

From: [Ogura, Christine](#)
To: [Thorson, Robyn](#)
Cc: [Morrison, Hugh R](#); [Foerster, Kevin](#)
Subject: Re: Dungeness questions (consolidated)
Date: Monday, November 8, 2021 10:47:27 AM
Attachments: [Outlook-mpcwkey.png](#)
[Dungeness National Wildlife Refuge consolidated questions Nov 8.coedits.docx](#)

Hi Robyn,

Attached with 2 edits (one typo my fault on the original you used and one numbering format).
Let us know how else we can help.

Thanks and please take care,
Christine

Christine Ogura
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[A Beginner's Guide to the National Wildlife Refuge System](#)
[Why Visit National Wildlife Refuges?](#)

From: Thorson, Robyn <robyn_thorson@fws.gov>
Sent: Monday, November 8, 2021 10:12 AM
To: Ogura, Christine <christine_ogura@fws.gov>; Foerster, Kevin <kevin_foerster@fws.gov>
Cc: Morrison, Hugh R <hugh_morrison@fws.gov>
Subject: Dungeness questions (consolidated)

Thank you for putting this information together. Attached is a re-formatted version, with almost no edits other than pagination. Please review to see if I correctly “transcribed” your fine work putting these questions together. I put them in the chronological order received. You’ll note a question with a “blank” – I’m not sure what happened there and appreciate you helping me correct that.

Mondays are busy: if you could get back to me with your approved version by COB today, I'd appreciate it. Let me know if that presents problems.

Robyn

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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.



NATIONAL WILDLIFE REFUGE SYSTEM



Dungeness National Wildlife Refuge

Jamestown S’Klallam Tribe Shellfish Lease

Factual issues/questions recently posed by the Solicitor’s Office to the region (most recent on top), based on questions or comments from discussion with Jamestown S’Klallam Tribe (JST) and/or to aid identification and analysis of legal issues. Questions are provided in the chronological order received:

OCTOBER 25, 2021:

1. JST noted other areas where brant and oyster farming exist. Are there other places in the area where brant and eel-grass co-exist with intensive oyster farming? (e.g., oyster bay [state conservation area])
2. JST noted boats in closed areas. Can we point to closure signs?
3. Are there allowances for brant hunting by the state during winter?
4. What level of disturbance is compatible? How frequently is the Tribe doing the bag turning?

OCTOBER 27, 2021:

1. During the treaty salmon fishing season, do the tribes have access to the closed area?
2. At any time during the past few years, was there discussion that would have led the Tribe to believe no CD was necessary?

~~3.~~

~~3.~~

- ~~4.~~ Did we issue a formal CD for gear retrieval? Does the gear retrieval plan involve access to the closed area during the closed season?

NOVEMBER 4, 2021:

1. ATV access—provide more information about ATV access to the lighthouse including the extent that staying on the seaward side avoids impacts to brant.
2. Where is the gun club referred to by the Tribe in the meeting? How close is it to the eelgrass beds used by the brant or to the Refuge’s seasonally closed areas? Does noise from the gun club affect brant on the Refuge—can it be heard on the Refuge and if so, what impact does it have on the brant?
3. Public access along the spit—same with ATV—how much does staying on the seaward side prevent adverse effects to brant.

4. Tribe's assertions of boating activities during the closed period. Are these all correct and described accurately? Are they within the closed area? How much of a difference in impact to the brant and other wildlife is a boat in the closed area vs. a boat elsewhere in the area?

a. Treaty fishing—How do Tribe's assertions of use (commercial/subsistence crabbing from June-March, coho set and drift gillnet fishing from Sept-Nov, steelhead gillnet from Dec.-Feb., with dozens of boats and no restrictions) compare to what is described in the CD for treaty fishing?

b. DOH sampling—water quality sampling 1-2x/month. How is this permitted?

c. Non-treaty fishing with dozens of boats

Coho drift gillnet fishery (Sept. to Nov.)

Winter sport crabbing (Oct. to Dec.)

d. Any other boating uses in closed area that Refuge is aware of? Administrative access by FWS?

5. Tribe's descriptions of brant needs and biology—review slides 3-4 of PowerPoint. Are these all correct?

a. What other proposed activities in the Refuge area have been deemed incompatible with brant overwintering? What has Refuge said no to? Is this the first CD that the refuge has done that seems to be leaning toward a conclusion of incompatible since 2013?

b. Has state-permitted hunting of brant been constant for the past two decades or was it only resumed recently (2018?)

6. What discussions did FWS have with the Tribe before and after submission of the proposed tribal aquaculture operation? Were there any discussions about possible modifications to the intensity of the bag bottom operation or other modifications to address biological issues?