

**From:** [BrownScott, Jennifer](#)  
**To:** [Sylvia Pelizza](#); [Dexter, Nathan L](#)  
**Subject:** Important: Aquaculture Update  
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Just finished a discussion with ACOE and they let me know that the Tribe has still not provided them with a complete application. They also said that they have not yet determined whether or not the application will be accepted under the Nationwide 48 program, or if they will need to go through the standard permitting process (this is different than what Ralph told me on Tuesday). They won't know until they get an actual application. They also let the Tribe know that USFWS is the lead on ESA (Sect. 7) and Cultural Resources (Sect. 106) compliance. They have let the Tribe know all of this information in writing.

Apparently the current Nationwide 48 permit process expires in March 2017 and any entities that have been approved under the old process are grandfathered in. There is the possibility that the Seattle District will be going to a District permitting process at that time that will require applicants to get permission from land managers prior to permit approval.

ACOE will need to know if there is eelgrass present in the project area. When speaking with Ralph, he told me that the appropriate timeframe to delineate eelgrass is in February/March. ACOE let me know that this is not an appropriate delineation window and that we would need to wait until at least June. They actually said it would be best to wait until July so we would be sure that we captured the full breadth of eelgrass growth.

Given that we cannot even perform eelgrass delineation until June, and we would need to understand eelgrass growth in order to complete the Section 7, it would seem to be impossible to meet their request for completing the process (even just the portion required by the Corps) by May. Not to mention that they still have not provide a complete application to date.

Ralph asked me to let him know if we could complete the process by May. I told him it was unlikely, but that I would get back to him. It seems that I could let him know that May will not work.

Should we send a letter to the Tribe's Natural Resources Department, outlining the fact that Section 7 review cannot begin until after an eelgrass survey is conducted in late-June or July and that the approval process required by the lease cannot begin until an application/proposal is submitted for approval?

Seems like the Tribe's staff is misinterpreting information provided by ACOE and may do the same with us. Having the information in writing might be important.

Thanks,  
Jennifer

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