~

From: Hansi Hals <hhals@jamestowntribe.org>
Sent: Tuesday, July 28, 2020 3:46 PM
To: Bennett, Matthew J CIV USARMY CENWS (USA) <Matthew.J.Bennett@usace.army.mil>; BrownScott, Jennifer <jennifer_brownScott@fws.gov>
Cc: Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>; Elizabeth Tobin <etobin@jamestowntribe.org>; Morris, Frances L CIV USARMY CENWS (USA) <Frances.Morris@usace.army.mil>

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Thanks Matt for reaching out to Jennifer and alerting her that it is timely for the Tribe to coordinate with USFWS regarding conservation measures - specifically conservation measure #22 which requires quarterly patrolling for marine debris and retrieval of lost gear in the vicinity of the shellfish farm. Liz and I have communicated quite a bit with Jennifer (and Lorenz) regarding this measure, albeit a long time ago. Of course, the Tribe is not the 'public' per the DNWR Comprehensive Plan closures. However, we are sensitive to the period from October 1 - May 15, and the best way to monitor and retrieve gear (if any lost) during the migration and wintering periods of shorebirds. Jamestown will be reaching out to USFWS to fulfill the USACE request for us to demonstrate that we either, satisfy conservation measure #22; or have an alternative debris patrol and retrieval plan. Thank you, Hansi

Hansi Hals
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-----Original Message-----

From: Bennett, Matthew J CIV USARMY CENWS (USA) <Matthew.J.Bennett@usace.army.mil>
Sent: Monday, July 27, 2020 1:01 PM
To: BrownScott, Jennifer <jennifer_brownscoott@fws.gov>
Cc: Hansi Hals <hhals@jamestowntribe.org>; Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>
Subject: JSKT Oyster Operation, 2007-1213

Hello Jennifer,

We had a productive meeting w/ staff members of JSKT discussing the above referenced on July 20. Tribal leadership and our District Commander Colonel Bullock will be meeting in a government to government meeting tomorrow, July 28.

To comply with ESA, we have requested the JSKT provide the Corps either an agreement with the DNWR, or their own plan, addressing measures to control escapement of gear from the proposed operation. Access to areas owned by USFWS in addition to the second class tidelands leased from Washington State would be included. Some of these areas are closed year-round, others are seasonally closed.

Although the Tribe could submit an independent plan, we are encouraging both parties to coordinate on development of a written agreement for schedule and efficiency. I have CC'd Hansi Hals from the JSKT above. Please let me know if you have any questions or would like to discuss the request further. Thank you.

Matthew J. Bennett, Section Chief
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