

From: [BrownScott, Jennifer](#)
To: [McReynolds, Ryan](#)
Subject: Re: ACE ESA Consultation Request (Jamestown S'Klallam Tribe, Dungeness Bay Oyster Operation; NWS-2007-1213)
Date: Friday, July 24, 2020 2:29:36 PM

Thank you for quickly drafting some bullet points, they really helped me think through the response. After drafting a response and then re-assessing the Corps request, we have decided to simply answer the one question that was explicitly asked in their letter - re: ESA federal lead.

My quick ~3 sentence email will only represent a response from my office, so you won't need to get approval up your chain. I appreciated the discussion and your feedback. It is nice to check in every now and then and share information and perspective.

Hope you have a terrific weekend.

Jennifer Brown-Scott
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(360) 457-8451
[~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~](#)

From: McReynolds, Ryan <ryan_mcreynolds@fws.gov>
Sent: Thursday, July 23, 2020 12:45 PM
To: BrownScott, Jennifer <jennifer_brownScott@fws.gov>
Cc: McReynolds, Ryan <ryan_mcreynolds@fws.gov>; Teachout, Emily <emily_teachout@fws.gov>
Subject: Fw: ACE ESA Consultation Request (Jamestown S'Klallam Tribe, Dungeness Bay Oyster Operation; NWS-2007-1213)

Hi Jennifer,

Thanks for the call, and for the email with attachments.

Here are some draft talking points/bullet points (below); I would prefer, for expediency, that we vet this with WFWO supervisors, then send the response as an email.

Please let me know what you think of this draft response ... If you like it (or have a few

comments), I will vett it with my supervisor and division manager.

If you think we also need a more fleshed-out plan (i.e., what additional conservation measures we can/will recommend), that would take a bit more time.

Please let me know your thoughts.

Thank You - Ryan -

<> [To] matthew.j.bennett@usace.army.mil, pamela.sanguinetti@usace.army.mil

<> Yes, the August 6, 2019, Letter from Region 9/Pacific Northwest Director (R. Thorson) does represent the FWS's final comment on the proposed action (Jamestown S'Klallam Tribe, Dungeness Bay Oyster Operation; Corps. Permit No. NWS-2007-1213).

<> Yes, our August 6, 2019, Letter does reaffirm that "...we are concerned about potential impacts to Refuge wildlife and habitat based on the proposed location of the activity ... We recommend operations and monitoring activities occur outside of the migration and wintering periods for shorebirds and waterfowl".

<> No, the FWS (specifically, the Washington Maritime National Wildlife Refuge Complex) cannot, and therefore does not, accept federal lead status for the Endangered Species Act (ESA) Section 7 consultation process. The FWS and Washington Maritime National Wildlife Refuge Complex do not hold, and will not be acting on, any independent authority to approve of, fund, or issue permits for the proposed action. The Corps must act as the federal lead for the ESA Section 7 consultation process.

<> Yes, per the Corps' letter dated July 15, 2020, we agree that "...the Corps [should] undertake individual ESA consultation". We agree, that the trust resources that are present in the permit area (i.e., high seasonal numbers/concentrations of shorebirds and waterfowl; especially during migration and wintering periods) require additional conservation measures directed at operations and minimization of avoidable impacts (including temporary forms of sound and visual disturbance). We also agree, it is important to ensure that culturing materials and equipment are secure and do not become hazards to either navigation or to fish and wildlife.

<> Yes, we agree that the FWS can and should stay engaged, and should assist the Corps and Applicant/Jamestown S'Klallam Tribe in developing additional conservation measures, directed at operations and minimization of avoidable impacts, including temporary forms of sound and visual disturbance.

<> Please let us know ... Would the Corps prefer that FWS reach out and engage directly with the Applicant/Jamestown S'Klallam Tribe, would the Corps prefer instead to coordinate and initiate the next interaction/exchange of information with the Tribe, or is some other arrangement preferred?

<> Thank You.

<> [Cc] Jennifer Brown-Scott (Project Leader, Washington Maritime National Wildlife Refuge Complex), Ryan McReynolds (WFWO-Lacey, Federal Activities Branch, Aquaculture Lead), Emily Teachout (WFWO-Lacey, Federal Activities, Branch Supervisor), Curtis Tanner (WFWO-Lacey, Consultation and Conservation Planning, Division Manager).

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*Working with others to conserve, protect, and enhance
fish, wildlife, plants, and their habitats for the continuing
benefit of the American people.*

From: BrownScott, Jennifer <jennifer_brownScott@fws.gov>
Sent: Thursday, July 23, 2020 11:41 AM
To: McReynolds, Ryan <ryan_mcreynolds@fws.gov>
Subject: ACE ESA Consultation Request

Thank you for the conversation earlier today. Here is the ACE letter requesting FWS federal lead for ESA consultation and the most recent FWS comment from Robyn Thorson re: ACE aquaculture permit application NWS-2007-1213.

I look forward to working with you on an appropriate response.

-jennifer

Jennifer Brown-Scott
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From: Bennett, Matthew J CIV USARMY CENWS (USA) <Matthew.J.Bennett@usace.army.mil>

Sent: Wednesday, July 15, 2020 4:37 PM

To: BrownScott, Jennifer <jennifer_brownScott@fws.gov>

Cc: Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>;
Sollmann, Lorenz <lorenz_sollmann@fws.gov>

Subject: [EXTERNAL] NWS-2007-1213, JSKT

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Hello Jennifer,

Thank you for meeting on June 30 to discuss the USFWS's process for evaluating the JSKT's proposed commercial oyster operation at Dungeness National Wildlife Refuge. Per our discussion, I am following up with a letter recapping our conversation and identifying next steps. In addition, I have requested a 15-day response to our federal lead request per attached. In the meantime, if you would like to discuss the contents of the letter, please feel free to contact Pam or I. Thank you.

Matthew J. Bennett, Section Chief
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