

**From:** [BrownScott, Jennifer](#)  
**To:** [Stenvall, Charlie](#)  
**Subject:** Fw: Compatibility of MOU and Letter of Non-objection  
**Date:** Friday, October 28, 2022 2:12:10 PM

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FYI. This issue was brought to Hugh's attention during our discussion this morning.

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**From:** BrownScott, Jennifer  
**Sent:** Friday, October 28, 2022 7:22 AM  
**To:** Ogura, Christine <[christine\\_ogura@fws.gov](mailto:christine_ogura@fws.gov)>  
**Cc:** Stenvall, Charlie <[charlie\\_stenvall@fws.gov](mailto:charlie_stenvall@fws.gov)>  
**Subject:** Compatibility of MOU and Letter of Non-objection

I was having a conversation about easement regulations yesterday and a questions still remains. If an MOU is signed that Hugh believes has zero affect on our property interest, it would seem that he would still be required to complete a determination of compatibility and issue a letter of non-objection to be consistent with the Cape Romain court case and [50 CFR 25.44\(b\)](#). According to 50 CFR 25.44(b), permits are required for use of easement areas administered by the Service where proposed activities **may affect** the property interest acquired by the United States. Applications for permits will be submitted in writing to the Regional Director or a designee. We may grant special use permits to owners of servient estates, or to third parties with the owner's agreement, by the Regional Director or a designee, **upon written determination that such permitted use is compatible. If we ultimately determine that the requested use will not affect the United States' interest, the Regional Director will issue a letter of non-objection.**

Have Frank and Hugh considered this regulation?

-jennifer

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