

**From:** [Kelly Toy](#)  
**To:** [BrownScott, Jennifer](#)  
**Subject:** RE: FW: Dungeness Bay Lease  
**Date:** Monday, August 31, 2015 10:52:16 AM  
**Importance:** High

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Jennifer,

At this point we are looking at bottom culture methods but the Tribe will keep their options open for any culture method that may be more appropriate. We will modify the permit application to include all methods, but I don't believe any one of the methods are significantly different when it comes to impacts. We would notify the refuge prior to any changes in culture methods and address any concerns. We have always had a good working relationship with the refuge and are aware of the concerns with bird interactions (timing migration, feeding etc...).

The farming of oysters and other shellfish is relatively benign and provides many ecosystem services, including water quality maintenance, shoreline protection and sediment stabilization, nutrient cycling and sequestration, and habitat and prey for other organisms, including birds. There has been a lot of research done looking at the effects of aquaculture and the environment. Below are a couple of links:

<http://www.sfu.ca/biology/wildberg/papers/ZydelisetalAquaCons08.pdf>

<http://www.ecsga.org/Pages/Sustainability/AnnotatedBibliography.pdf>

Kelly

**From:** BrownScott, Jennifer [mailto:jennifer\_brownscott@fws.gov]

**Sent:** Friday, August 28, 2015 4:51 PM

**To:** Kelly Toy

**Subject:** Re: FW: Dungeness Bay Lease

Thanks for sending the description of oyster farming methods. Looking at your last email and again at the definitions you just sent, it looks like you are proposing to use the "Bottom or Beach Cultured Oysters" method and possibly "Rack and Bag Cultured Oysters or Bag to Beach Cultured Oysters." Could you please confirm which methods you are proposing to use? Am I also understanding correctly that you proposing to use any and all proposed methods on the entire acreage of the lease?

I hope you have a great weekend and are able to dodge the raindrops.

Thank you,

Jennifer

What I mentioned before was doing some test plots of a couple of different methods. At the time of the application we were planning to use the methods in the description but it looks like the culture method now would be more on bottom culture, which may include bags and nets. The methods described in the application are more for specialty oysters, which involves a lot more labor and expense. The direction now is to keep costs low and volume of oysters high. The application should include all the potential area that could be used for the farm. Farming is generally conducted on a rotation, planting and harvesting successive year classes. Before we stopped growing oysters we were using most of the lease, which had posts and lines. All the equipment was moved when we closed the oyster farm. I will try and get you a more detailed description soon.

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Jennifer Brown-Scott  
Refuge Manager  
Washington Maritime NWRC

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On Fri, Aug 28, 2015 at 2:40 PM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:

With attachment.....

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**From:** Kelly Toy  
**Sent:** Friday, August 28, 2015 2:39 PM  
**To:** 'BrownScott, Jennifer'  
**Subject:** RE: Dungeness Bay Lease

Jennifer,

Yes, Pacific Oysters is the most common species grown on farms in this area. I've attached a summary of growing methods commonly used and a couple of old pictures of what the farm looked like before we had to close.

Kelly

**From:** BrownScott, Jennifer [[mailto:jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]

**Sent:** Wednesday, August 26, 2015 5:03 PM

**To:** Kelly Toy

**Subject:** Re: Dungeness Bay Lease

Thanks Kelly, that will be a big help. I really appreciate all the detail since I am new to aquaculture. Attending the presentation on Olympia Oysters was a great way to get my feet wet (no pun intended). I am guessing you guys are talking about Pacific Oysters for commercial sale at this site.

Thanks again and have a great night!

-jennifer

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On Wed, Aug 26, 2015 at 4:34 PM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:

Jennifer,

What I mentioned before was doing some test plots of a couple of different methods. At the time of the application we were planning to use the methods in the description but it looks like the culture method now would be more on bottom culture, which may include bags and nets. The methods described in the application are more for specialty oysters, which involves a lot more labor and expense. The direction now is to keep costs low and volume of oysters high. The application should include all the potential area that could be used for the farm. Farming is generally conducted on a rotation, planting and harvesting successive year classes. Before we stopped growing oysters we were using most of the lease, which had posts and lines. All the equipment was moved when we closed the oyster farm. I will try and get you a more detailed description soon.

Kelly

**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]

**Sent:** Wednesday, August 26, 2015 3:52 PM

**To:** Kelly Toy

**Subject:** Re: Dungeness Bay Lease

Kelly,

I have taken a look at the application you referenced and it appears that the description may be different than what you had mentioned to me in the spring. I think you had mentioned placing some bags out to see if they survived. This application appears to request use of the entire lease acreage and use of lines.

It would really be helpful if you could send me a detailed description of the type of aquaculture application you are proposing to use, a map of the area that you will be using, and the dates that you propose to have equipment on the site as well as deployment/harvest/and removal dates.

Thank you,

Jennifer

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On Wed, Aug 26, 2015 at 2:48 PM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:

There is a description of the oyster culture methods in the NWP48 application which has been at the corp for 6 years. I thought the Army Corp developed programmatic permits, and conducted programmatic consultations with NMFS and USFWS, to ensure all activities comply with ESA and EFH requirements. I'm having a hard time understanding which federal regulations or policies need to be met that would be specific to Dungeness Bay as opposed to any other farm in Puget Sound. Hope this gets resolved soon.

Kelly

**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]

**Sent:** Wednesday, August 26, 2015 2:10 PM

**To:** Kelly Toy

**Subject:** Re: Dungeness Bay Lease

Kelly,

Great question! We are trying to get a full understanding of our jurisdiction as it pertains to the Use Easement Deed granted by the state so we know which/if any federal regulations and policies we must meet as we discuss/approve the activity.

Do you have a written proposal of the activity you are planning on conducting?

Thanks for your patience,

Jennifer

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Jennifer Brown-Scott  
Refuge Manager

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On Wed, Aug 26, 2015 at 1:44 PM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:  
In Exhibit B (Plan of Operations) of the lease it states that the size, location and culture methods used to grow oysters, as well as geoduck, will be discussed and approved by DNR and USFW prior to establishment. Does this need further clarification?

Kelly

**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscoff@fws.gov](mailto:jennifer_brownscoff@fws.gov)]

**Sent:** Wednesday, August 26, 2015 1:12 PM

**To:** Kelly Toy

**Subject:** Re: Dungeness Bay Lease

Thanks for your email. We are looking for clarification on our jurisdiction as it relates to aquaculture within the DNR Use Easement.

I'll let you know where we stand as soon as I know.

-jennifer

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On Wed, Aug 26, 2015 at 11:38 AM, Kelly Toy <[ktoy@jamestowntribe.org](mailto:ktoy@jamestowntribe.org)> wrote:  
Jennifer,

Scott Chitwood informed me that you are still waiting for the solicitor's opinion concerning our lease. I'm assuming you have a copy of the lease and was wondering if the solicitor's opinion concerns the legality of the DNR lease? If not, what opinion about the lease are you waiting for? Jamestown would like to move this forward as soon as possible, which as you know involves USFWS as the lead for the ESA consultation. Thanks.

Kelly

Kelly Toy

Shellfish Manager

Jamestown S'Klallam Tribe

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