

From: [W Ron. Allen](#)
To: [Thorson, Robyn](#)
Cc: [Hansi Hals](#); [Elizabeth Tobin](#); [Lauren P. Rasmussen \(lauren@rasmussen-law.com\)](#); [Morrison, Hugh R](#)
Subject: Dungeness Bay Oyster Farm
Date: Tuesday, December 7, 2021 6:55:21 AM
Attachments: [image002.png](#)
[image003.png](#)

Robyn, let's go for 8am tomorrow (Wednesday). Thanks



W. Ron Allen
Jamestown S'Klallam Tribal Chair/CEO
(360) 681-4621 (Direct #)
(206) 369-6699 (Cell #)

From: Thorson, Robyn <robyn_thorson@fws.gov>
Sent: Monday, December 6, 2021 7:51 PM
To: W Ron. Allen <rallen@jamestowntribe.org>
Cc: Hansi Hals <hhals@jamestowntribe.org>; Elizabeth Tobin <etobin@jamestowntribe.org>; Lauren P. Rasmussen (lauren@rasmussen-law.com) <lauren@rasmussen-law.com>; Morrison, Hugh R <hugh_morrison@fws.gov>
Subject: RE: [EXTERNAL] Dungeness Bay Oyster Farm

I will be available between 8:00 am and noon on Wednesday. If a morning meeting does not work, let me know and I'll make calendar adjustments as best I can.

Once we have a timeslot, we'll work to enable Zoom or Microsoft Teams for meeting.

I look forward to meeting with you.
Robyn

*Robyn Thorson, Regional Director
U.S. Fish and Wildlife Service
Legacy Region One, Interior Regions 9 and 12
Idaho, Oregon, Washington, Hawaii & Pacific Islands
911 NE 11th Avenue, Portland, OR 97232
Office: 503 231 6119 Cell: 503 926 2727
Pronouns: she/her/hers*

I live and work in the traditional homelands of the Chinook, Clackamas, Cowlitz, Kalapuya, Kathlamet, Molalla, Multnomah, and Wasco people who have made their homes along the lower Columbia River for thousands of years.

From: W Ron. Allen <rallen@jamestowntribe.org>

Sent: Monday, December 6, 2021 4:17 PM

To: Thorson, Robyn <robyn_thorson@fws.gov>

Cc: Hansi Hals <hhals@jamestowntribe.org>; Elizabeth Tobin <etobin@jamestowntribe.org>; Lauren P. Rasmussen (lauren@rasmussen-law.com) <lauren@rasmussen-law.com>; Morrison, Hugh R <hugh_morrison@fws.gov>

Subject: [EXTERNAL] Dungeness Bay Oyster Farm

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**Robyn, I would like to discuss the current status with you.
Could you tell me what is the best time to talk on Wednesday.
??? Thanks, Ron**

**W. Ron Allen, Tribal Chair/CEO
Jamestown S'Klallam Tribe
(360) 681-4621 direct#
(206) 369-6699 cell#**

From: Thorson, Robyn <robyn_thorson@fws.gov>

Sent: Monday, December 6, 2021 4:10 PM

To: W Ron. Allen <rallen@jamestowntribe.org>

Cc: Hansi Hals <hhals@jamestowntribe.org>; Elizabeth Tobin <etobin@jamestowntribe.org>; Lauren P. Rasmussen (lauren@rasmussen-law.com) <lauren@rasmussen-law.com>; Morrison, Hugh R <hugh_morrison@fws.gov>

Subject: RE: [EXTERNAL] Dungeness Bay Oyster Farm

Thank you for your message, which I received a week ago today. The points you raise, and have been echoed and amplified by your staff and your attorney, are matters that I am trying to address.

As you know, the normal course of business for the National Wildlife Refuge System is to proceed with a Compatibility Determination (CD) in those instances where a refuge property interest is impacted. I have consulted over the past few months with the Solicitors (Department of the Interior) and U.S. Fish and Wildlife Service headquarters to discuss operations, legal analysis and policy consideration regarding JST's shellfish farming lease and the role/applicability of a CD. I repeated and expanded those discussions last week, prompted by your email and by hearing from Hansi Hals and Liz Tobin on November 19. In my discussions with these government sources there are acknowledgements of equities (homeland, traditional use, respect for tribal interests, and others); there is a dearth of policy guidance for application of those interests. I have more questions

to ask and input to receive.

Chairman Allen, I would always be available to talk with you, as you requested. I would like to further explore my questions with DOI and FWS in advance of our conversation, to continue due diligence on this issue, but I don't want to further delay my response to your email. If you are amenable, I will provide you an update Wednesday, hoping that my efforts of last week can yield more information.

Robyn Thorson

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From: W Ron. Allen <rallen@jamestowntribe.org>

Sent: Monday, November 29, 2021 2:38 PM

To: Thorson, Robyn <robyn_thorson@fws.gov>

Cc: Hansi Hals <hhals@jamestowntribe.org>; Elizabeth Tobin <etobin@jamestowntribe.org>; Lauren P. Rasmussen (<lauren@rasmussen-law.com>) <lauren@rasmussen-law.com>

Subject: [EXTERNAL] Dungeness Bay Oyster Farm

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Robyn,

After 7-8 years of working with all relevant agencies (USACE, State F&WS, DOE and your agency since 2015) particularly the

last set of conversations, I am concerned about your upcoming decision (as to whether access determination is required) and implore you to be guided by respect of the Tribe's homeland. I hope we can talk to discuss how to avoid any unnecessary conflict with our Tribe's treaty and indigenous rights. As you know, the Tribe incorporated conservation measures and monitoring into the operations which are conditions of the permits and DNR lease. The notion that the Refuge requires compatibility analysis now is offensive, particularly since there was no compatibility determination required in the last several decades, including almost 100 years since the creation of the refuge in 1915. The farm itself dated back to pre-treaty times, and existed within the refuge in 1963 including when our Tribe purchased the business in 1990 and operated it for 15 years until 'non-point pollution' caused the bay to be decertified. Jamestown Tribe led the environmental fix over the course of 12 years and all of the partners, including the Refuge, understood the long-term goal of returning to shellfish farm. So for over 50 years of operation, no compatibility determination was required, and instead a letter of agreement was signed regarding treaty access. Prior behavior, is as you know, direct evidence of the parties' understandings.

We firmly believe that we had resolved all concerns, issues, and have review processes if anything unforeseen comes up.

There are many levels to the Treaty right position and one of them is access to any site that we reserved in our "Usual & Accustomed Areas" as confirmed by the Supreme Court.

We felt we were actually across the finish line of how our agreed plan would work with respect to these rights and our mutual interests. We hope you agree and are going to tell us that you have resolved the matter consistent with our treaty rights. If you have time for a call this week, please let me know.

A handwritten signature in black ink, appearing to read "Ron", with a stylized, flowing script.

W. Ron Allen
Jamestown S'Klallam Tribal Chair/CEO
(360) 681-4621 (Direct #)
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