



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

US Army Corps of Engineers

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (814) 235-1761
ATTN: Marion Gall
Project Manager

Public Notice Date: January 26, 2021

Expiration Date: February 10, 2021
(15 days)

Reference No.: NWS-2007-1197
(Olsen & Son Oyster Co.)

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. The Washington Department of Ecology (Ecology) will review the work separately pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

The Corps will also review the work in accordance with Section 14 of the Rivers and Harbors Act of 1899, as codified at 33 U.S.C. Section 408 (Section 408), for work that may alter a Corps civil works project. An alteration is defined as any action that builds upon, alters, improves, moves, occupies or otherwise affects the usefulness, or the structural or ecological integrity of a Corps federally authorized project.

APPLICANT: Phillip Olsen
Olsen & Son Oyster Company
P.O. Box 905
South Bend, Washington 98586

AGENT: Natalie Sahli, MES
Principal, Flying Tide Consulting LLC
o: 360-209-2069
c: 360-878-4449
natalie@flyingtideconsulting.com

LOCATION: In a 38-acre project area (38-acre cultivation area) within the intertidal zone in the North/Central Willapa Bay, Pacific County, Washington. The work is proposed on parcel number 79001000070. The latitude/longitude coordinates for the project area are as follows:

Corner	Latitude	Longitude
1	46.653825	-123.934226
2	46.652302	-123.943227
3	46.650961	-123.935166
4	46.651106	-123.943923

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Project Description: To continue to commercially cultivate up to 38-acres of on-bottom Pacific oysters between the +0.5 to +2.0 feet Mean Lower Low Water (MLLW) tidal elevations and up to 15-acres of manila clams from +1.0-feet to +2.0-feet MLLW tidal elevations. The proposed project is located 0.3 miles waterward from the approximate Mean High Water (MHW) shoreline and extends a maximum of 1.1 miles waterward of the approximate MHW shoreline. No permanent corner markers will be used. All access to the site will be by boat. The planting, maintenance and cultivation of each species will be as follows:

Manila clams would be caught by natural set on cleaned crushed shell minimally (no more than 1”) placed within the project area to frost the substrate (15-acre cultivation area) on an annual basis. Maintenance of the site for manila clams would be minimal. Manila clams would be hand harvested by workers accessing the cultivation area during appropriate tide levels. The harvest will be supplemental and intermittent over a continuous period to maintain a healthy natural population. The crew that will harvest the site will do so during appropriate tides over an approximate 4-hour period.

Oysters will either be scattered as seed or transplanted from deck at high tide. Harvest will take place either by hand at low tide or by dredge harvest at high tide in line. Time for harvest is approximately 4 hours on appropriate tides over an approximate 1-2 month long period. Harvest cycles is approximately 3 years. Annual dredge acres will not exceed 13-acres.

PURPOSE: To continue to commercially cultivate manila clams and Pacific oysters

ADDITIONAL INFORMATION: The entire area has been mapped by Washington State’s Coastal Atlas mapping as having patch eel grass beds. The applicant has requested a 10-year permit to cover multiple cycles of cultivation.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District’s web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

The boundaries and/or location of the line of mean high water, high tide line, and special aquatic sites (e.g. eelgrass) shown on the project drawings have not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

MITIGATION: No mitigation is 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

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proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

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.

If the U.S. Army Corps of Engineers (Corps) determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The Corps is assessing potential impacts to archeological, historic, and cultural resources in the project area. We are requesting your comments.

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: 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.

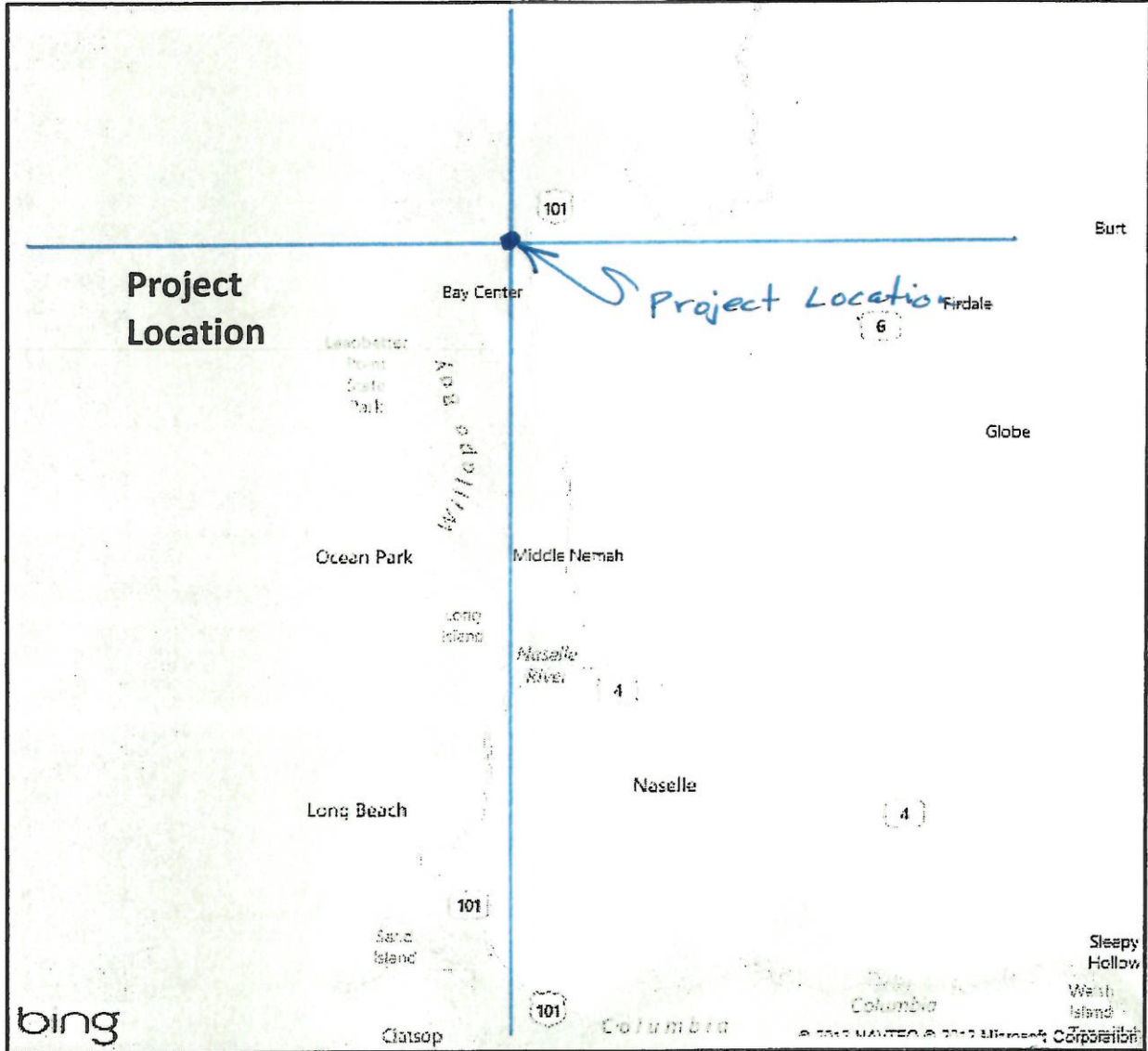
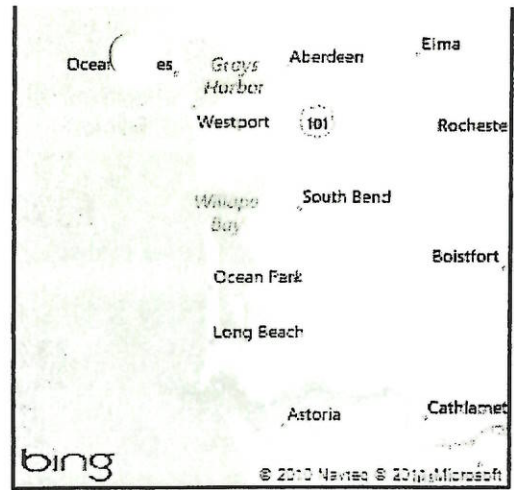
The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered 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.

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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 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. All e-mail comments should be sent to marion.gall@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. 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 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. 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. Please include the following name and reference number: NWS-2007-1197 (Olsen & Son Oyster Co.)

Encl: Plans (3 of 3)

Vicinity Map



Reference: NWS- 2007-1197

Waterbody: Willapa Bay

County: Pacific

Location: Near Bay Center

Latitude/Longitude: 46.65192 / -123.9382

Date: Feb. 12, 2017

Application by: Olsen & Son Oyster Co.

Project Description: Existing shellfish farm

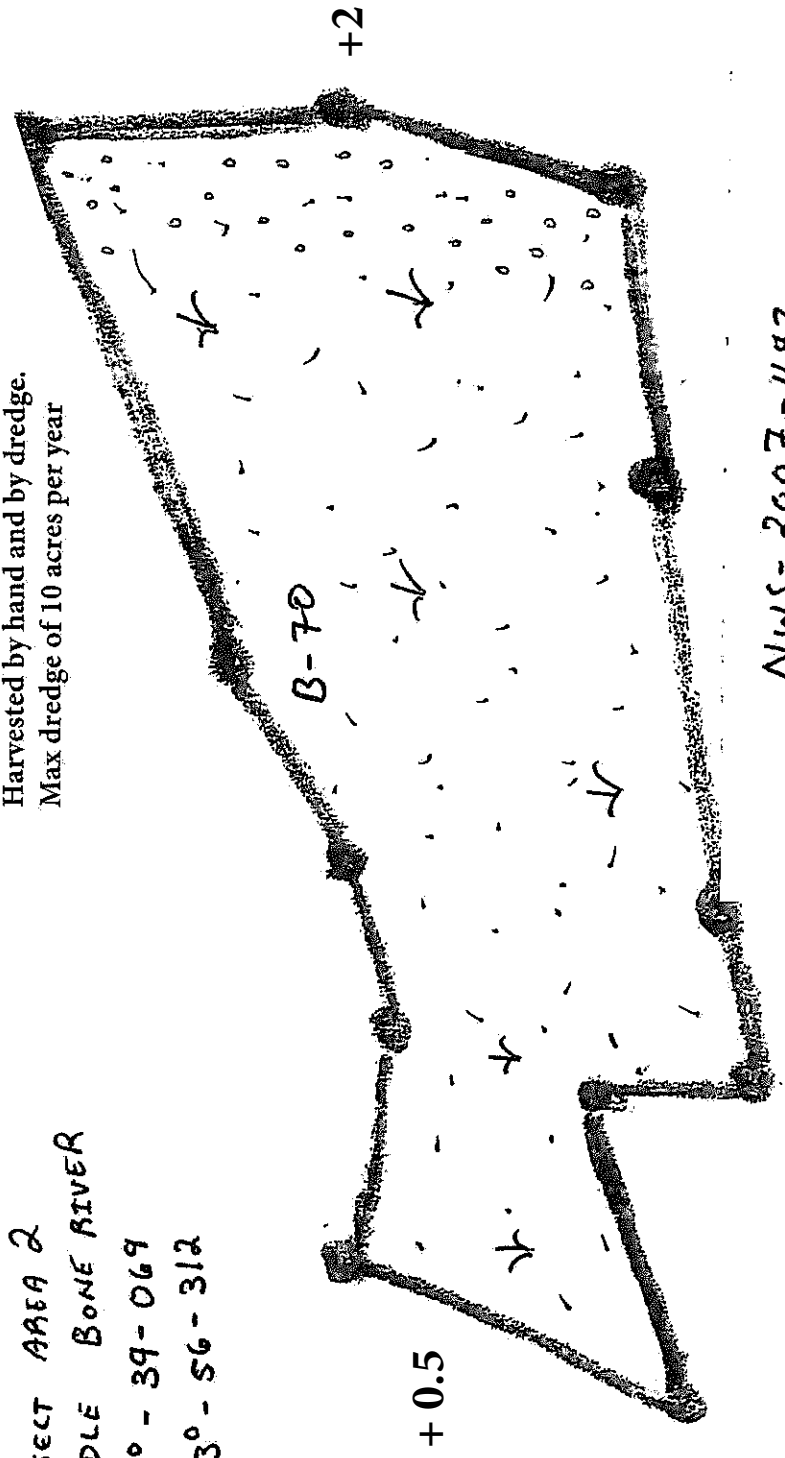
State: Washington

Sheet 1 of 3

OLSEN & SON OYSTER CO. INC.
 WILLAPA BAY, WASHINGTON

Project area: 38 acres
 Species: Pacific oysters and Manila clams
 Harvested by hand and by dredge.
 Max dredge of 10 acres per year

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 PROJECT AREA 2
 MIDDLE BONE RIVER
 N 46° - 39 - 069
 W 123° - 56 - 312





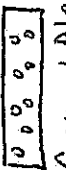

Reference: NWS-2007-1197
 Appl. By: Olsen and Son Oyster Co
 Project Description: Existing shellfish farm
 Waterway: Willapa Bay
 County: Pacific State: WA
 Project lat & long: 46.65192 -123.9382
 In: Marine, Intertidal Datum: 0.00' MLLW
 Date: Page: 2 of 3
 Feb. 12, 2017

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 PROJECT AREA 3
 MIDDLE BONE RIVER

THIS IS THE THIRD OF THREE SEPERATE
 PROJECT AREA MAPS. THIS PROJECT AREA
 IS LOCATED IN THE MIDDLE BONE RIVER.

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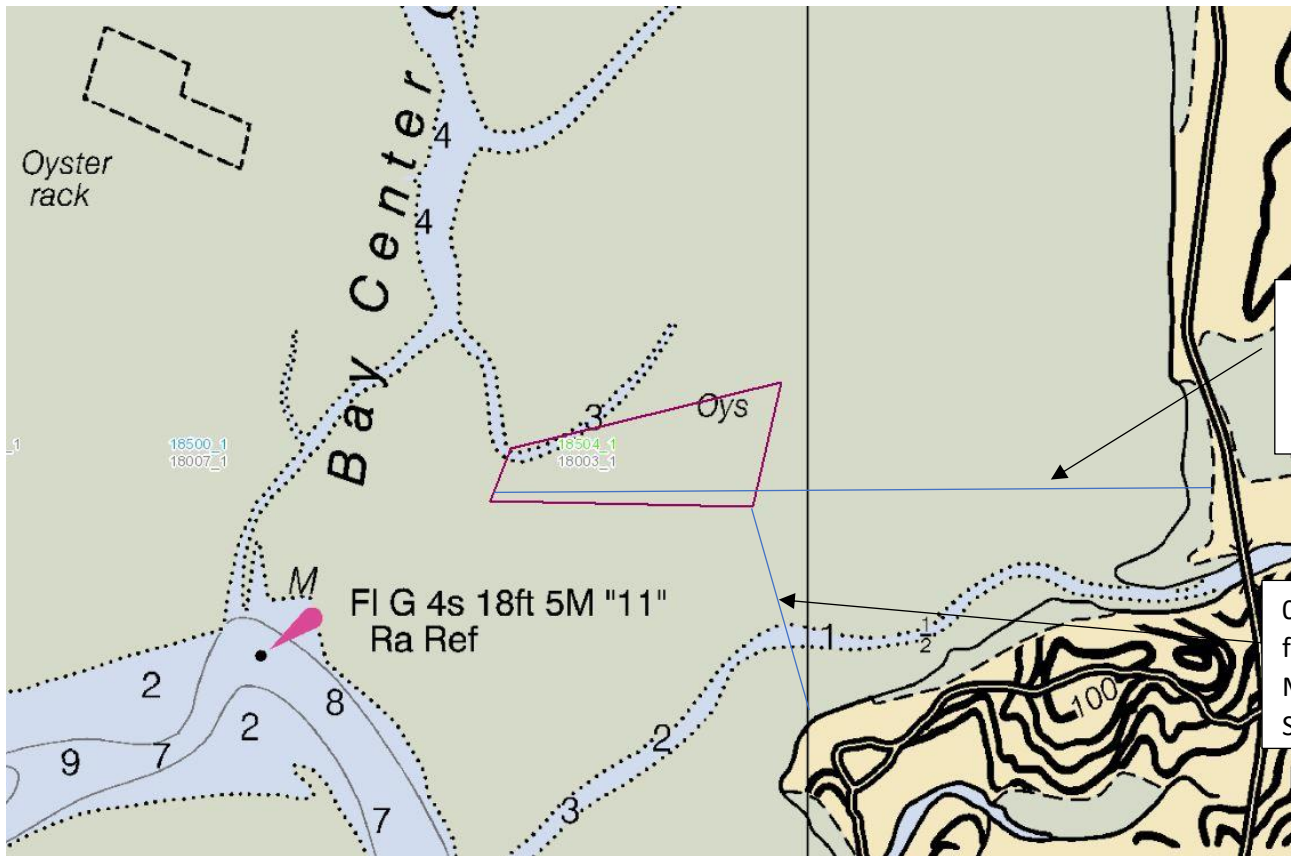
LEGEND

-  GROUND PLANTED
-  PACIFIC OYSTERS
-  MANILA CLAMS
-  EEL GRASS



1.3 miles from the MHW Shoreline

0.3 miles from the MHW Shoreline



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0.3 miles from the MHW Shoreline