

**From:** [BrownScott, Jennifer](#)  
**To:** [Thomas, Sue](#); [Sollmann, Lorenz](#)  
**Subject:** Fwd: [EXTERNAL] JST and Dungeness Refuge Meeting: data requests and meeting notes  
**Date:** Monday, June 11, 2018 12:04:07 PM  
**Attachments:** [Dungeness USFWS Mtg Notes 5.24.18 FINAL.docx](#)  
**Importance:** High

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Let's get together later in the week and discuss what type of info we have to share.

-jennifer

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~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
~~Copolis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

----- Forwarded message -----

**From:** **Elizabeth Tobin** <[etobin@jamestowntribe.org](mailto:etobin@jamestowntribe.org)>  
**Date:** Wed, Jun 6, 2018 at 10:37 AM  
**Subject:** [EXTERNAL] JST and Dungeness Refuge Meeting: data requests and meeting notes  
**To:** "BrownScott, Jennifer" <[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)>

Hello Jennifer,

Jamestown would like to thank you and Lorenz for meeting with Hansi, Diana and I regarding the Tribe's aquaculture project on the Dungeness lease site. We found the meeting to be quite productive and very much look forward to working with the Refuge as the Tribe moves forward with the Individual Permit. Attached please find the notes from our meeting on 5/24/2018.

Per our discussion, the Tribe is requesting any available data/information that the Refuge may have on the following:

- Shore bird/water fowl data – we are happy to receive raw data or in database format, from any time period and location collected within or in close proximity to the Refuge. If time constraints for compiling data older datasets are of concern, our preferred time period is 1980 – 2018.
- Shellfish aquaculture contribution to marine debris

- Forage fish data
- Benthic/epibenthic community structure and composition data
- Human disturbance data – particularly response of shore bird/water fowl to human activities

Any quantitative/qualitative data or even anecdotal information on any of the above would be extremely helpful as we prepare our site-specific environmental assessment. The Tribe is happy to coordinate with Sue Thomas in acquiring any available data and information about methodologies used.

Thank you very much for your assistance as we move forward with this process.

Sincerely,

Liz Tobin

Elizabeth Tobin

Shellfish Biologist

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May 30, 2018

Meeting Notes from May 24, 2018 meeting with USFWS Dungeness National Wildlife Refuge staff  
Prepared by Diana Bob

Attendance:

Jamestown S'Klallam Tribe: Hansi Hals, Liz Tobin and Diana Bob

USFWS Dungeness Nat'l Wildlife Refuge (The Refuge): Jennifer Scott Brown and Lorenz Sollman

**Review of Refuge 4.4.18 Comment Letter to Clallam County Hearing Examiner:**

Discussion re scope of the shore bird and water fowl data:

1. Jennifer Brown Scott (JSB) explained that the data set referenced in the April 4 Comment Letter (Letter) is limited only to that collected by Sue Thomas (Refuge staff biologist) during her period of employment at the Refuge.
2. JSB acknowledged data has not been published or sufficiently analyzed to provide adequate information regarding the impact of aquaculture on this site.
3. There were different methodologies for data collection used by previous staff biologists and Sue Thomas but there is plenty of raw data that could be reviewed.

Discussion re conservation measures:

JSB explained that the conservation measures addressed in the Letter are focused on those conservation measures in NWP 48 that left some ambiguity. The discussion here was focused the scope of the Individual Permit that is required by the USCAE. The Refuge stated generally that "additional information is needed" when it comes to conservation measures but these were not discussed in further detail. Anticipate more discussion during the Individual Permit process.

Discussion of Individual Permit process:

1. The Tribe asked whether the Refuge would review draft sections for the Individual Permit.
2. JSB stated that the Refuge staff would be willing to do so but she heavily stressed to expect a slow response because it is the field season for staff and they are often out of the office this time of year.
3. JSB stated that typically a refuge would undertake a compatibility study for a project proposed in/near its boundaries. However, no compatibility study will be undertaken for this project because this is not a fee tideland but a use-easement tideland with Washington DNR. In a typical compatibility study the Refuge would evaluate whether the proposed activity will impair the purpose of the establishment of the Refuge. She said that this review is different because that compatibility review is not happening.

**Review of Attachments to the 4.4.18 Comment Letter:**

Forage Fish:

1. Discussion regarding the allegation of the starvation incident at Protection Island linked to generalized impacts on forage fish. The Refuge believes that the forage fish starvation is linked

to a pneumonia outbreak that impacted the marine birds. After discussion, the Refuge acknowledged that the Tribe cannot be responsible for resolving all the issues in the Salish Sea and stated their comments could become narrower in the context of an Individual Permit.

2. Discussion confirmed that the Refuge lacks data to implicate aquaculture as a major contributor to microplastics. There was discussion that this comment from the Refuge is lacking a specific citation but that other USFWS documents state that aquaculture is not a significant contributor to microplastic pollution.

#### Eelgrass Survey:

1. The Refuge was complimentary of the proposed buffer plan of 25 ft.
2. The Tribe asked whether the Refuge was satisfied with the quality and scope of the eelgrass survey that took place. JSB stated that the methodology was not entirely consistent with the USACE Tier 1 survey approach. Liz Tobin (LT) stated that the methodology might have been more comprehensive than the USACE survey. After discussion of methodology and how it compares to the USACE Tier 1 method JSB stated that if the USACE is satisfied with the survey then the Refuge will also support its adequacy.

#### Pacific v. Olympia Oysters:

1. The Refuge takes the position that Pacific oysters are a non-native and potentially invasive species. The Refuge does not support bringing in non-native species (even if already present). LT pointed out that the Pacific oyster is a naturalized species, by definition.
2. The Refuge was not in agreement with that position and stated that it would be best if the Tribe would engage in cultivation of Olympia oysters using an on-bottom cultivation method.
3. The parties agreed this would likely be an issue to address in greater detail in the Individual Permit.

#### **Introduction and overview of Shellfish Settlement Agreement:**

1. History of state-aquatic land leases for profit for the state, exclusion of Indians, not clearly addressed in Boldt Decision but settled in the Rafeedie Decision and further addressed in the 2007 Shellfish Settlement and Implementation Agreement with the “covered” tidelands.
2. JSB recognized that the issue is important and larger than just the Refuge and that this aquatic land parcel is “covered” by the settlement.
3. There was discussion regarding the requirement for commercial viability of state aquatic land leases and that the Tribe needs/plans to operate this lease as a business enterprise. To that extent the Tribe has stated the maximum capacity of potential harvest activities in application materials.

#### **Next Steps with USFWS:**

The Tribe will be following up on the correspondence sent to Director Robyn Thorson. The plan is to seek specific support from the USFWS. The Tribe will ask for things like:

- Data sharing
- Opportunity to coordinate with Sue Thomas regarding data availability and methodology in past and present data collection.

- Scope of USFWS participation in development of the BA for the Individual Permit
  - Establish a process for review and discussion of pertinent sections of the Individual Permit materials.