

Dietz, Kirk P 12/14/21 6:37 AM

Good morning Lorenz, hope all is well. The Jamestown Tribe has requested "the initial compatibility determination" via voicemail. Is this something I should turn over to them or do they need to request the document through another channel? Let me know your thoughts, thanks.

12/14/21 8:18 AM

Hey there, compatibility determination for what? Aquaculture? Since we are collecting documents for their FOIA request now, I would say we need to verify if this request can be honored outside the official FOIA process. Let me ask Charlie and get back to you.

Please let me know if they specified what CD.

Dietz, Kirk P 12/14/21 8:20 AM

They did not specify which CD, on the "initial one" form the nineties.

Dietz, Kirk P 12/14/21 10:30 AM

Hey there... just forwarded you the email from Sissi.

12/14/21 8:39 AM

Hi Charlie, When you have a moment can you please give me a call back? JKT has requested "the initial compatibility determination" via voicemail. The CD(s) they are referring to are from the mid-to-late 90's. Is this something we should turn over to them or do they need to request the document through their FOIA request? Thanks



Dietz, Kirk P

In conversation with you



Sollmann, Lorenz 12/15/21 1:28 PM

Only that document that you were scanning. No current draft AC CD. Did you by chance put that doc on the S drive?



Dietz, Kirk P in chat 12/15/21 1:29 PM

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I can do that now. They've asked for the CDs, there's no **aquaculture** CD.

[See Less](#)



Sollmann, Lorenz 12/15/21 1:36 PM

Yes, the already existing CD's for DNG, if not already in that plan, can be added. Is she coming back with requests every time you contact her?



DNR_AC_06022021.call notes.docx

[Open file](#)

Lorenz_sollmann_fws_gov > Telework Files

Modified by Sollmann, Lorenz on 12/17/2021

...**Aquaculture** (AC) lease, at DNGNWR permit process Password: 229141 Present on call: Peters...**Aquaculture** Jennifer Brown-Scott (USFWS), Project Leader Washington Maritime NWRC, Lorenz ...

This attached file has already been included in the earlier FOIA request. I copied and pasted here for reference.

Draft DNR call notes 6/02/21

Subject: Proposed Aquaculture (AC) lease, at DNGNWR permit process

Phone: 360-902-2914

Password: 229141

Present on call:

Peters, Josh (DNR) Aquatic District manager for Straits Units

Carlson, Sean (DNR), Aquatic lands manager for Puget Sound and Straits for Aquaculture

Jennifer Brown-Scott (USFWS), Project Leader Washington Maritime NWRC, Lorenz Sollmann (USFWS), Deputy Project Leader Washington Maritime NWRC

What is the process for DNR? Timeline? Josh: As in the past discussions they have to wait to get the lease permit, then review the permit results from the County (Clallam) (who opted to go with a phased approach that starts with 5 ac.). Seeing what the County covered while working on the permit. That they reached out to USFWS, Audubon (Dungeness Chapter), and then DNR needs to see conditions set by various agencies, and then reference them in their letter to the lease agreement.

Where do we fit in the process? Josh: Reply timely to their request for input (We asked that they provide requests in writing) and they intend to issue a lease as soon as possible. Timeline: Public comment period not like the county or Army Corp of Engineers (ACE) process. They have it online for years and anyone at any time can submit something. When they get the ACE permit and then work with their habitat stewardship person (Bill House) to verify certain components, have a **preapproval** process, then it goes to Dennis Clark (Assistant division manager-Straits district), then Senior manager in Aquatics, then to the tribe. The Tribe then can either accept the terms or haggle over all or parts. Josh then gave some examples on how fast they can work with JSKT by comparing to all other areas that are non-refuge lands. Mentioned that they have been long time "business" partners with JSKT. ACE permit to lease offer can be 1 week (w/o FWS difficult comments). Once the tribe has the lease offer, it can be days to weeks depending what they need to do to get their signatures or respond to conditions of the agreement. Josh thinks it could be less than a month.

Josh: In respect to other agreements- County and Audubon, where are those permit conditions?

Jennifer-no MOU with County at this time, Service commented on Tribe gear monitoring protocol, doesn't know if County has MOU with Audubon for disturbance monitoring.

What conditions have they (DNR) considered to put on the lease easement to up hold Refuge use of the tidelands for refuge purpose? Specific to that piece of land? Josh: They looked at the original 1943 use deed and the 1927 cessation (?) laws. Not the most clear. There has been AC on the site since the beginning. Since this has taken a long time to start up again, due to water quality issues, the JSKT previous lease was terminated so they now need this new lease. They have invested a lot into this project. Josh: What do you want to tell us about your concerns? Jennifer talked there have been efforts to clarify the deed language and mentioned that there were solicitor opinions concerning the tidelands and refuge use. Concerns of AC occurring in this specific area and the need for specific time periods of entry to minimize disturbance. In the past, the Service has voiced concern about disturbance and that a commercial operation is occurring with the boundaries of a NWR, but it was not recorded in the lease. Josh: We do understand that the Service has concerns about AC in this location. Sean can provide a letter to Service to comment on provisions and the provisions can be above those they are aware of (from County, ACE, Aud.)

How would DNR come up with their provisions? Josh: By the Service looking at draft of habitat stewardship on exhibit B, have consistence with date of monitoring and activity dates. Josh asked: How would they deal with the inconsistencies between dates? Sounded to me like he was asking if there are

inconsistencies between the comments we make to the various permitting agencies. Jennifer: You would have to check-in with ACE, DNR cannot be less strict. Josh: DNR can be stricter (hydrolic example) but they do not generally add more. Worried to have to explain why stricter, what would they say... Note: DNR sees this site as any other they would lease and therefore they spoke in terms of business partner, going on for a long time, no previous concerns, and pre-approval letter. Me in my mind: because this is a special case, on a Refuge, and DNR needs to defend resources and public use of the refuge.

Josh: What kind of legal action may be happening? Right from the start? From FWS? Jennifer: Not from Service. ACE has received inquiries from NGO's about how can they approve lease for commercial AC w/in Refuge.

Josh: How can they, DNR, understand the process as an outsider on the federal permitting process? Jennifer: We are an outsider as well. We are not the permitting agency, and if we are asked for input, by any agency, we then do that. Josh: How does consultation for NEPA work? Service does that for Section 7 Endangered species. ACE does for their NEPA. Because we are not a permitting authority in this case, we follow ACE NEPA, or other deciding agencies such as the County or DNR's.