



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: (701) 255-0015, X2013
ATTN: Benjamin Reile,
Project Manager

Public Notice Date: July 14, 2021
Expiration Date: July 29, 2021

Reference No.: NWS-2007-1451-AQ
Name: Wiegardt Willapa Bay Carole
Katzner Shellfish Farm

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to continue performing work in accordance with Section 10 of the Rivers and Harbors Act of 1899, for certain work described below and shown on the enclosed drawings dated November 25, 2020.

The Washington Department of Ecology has issued a section 401 Water Quality Certification on 17 May 2021 and a Coastal Zone Management Consistency Determination on 14 June 2021.

APPLICANT: Wiegardt & Sons, Inc.
Attention: Mr. Ken Wiegardt
Post Office Box 309
Ocean Park, Washington 98640
Telephone: (360) 244-3099

AGENT: K&L Gates LLP
Attention: Mr. Robert M. Smith
925 Fourth Avenue, Suite 2900
Seattle, Washington 98104
Telephone: (206) 370-5743

LOCATION: The project site is located on tidelands within Willapa Bay on parcel number 79003000089, near Long Island, Pacific County, Washington; Section 25, 30, 31, 36, Township 12N, Range 10W, 11W; WRIA 24, Willapa Watershed.

WORK: The proposed project is to the continuation of an existing oyster cultivation activity. The applicant proposes to continue to cultivate 60 acres of on bottom oyster culture on the overall 71-acre lease area. On bottom oysters would be produced through both natural recruitment and hatchery produced seed. For natural recruitment, the bed would be lightly frosted with clean oyster shell that has been aged for a minimum of 90 days. Frosting would occur when oyster larvae are present in the water column and mature oysters have been removed from the bed. Frosting would typically occur in July or August. Frosting with oyster shell would occur every 3 to 5 years. Hatchery produced seed would be planted after the mature oysters have been removed. Oysters would be harvested every 2 to 5 years depending on oyster density and growth. Harvest would be accomplished by dredging (up to 15 acres per year) and by hand harvest at low tide. Dredging would involve the use of a harvest bag lowered from a boat with the use of a boom crane or hydraulic winch at high tide. The dredge bag includes a blade (steel frame) at the leading edge and is a wire mesh bag attached to the steel frame. The leading edge would be towed along the substrate and the oysters would be loosened from the substrate and are collected in the mesh bag while the sediment

returns to the substrate. The dredge bag could be adjusted to ensure the leading edge would not excessively excavate into the substrate.

PURPOSE: To provide commercially farmed oyster shellfish 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 the Corps 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.

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. The substrate at this location consists of sand and mud. There are patches of native and invasive eelgrass within the project area.

MITIGATION: The applicant did not propose mitigation for unavoidable impacts to the aquatic environment. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

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).

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 Nations 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 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.

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.

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 Benjamin.d.reile@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Benjamin Reile, 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.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Wiegardt Willapa Bay Carole Katzer Shellfish Farm, NWS-2007-1451.

Encl: Figures (3)

**Wiegardt & Sons –
Carole Katzer Farm Vicinity Map**

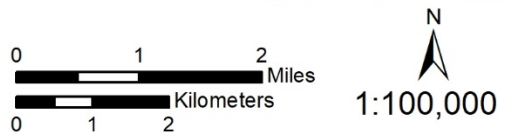
Vicinity Map

Seattle
Tacoma
Olympia

Willapa Bay



 Project Parcel



CORPS REFERENCE:
NWS-2007-1451

PARCEL IDs/Owners:
79003000089/ Paul Wiegardt

PROPOSED PROJECT:
Wiegardt & Sons –
Carole Katzer Farm
Sheet 1 of 3
Date: November 25, 2020

APPLICANT:
Ken Wiegardt

ADJACENT PROPERTY OWNERS:
20-013270/ WA Department of Natural Resources
79003000168/ Stackpole Harbor Oyster LLC
79003001088/ Grassy Island Clam Farm LLC
79003000118/ Charles Wilson

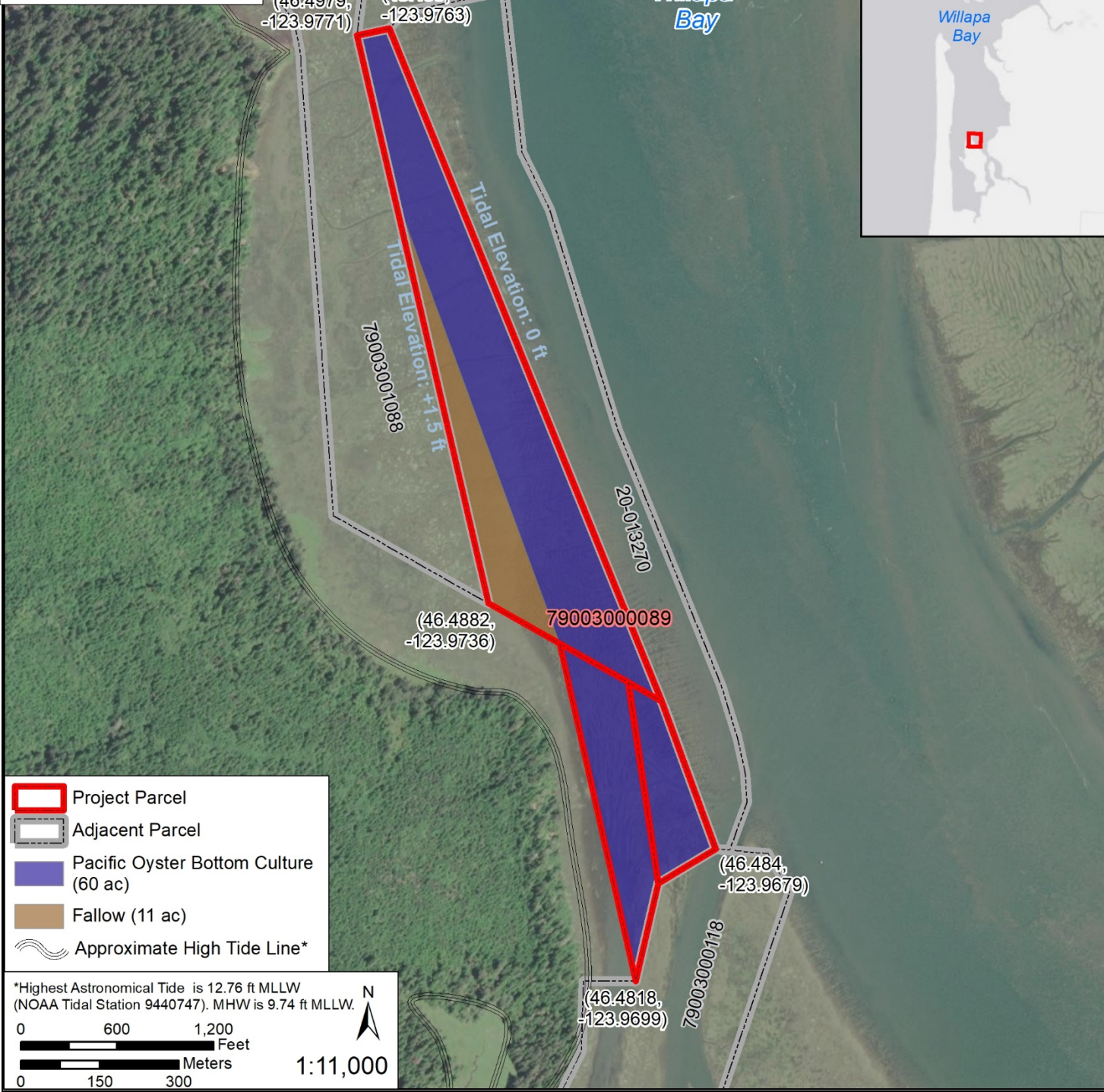
SITE ADDRESS:
In: Willapa Bay

Near: Long Island
County: Pacific
State: WA

Tidal Datum: MLLW
Scale: 1:100,000
Coordinate System: WA State
Plane S

**Wiegardt & Sons –
Carole Katzer Farm Site Plan**

Vicinity Map



- Project Parcel
- Adjacent Parcel
- Pacific Oyster Bottom Culture (60 ac)
- Fallow (11 ac)
- Approximate High Tide Line*

*Highest Astronomical Tide is 12.76 ft MLLW (NOAA Tidal Station 9440747). MHW is 9.74 ft MLLW.

0 600 1,200 Feet
0 150 300 Meters

N
1:11,000

<p>CORPS REFERENCE: NWS-2007-1451</p>	<p>PARCEL IDs/Owners: 79003000089/ Paul Wiegardt</p>	<p>PROPOSED PROJECT: Wiegardt & Sons – Carole Katzer Farm Sheet 2 of 3 Date: November 25, 2020</p>
<p>APPLICANT: Ken Wiegardt</p>	<p>ADJACENT PROPERTY OWNERS: 20-013270/ WA Department of Natural Resources 79003000168/ Stackpole Harbor Oyster LLC 79003001088/ Grassy Island Clam Farm LLC 79003000118/ Charles Wilson</p>	<p>Tidal Datum: MLLW Scale: 1:11,000 Coordinate System: WA State Plane S</p>
<p>SITE ADDRESS: In: Willapa Bay</p> <p>Near: Long Island County: Pacific State: WA</p>		

**Wiegardt & Sons –
Carole Katzer Farm Bottom Oyster Culture**



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Wiegardt & Sons –
Carole Katzer Farm
Sheet 3 of 3
Date: November 25, 2020

Tidal Datum: NA
Scale: NA
Coordinate System: NA