

From: [Foerster, Kevin](#)
To: [Nelson, Marjorie](#)
Cc: [Norman, Kate](#); [Ogura, Christine](#)
Subject: Re: ASK for KEVIN - Dungeness Assignment
Date: Thursday, March 4, 2021 7:59:39 AM

Can you add this third bullet

Recent litigation brought by the Center for Food Safety against the ACOE will likely impact the use of Nationwide Permit 48 for oyster culture activities in the Puget Sound area.

<https://www.centerforfoodsafety.org/press-releases/6264/court-of-appeals-backs-environmentalists-federal-greenlight-of-industrial-shellfish-aquaculture-unlawful>

Kevin Foerster

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From: Nelson, Marjorie <marjorie_nelson@fws.gov>
Sent: Wednesday, March 3, 2021 1:29 PM
To: Foerster, Kevin <kevin_foerster@fws.gov>
Cc: Norman, Kate <Kate_Norman@fws.gov>
Subject: ASK for KEVIN - Dungeness Assignment

Hi Kevin-

Per our earlier discussion, Robyn asked us about the Dungeness project and indicated she'd be circling with you as well. She'd like a joint ES/NWRS response.

From the Section 7 side, here's where we stand in ES:

- WFWO completed a formal consultation through an existing Shellfish Aquaculture Programmatic. A letter was sent to the Corps of Engineers on 10/20/2020 documenting consistency with the Programmatic Biological Opinion. That concluded our formal consultation with the Corps on the Jamestown S'Klallam Tribe's action.
- ACOE has not issued a FONSI or permit; if they do issue the permit then the Tribe would need to work through state DNR on leasing and create disturbance monitoring protocols that are acceptable to the refuge.

I believe this 2nd bullet gets into your territory. I don't want to speak on your behalf, so I wanted to circle back before sending anything on to Robyn. **Would you like me to include**

the 2nd bullet in the response to Robyn, say something like "Refuges is awaiting ACOEs decision before taking further action," or just stay mum?

Thank you,
Marj

Marjorie Nelson (she/her)
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