



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 Concurrence

### US Army Corps of Engineers

Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone: (206) 316-3078  
ATTN: Jonathan Smith,  
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: October 5, 2020**

**Expiration Date: November 4 2020**

**Reference No.: NWS-2007-1484**

**Name: Willapa Bay Shellfish  
(Willapa Bay)**

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated September 29, 2020.

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. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

**APPLICANT:** Willapa Bay Shellfish Company  
Attention: Mr. Warren Cowell  
Post Office Box 43  
Ocean Park, Washington 98640  
Telephone: (360) 751-2034  
E-mail: tblom@wwest.net

**LOCATION:** In tidelands at the southern end of Willapa Bay, near Long Beach, Pacific County, Washington (tax parcels 79004001102, 5-acre south-most portion of 11112255601, 79004002081)

**WORK:** Expand an existing, previously permitted commercial shellfish aquaculture operation from 15 acres to 28.2 acres. The proposed project includes an additional 13.2-acre parcel (tax parcel 79004001102), previously cultivated for clams by others without a Department of Army (DA) permit. The applicant will cultivate Manila clams on-bottom, including seeding and harvest by hand, between tidal elevations +1.5 and +3.0 feet. Harvest will occur on a 2-4 year rotation. The applicant will apply up to 50 cubic yards of gravel annually to maintain up to a 1-inch thick layer of gravel on the substrate ("frosting"). Clam nets will not be deployed.

**PURPOSE:** To provide commercially farmed shellfish for human consumption.

**ADDITIONAL INFORMATION:** A Department of the Army permit for the proposed project, if issued, would authorize the proposed commercial shellfish activities at this site over a 10-year period.

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The location of the high tide line (upper limit of the Corps' jurisdiction) is well landward of the +3.0 tideline indicated on the project drawings and has not been verified by the U.S. Army Corps of Engineers (Corps). All the applicant's proposed work would occur at and waterward of the +3.0 tideline.

Eelgrasses are not present in the project area.

**MITIGATION:** The applicant did not propose mitigation for unavoidable impacts to the aquatic environment.

**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 previously permitted portion of the project (15 acres) was authorized subject to compliance with conservation measures and other mandatory terms and conditions of the *Programmatic Biological Opinions for Shellfish Activities in Washing State Inland Marine Waters* (Shellfish Programmatic Consultations). These 15 acres were included in the baseline acres qualifying for inclusion under the Shellfish Programmatic Consultation. 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 has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. There are no recorded historic properties within the permit area. The nature, scope, and magnitude of the work to be permitted is such that there is little likelihood that an historic property exists or may be affected. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. 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 Tribes 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

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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.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

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 certification for the proposed project.

ADDITIONAL EVALUATION: This proposal will be the subject of a Shorelines Substantial Development Permit, processed by Pacific County.

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. 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.

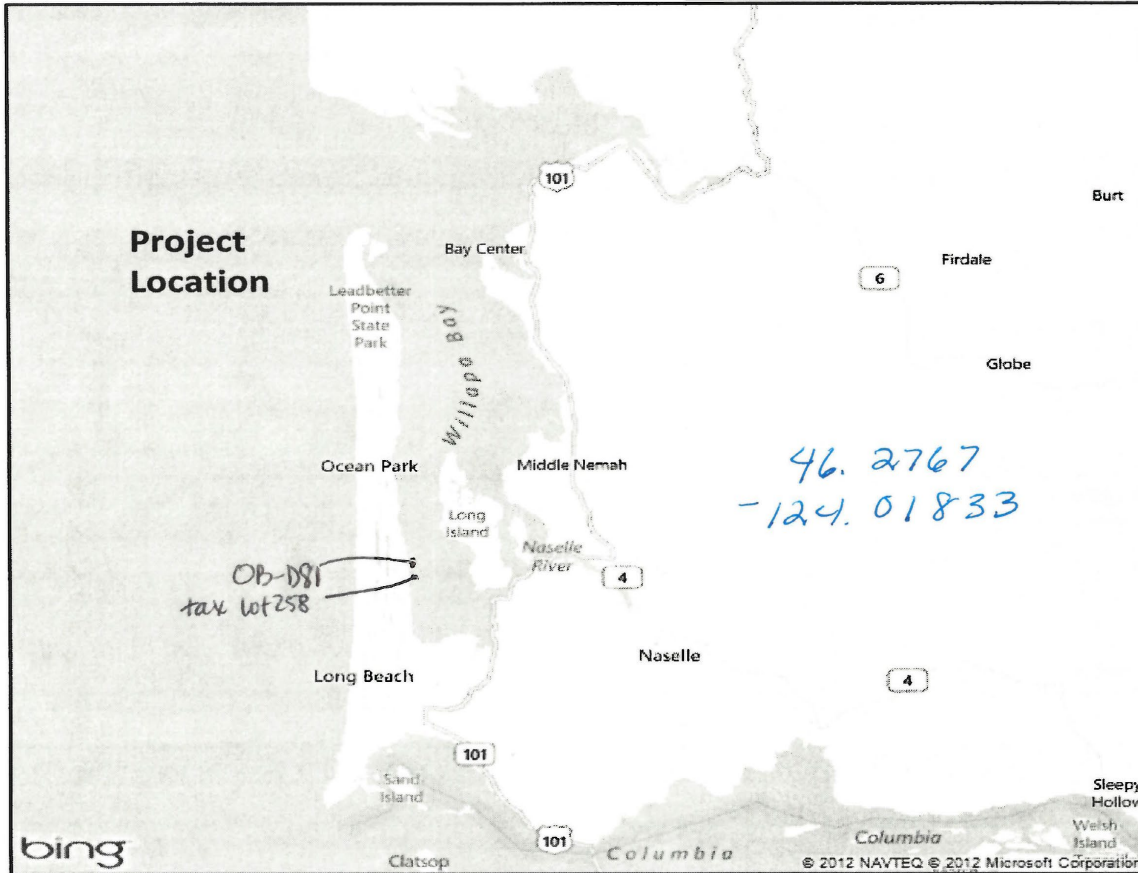
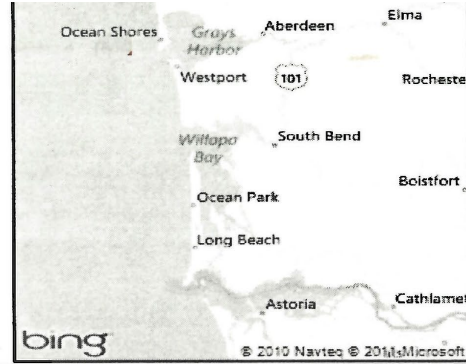
CORPS COMMENTS: All e-mail comments should be sent to jonathan.smith@usace.army.mil . Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Jonathan Smith, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the 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 concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@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: Willapa Bay Shellfish Company (Willapa Bay), NWS-2007-1484.

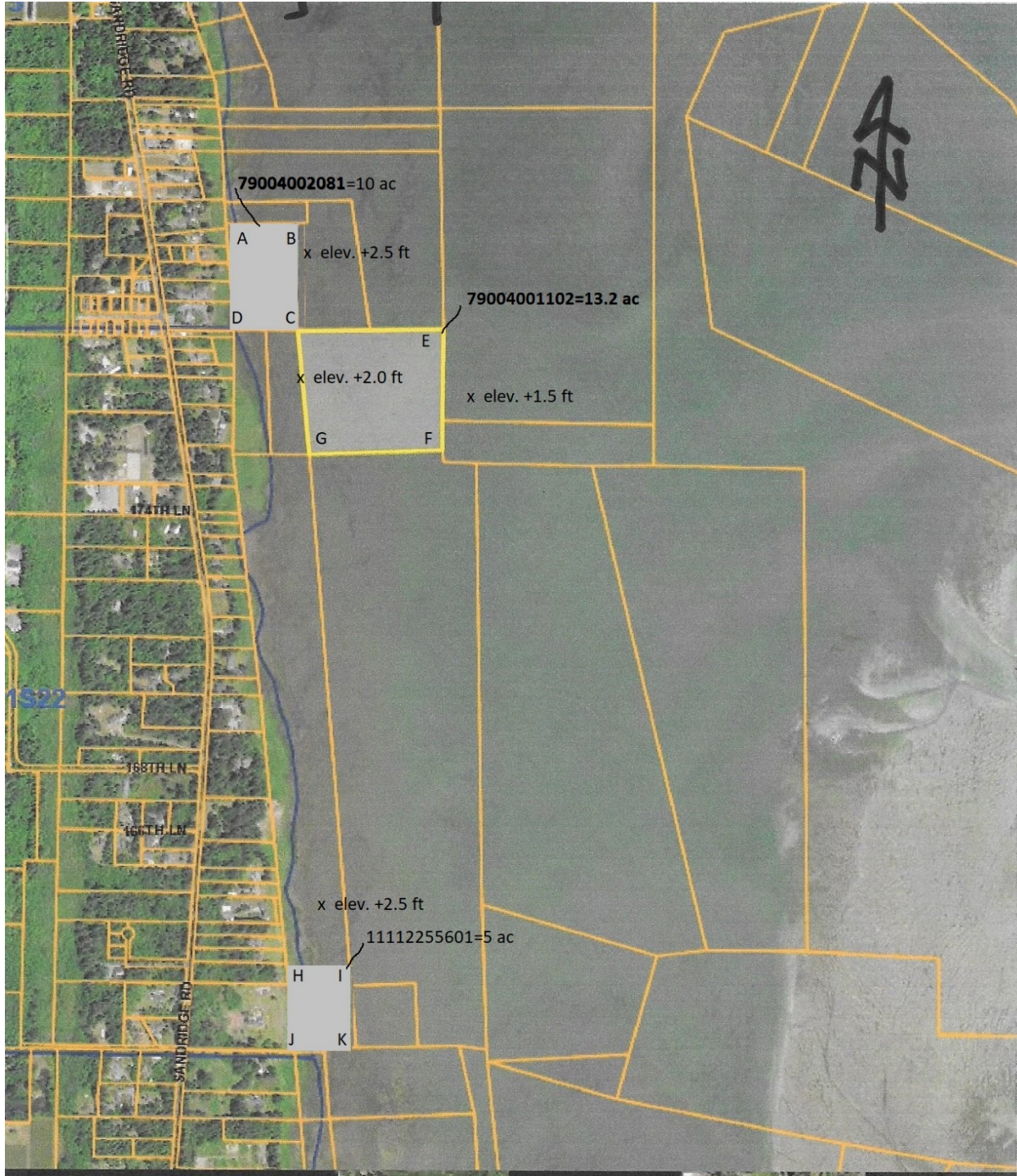
Encl: Figures (4)

## Vicinity Map



<p>PURPOSE: Grow clams for human consumption</p> <p>DATUM: MLLW=0</p> <p>ADJACENT PROPERTY OWNERS: see sheet 4 of 4</p>	<p>APPLICANT: <b>Willapa Bay Shellfish</b></p> <p>REFERENCE: <b>NWS-2007-1484</b></p> <p>Lat/Long: see sheet 3 of 4</p>	<p>PROPOSED: Commercially cultivate 28.2 acres of Manila clams</p> <p>IN: Willapa Bay NEAR/AT: Long Beach COUNTY: Pacific STATE: WA</p> <p>SHEET 1 OF 4</p> <p>DATE: 9-29-2020</p>
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NODE	LATITUDE (degrees north)	LONGITUDE (degrees west)
A	46.43485	-124.01871
B	46.43486	-124.01680
C	46.43223	-124.01623
D	46.43220	-124.01839
E	46.43197	-124.01139
F	46.42952	-124.00000
G	46.42943	-124.01528
H	46.4187	-124.0160
I	46.4187	-124.0142
J	46.4174	-124.0140
K	46.4173	-124.0158

ADDITIONAL NOTES: eelgrass not present; applicant will maintain up to 1-inch of gravel cover; on-bottom cultivation with hand harvest. Pacific County tax parcel numbers shown on sheet 2 of 4.

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ADJACENT PROPERTY OWNERS:

1. 11111555339 Kim & Andrea Patten, 18306 Sandridge Rd, Long Beach, WA 98631
2. 79004000081 Paul & Monica Garrett, PO Box 1612, Long Beach, WA 98631
3. 79004004081, 11112255258 John Heckes, PO Box 1657, Ocean Park, WA 98640
4. 79004000011 James Kemmer, PO Box 6, Chinook, WA 98614
5. 79004001002, 11111543002 Woody & Teresa Pierson, 17708 Sandridge Rd, Long Beach, WA 98631
6. 79004000102 Nicki Andrews, 17810 Sandridge Rd, Long Beach, WA 98631
7. 11111543052 Hanson Petersen, 24124 SE 20<sup>th</sup> St, Sammamish, WA 98075
8. 11111543056 Ronald & Joanne Spahman, PO Box 487, Kelso, WA 98626
9. 11111543060 William & Davis Robinson, 4564 Sheridan Ct, Gearhart, OR 97138
10. 11111543064 Richard & Ruth Evans, PO Box 1259, Long Beach, WA 98631
11. 11112244022 Dierdre Duewel, PO Box 1437, Long Beach, WA 98631
12. 11112250005 Lewis & Kelli Kemmer, 16102 Sandridge Rd, Long Beach, WA 98631
13. 11112755169, 11112255189 WA DNR, PO Box 47014, Olympia, WA 98504-7000

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