

**From:** [Stenvall, Charlie](#)  
**To:** [BrownScott, Jennifer](#)  
**Subject:** Re: Aquaculture Decision  
**Date:** Wednesday, January 15, 2020 2:53:43 PM  
**Importance:** High

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Jennifer,

I get your frustration, understand it and sympathize with you on this as a former Project Leader. It is never a good feeling to lose on something that one feels is non negotiable and has big impacts. It eats at you and it doesn't go away. This is your complex, your refuge and this happening on your watch and you feel it didn't have to happen this way. You are right and you should feel that way. It's what every PL should feel. We played that issue hard and you did everything you could. Sometimes we lose. However you have not lost. Your timeline and effort have been extended and you will have to stay engaged on this issue for a while. There is a process and opportunity for you to shape the outcome with just with these three things;

1. Other permits still need to be acquired. It's not a guarantee that they will be issued. If they do ...
2. There is time for us to get specific data on the pilot project that either proves that this activity is harmful as the literature indicates or ... we find that things are okay.
3. We don't know what the Citizens for Puget Sound or other organizations will do but I'm guessing this won't go without a legal challenge.

Yes, you have work ahead of you and not just on this issue. Sometimes when we win on an issue it is because a person rose to the occasion, sometimes it's the right person who is there at the right time. Dungeness and WA Maritime are lucky in the fact that you are there and will rise to this and any challenge and ... you are the right person at the right time. I don't think there is a better person to tackle what lies ahead.

Charlie

On Wed, Jan 15, 2020 at 12:59 PM BrownScott, Jennifer <[jennifer\\_brownscoott@fws.gov](mailto:jennifer_brownscoott@fws.gov)> wrote:

I can't begin to express the amount of frustration that I felt in reading the full decision re: Jamestown S'Klallam aquaculture permit. Robyn's rescission of our comments was cited in at least 4 locations (below) as evidence that we no longer have concerns about the applicant's proposal. These references included two that were used as specific justification for the hearing examiner's approval of Phase I. How do we ensure that this same misinterpretation does not occur in the ACE permit process (since those comments were also rescinded)? In addition, our inability to provide comment on the County's MDNS has now led to permit conditions that will cause even more disturbance in this area (e.g. weekly removal of debris, monitoring and shoreline cleanups).

In removing scientifically valid comments we have ignored our responsibility to use "best available science" to guide refuge management and protect the Purpose the refuge was established for. As we move forward, I will work to ensure science is in the forefront of MOU discussions regarding monitoring and analysis of impact. I can only hope that we will be supported in this effort by our regional managers.

Reference to rescission of FWS comment letters:

Pg 20. Of particular note, after reviewing the information provided by the Applicant, including the reports prepared by Confluence, WDFW withdrew previous comments associated with the project that it submitted to the County and USACE. In a new comment letter, dated August 6, 2019, USFWS states:

Pg. 34 Ms. Tobin testified that, in addition, the Applicant reviewed existing scientific literature concerning microplastics, provided a visual assessment of the proposal, and refined its operational plan to reduce potential impacts on wildlife at the Refuge. She stressed that, following government-to-government consultation, USFWS rescinded its previous letters expressing concern over the proposal pg. 34

Pg. 42: Tellingly, USFWS (who manages the Refuge) withdrew comment letters it previously submitted that expressed opposition to the proposal after the Applicant provided this additional information during government-to-government consultation. Ultimately, USFWS determined that “there is little site-specific research available on impacts of commercial, on-bottom bag aquaculture to bird species found on the Refuge.”<sup>13</sup>

Pg. 43: In addition, USFWS has expertise on these issues and, presumably, a vested interest in ensuring this proposal would not have detrimental impacts on the Refuge. Following government-to-government consultation with the Applicant, USFWS withdrew the majority of concerns it initially raised about the proposal over 18 months ago. The additional concerns USFWS has would be addressed through appropriate monitoring of the project site.

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