



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Decision

US Army Corps of Engineers

Regulatory Branch
4735 E. Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 561-7686
ATTN: Brody Garner,
Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6076
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: April 22, 2024

Expiration Date: May 7, 2024

Reference No.: NWS-2021-231-AQ

Name: Taylor Shellfish Farms
(Burley Lagoon)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received a revised application to perform work in waters of the U.S. as described below. The work was previously described in Public Notice Reference No. NWS-2021-0231-AQ, dated June 23, 2021. The revision, as shown on attached drawings dated February 29, 2024, consists of continuing the cultivation and harvest of Pacific oysters and Manila clams as currently authorized, but with the proposed inclusion of 25.5 acres of geoduck clams within the footprint of the previously authorized operation.

The Corps will review the work in accordance with Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the Clean Water Act, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Taylor Shellfish Company

Attention: Erin Ewald
SE 130 Lynch Road
Shelton, WA 98584
Telephone: (360) 426-6178

LOCATION: The proposed project is located within 175 acres of the tidelands in Burley Lagoon, near Purdy, Kitsap County, WA (lat.:47.41254, long.: -122.646052). Section 11, Township 22N, Range 01W.

WORK: Continue as previously authorized to commercially cultivate up to 175 total acres of Pacific oyster (*Crassostrea gigas*), Olympia oyster (*Ostrea lurida*), Kumamoto oyster (*Crassostrea sikamea*), Manila clams (*Venerupis philippinarium*), between tidal elevations +4.5 feet and -4.5 feet Mean Lower Low Water (MLLW) on parcels 0122132009, 0122133029, 0122133031, 0122133078, 0122141005, 0122141027, 0122141028, 0122231020, 0122231041, 0122231047, 0122231065, 0122231048, 0122231065, 0122231067, 0122231071, 0122242009, 0122242016, 0122242054, 7860000170 in Burley Lagoon. Twenty-five and one-half acres out of the 175 acres will be converted to cultivation of Pacific geoduck clams (*Panopea abrupta*).

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Oysters would be grown on-bottom as both singles and clusters and in bags near the bottom. Manila clams would be grown on-bottom and covered with netting. Geoduck HDPE mesh nursery tubes, approximately 18" in length, will be inserted into lower intertidal and subtidal substrate at a density of approximately one tube per 1.25 square foot. Four juvenile geoduck will be placed in each tube. Area nets are not required over HDPE mesh. After approximately 18-36 months, the tubes are removed. Harvest occurs approximately 5-6 years after planting.

PURPOSE: Provide shellfish commercially cultivated in Burley Lagoon for human consumption.

ADDITIONAL INFORMATION: Permit duration would be extended from current December 31, 2029 to December 31, 2036. Native eel grass is not present in areas to be cultivated.

The location of the line of mean high water/ high tide line shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

MITIGATION: None proposed.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The existing project as modified would continue to comply with the Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016."

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. The Corps has determined that the proposed action will adversely affect designated EFH for federally managed fisheries in Washington waters. The Corps has completed EFH consultation with the National Marine Fisheries Service as part of biological assessment for the programmatic biological opinions referenced above.

CULTURAL RESOURCES: The work has previously been permitted by the Corps and reviewed for compliance with Section 106 of the National Historic Preservation Act. A search of the Washington Information System for Architectural and Archaeological Records Data online database showed no previously recorded historic properties in the permit area. The nature, scope, and magnitude of the work to be permitted is such that there is little likelihood that a historic property exists or may be affected, given: 1) it involves permitting of an existing shellfish operation; 2) harvesting is taking place in areas that have already been commercially harvested for the same species of shellfish in the past; and 3) no new ground disturbance is authorized.

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The Corps requests your comments and would like to know if you have any knowledge or concerns regarding historic properties, including sites of religious and cultural significance that would be potentially affected by the permitted activity. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Nations in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny a Section 401 Water Quality Certification for the proposed project modification.

ADDITIONAL EVALUATION: Ecology will be reviewing the proposed project modification under a new CZM federal consistency determination.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be

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accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: E-mail comments should be sent to brody.g.garner@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Brody Garner, 4735 E. Marginal Way S, Building 1202, Seattle, Washington, 98134-2388. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

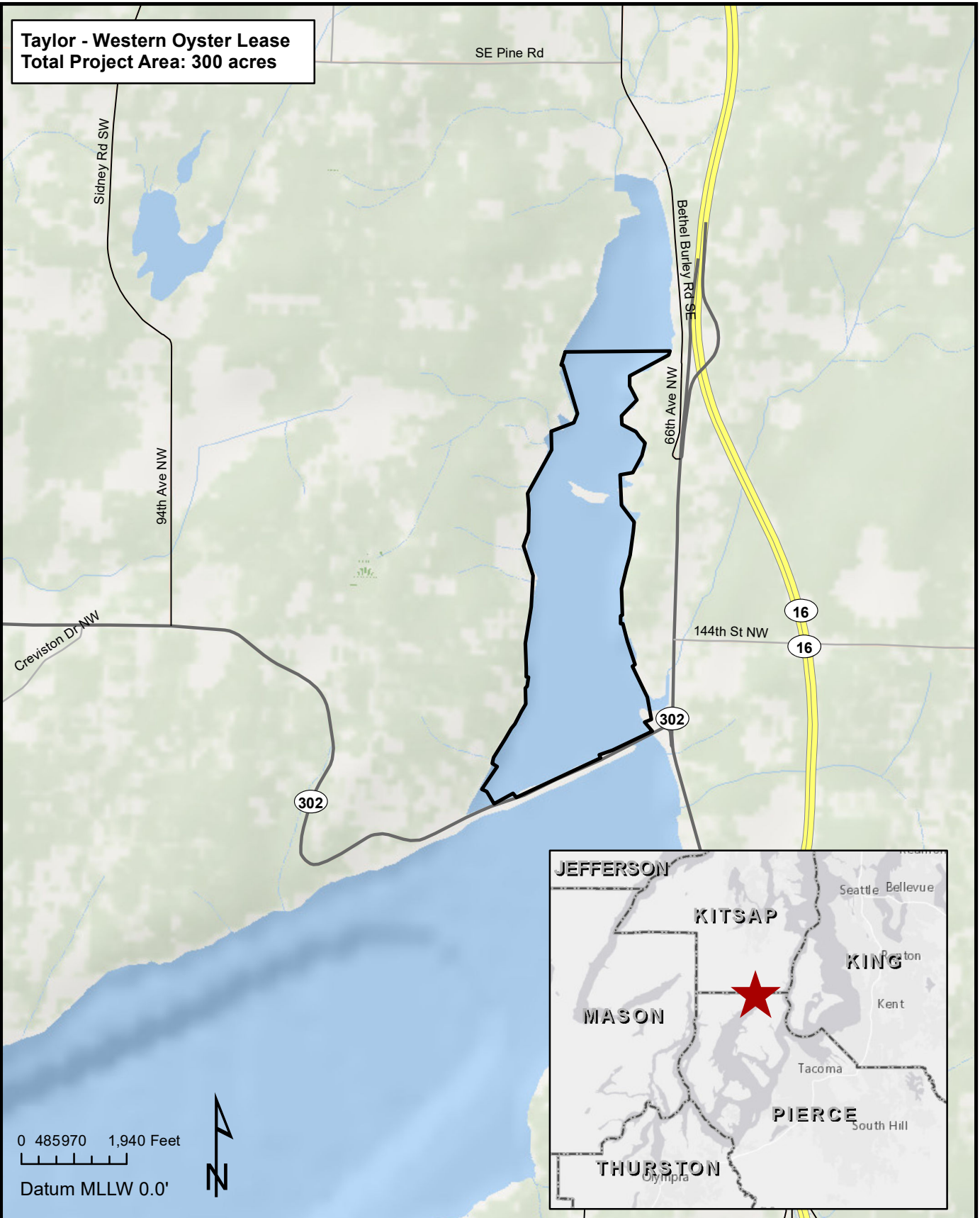
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency decision, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permitting Section, Post Office Box 47600, Olympia, Washington, 98504-7600, or e-mail to fedconsistency@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments:

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Encl: Figures (7)

Taylor - Western Oyster Lease
Total Project Area: 300 acres

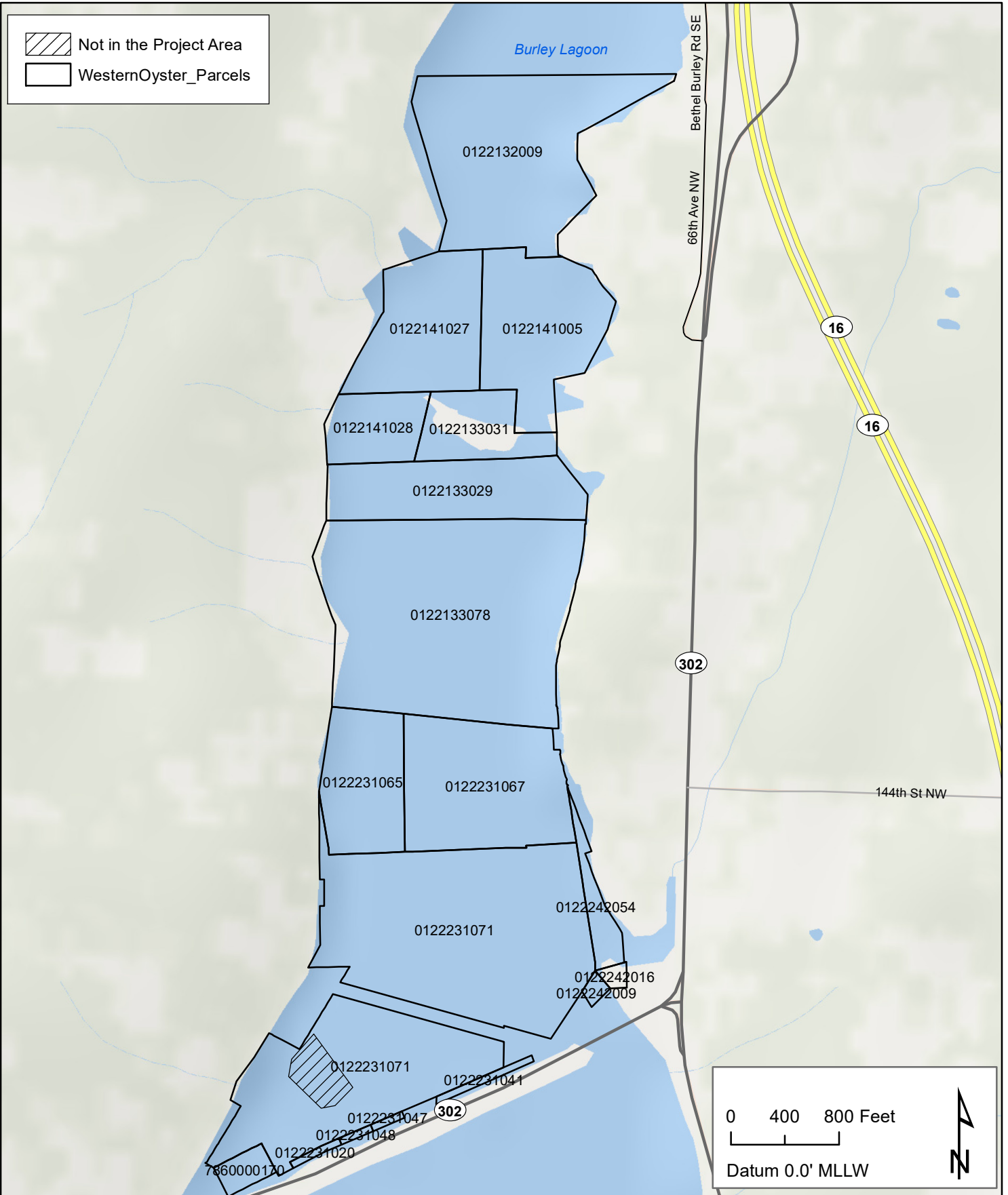


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REFERENCE: NWS 2021-00231-AQ
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
 Please refer to
 Table of Property Owners

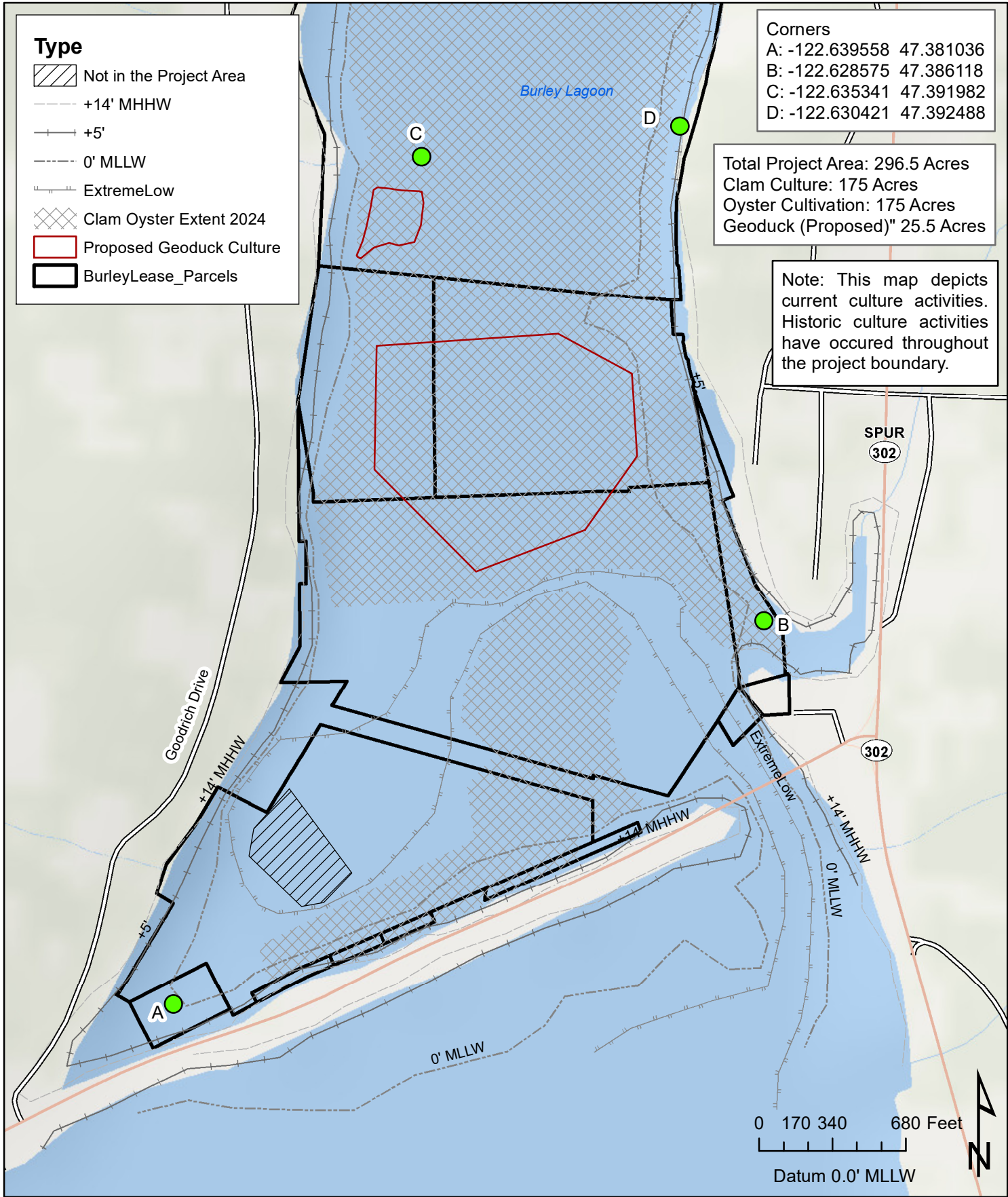
Location: T22N, R01E,
 S23/24/13/14
Lat/Long: 47.391379 / -122.633402
PAGE 1 of 7 **Date:** 2/29/2024

PROJECT: Western Oyster
IN: Burley Lagoon
Near/At: Purdy
County: Pierce
State: WA



Document Path: M:\Working\Erin_Working\Map_Projects\Burley\WesterOysterLease_Parcels.mxd

<p>REFERENCE: NWS 2021-00231-AQ APPLICANT: Taylor Shellfish ADJACENT PROPERTY OWNERS: See Attached List</p>	<p>Parcel: Please refer to JARPA Location: T22N, R01E, S23/24/13/14 Lat/Long: 47.391379 / -122.633402</p>	<p>PROJECT: WesternOyster Near/At: Purdy County: Pierce State: WA</p>
<p>Page 2 of 7 Date: 2/29/2024</p>		



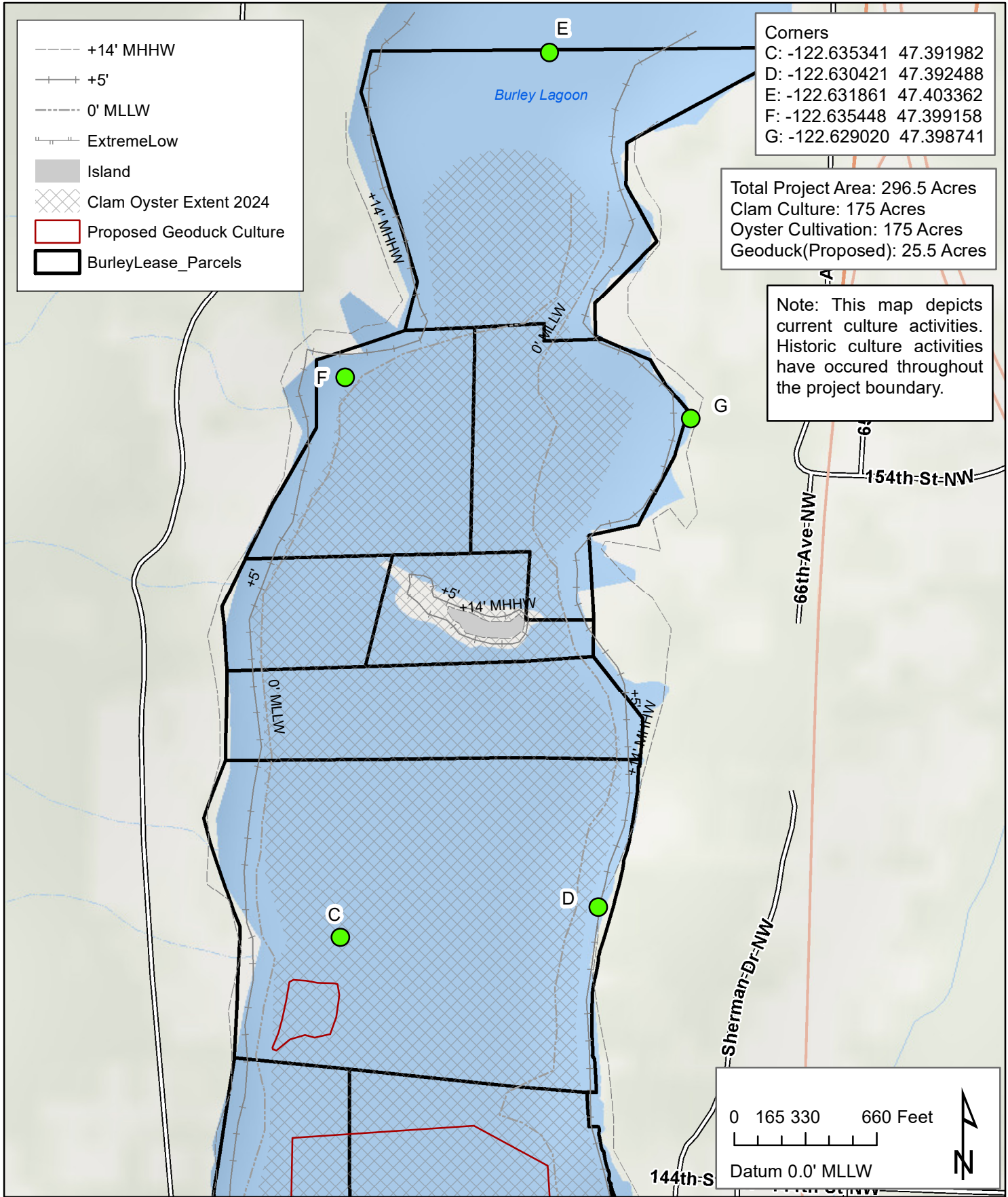
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REFERENCE: NWS 2021-00231-AQ
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
See Attached List

Parcel: Please refer to JARPA
Location: T22N, R01E, S23/24/13/14
Lat/Long: 47.391379 / -122.633402

PROJECT: WesternOyster
IN: Burley Lagoon
Near/At: Purdy
County: Pierce
State: WA

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Corners

C:	-122.635341	47.391982
D:	-122.630421	47.392488
E:	-122.631861	47.403362
F:	-122.635448	47.399158
G:	-122.629020	47.398741

Total Project Area: 296.5 Acres
Clam Culture: 175 Acres
Oyster Cultivation: 175 Acres
Geoduck(Proposed): 25.5 Acres

Note: This map depicts current culture activities. Historic culture activities have occurred throughout the project boundary.

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See Attached List

Parcel: Please refer to JARPA
Location: T22N, R01E, S23/24/13/14
Lat/Long: 47.391379 / -122.633402

PROJECT: WesternOyster
IN: Burley Lagoon
Near/At: Purdy
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State: WA

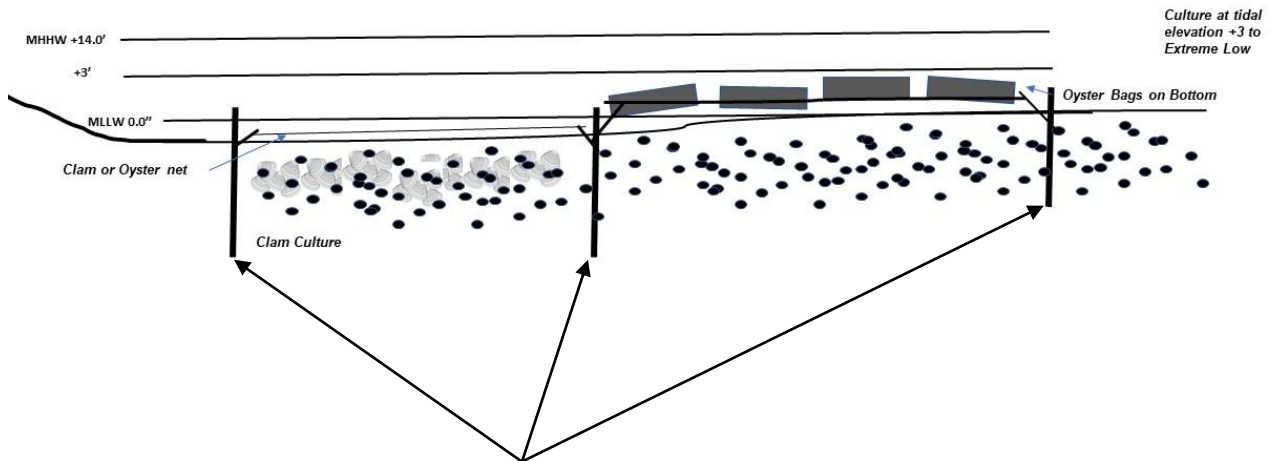
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Typical Cross Section

Clam netted / non-netted

Oyster on bottom / bag on bottom

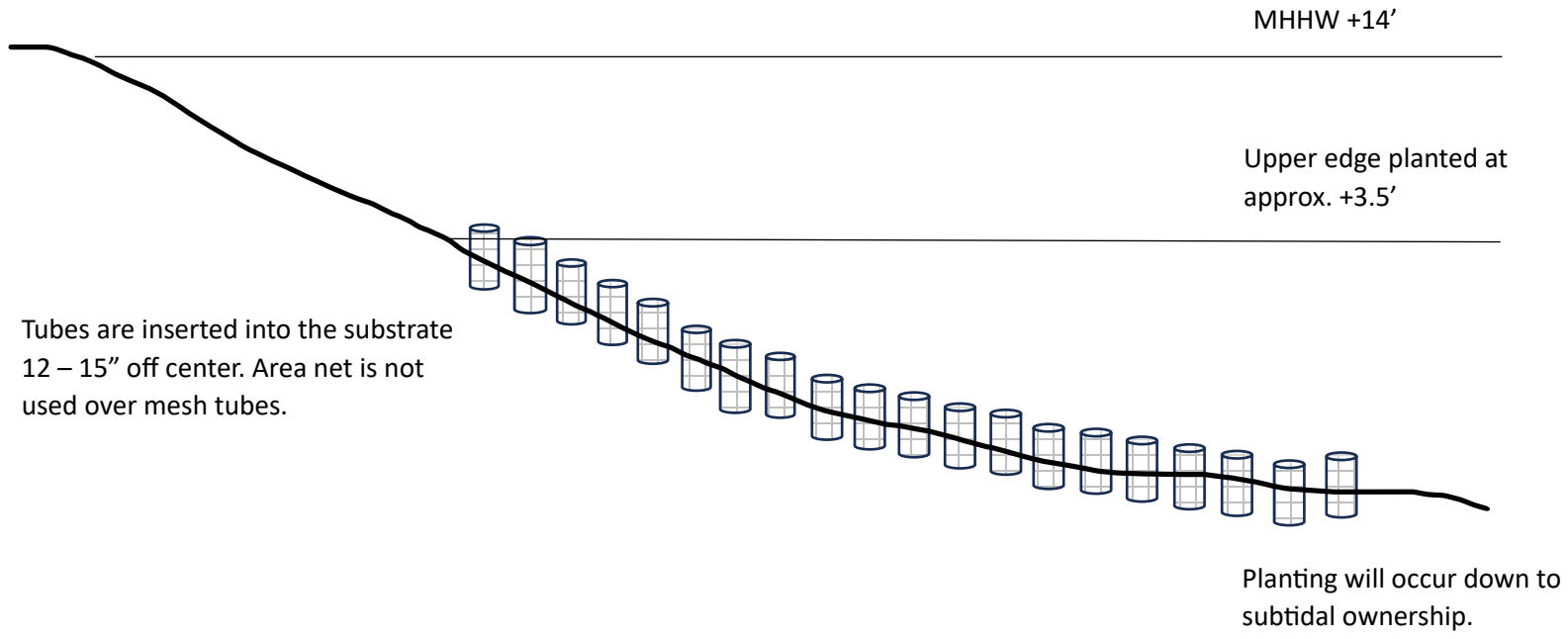
One or more of these typical culture methods may be used on site. Please refer to application.



Rebar stakes with ties or clips to attach nets or lines.

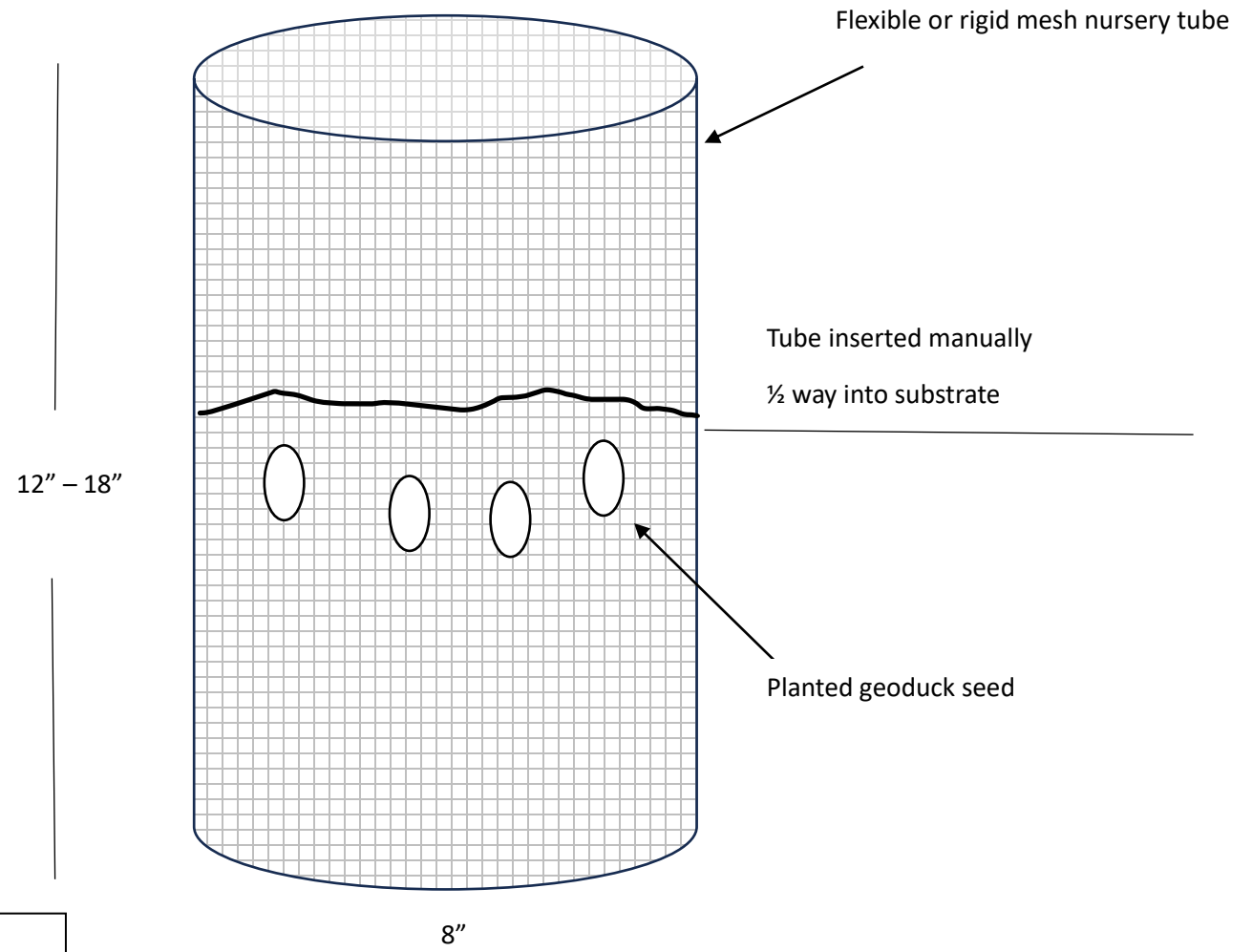
Reference: NWS-2021-00231-AQ
Applicant Name: Taylor Shellfish
Project: Western Oyster Lease
Location: Burley Lagoon
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Typical Cross Section of Geoduck Planting with Mesh Tubes



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Project: Western Oyster
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Taylor Shellfish Farms Geoduck Culture
Cross-Section of HDPE mesh nursery tube



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Applicant Name: Taylor Shellfish
Project: Western Oyster
Location: Burley Lagoon
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