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Cc: [Raymond, Anan](#)
Subject: JST-USFWS Refuge Mgt discussion - Nov 21 meeting
Date: Tuesday, November 29, 2022 6:21:22 PM

Hugh,

Thank you again for traveling to Sequim with the intention to meet with us in person. We were sorry you couldn't be in the room and appreciate your remote attendance. It was a long agenda and your extra effort to participate even while feeling poorly helped keep the discussion moving forward. You mentioned that USFWS will begin taking meeting notes going forward (provided you have capacity) and in the meantime, Jamestown indicated that we would be glad to send a post-meeting communication with any action items. This email is intended to serve that purpose. Also, we tentatively set the next meeting date for late-January. Jamestown would like to host you and USFWS team at the Dungeness River Nature Center (with remote option via zoom). Jamestown is proud of its park and facility. Meeting there will be an opportunity to learn more about the Tribe's experience in education, restoration and cooperative management. I will send a separate email proposing dates in late-January. Below are the summary points and action items, organized using the meeting agenda. Jamestown is particularly interested in receiving the materials to support development of Attachment A. I will reach out directly to Jennifer and Christine regarding those materials and the possibility of having a subgroup created to discuss Attachment A during Dec and January. Please let me know if you have any questions or additions to the summary points. Thank you, Hansi

November 21st joint meeting:

1. Welcome and Introduction of Sarena Selbo, incoming Regional Refuge Chief
2. Acknowledgement of Oct 28 statement: USFWS does not require any further permits for Jamestown's oyster farm operation on DNR lease

Jamestown will conduct another round of oyster seeding in Spring 2023. USFWS expressed an interest in a public document with the terms and conditions of the oyster farm.

Action Items: During the meeting consideration of a joint MOU was deferred back to legal counsel. However, no further action needed from Jamestown perspective.

3. Update – Cultural Resources and Native American Graves and Repatriation Act (NAGPRA) process initiated following letter from Allie Taylor, JST THPO (Oct 24, 2022)

There was joint agreement that a survey of Dungeness and Graveyard Spit – AREA of POTENTIAL EFFECT (APE) for vehicle traffic shall be conducted as soon as possible. JST would like to review the survey results and discuss mitigation for possible adverse effects to historic properties before traffic is allowed. Letter from Anan Raymond, USFWS Regional Historic Preservation Officer provides further details on next steps (communication to Allie Taylor, JST THPO on Nov 17, 2022).

Decision was made that vehicle use on Spit would be suspended until survey work completed. USFWS noted that they would communicate with Coast Guard.

Action Items:

- USFWS will conduct Section 106 process
- JST will review the archeological survey and discuss mitigation for possible adverse effects
- USFWS to pls provide JST a copy of Coast Guard agreement
- USFWS to pls provide JST a copy of the New Dungeness Light Station agreement

(Note – There is continued communication on the Sect 106 survey. Allie Taylor, THPO and Anan Raymond, USFWS RHPO are coordinating.)

4. Discussion of Protection Island NWR in proposed Annual Funding Agreement

Jamestown would like to include Protection Island NWR into the Annual Funding Agreement. USFWS expressed would prefer to defer Protection Island as a possible 2nd yr or later addition. USFWS said that Protection Island has work scoped in 2023 that challenges its immediate inclusion: Habitat Restoration, Bird Surveys, and work related to the life estate. JST expressed those unlikely to exclude immediate opportunity for JST management. Let's continue the conversation.

Action Items:

- USFWS to pls send details of the habitat restoration scope of work and funding
- USFWS to pls send Bird Survey details and agreement(s) with third parties
- USFWS to pls send obligations related to the Life Estate

5. Discussion of DRAFT Annual Funding Agreement

Joint review of the DRAFT document page by page. JST proposes to complete

agreement and submit to Congress by July (allows 90 day timeline) to implement as of Oct 1, 2023 (FY24). USFWS would like this to be a one-yr agreement and JST is interested in multi-year. JST and USFWS both seek clarity on the reporting (formal and informal). JST will develop language and clarify that formal reporting would be to Central Office (par with Government to Government).

Action Items: JST will revise the AFA document to capture discussion

6. Discussion of Attachment A - USFWS example activity – Integrated Pest Management

Joint review of example IPM activity including broader discussion of capacity, annual scope of activities, and budget.

Action Items:

- JST will develop a full draft of Attachment A, relying on existing FWS plans and reports; and tribal priorities.
- USFWS to pls send annual plan for Dungeness and Protection Island NWR for years 2018 through current
- USFWS to pls send annual reports for Dungeness and Protection Island NWR for years 2018 through current
- Joint JST- USFWS to develop schedule for sub-group meetings on Attachment A (possibly - Hansi, Sissi, Christine, Jennifer)

7. Review and discussion of Inherently Federal Functions

Joint discussion of identified IFF by USFWS, submitted by email (Oct 3, 2022): Supervision of Federal employees (JST concurs); Law Enforcement functions subject to prosecutorial discretion (JST concurs, although both JST and USFWS note that no permanent law enforcement capacity at Maritime complex); Approval or modification of Comprehensive Conservation Plans (warrants further discussion – JST position that planning can be completed by Tribe, while recognizing federal approval is IFF); Making Compatibility Determinations (JST will review the basis for USFWS listing as IFF). Of note, the Dungeness NWR CCP (2013) is a fifteen-year document.

Action Items: USFWS will provide the legal basis for each IFF

8. Discussion of Residual

USFWS indicated they had already provided the budgetary breakdown (per email Aug 23 with operations data enclosure). USFWS stated that they could not itemize precise costs to each refuge within complex as it is fluid, depending on need and emergent business. USFWS indicated they could not refine further the estimate per Refuge, nor could they improve estimate of IFF annual costs. USFWS stated that in

recent yrs, the only possible compatibility determination has been Jamestown's oyster farm.

Action Items:

- JST to review the operations data
- JST to review metrics – visitation, acreage, facilities
- JST will prepare annual budget as part of Attachment A (per item 6)

9. Development of process and timeline for finalization of agreement

JST requests AFA implementation for FY 2024 (October 1, 2023). To meet this Oct 1st start-up goal, submission shall be made to Congress by July 1st for 90-day review period.

Action Items:

- Agreed to next joint meeting in late January.
- JST will propose possible meeting dates
- JST will send an overview of the meeting and identify all information requests, as well as next steps

SUMMARY of next steps:

1. Materials to be furnished by USFWS
 - Coast Guard agreement
 - Clallam County agreement
 - New Dungeness Light Station Agreement
 - Protection Island Life Estate obligations for FWS management
 - Protection Island Habitat Restoration project scope and budget details – FY23
 - Bird survey agreements and scope – FY23 (and future if exist)
 - DNWR and PINWR annual plans and reports for years 2020 and 2021 (as well as 2022 when complete)
 - DNWR and PINWR annual plan and budget for FY23
 - Volunteer agreements with individuals who have signed onto volunteer roster for DNWR (those with current paperwork)
 - Send (or resend) the legal basis of IFF
2. JST to revise draft AFA
3. JST to develop full attachment A (also reliant on materials provided by USFWS (1.g and f above)
4. JST to coordinate a meeting in late January

5. JST to work with sub-group for attachment A from mid-Dec to mid-Jan.

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