

**From:** [Thorson, Robyn](#)  
**To:** [Foerster, Kevin](#); [Ogura, Christine](#)  
**Cc:** [Morrison, Hugh R](#)  
**Subject:** Action/reply: Dungeness Bay Oyster Farm  
**Date:** Tuesday, November 30, 2021 6:56:57 AM  
**Attachments:** [image001.png](#)

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I received this email (below) from JST Chairman Allen yesterday and will share it “up” and “over” (HQ and SOL) this morning. Clearly it shifts the direction of the Chairman’s questions/concerns from SOL to FWS, consistent with direction we heard last Wednesday (11/24) from RegSOL Lynn Peterson, sharing her discussion with PDepSOL Bledsoe.

A response to the Chairman seems a logical/apt next step, supplanting/replacing a response to Hansi Hals and Liz Tobin’s briefing. That is an initial thought for our prompt consideration (I’m suggesting that but with strong solicitation of your ideas and preferences for proceeding). Refuges would prepare reply and we use that as basis for discussion?....or discuss then draft? Thank you for teeing up next steps.

Robyn

*Robyn Thorson, Regional Director  
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Pronouns: she/her/hers*

*I live and work in the traditional homelands of the Chinook, Clackamas, Cowlitz, Kalapuya, Kathlamet, Molalla, Multnomah, and Wasco people who have made their homes along the lower Columbia River for thousands of years.*

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**From:** W Ron. Allen <rallen@jamestowntribe.org>  
**Sent:** Monday, November 29, 2021 2:38 PM  
**To:** Thorson, Robyn <robyn\_thorson@fws.gov>  
**Cc:** Hansi Hals <hhals@jamestowntribe.org>; Elizabeth Tobin <etobin@jamestowntribe.org>; Lauren P. Rasmussen (lauren@rasmussen-law.com) <lauren@rasmussen-law.com>  
**Subject:** [EXTERNAL] Dungeness Bay Oyster Farm

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Robyn,

After 7-8 years of working with all relevant agencies (USACE, State F&WS, DOE and your agency since 2015) particularly the last set of conversations, I am concerned about your upcoming decision (as to whether access determination is required) and implore you to be guided by respect of the Tribe's homeland. I hope we can talk to discuss how to avoid any unnecessary conflict with our Tribe's treaty and indigenous rights. As you know, the Tribe incorporated conservation measures and monitoring into the operations which are conditions of the permits and DNR lease. The notion that the Refuge requires compatibility analysis now is offensive, particularly since there was no compatibility determination required in the last several decades, including almost 100 years since the creation of the refuge in 1915. The farm itself dated back to pre-treaty times, and existed within the refuge in 1963 including when our Tribe purchased the business in 1990 and operated it for 15 years until 'non-point pollution' caused the bay to be decertified. Jamestown Tribe led the environmental fix over the course of 12 years and all of the partners, including the Refuge, understood the long-term goal of returning to shellfish farm. So for over 50 years of operation, no compatibility determination was required, and instead a letter of agreement was signed regarding treaty access. Prior behavior, is as you know, direct evidence of the parties' understandings.

We firmly believe that we had resolved all concerns, issues, and have review processes if anything unforeseen comes up.

There are many levels to the Treaty right position and one of them is access to any site that we reserved in our "Usual & Accustomed Areas" as confirmed by the Supreme Court.

We felt we were actually across the finish line of how our agreed plan would work with respect to these rights and our mutual interests. We hope you agree and are going to tell us that you have resolved the matter consistent with our treaty rights. If you have time for a call this week, please let me

know.

A handwritten signature in black ink, appearing to read "Ron", with a stylized flourish extending from the end.

W. Ron Allen

Jamestown S'Klallam Tribal Chair/CEO

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