



BrownScott, Jennifer <jennifer_brownscott@fws.gov>

ACTION: Follow up to G to G with Jamestown S'Kallam Tribes

Foerster, Kevin <kevin_foerster@fws.gov>

Sat, May 4, 2019 at 6:39 AM

To: Jennifer BrownScott <jennifer_brownscott@fws.gov>

Cc: Charlie Stenvall <charlie_stenvall@fws.gov>, Kim Trust <kim_trust@fws.gov>, Brett Moule <brett_moule@fws.gov>, "Spaur, Jeanne" <jeanne_spaur@fws.gov>

Jennifer and Charlie,

Its early Saturday morning and Im headed to NCTC for three weeks but I wanted to get this note out to you.

Many thanks to Jennifer for her good work on the issue. Following the G to G and with the RDs advice - we need to "walk back" some of the comments in your letter. I believe this would be best handled by another letter from Jennifer (rather than Chiefs office or RDs office) to the permitting authorities with cc to tribes and other relevant entities.. Here are some suggestions and/or themes for that letter. Please draft something and have Charlie review. The RDs office wants to see it before it goes out. Just to be clear - the phrase "unacceptable level of impact to the refuge" was inappropriate in these particular circumstances. It got there attention but may have damaged our relationship with them. Probably should have said something like "we remain concerned about the potential disturbance and impacts from the re-establishment of a commercial oyster harvest operation in the highest migratory bird use area on the refuge."

The letter should focus on our concerns about disturbance and potential impacts to the refuge. Dont use "would" unless validated with scientific peer reviewed info. Use the words and phrases like "could" or "could possibly" or "these activities may impact". That is, dont make definitive statements unless we are 100% positive and backed by science and experience. In your comments, keep using the word "commercial" where ever possible when referring to the oyster operation. Try not to speculate too much in the impact comments.

Keep the letter short and to the point - comments in the attachment need to be focused on disturbance related to the type of the commercial operation they want to run. (ie dont comment on dredging, and other types of ops that they are not proposing.). Make it clear that this activity is being proposed in the highest bird use area.

some ideas for the cover letter are as follows:

Dear (permitted authority)

By this letter, we are rescinding our comment letter dated ### regarding the application the JST for a commercial oyster operation within the DNWR. The JST does not need our permission for this activity as it is *****. We have recently met with the JST and have a better understanding to their proposed operation and any subsequent potential impacts on the refuge. We are requesting to resubmit these comments in lieu of the ##### letter.

((Say something nice about the JST here.))) We believe the JST is committed to operating a commercial enterprise in a manner that is sensitive to environment and cultural concerns. We remain concerned about any potential impacts and disturbance to wildlife on the refuge from a commercial oyster harvest operation. We offer the following attached comments that are focused on potential impacts from disturbance.

If you have any questions regarding the attached comments, please contact me at &&&&&

Sincerely,

cc: attachment

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Kevin Foerster

Regional Chief, Pacific Region

National Wildlife Refuge System

503-231-6214

"Wild things in wild places for future generations" Sarah Dunham Gray