



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: June 18, 2020**

**Expiration Date: July 20, 2020**

**Reference No.: NWS-2019-706**

**Name: Calm Cove Shellfish  
(Morris-1)**

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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 May 14, 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:** Calm Cove Shellfish LLC  
Attention: Mr. Troy H. Morris  
2027 Ferry Street  
Shelton, Washington 98584  
Telephone: (360) 432-9933  
Email: [calmcoveshellfish@comcast.net](mailto:calmcoveshellfish@comcast.net)

**LOCATION:** In Hammersley Inlet on tidelands adjacent to 3355 Arcadia Road, near Shelton, Mason County, Washington.

**WORK:** The project is to commercially cultivate up to 0.26 acres of Pacific oysters and Manila clams between the +4.0 foot (ft.) and -2.0 ft. Mean Lower Low Water (MLLW) tidal elevations on parcel number 32023-34-90260. Oyster seed growing net bags will be placed on a metal rebar rack table near the -2.0 tidal elevation. About every three months, single oysters will be removed from the grow bags and spread evenly across the on-bottom oyster growing area, and the bags re-filled with seed oysters and oyster shell. Oyster spat (natural spawn) collection net bags will also be placed on-bottom in the oyster growing area. Clam seeds will be spread directly on the beach substrate. Clam netting will not be used. All harvest will be by hand, and access will occur from the adjacent upland.

**PURPOSE:** To provide commercially farmed clams and oysters in Hammersley Inlet 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 indicated on the project drawings is tidal elevation +14.0 feet or more, well landward of the landward project area boundary elevation at +4.0 feet. An ephemeral (seasonal) stream flows across the project area tideland in a shifting channel.

The absence of eelgrass in Hammersley Inlet waterward of the project's lower limit of -2.0 ft. (MLLW) has not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of eelgrass are substantially inaccurate a new public notice may be published.

**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. 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 proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. 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 Clean Water Act (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 is the subject of a Shorelines Substantial Development Permit, being processed by Mason County. The Squaxin Island Tribe has determined the applicant's proposal complies with the Shellfish Settlement Agreement and/or Section 6.3 of the U.S. District Court's Shellfish Implementation Plan.

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](mailto: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](mailto: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: Calm Cove Shellfish (Morris-1), NWS-2019-706.

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Encl: Figures (2)





Washington State Coastal Atlas Map

Legend

Tools

Find

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Print

Share

Guide

## PROJECT LOCATION VICINITY MAP

Pan

Zoom In

Zoom Out

Zoom Full

Zoom Last

Zoom Next

Identify

Selection Tools

Drawing Tools

Misc Tools

Clear All

HAMMERSLEY INLET

Project Location

PURPOSE: Grow oysters & clams for human consumption

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1. 32023-31-90070

Kathleen Coleman

3353 SE Arcadia Rd

Shelton, WA 98584

2. 32023-31-90200

Stephen Lomnicki

270 SE Mallard Beach Lane

Shelton, WA 98584

APPLICANT: **Calm Cove Shellfish (Morris-1)**  
REFERENCE: **NWS-2019-706**

LOCATION ADDRESS:

3355 SE Arcadia Rd

Shelton, WA 98584

Latitude: 47.20435°

Longitude: -123.02454°

PROPOSED: Cultivate oysters & clams

IN: Hammersley Inlet

NEAR/AT: Shelton

COUNTY: Mason STATE: W.

SHEET 2 OF 2

DATE: 5-14-2020



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Mason County Parcel #:

32023-34-90260

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Project Name: Calm Cove/Morris-1

Reference # NWS-2019-706

Water Body: Hammersley Inlet

- Total Project  
area = 26 (70' ft. x 161' ft.)  
acres

47.20435  
-123.02454

Oyster Rack  
Tables  
(2' high)

Clam Bed Area

47.20434  
-123.02424

- 2.0 Tide Level  
(Orange Area:)

Pacific oysters  
hand harvested  
and manila clams

+1.0 to -2.0  
Tide level  
(Green Area:)

+4.0 to +1.0  
Tide level  
(Red Area:)

Note: High Tide Line is at  
least +14 feet.

47.20395  
-123.02462

47.20393  
-123.02435

Purpose: Grow oysters  
and manila clams

Datum: MLLW=0

Reference: NWS-2019-706

IN: Hammersley Inlet

Date: 5-14-2020

County: Mason

State: WA

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