

**From:** [BrownScott, Jennifer](#)  
**To:** [Sollmann, Lorenz](#)  
**Subject:** Fwd: Shellfish aquaculture at Dungeness NWR  
**Date:** Tuesday, February 9, 2016 8:35:45 AM  
**Importance:** High

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FYI

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Jennifer Brown-Scott  
Refuge Manager  
Washington Maritime NWRC  
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Sequim, WA 98382  
office: (360) 457-8451 ext.22  
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*~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
~~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~*

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

From: **Foerster, Kevin** <[kevin\\_foerster@fws.gov](mailto:kevin_foerster@fws.gov)>  
Date: Fri, Feb 5, 2016 at 3:50 PM  
Subject: Re: Shellfish aquaculture at Dungeness NWR  
To: "W Ron. Allen" <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)>  
Cc: Jennifer BrownScott <[jennifer\\_brownscore@fws.gov](mailto:jennifer_brownscore@fws.gov)>, Sylvia Pelizza  
<[sylvia\\_pelizza@fws.gov](mailto:sylvia_pelizza@fws.gov)>, "Dexter, Nathan" <[nathan\\_dexter@fws.gov](mailto:nathan_dexter@fws.gov)>

Chairman Allen,

I would like to meet with you and your staff in person so that the Fish and Wildlife Service (FWS) can be fully responsive to the concerns you are voicing. The first step toward resolution is to make sure we understand your issues. At this time, in the absence of a specific proposal or operations plan from the Jamestown S'Klallam Tribe, neither I nor my staff at Dungeness National Wildlife Refuge is positioned to comment or to reconcile your interests and the conservation needs of the refuge.

In reviewing documents applicable to this matter, the record shows that FWS jurisdiction is based on a Use Easement Deed (Deed No. 18251) from Washington DNR to FWS dated May 29, 1943. To further discuss jurisdiction, I suggest we ask attorneys to engage and help us with this legal matter. I have alerted the Department of the Interior Office of the Regional Solicitor to this issue, and he welcomes discussion with your legal counsel so that we both have the benefit of their conversations.

We are available to meet with you, the tribal council, and/or tribal staff to have a conversation about these important issues. Dates that work best for me over the next month are as follows: Feb 16-19, Feb 29-

March 4, or March 7-11.

Regards,

Kevin Foerster

On Fri, Jan 29, 2016 at 6:29 PM, W Ron. Allen <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)> wrote:

**OK**

**Thanks, Ron**

**W. Ron Allen, Tribal Chair/CEO**

**Jamestown S'Klallam Tribe**

**Phone (360) 681-4621 (direct)**

**Phone (206) 369-6699 (cell)**

**From:** Foerster, Kevin [mailto:[kevin\\_foerster@fws.gov](mailto:kevin_foerster@fws.gov)]

**Sent:** Friday, January 29, 2016 8:06 AM

**To:** W Ron. Allen <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)>

**Cc:** Jennifer BrownScott <[jennifer\\_brownscoth@fws.gov](mailto:jennifer_brownscoth@fws.gov)>; Sylvia Pelizza <[sylvia\\_pelizza@fws.gov](mailto:sylvia_pelizza@fws.gov)>; Dexter, Nathan <[nathan\\_dexter@fws.gov](mailto:nathan_dexter@fws.gov)>; Scott Chitwood <[schitwood@jamestowntribe.org](mailto:schitwood@jamestowntribe.org)>; Kurt Grinnell <[k\\_grinnell@msn.com](mailto:k_grinnell@msn.com)>; Kelly Toy <[kttoy@jamestowntribe.org](mailto:kttoy@jamestowntribe.org)>; Leo Gaten (External) <[lpg@olypen.com](mailto:lpg@olypen.com)>

**Subject:** Re: Shellfish aquaculture at Dungeness NWR

Chairman Allen,

The internal FWS meeting today was rescheduled to next Wednesday (due to our Regional Director being unavailable today). As such, I cant get back to you til later next week.

Regards, Kevin

On Tue, Jan 26, 2016 at 8:18 AM, W Ron. Allen <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)> wrote:

**Kevin,**

**Thank you and look forward to getting this problem resolved.**

**Thanks, Ron**

**W. Ron Allen, Tribal Chair/CEO**

**Jamestown S'Klallam Tribe**

**Phone (360) 681-4621 (direct)**

**Phone (206) 369-6699 (cell)**

**From:** Foerster, Kevin [mailto:[kevin\\_foerster@fws.gov](mailto:kevin_foerster@fws.gov)]

**Sent:** Tuesday, January 26, 2016 7:50 AM

**To:** W Ron. Allen <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)>

**Cc:** Jennifer BrownScott <[jennifer\\_brownscoth@fws.gov](mailto:jennifer_brownscoth@fws.gov)>; Sylvia Pelizza <[sylvia\\_pelizza@fws.gov](mailto:sylvia_pelizza@fws.gov)>; Dexter, Nathan <[nathan\\_dexter@fws.gov](mailto:nathan_dexter@fws.gov)>; Scott Chitwood <[schitwood@jamestowntribe.org](mailto:schitwood@jamestowntribe.org)>; Kurt Grinnell <[k\\_grinnell@msn.com](mailto:k_grinnell@msn.com)>; Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)>; Leo Gaten (External) <[lpg@olypen.com](mailto:lpg@olypen.com)>

**Subject:** Re: Shellfish aquaculture at Dungeness NWR

Chairman Allen,

Thank you for getting back to me so quickly. I clearly sense your anguish about this issue.

I have been tied up working on the Malheur Incident in eastern Oregon for the past 25 days.

I have a meeting with our key FWS staff on this Friday to discuss and I intend to get back to you early next week.

Regards,

Kevin

On Sat, Jan 23, 2016 at 9:34 AM, W Ron. Allen <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)> wrote:

**Kevin,**

**I'm sorry I have delayed in responding more timely to your e-mail, but I have been "stewing" over this matter for a while trying to decide how to respond.**

**Yes, we have received that very short and blunt letter. We do want a meeting, but would note that we have had a number of meetings and they are going nowhere. Robin's letter says you are open to discussion to resolve this matter on a G2G basis. We would point out that USFWS does not own the property, it is owned by DNR. The Tribe has leased this property and has a business that is losing revenue opportunities using the natural resource we have used for years even generations. I understand your staff want to force us to give up the oysters we grow and go back to natural species. We're not accepting this idealistic**

and even political view (objective) and are not going to let the agency try to force on us as you don't force it on the farmers in other areas in the State including Willapa Bay area. Inconsistency in policy application is not acceptable particularly when one area is with a private operation and ours is with a Tribal government that the agency has a "Trust" obligation.

We want USFW to understand we purchased the oyster farm with the appropriate leases from DNR in the early 1990s. A farm that was operating since the 1940s. We do not agree or appreciate the approach that USFW is taking on this matter particularly what we can grow. If it wasn't for the degradation of the environment causing the State to shut the area down due to contaminates, we'd still be operating. We have worked hard with the local community, county and state to clean up the area and eliminate the contaminants problem.

Now we've run into a new problem with your agency who seems to have forgotten its "Government-to-Government" role and responsibilities to the Tribes. We are not happy and do want a meeting to resolve this impasse. Just a "no and we can talk about it" letter is not acceptable. We do not object to the ESA review & Section 106 process, but are very disturbed that you are taking a position that is inconsistent with other similar situations in the State and taking away a Natural Resource opportunity from our Tribe and citizens. No one can challenge the Tribe with not being respectful to the wildlife & bird life and doing anything that is harmful to them. We have been stewards of the environment long before the federal government even existed. We're insulted by any such notion.

Time is of the essence and we would like a meeting with decision-makers. If your answer is the same. Let us know and we'll just take this matter up the ladder.

Thanks, Ron

W. Ron Allen, Tribal Chairman/CEO

## Jamestown S'Klallam Tribe

(360) 681-4621 (direct)

(360) 369-6699 (cell)

**From:** Foerster, Kevin [[mailto:kevin\\_foerster@fws.gov](mailto:kevin_foerster@fws.gov)]  
**Sent:** Tuesday, January 19, 2016 2:47 PM  
**To:** W Ron. Allen <[rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org)>  
**Cc:** Jennifer BrownScott <[jennifer\\_brownscore@fws.gov](mailto:jennifer_brownscore@fws.gov)>; Sylvia Pelizza <[sylvia\\_pelizza@fws.gov](mailto:sylvia_pelizza@fws.gov)>; Dexter, Nathan <[nathan\\_dexter@fws.gov](mailto:nathan_dexter@fws.gov)>  
**Subject:** Shellfish aquaculture at Dungeness NWR

Chairman Allen,

My colleague, Roy Elicker, told me he had a brief discussion with you the other day regarding the Jamestown S'Klallam Tribe's interests in shellfish aquaculture operations in tidelands at Dungeness National Wildlife Refuge. Mr. Elicker mentioned that you had not heard back from us regarding your November 2 letter.

I've attached a response dated November 25 that we sent to you via the Tribal Office. (See attachment). My apologies if it did not make it to you.

My understanding is that our Refuge Manager Jennifer Brown-Scott along with regional staff have been communicating with Tribal staff about the issues you raised.

We are available to meet with you, the tribal council, and/or tribal staff to have a conversation about these important issues.

||

Kevin Foerster

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***Kevin Foerster***

*Regional Chief, Pacific Region*

*National Wildlife Refuge System*

*US Fish and Wildlife Service*

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