



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: 504-862-6384  
ATTN: Ben Sherman  
Project Manager

Public Notice Date: February 9, 2021  
Expiration Date: February 24, 2021

Reference No.: NWS-2007-1391-AQ  
Name: Nisqually Indian Tribe

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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.

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.

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: Nisqually Indian Tribe  
Attention: Richard Iyall  
4820 She-Nah-Num Drive SE  
Olympia, WA 98513  
Telephone: (360) 456-5221 x 2138

LOCATION: The proposed activity is located in Henderson Inlet near Olympia, Thurston County, Washington.  
Township: 19N; Range: 1W; Section: 20

Latitude and Longitude of Cultivation Area Corners:

Parcel 1

47.12512, -122.840036  
47.125111, -122.837265  
47.123826, -122.83491  
47.123843, -122.839683  
47.125022, -122.839945

Parcel 2

47.123119, -122.833644	47.11003, -122.828804
47.123166, -122.829862	47.112271, -122.830572
47.121421, -122.830536	47.116193, -122.832682
47.118342, -122.830572	47.11632, -122.83284
47.116703, -122.829996	47.11731, -122.834065
47.116385, -122.829476	47.119754, -122.836062
47.115638, -122.828252	47.120393, -122.837628
47.11451, -122.827855	47.121114, -122.838102
47.112805, -122.825669	47.121139, -122.836109
47.11227, -122.825422	47.11956, -122.833162
47.110755, -122.825026	47.119567, -122.83263
47.110099, -122.825298	47.122249, -122.832731
47.110099, -122.828428	47.122225, -122.83361

WORK: Continue previously authorized commercial shellfish aquaculture operation for Manila clams (*Venerupis philippinarum*), Pacific oysters (*Crassostrea gigas*), and Olympia oysters (*Oytrea lurida*) on tidelands (Parcel #: 930098000000, 930097000000, 930079000000, 09360001000, 75400009000) in Henderson Inlet at Olympia, Thurston County, Washington. The total proposed cultivation area would be 122 acres for Manila clams, Pacific oysters, and Olympia oysters. The cultivated areas would be located in the intertidal portion of the tidelands between the +0 and +10 feet Mean Lower Low Water (MLLW) mark.

The growing beds for manila clams would be frosted with gravel every year to prepare for new plantings. Frosting would include using 5 cubic yards of washed pea gravel to a depth of less than 1 inch over the 9.2-acre project area. The manila clams would be planted into the substrate by hand. The 9.2 acres of clams would be covered with predator exclusion nets, secured in place using metal stakes. Nets would be installed until harvest. Clams will be harvested by hand using a clam fork. Nets will be removed and disposed of after harvesting. The cultivation cycle for manila clams is between 3 to 5 years.

Approximately 95.3 acres of bags of oyster cultch seed will be placed in cultch areas. Oyster seed will be spread by hand. Bags will be disposed at an approved location. Oysters will be harvested by hand and placed in shellfish tubs that will be picked up by an oyster barge and brought to shore. The oyster cultivation cycle for this method is between 3 to 5 years.

Approximately 10.6 acres of oysters will be grown in bags. Oyster seed is placed into these bags and hung with a rope suspended from PVC tubes. Buoys are attached to the bags to allow for quicker development of the oysters. When oysters reach marketable size, bags are removed by hand and oysters are sold or placed in cultch areas. Bags are reused or disposed in an approved location. The oyster cultivation cycle for this method is between 12 to 18 months.

A 1.3 acres area would be planted by hand for growing native Olympia oysters and pacific oysters. This oyster cultivation cycle is expected to last 4 years. A 0.3 acre storage area would be used to place and remove bags and tumble equipment for pickup by the oyster barge during high tides.

**PURPOSE:** The purpose of the project is commercial shellfish production for human consumption.

**ADDITIONAL INFORMATION:**

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 location of the high tide line and mean high water 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.

The Corps is proposing an authorization period of 10 years for these aquaculture operations.

**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 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 work has previously been permitted by the Corps and reviewed for Section 106. 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 shell fish 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. We are requesting 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 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:** 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.

**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 [benjamin.c.sherman@usace.army.mil](mailto:benjamin.c.sherman@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:

Nisqually Indian Tribe; NWS-2007-01391-AQ

Enclosure: Drawings (6 pages)

Reference Number: NWS-1391-2007

Location: 5420 South Bay Terrace Drive NE

Proposed Project:  
Nisqually Tribe Shellfish Farm

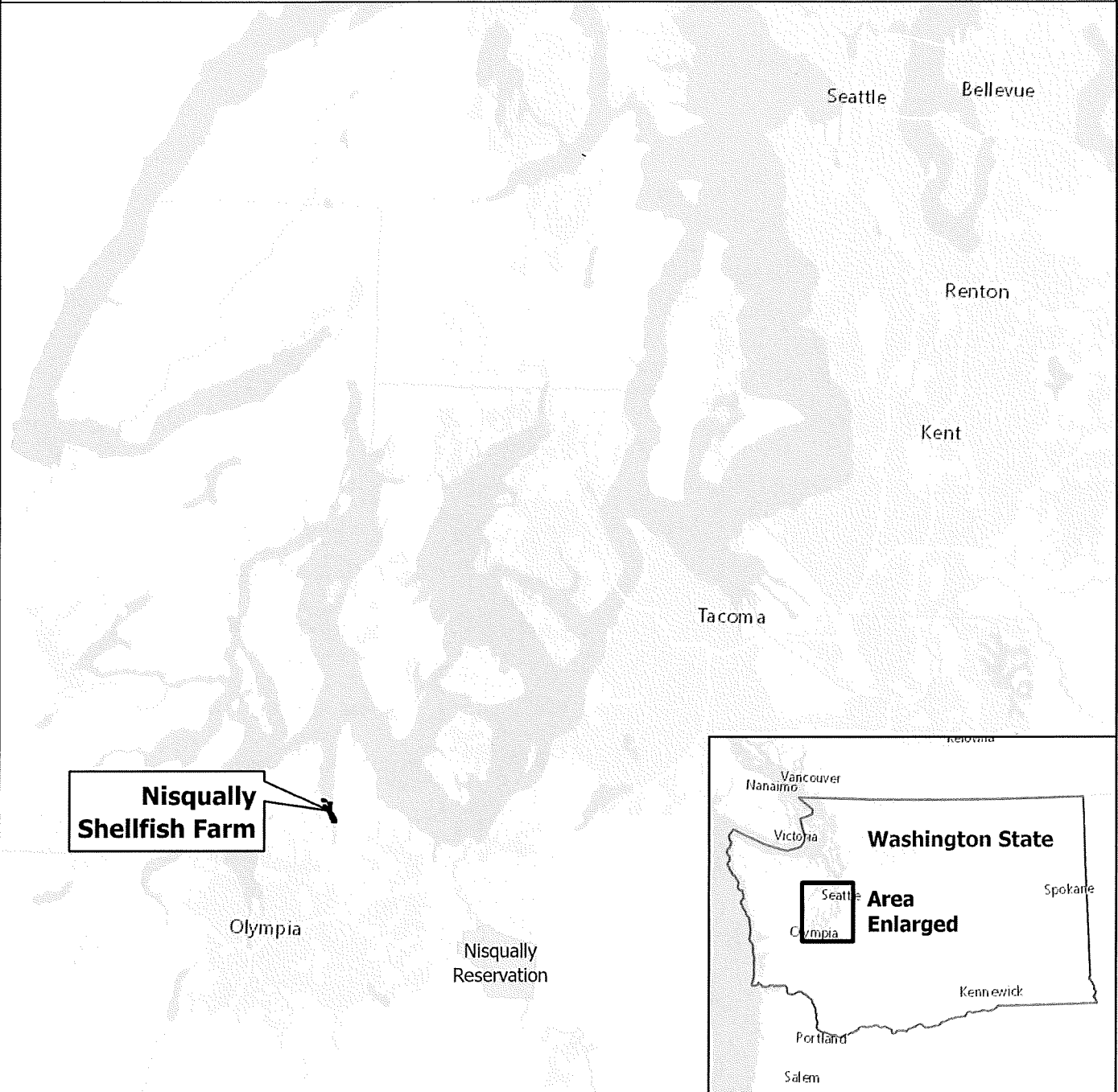
Applicant Name: Nisqually Indian Tribe

Lat/Long: 47.11086, -122.82869

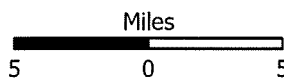
In: Henderson Inlet  
Near/at: Olympia  
County: Thurston  
State: Washington

Adjacent Property Owners:  
Many see attachment

Page # : 5 of 10 Date: 1/12/21



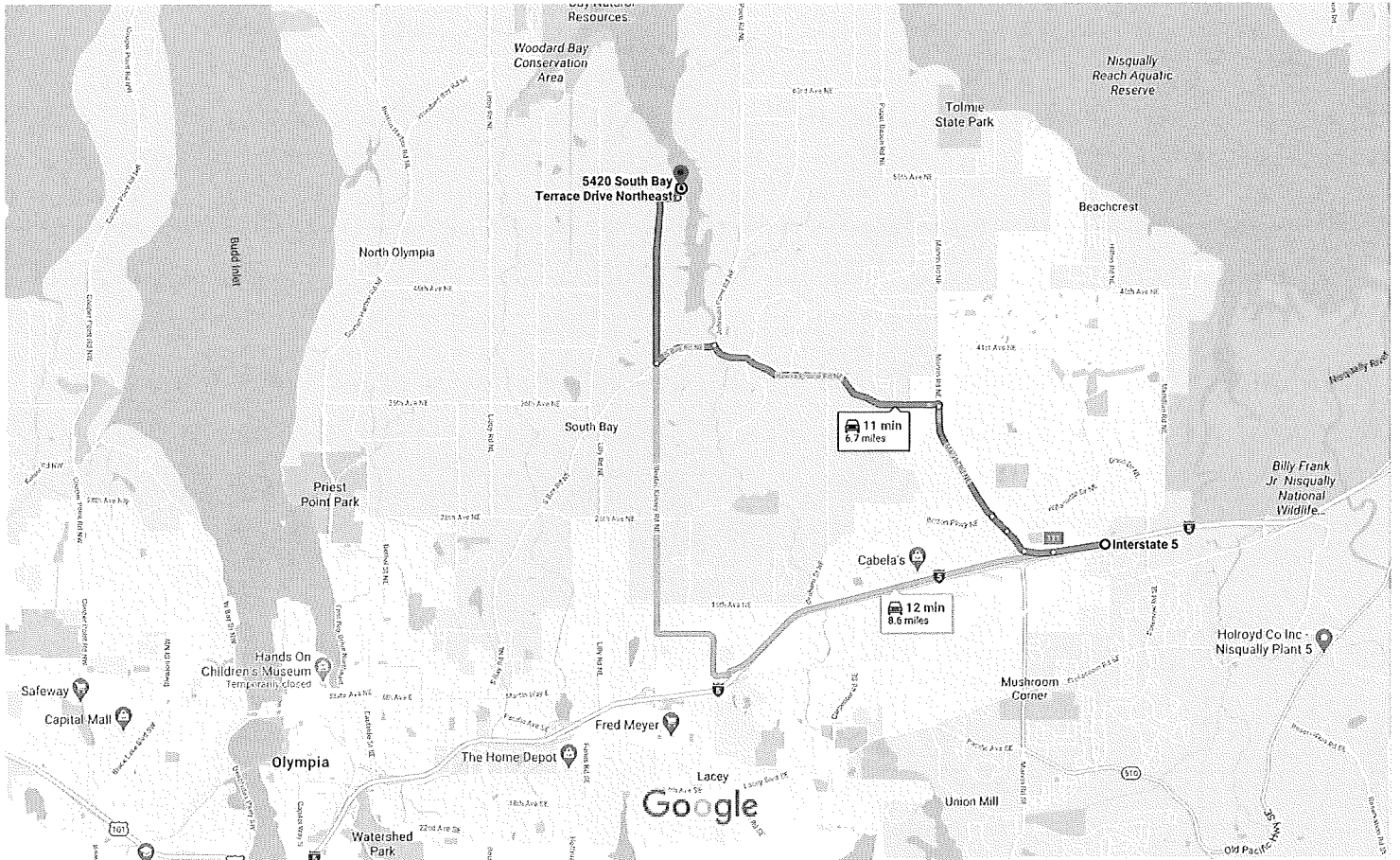
**Nisqually Shellfish Farm  
 Nationwide Permit 48 JARPA -  
 Vicinity Map**



**Nisqually Indian Tribe**  
 Cartography by: J.Cutler, 1/12/2021

Basemap: ESRI World Light Gray Basemap Service

# Google Maps I-5, Olympia, WA 98516 to 5420 S Bay Terrace Dr NE Drive 6.7 miles, 11 min



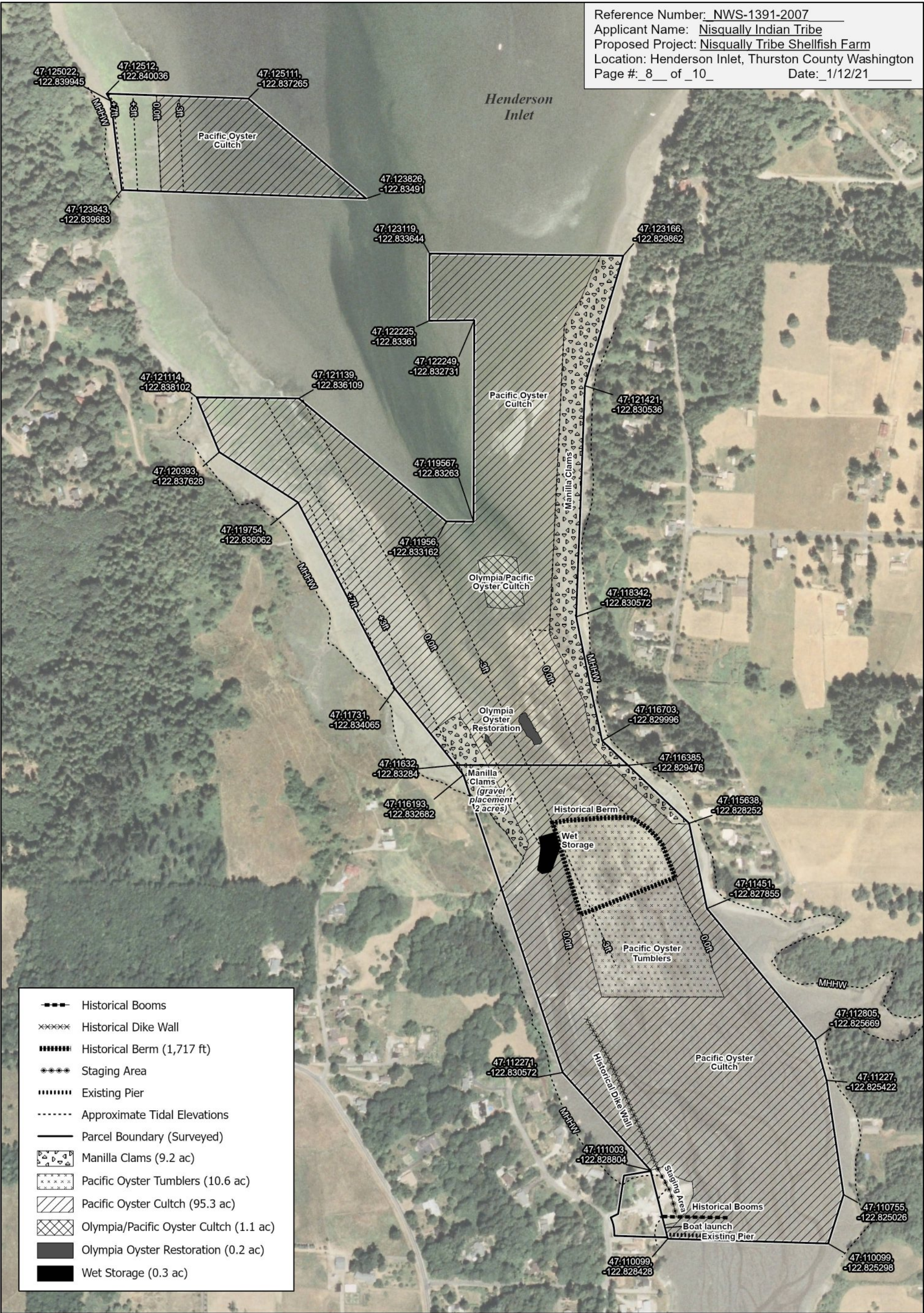
Map data ©2020 Google 2000 ft

**I-5**  
Olympia, WA 98516

## Take Marvin Rd NE and Hawks Prairie Rd NE to Sleater Kinney Rd NE

9 min (5.0 mi)

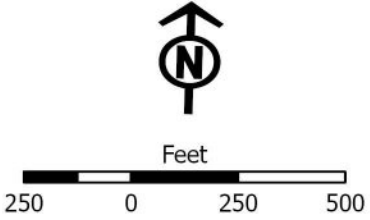
- ↑ 1. Head west on I-5 S  
0.5 mi
- ↘ 2. Take exit 111 for WA-510 E/Marvin Rd toward Yelm  
0.3 mi
- ↘ 3. Keep right and merge onto Marvin Rd NE  
0.2 mi
- 📍 4. At the traffic circle, take the 1st exit and stay on Marvin Rd NE  
0.2 mi
- 📍 5. At the traffic circle, take the 2nd exit and stay on Marvin Rd NE  
1.1 mi



- Historical Booms
- xxxxxx Historical Dike Wall
- ||||||| Historical Berm (1,717 ft)
- Staging Area
- Existing Pier
- Approximate Tidal Elevations
- Parcel Boundary (Surveyed)
- Manilla Clams (9.2 ac)
- Pacific Oyster Tumblers (10.6 ac)
- Pacific Oyster Cultch (95.3 ac)
- Olympia/Pacific Oyster Cultch (1.1 ac)
- Olympia Oyster Restoration (0.2 ac)
- Wet Storage (0.3 ac)

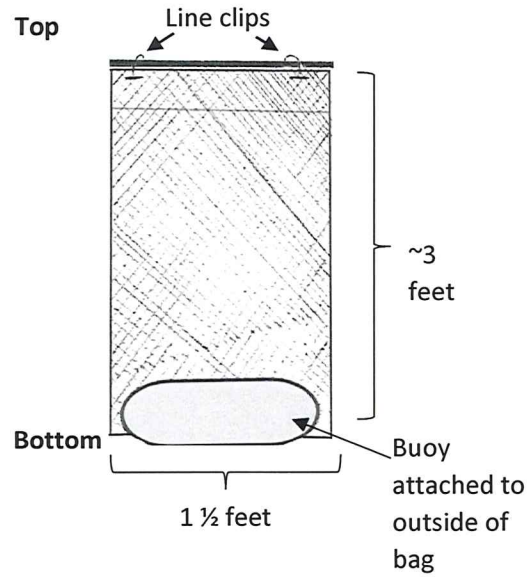
# Nisqually Shellfish Farm Nationwide Permit 48 JARPA- Cultivation Plan

Data derived from: Parcel Boundaries, Approx. Tidal Elevations -  
 Agate Land Surveying; Imagery - NAIP, 2006.  
 This map is intended for general reference purposes only.

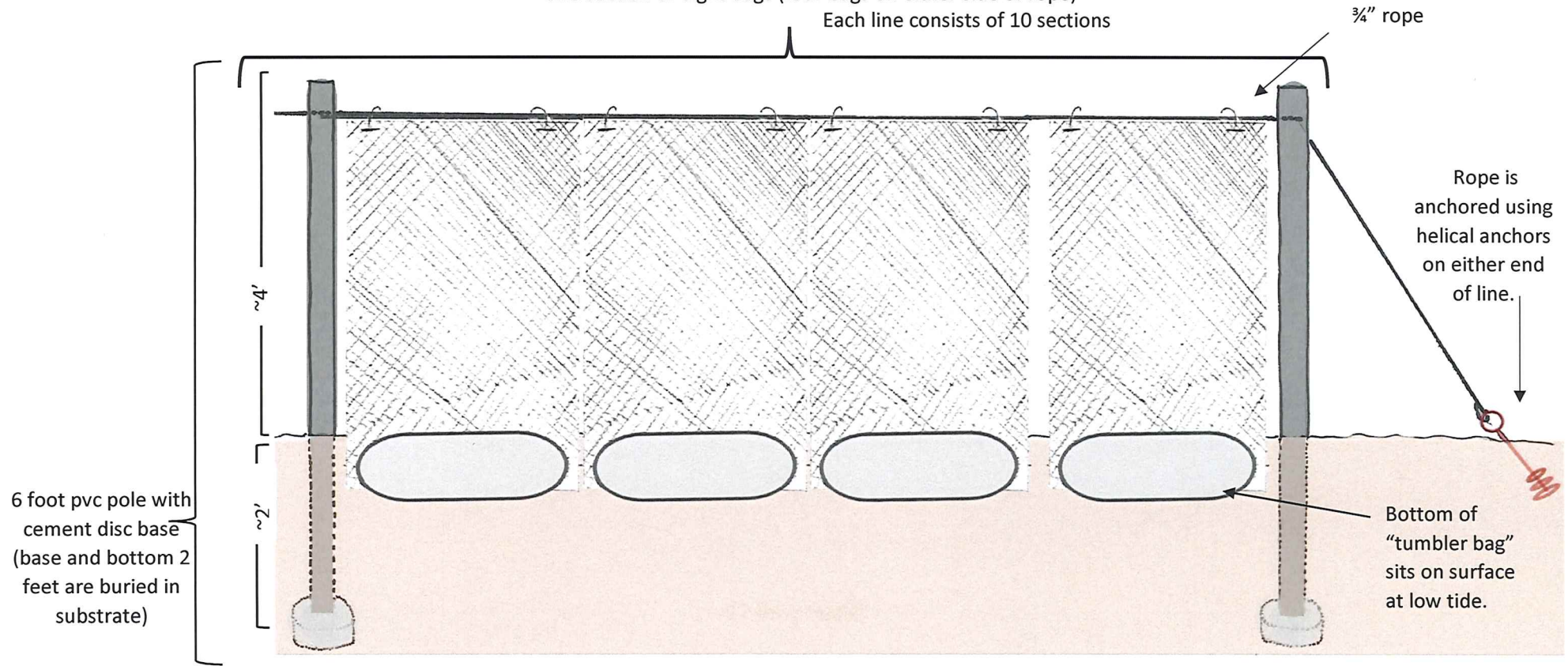


**Nisqually Indian Tribe**  
 Cartography by: J.Cutler, 1/27/2021

# Flip farm "tumblers" cross section

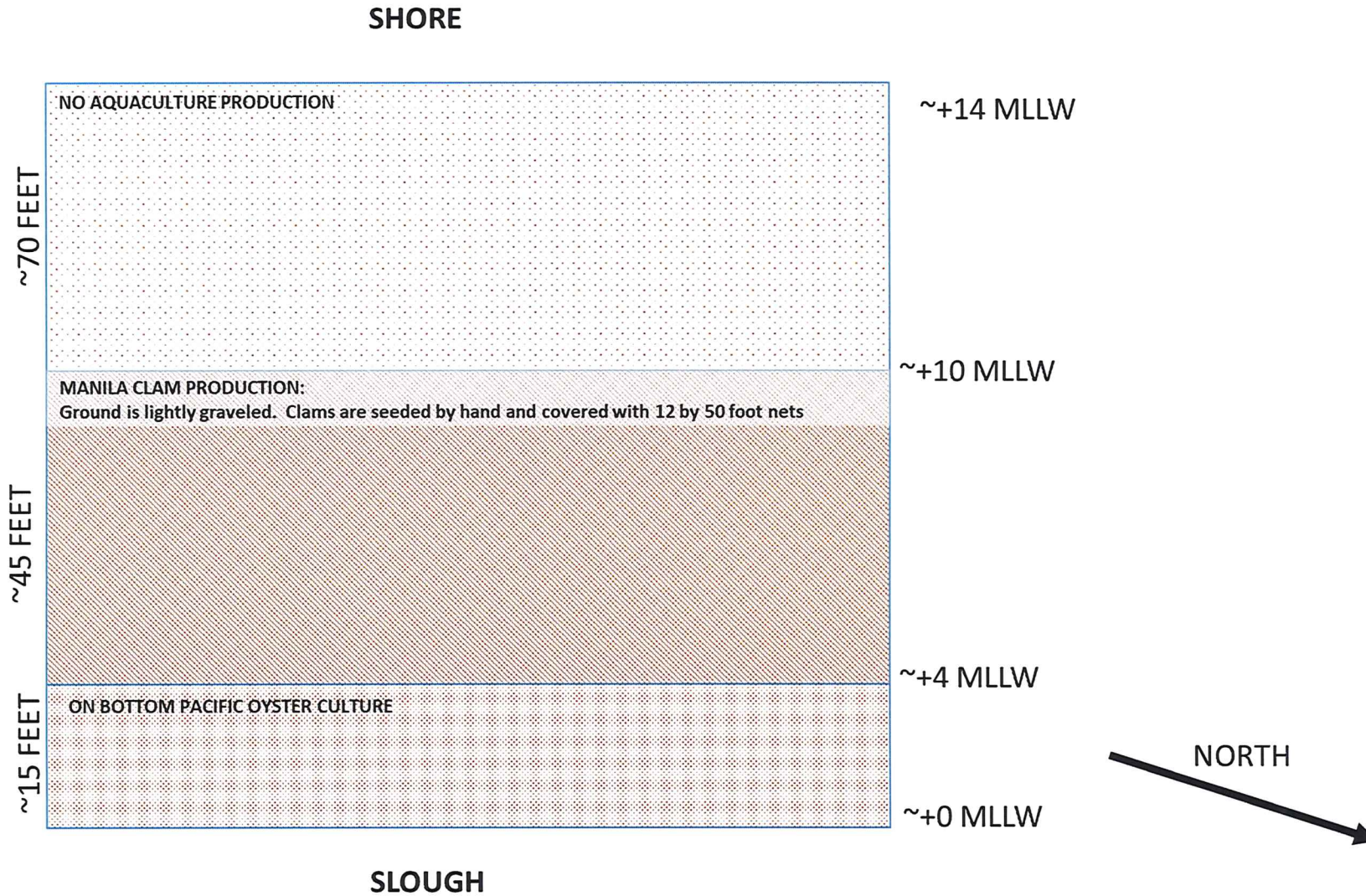


one section of eight bags (four bags on either side of rope)  
Each line consists of 10 sections

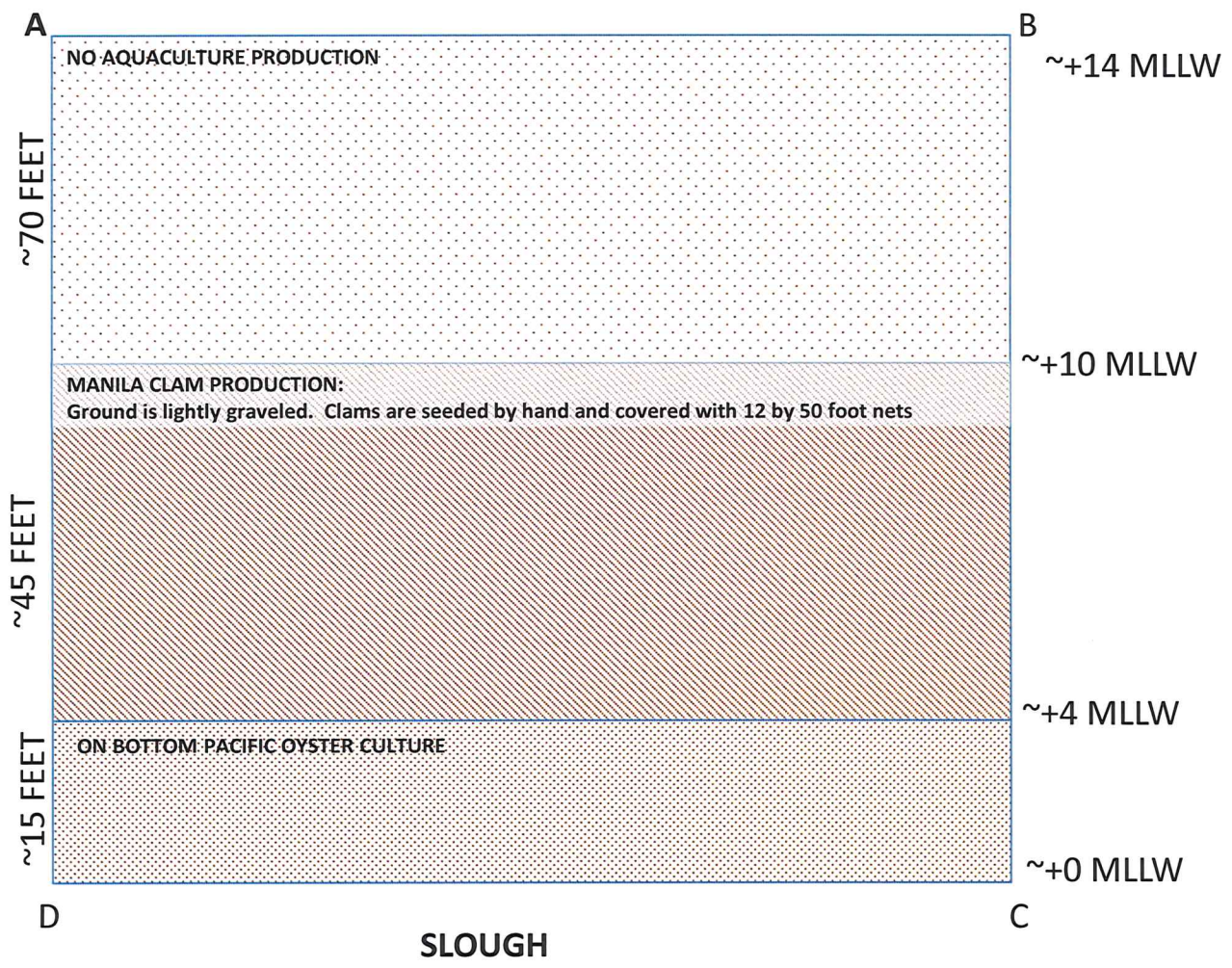




**Nisqually Indian Tribe Shellfish Farm Clam Culture Cross section**



SHORE



Corner coordinates:

- A:
- B:
- C:
- D:

