**INFORMATION/BRIEFING FOR THE REGIONAL DIRECTOR**

**SUBJECT**

Jamestown S’Klallam Tribe’s (Tribe) application for commercial oyster cultivation within the boundary of Dungeness National Wildlife Refuge (Refuge).

**BACKGROUND**

In 2015, the Tribe began the process to reestablish a commercial shellfish operation on 50 acres of lease tidelands within the boundary of the Refuge. Commercial shellfish cultivation has not occurred within the Refuge since 2005 due to water quality issues. The lease tidelands are incorporated into the Refuge by a Use Easement Deed (Deed) from WA Department of Natural Resources (DNR). The Deed grants the Refuge the right to manage the tidelands as a wildlife refuge and allows the Service to assert limitations on aquaculture leases that may make aquaculture unprofitable or impractical, so long as they are tied to Refuge purposes. Permitting/leasing authority for aquaculture activities resides with the US Army Corps of Engineers (Corps), Clallam County (County), WA Department of Ecology (WADOE), and DNR. Any restrictions on oyster cultivation would need to be incorporated into these agencies’ permitting processes.

The Tribe’s application for a commercial aquaculture permit is currently being reviewed by the County, Corps, and WADOE. The Refuge has provided comments to the County for this project on April 4, 2018, and to the Corps/WADOE on February 27, 2019. The Tribal Chairman sent a March 18, 2018, letter to the Regional Director outlining their concerns and requesting Government-to-Government consultation.

**DISCUSSION**

* Refuge staff have been engaged with Tribal staff on this issue for several years. Refuge comments on the changing project have consistently been focused on wildlife disturbance and potential impacts to the Refuge and associated natural resources in the bay.
* Tribal response to the Refuge position has been vehement and Refuge comments have been misinterpreted.
* A commercial aquaculture operation as proposed by the Tribe would have an unacceptable level of impact to the highest migratory waterfowl and shorebird use area of the Refuge, as well as to recovering eelgrass beds and substrate and benthic communities.
* The Refuge has suggested alternate sites for commercial oyster cultivation along the southern shore of Dungeness Bay that provide easier access and limit disturbance to important migratory bird resources.
* The Audubon Society and the local and regional public are concerned with visual and resource impacts from commercial aquaculture within the Dungeness Basin.