



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: (716) 879-4436  
ATTN: Shawn U. Blohm,  
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: March 2, 2021**

**Expiration Date: March 17, 2021**

**Reference No.: NWS-2009-1147**

**Name: Chuckanut Shellfish, Inc. –  
Wiggin Lease**

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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 November 28, 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 (CZM).

**APPLICANT:** Chuckanut Shellfish, Inc.  
Attention: Bill Dewey  
704 E. Hiawatha Blvd.  
Shelton, WA 98584  
Telephone: (360) 790-2330  
Email: BillD@taylorshellfish.com

**LOCATION:** In Samish Bay, near Bow, Skagit County, Washington. Township: 36 N; Range: 3 E; Section 28

Latitude and Longitude of Cultivation Area Corners:

48.593009 / -122.460143  
48.593020 / -122.458797  
48.591155 / -122.458769  
48.591134 / -122.460059

**WORK:** To continue an existing commercial shellfish operation on tidelands located on parcel # P61609 in Samish Bay near Bow, Skagit County, Washington. As described on the attached project drawings dated November 28, 2020, the project area is 3.11 acres, of which 1.50 acres of is actively cultivated. On the actively cultivated area 1.09 acres is currently cultivated with Manila clams (*Venerupis philippinarum*). Manila clams will be cultivated between the +2.0 foot (ft) and +5.0 ft Mean Lower Low Water (MLLW) tidal elevations. Manila

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clams are cultivated in varying length rows under 48-inch wide rigid plastic mesh predator control nets. Each net is typically 150-ft. long. The net rows are separated by aisles about 1.5 ft. wide. Predator exclusion nets are installed with a tractor implement that creates a trench to sidecast material that is then backfilled to bury the edges of the net. The clams are harvested at low tide with a modified tulip bulb harvesting machine which separates the clams from the sand. Over the duration of the permit authorization, some, or all the 1.5-acres of actively cultivated area may be converted to geoduck clams (*Panopea generosa*) or Pacific oysters (*Crassostrea gigas*). Pacific oysters will be suspended in plastic mesh bags or cages or on-bottom with harvest by hand. Geoduck will be cultivated using individual plastic mesh tubes without cover nets. This involves installing plastic mesh geoduck nursery tubes by pulling a core of sand out with a tool similar to a razor clam gun, sliding the net over the core and placing it back into the hole. Geoduck will be harvested using a hand-held water jet to liquefy the substrate so the geoduck clams can be removed by hand. Access to the site is by a 30-ft. vessel which pushes or tows a non-motorized scow. Eelgrass is present throughout the project area in areas that will not be cultivated. A Department of the Army Permit for the proposed project, if issued, would authorize the proposed commercial shellfish activities at this site over a 15-year period, as requested by the applicant.

**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 Corps is proposing an authorization period of 15 years for these aquaculture activities.

**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 Corps 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 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

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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 – 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.

**SOURCE OF FILL MATERIAL:** Fill material will be from tidelands on-site. Should a permit be issued, the Corps will evaluate the fill material source prior to permit issuance.

**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 Section 401 Certification and/or CZM Federal Consistency for the proposed project.

**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.

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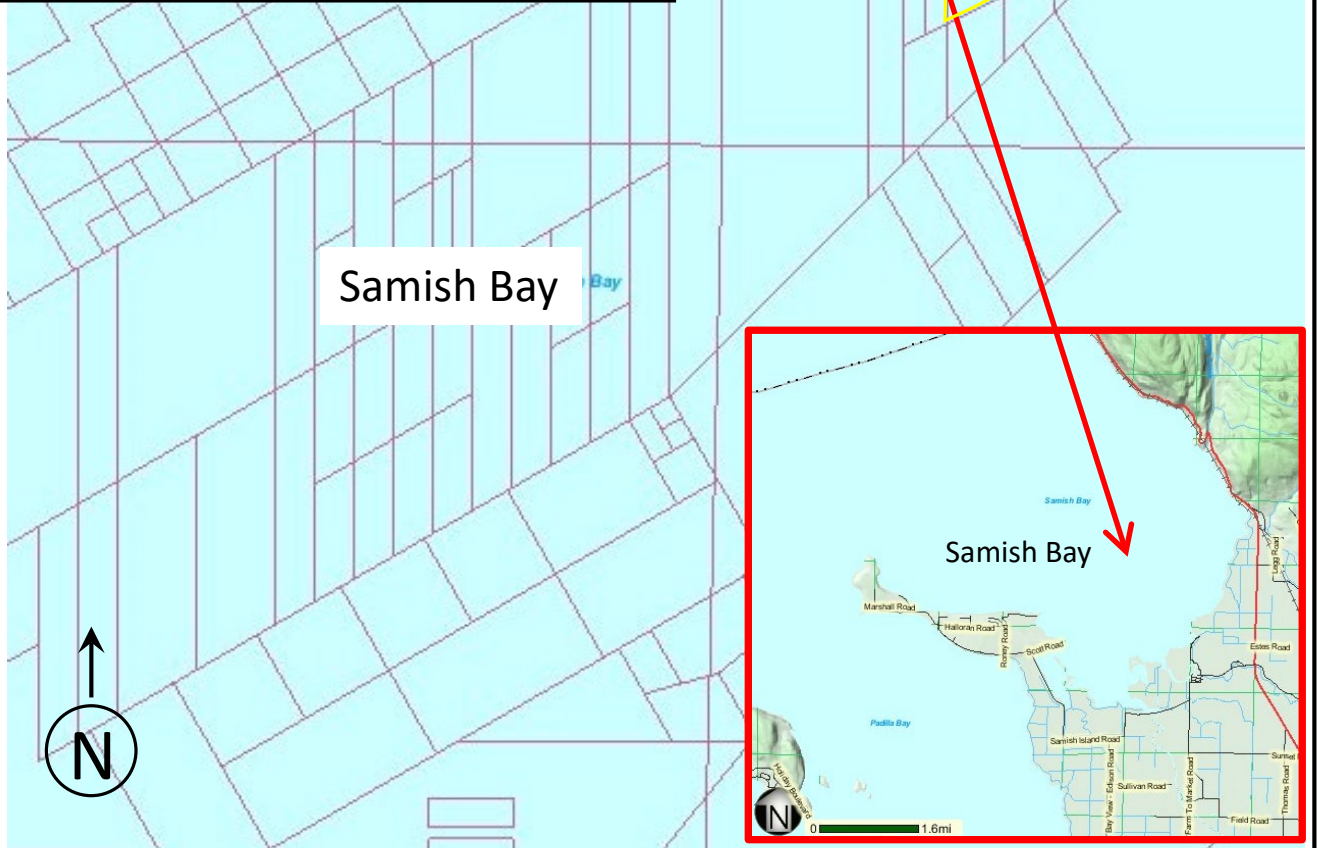
CORPS COMMENTS: All e-mail comments should be sent to [shawn.u.blohm@usace.army.mil](mailto:shawn.u.blohm@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention: Shawn Blohm, P.O. Box 3755, Seattle, Washington 98124-3755. All comments 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 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: Chuckanut Shellfish, Inc. – Wiggin Lease, NWS-2009-01147.

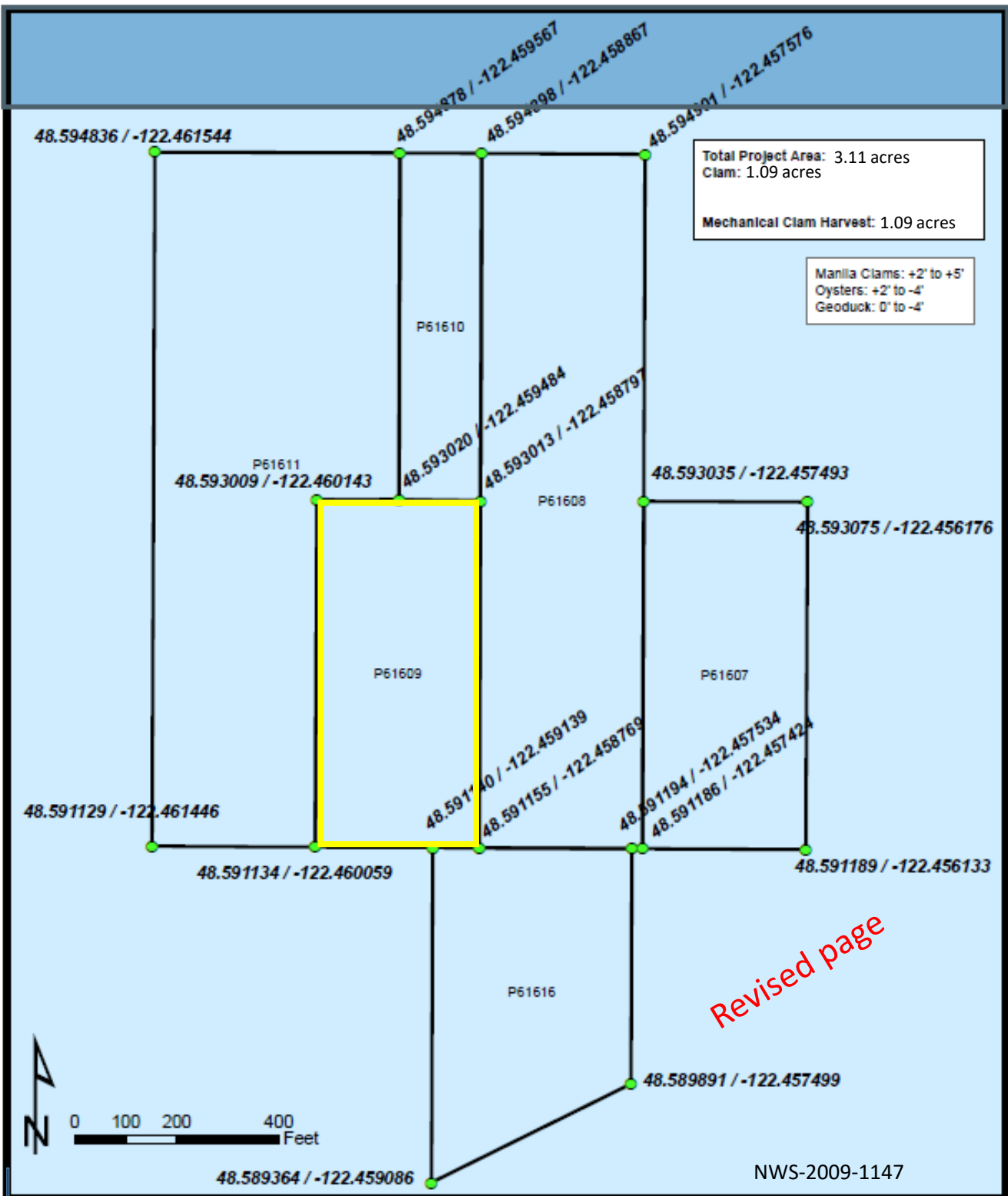
Encl: Figures (4 pages)

Reference: NWS-2009-01147  
 Applicant: Chuckanut Shellfish, Inc.  
 Location: T36N R3E S28  
 Lat/Long: 48.59246, -122.45787  
 In: Samish Bay  
 Near/At: Bow  
 County: Skagit  
 State: Washington  
 Sheet 1 of 4

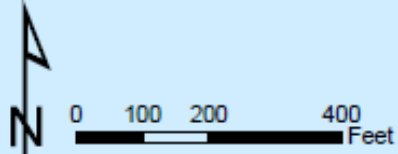


### VICINITY MAP

<b>APPLICANT:</b> Bill Dewey/Chuckanut Shellfish, Inc.	<b>PROJECT NAME:</b> Chuckanut Shellfish Wiggins Lease	<b>USACE REFERENCE NUMBER:</b> NWS-2009-1147
<b>IN:</b> Samish Bay <b>Near/At:</b> Bow <b>County:</b> Skagit <b>State:</b> WA	<b>PROJECT LOCATION:</b> Samish Bay	
<b>ADJACENT PROPERTY OWNERS:</b>	<b>LATITUDE:</b> 48.5945 <b>LONGITUDE:</b> -122.42496	<b>DATUM:</b> 0.0 MLLW
		<b>DATE:</b> 11/28/2020



Revised page

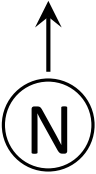
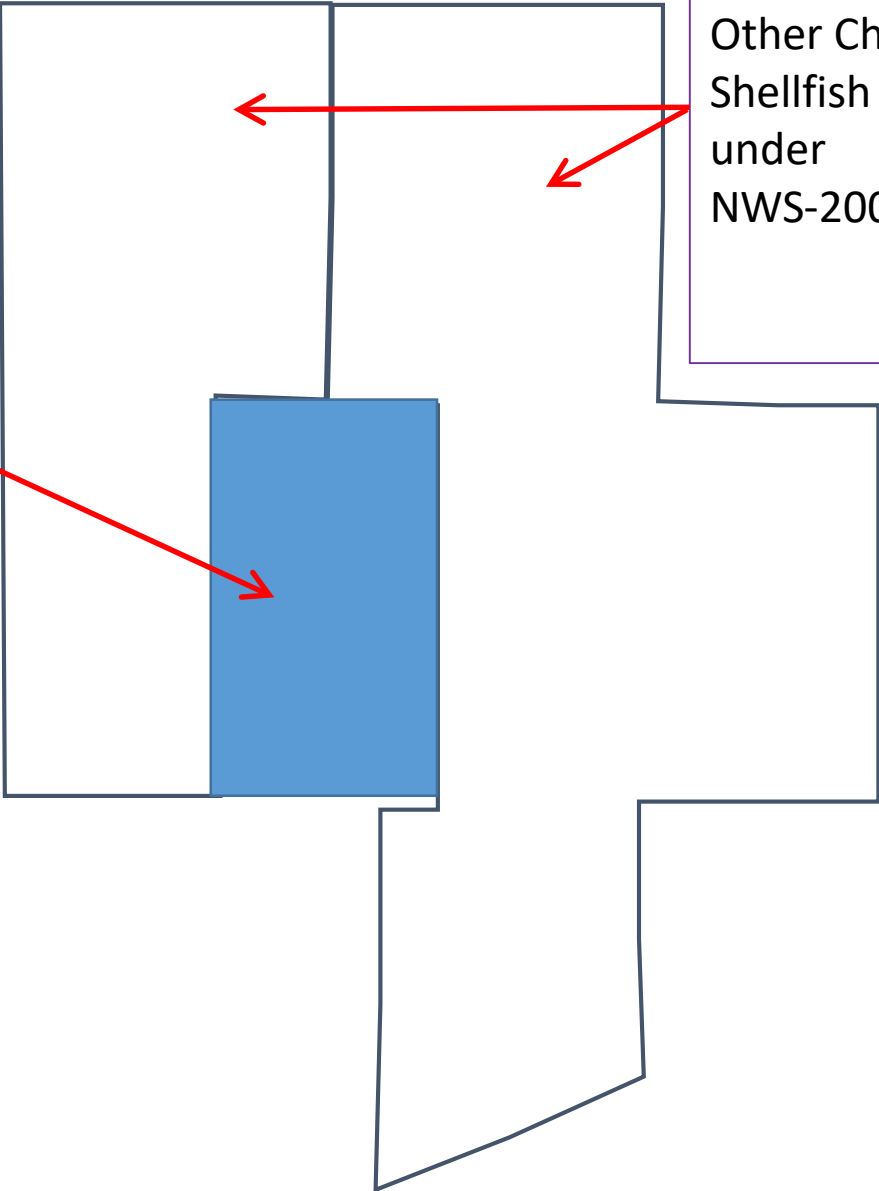


NWS-2009-1147

REFERENCE: NWS	Location: T36 N, R3E	EXISTING PROJECT: Chuckanut Wiggin lease Shellfish
APPLICANT: Bill Dewey	Lat/Long: 48.592934 / -122.458498	IN: Samish Bay
ADJACENT PROPERTY OWNERS: Please refer to Table of Property Owners	Page 2 of 8 Date: 11/28/2020	Near/At: Bow County: Skagit State: WA
Sheet 2 of 4		

P61609  
leased  
from  
Earl &  
Cheryl  
Wiggin  
since 2009  
3.11 acres

Other Chuckanut  
Shellfish tideland  
under  
NWS-2007-1174

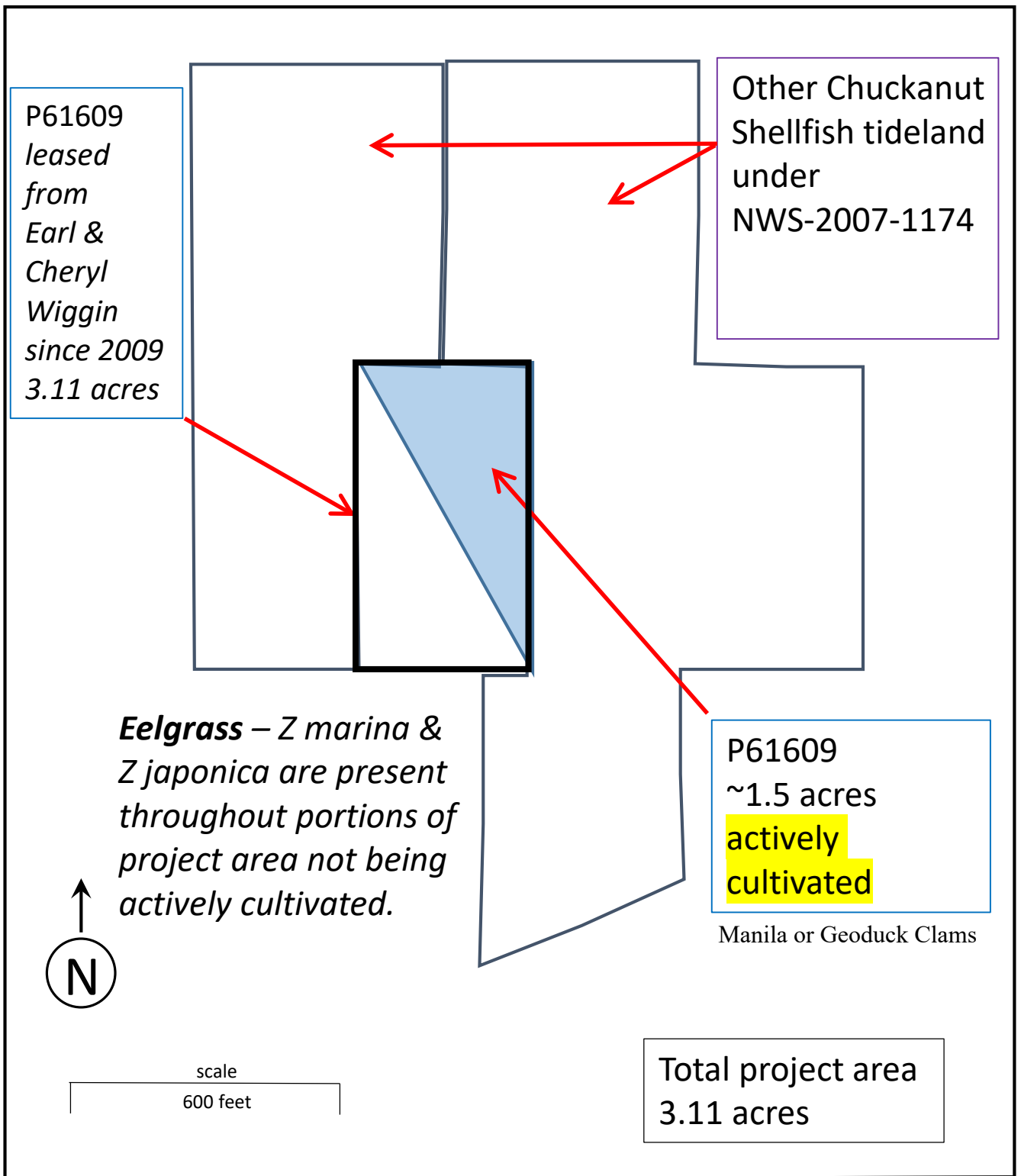


scale  
600 feet

Total project area  
3.11 acres

Reference Number: NWS-2009-1147  
Applicant Name: Bill Dewey/Chuckanut Shellfish  
Proposed Project: Chuckanut Shellfish Wiggin Lease  
Locations: Samish Bay  
Sheet 3 of 4  
Date: 11/28/2020

**PROJECT AREA**



Reference Number: NWS-2009-1147  
 Applicant Name: Bill Dewey/Chuckanut Shellfish  
 Proposed Project: Chuckanut Shellfish Wiggin Lease  
 Locations: Samish Bay  
 Sheet 4 of 4  
 Date: 11/28/2020

**PLAN VIEW**  
**Actively Cultivated Area**  
 Active cultivation includes geoduck under net  
 tunnels or with mesh tubes or manila clams  
 under cover nets or oysters on bottom or off  
 bottom long lines