

From: [BrownScott, Jennifer](#)
To: [Stenvall, Charlie](#)
Subject: FYI: Fw: [EXTERNAL] JST Gear Retrieval and Monitoring Plans
Date: Wednesday, May 19, 2021 10:56:53 AM
Attachments: [JST_GearSurveillance_RetreivalPlan_Revised_082820.pdf](#)

Here's JST's response to our comments(below). Looks like they are asking us to provide approval for their gear retrieval plan before completing the official compatibility determination. And, they are not planning to conduct monitoring of impacts outside of the lease area.

-jennifer

Jennifer Brown-Scott
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[~~Dungeness NWR](#)~[Protection Island NWR](#)~[San Juan Islands NWR](#)~[Copalis NWR](#)~[Flattery Rocks NWR](#)~[Quillayute Needles NWR](#)~~

From: Elizabeth Tobin <etobin@jamestowntribe.org>
Sent: Wednesday, May 19, 2021 10:45 AM
To: BrownScott, Jennifer <jennifer_brownScott@fws.gov>
Subject: [EXTERNAL] RE: JST Gear Retrieval and Monitoring Plans

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Hi Jennifer,

Thank you for continued engagement with the Jamestown Tribe as we proceed with permitting and associated conditions for renewing the Tribe's oyster farm activity on our DNR leased tidelands within Dungeness Bay. It was helpful to understand the USFWS Compatibility Determination process that would be initiated for any off-lease activities after the permit is signed. The USACE confirmed that process, however for their administrative record they would like to assure that:

1. USFWS DNWR has no objection to the gear surveillance and retrieval plan submitted and approved as part of the Sect 7 consultation; and that USFWS DNWR intends to conduct a compatibility assessment and determination for any off-lease activity related to the gear plan after the USACE 404 permit is signed. This compatibility determination would appropriately limit and permit (via special permit authorization) off-lease gear retrieval. This is the same plan that we coordinated and provided a copy to you with submittal to Ryan McReynolds for in August of last year (see below) – attached again here for your convenience.

2. USFWS DNWR has no objection to Jamestown Tribe conducting on-lease wildlife monitoring in tandem with already scheduled and permitted shellfish farm operations.

As far as the particulars of the wildlife/bird monitoring plan, we received the combined USFWS comments. Thank you for your effort to collate and combine the group's thoughts. We are reworking the monitoring plan with those comments in mind. Based on those comments, we propose that the bird monitoring is conducted on-lease exclusively with no associated off-lease monitoring to be included in the Tribe's monitoring plan. However, as previously expressed during our conversations, the Tribe welcomes any off-lease companion monitoring by USFWS.

Thank you,

Liz

Elizabeth Tobin

Shellfish Program Manager

Jamestown S'Klallam Tribe

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From: McReynolds, Ryan <ryan_mcreynolds@fws.gov>

Sent: Friday, August 28, 2020 3:50 PM

To: Teachout, Emily <emily_teachout@fws.gov>; BrownScott, Jennifer <jennifer_brownScott@fws.gov>; Elizabeth Tobin <etobin@jamestowntribe.org>

Cc: Hansi Hals <hhals@jamestowntribe.org>; McReynolds, Ryan <ryan_mcreynolds@fws.gov>

Subject: Re: [EXTERNAL] JST Proposal Gear Retrieval Plan

Hi Everyone,

Thank you for working collaboratively to improve on and refine the gear surveillance and retrieval plan.

Thank you for documenting the plan too, in a way/form that we can ultimately share and discuss with the Corps of Engineers Project/Permit Manager. [I am aware we received a second version, with minor correction, on 8/28. - RM -]

I did just now speak with the Corps PM (Pam S.). We agreed to hold a brief conference call soon (Emily and I, Pam and the Corps' ESA Lead and/or Section Chief), to discuss ESA consultation for the proposed action. We will try to accomplish that in the next week, week-and-a-half, and then hopefully have an agreed path forward and schedule for completing the ESA consultation.

We will keep you informed of our progress.

Thank You, Regards, Stay Well,

- Ryan -

Ryan McReynolds

U.S. Fish and Wildlife Service, Lacey WA

Consultation & Conservation Planning Division

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Working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing

benefit of the American people.

From: Elizabeth Tobin <etobin@jamestowntribe.org>

Sent: Wednesday, August 26, 2020 1:48 PM

To: Teachout, Emily <emily_teachout@fws.gov>

Cc: McReynolds, Ryan <ryan_mcreynolds@fws.gov>; BrownScott, Jennifer <jennifer_brownScott@fws.gov>; Hansi Hals <hhals@jamestowntribe.org>

Subject: [EXTERNAL] JST Proposal Gear Retrieval Plan

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Emily and Ryan,

Attached is the Jamestown S’Klallam Tribe’s plan for meeting conservation measure #22, specific to gear surveillance and retrieval for the Dungeness Bay Oyster Farm.

All other applicable conservation measures of the Programmatic Biological Opinions for Shellfish Activities in WA State Inland Marine Waters (USFWS Reference number 01EWF00-2016-F0121, and NMFS Reference number WCR-2014-1502) shall be met as explicitly presented in the Programmatic. We have incorporated the specific recommendations provided by Jennifer so that it can be assured this plan is compatible with DNWR management and can obtain a special use permit for gear retrieval if needed.

Please feel free to contact me if you require any clarification or have follow up questions

Thank you,

Liz

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Jamestown S'Klallam Tribe's Gear Monitoring and Retrieval Plan to Satisfy Conservation Measure #22

1. Inventory all gear that is placed on the leased parcel. The location and number of bags will be documented during farm set up activities.
2. On a monthly basis, the farm crew (3-6 workers) will identify if there is any lost gear during routine bag maintenance. Lost gear is expected to be minimal with on-bottom bag cultivation due to its low vertical relief, no use of floats and secure attachment. While unlikely, any on-bottom bag loss will be obvious visually and verified by the gear inventory log.
 - a. If there is no lost gear: a record will be made of inspection date and shared with the Refuge;
 - b. If there is lost gear: a record will be made of the inspection date and the amount and type of gear that is missing from the lease area. The farm manager will communicate with the Dungeness National Wildlife Refuge to report any gear loss. As recommended by Refuge staff, surveillance and gear retrieval activities will occur as follows:
 - i. Boat-based surveillance outside of the lease area and removal of gear from tidelands open to public use will occur May 15 to September 30. Boats will maintain slow, no-wake speeds
 - ii. Onshore surveillance and/or retrieval of gear within closed areas will occur May 15 – July 31. The Refuge will be notified prior to access so that appropriate site access protocols can be determined (i.e., timing related to tides and weather, avoidance of nesting areas) to minimize disturbance.
3. Retrieved gear will be the responsibility of the Tribe to dispose of at an appropriate facility; or to mend for reuse. If gear is retrieved from documented European green crab infested shoreline, that gear will either not be reused or will be appropriately treated to eliminate any possible transference prior to reuse.
4. A record shall be maintained of:
 - a. Gear inventory onsite (i.e., within the lease area);
 - b. Onsite gear inspections, date and verification that all gear remains onsite or identification of type and amount of gear missing;
 - c. Dates of visual surveys and foot patrols for gear retrieval with the following information:
 - i. locations of escaped gear; types, amount and overall weight of retrieved debris; associated mortalities (species and counts - if any); habitat damage (area and vegetation effected - if any); identification of invasive species (if any); disposal methods; and amount of reused gear in the lease area (if applicable).
 - d. The record will be shared at least annually with the Dungeness National Wildlife Refuge and available to National Marine Fisheries Service, US Fish and Wildlife Service and US Army Corps of Engineers.