



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: (814) 235-1761
ATTN: Marion Gall
Project Manager

Public Notice Date: February 16, 2021

Expiration Date: March 3, 2021

Reference No.: NWS-2020-787-AQ
(Herrold Fish and Oyster Co. Inc.)

The U.S. Army Corps of Engineers (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. The Washington Department of Ecology (Ecology) will review the work separately 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: Mr. John Herrold
Herrold Fish and Oyster Company Inc
4109 State Highway 101
Ilwaco, Washington 98624

LOCATION: In a 482.7-acre cultivation area in Willapa Bay, Pacific County, Washington. The work is proposed on parcel numbers 79003000084, 79003000173, 79003000169, 79005000170, 79005000112, 79005000018, 79005000096, 79005000205, 79005000124, 20-A12364, 20-12821, 11100455508, 79003000149, 79004000008 and 79004000009. Information specific to each site is as follows:

Former tracking number	Size of bed (acres)	cultured	Frosting Y/N	Latitude	Longitude
2007-1429	137.39	Pacific Oysters	N	46.50288	-123.93728
2007-1432	47 2	Pacific Oysters Cockles	N	46.55944	-124.00366
2007-1431	53.71	Pacific Oysters Manila Clams	N	46.61915	-124.03952
2013-26	30	Pacific Oysters	N	46.53944	-123.98805

2013-49	8.95	Pacific Oysters	N	46.468778	-123.942982
2007-1428	55.12	Pacific Oysters Manila Clams	N	46.45269	-123.93894
2007-1430	150	Pacific Oysters Manila Clams	Y	46.45619	-123.93731

Project Description: To continue to commercially cultivate 482.17-acres of Pacific Oysters and manila clams and to cultivate naturally occurring cockle clams on 2-acres. The farms consist of all on-bottom culture and have been in operation for about 75 years. The commercial cultivation activities have been previously authorized by the Corps of Engineers under tracking numbers NWS-2007-1430, NWS-2007-1429, NWS-2007-1432, NWS- 2007-1428, NWS-2013-49, NWS-2013-26 and NWS-2007-1431. All farming activities will be completely on bottom. The work involves frosting every 3-5 years, to a depth of 1-inch, for the cultivation of manila clams on one 20-acre-area (originally permitted under NWS-2007-1430). No permanent corner markers will be used. All access to the site will be by boat. The planting, maintenance and cultivation of each species will be as follows:

Manila clams: Naturally set manila clams would be spread on a 20-acre area that has previously been frosted with 1-inch of crushed oyster shell and gravel. Frosting would continue every 3-5 years. Maintenance of the site for manila clams would be minimal. Manila clams would be hand harvested by workers accessing the cultivation area during appropriate tide levels. The harvest will be supplemental and intermittent over a continuous period to maintain a healthy natural population.

Oysters will either be scattered as seed or transplanted from deck at high tide. Harvest will take place either by hand at low tide or by mechanical harvester at high tide. Harvest cycles are approximately 3-4 years.

If conducting mechanical harvesting, harrowing or bed frosting with shell or gravel within a documented or potential spawning area for Pacific herring (*Clupea pallasii*) outside the approved work window the work area shall be surveyed for the presence of herring spawn prior to the activity occurring. Vegetation and substrate shall be inspected and if herring spawn is present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and herring spawn is no longer present.

PURPOSE: To continue to commercially cultivate manila clams and Pacific oysters.

ADDITIONAL INFORMATION: Most of the intertidal area has been mapped by Washington State's Coastal Atlas mapping as having patch eel grass beds. The applicant has requested an 8-year permit to cover two full cycles of cultivation.

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 boundaries and/or location of the line of mean high water, high tide line, and special aquatic sites (e.g. eelgrass) 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.

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.

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 marion.gall@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: NWS-2020-787-AQ (Herrold Fish and Oyster Co. Inc.)

Encl: Figures (20)

NWS-2007-1431

Vicinity Map

Willapa Bay

NWS-2007-1432

NWS-2013-26

Nahcotta

NWS-2007-1429

NWS-2013-0049

NWS-2007-1428

NWS-2007-1430

Reference #:

Waterbody: Willapa Bay

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Project: Existing Aquaculture Farm

Date: 8/13/20

County: Pacific

Page 1 of 20



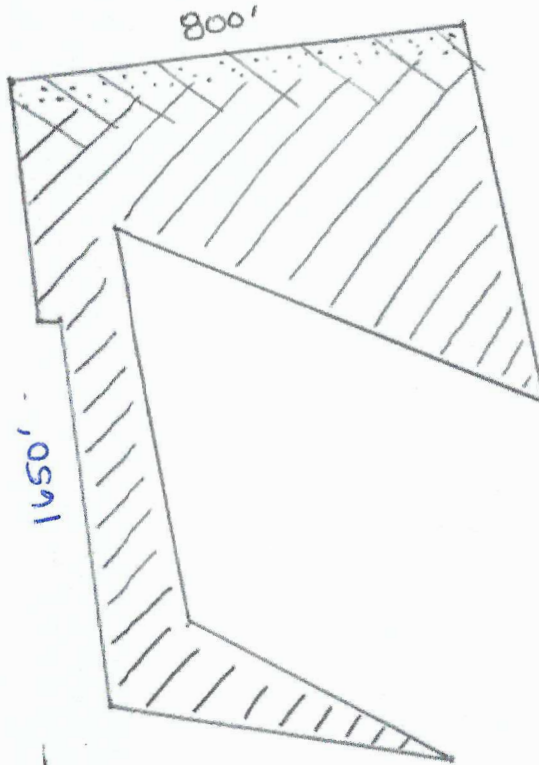


NWS-2007-1428
Parcel # 79003000149, 11100455508

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

Herrold Fish and Oyster Co., INC.
Willapa Bay

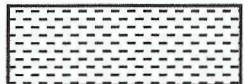
Frontage Bed/ No Bed# (Ground Cultch Oyster Bed) 5 acres
Pacific County Parcel # 11100455508
N 46° 27.458
W 123° 55.203



Pacific Oysters 4.5 acres



Manila Clams .5 acres



Zostera Marina



Zostera Japonica 1 acre



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 55.12 acres

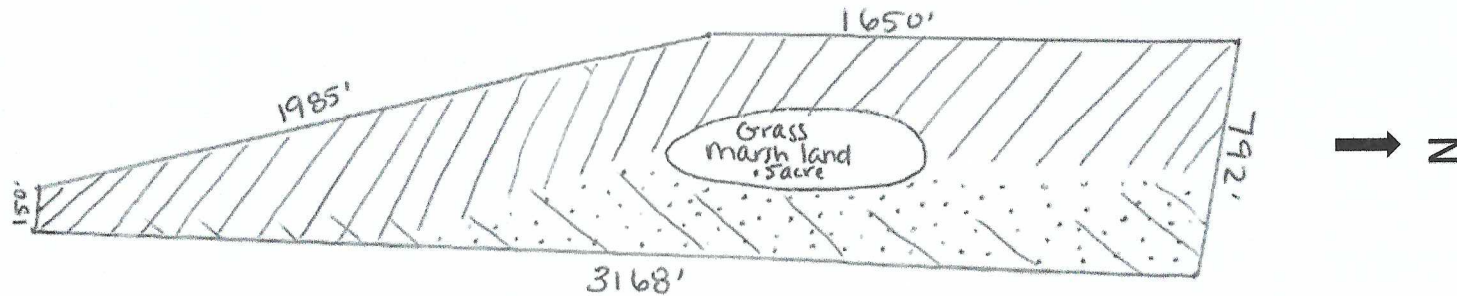
Pacific Oysters: 39.5 acres

Manila Clams: 15.12 acres

Zostera Marina:

Herrold Fish and Oyster Co., INC.
Willapa Bay

Bed # C149 (Ground Cultch Oyster and Clam Bed) 50.12 acres
Pacific County Parcel # 79003000149
N 46° 27.352
W 123° 56.386



Pacific Oysters 35 acres



Manila Clams 14.62 acres



Zostera Marina



Zostera Japonica 14 acres



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

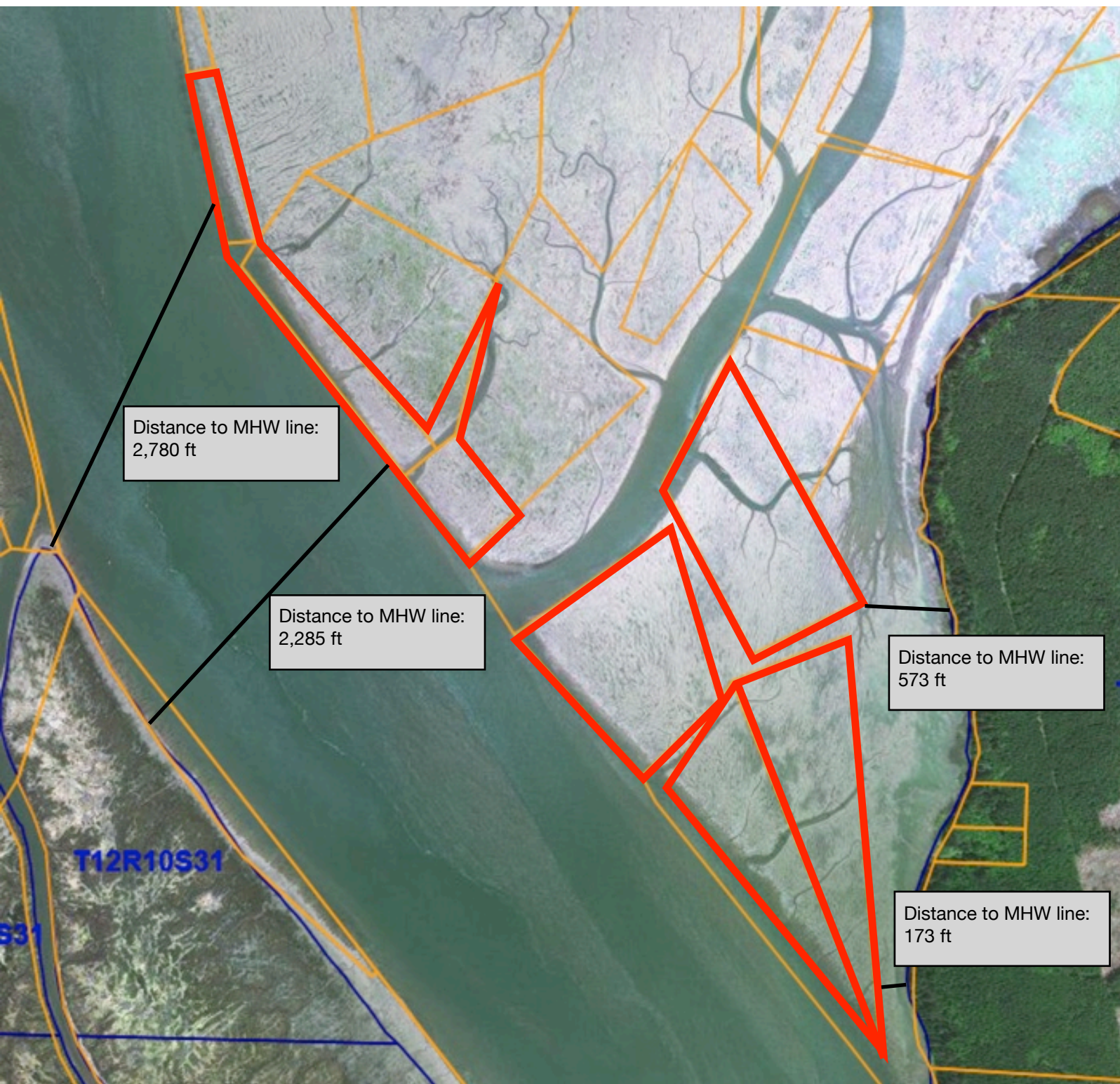
Date: 8-13-20

Project Area: 55.12 acres

Pacific Oysters: 39.5 acres

Manila Clams: 15.12 acres

Zostera Marina:



NWS-2007-1429
Parcel # 79003000084, 79003000173,
79003000169

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

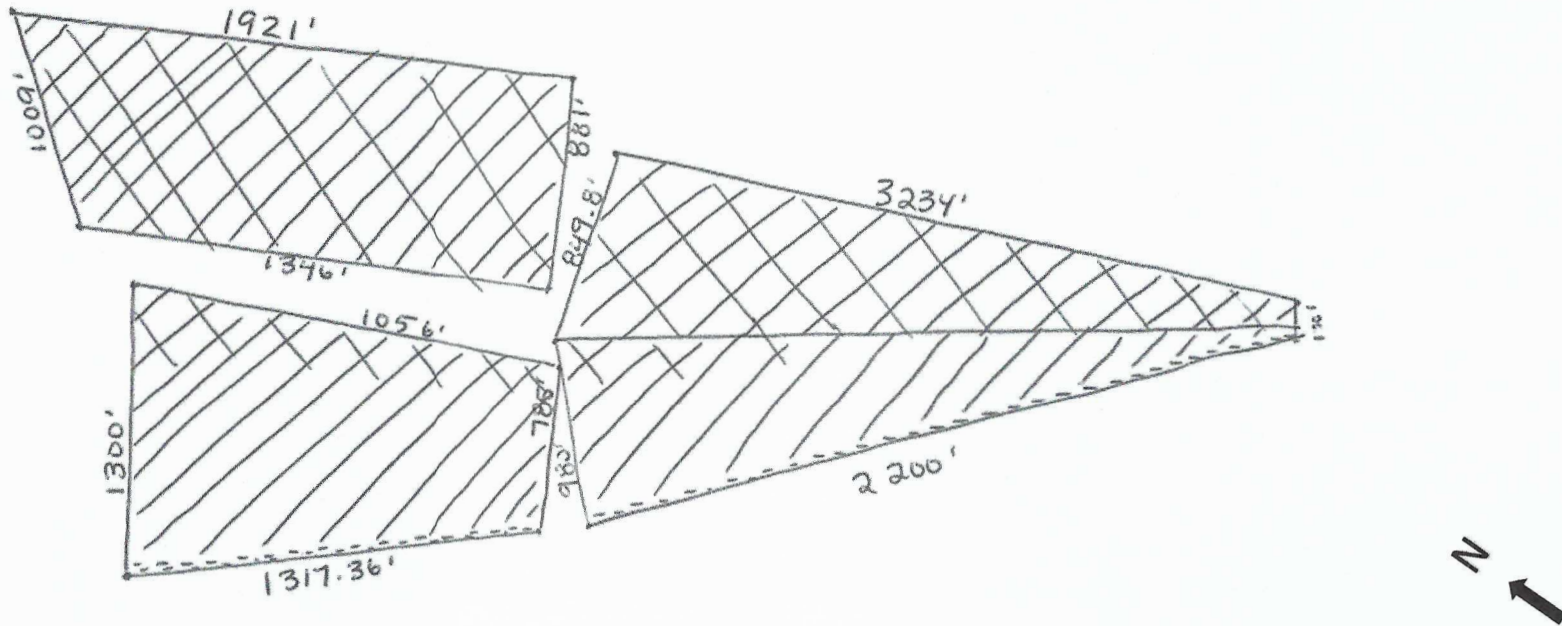
Herrold Fish and Oyster Co., INC.
Willapa Bay

Bed # C84, C84, C86, C87 (Ground Cultch Oyster Beds) 116.98 acres

Pacific County Parcel # 79003000084

N 46° 28.896

W 123° 56.837



Pacific Oysters 115 acres



Manila Clams



Zostera Marina 1.98 acres



Zostera Japonica 65 acres



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 144.87 acres

Pacific Oysters: 137.39 acres

Manila Clams:

Zostera Marina: 7.48 acres

Fallow:

Page 6 of 20

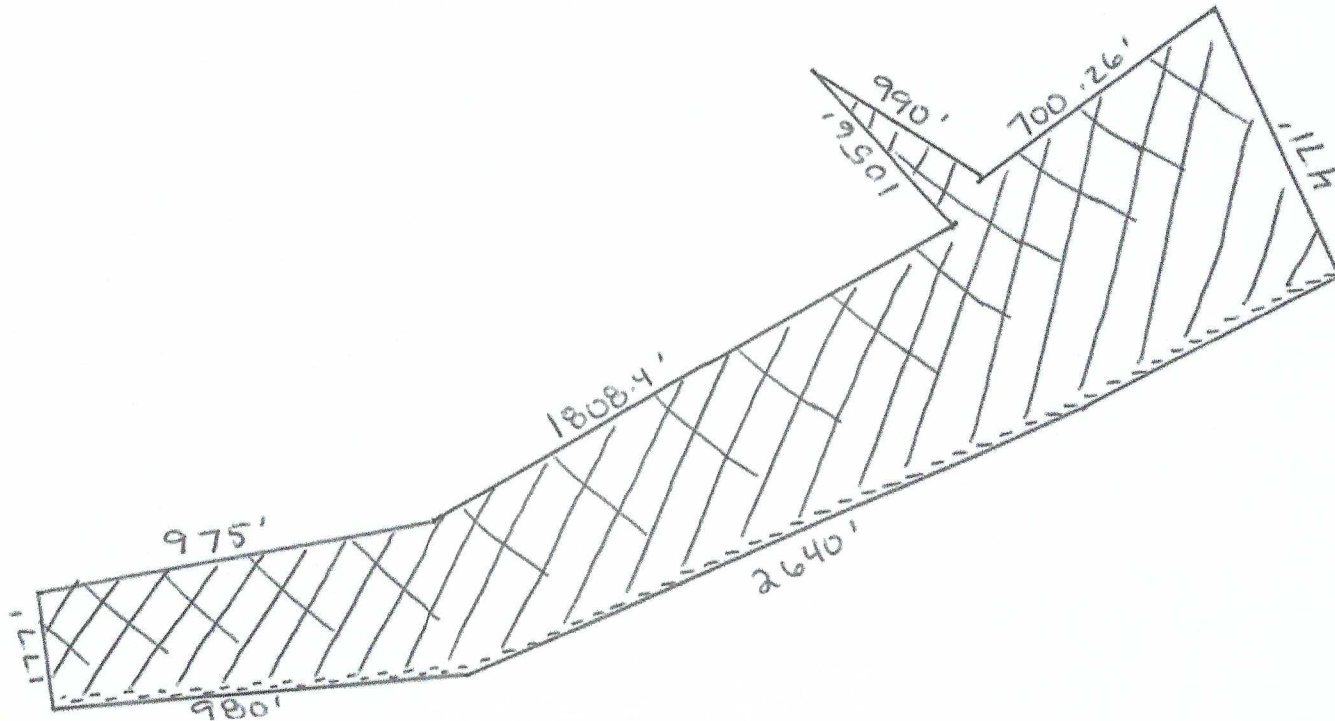
Herrold Fish and Oyster Co., INC.
Willapa Bay

Bed # C173, C169, C170 (Ground Cultch Oyster Beds) 27.89 acres

Pacific County Parcel # 79003000173, 79003000169

N 46° 29.358

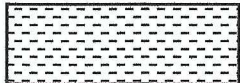
W 123° 57.704



Pacific Oysters 22.39 acres



Manila Clams



Zostera Marina 5.5 acres



Zostera Japonica 20 acres



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 144.87 acres

Pacific Oysters: 137.39 acres

Manila Clams:

Zostera Marina: 7.48 acres

Fallow:

Page 7 of 20

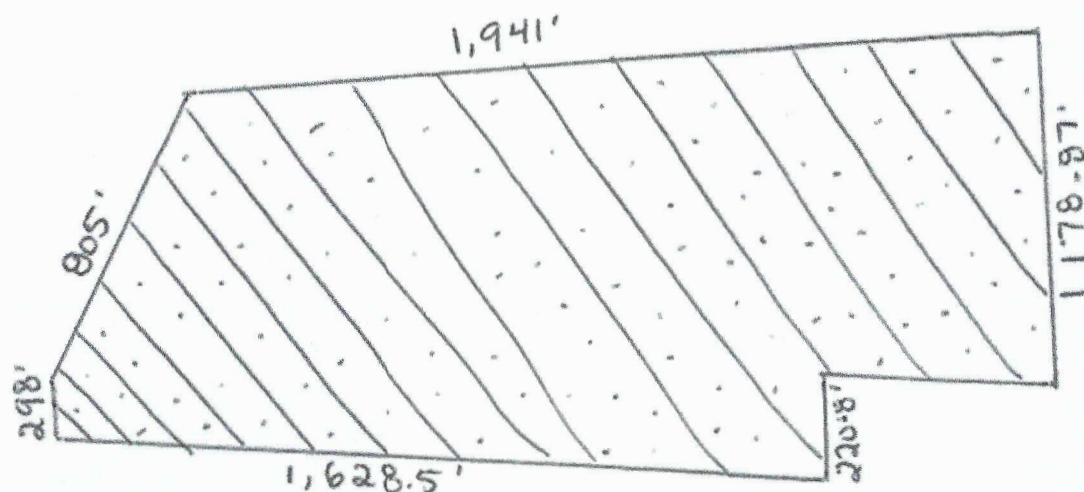


NWS-2007-1431
Parcel # 779005000124

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

Herrold Fish and Oyster Co., INC.
Willapa Bay

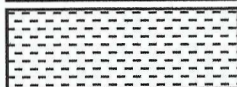
Bed # E124 (Holding Bed/ Clam Bed) 53.71 acres
Pacific County Parcel # 79005000124
N 46.61915
W -124.03952



Pacific Oysters



Manila Clams 53.71 acres



Zostera Marina



Zostera Japonica 53.71 acres



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

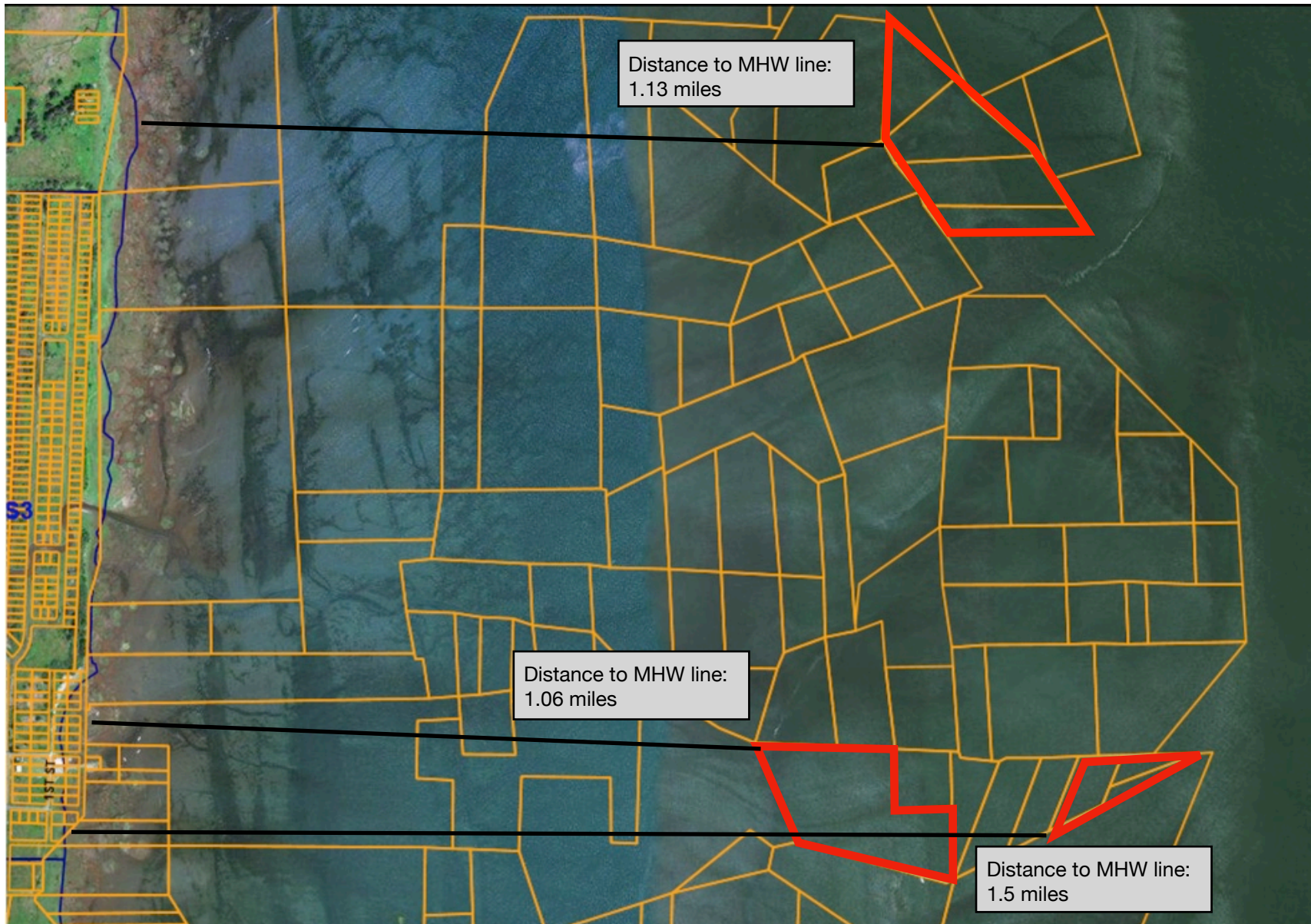
Project Area: 53.71 acres

Pacific Oysters:

Manila Clams: 53.71 acres

Zostera Marina:

Fallow:

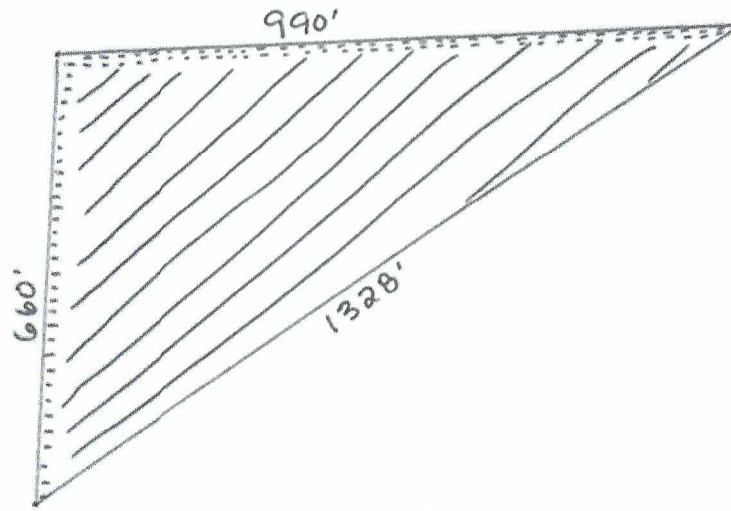


NWS-2007-1432
Parcel # 79005000096, 79005000205, 79005000018,
790050000170, 79005000112

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

Herrold Fish and Oyster Co., INC.
Willapa Bay

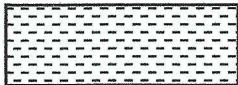
Bed # E170, E112 (Harvesting Beds) 10 acres
Pacific County Parcel # 79005000170, 79005000112
N 46° 32.911
W 123° 59.561



Pacific Oysters 9 acres



Manila



Zostera Marina 1 acre



Zostera Japonica



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 68.15 acres

Pacific Oysters: 47 acres

Cockles: 2 acres

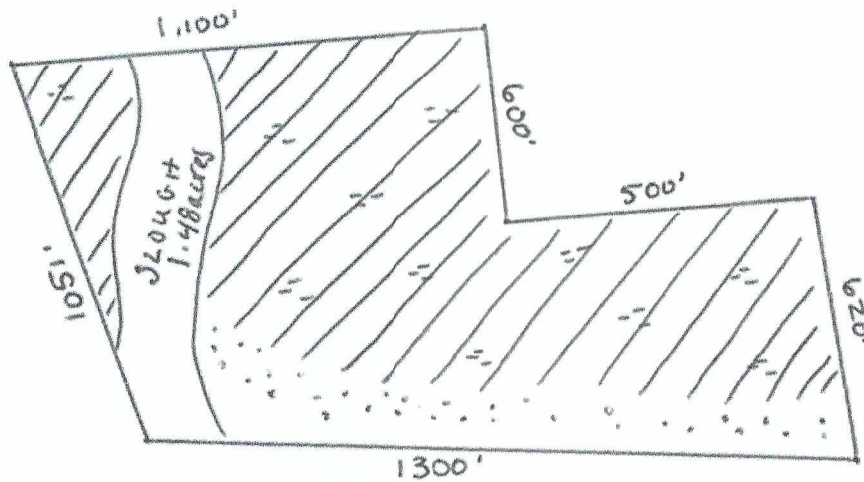
Zostera Marina: 1 acre

Fallow: 16.67 acres

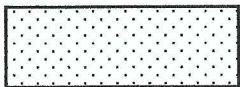
Slough: 1.48 acres

Herrold Fish and Oyster Co., INC.
Willapa Bay

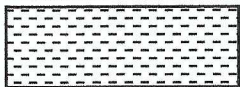
Bed # E18 (Holding Bed) 26.48 acres
Pacific County Parcel # 79005000018
N 46° 32.867
W 124° 00.064



Pacific Oysters 23 acres



Cockles 2 acres



Zostera Marina



Zostera Japonica



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 68.15 acres

Pacific Oysters: 47 acres

Cockles: 2 acres

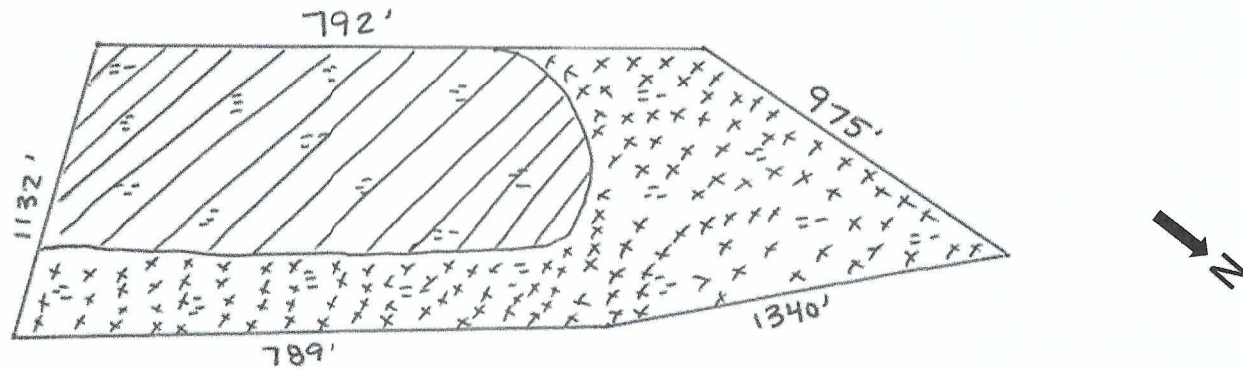
Zostera Marina: 1 acre

Fallow: 16.67 acres

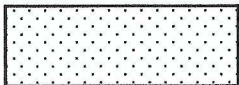
Slough: 1.48 acres

Herrold Fish and Oyster Co., INC.
Willapa Bay

Bed # E96, E206, E205, E209 (Holding Beds) 31.67 acres
Pacific County Parcel # 79005000096, 79005000205
N 46° 32.867
W 124° 00.064



Pacific Oysters 15 acres



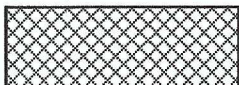
Manila



Zostera Marina



Zostera Japonica



Fallow 16.67 acres

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 68.15 acres

Pacific Oysters: 47 acres

Cockles: 2 acres

Zostera Marina: 1 acre

Fallow: 16.67 acres

Slough: 1.48 acres

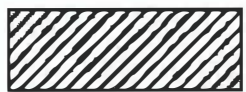
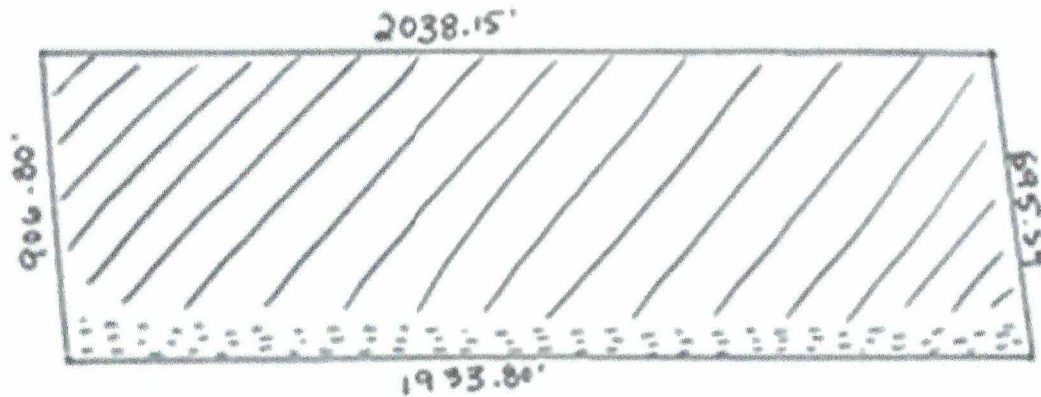


NWS-2013-0026
Lease # 20-A12364

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

Herrold Fish and Oyster Co., INC.
Willapa Bay

Bed # Lease # 20-A12364 (Harvesting Bed) 34.47 acres
Pacific County
N 46° 32.313
W 123° 59.717



Pacific Oysters 30 acres



Manila Clams



Zostera Marina 4.47 acres



Zostera Japonica



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8/13/20

Project Area: 30 acres

Pacific Oysters:

Manila Clams:

Zostera Marina: 4.47 acres

Fallow:

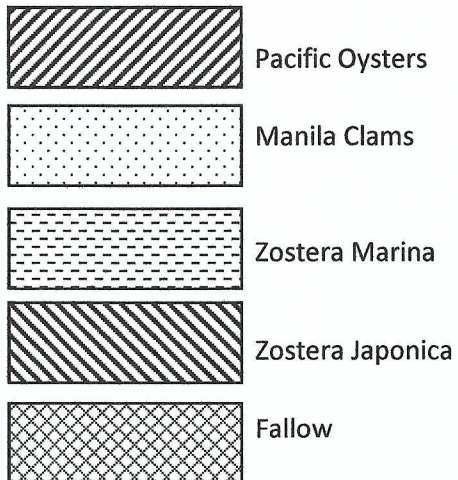
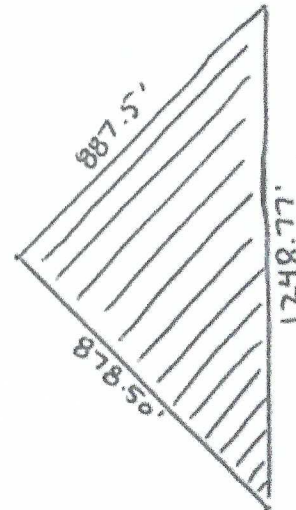


NWS-2013-0049
Lease # 20-012821

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

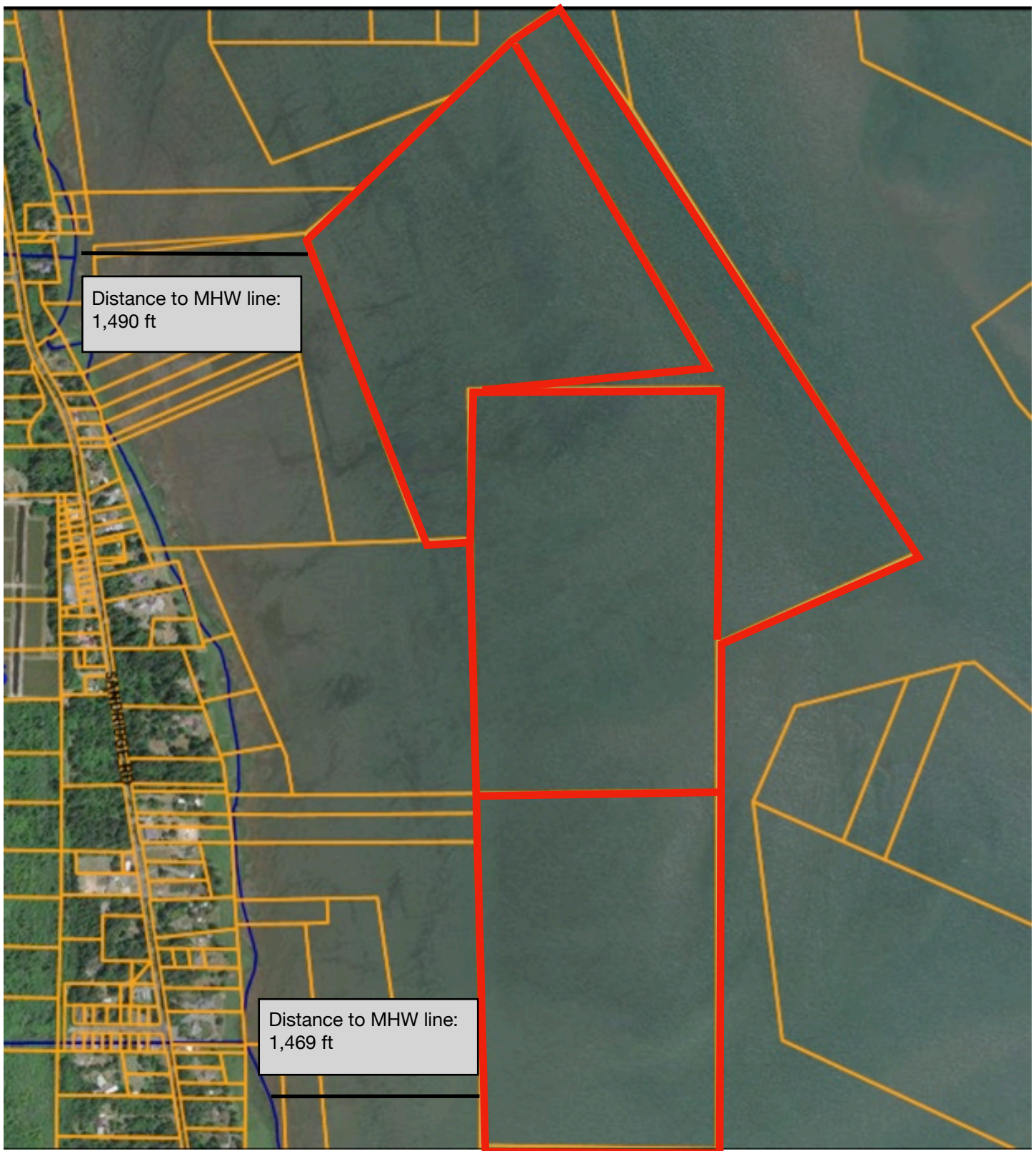
Herrold Fish and Oyster Co., INC.
Willapa Bay

Lease # 20-012821 (Ground Cultch Oyster Bed) 8.95 acres
Pacific County
N 46.468778
W 123.942982



Reference #:
Applicant Name: Herrold Fish and Oyster Co./ John Herrold
Proposed Project: Existing Aquaculture Farm
Location: Willapa Bay
Date: 8-13-20

Project Area: 8.95 acres
Pacific Oysters: 8.95 acres
Manila Clams:
Zostera Marina:



NWS-2007-1430
Parcel # 79004000008, 79004000009

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20

Herrold Fish and Oyster Co., INC.

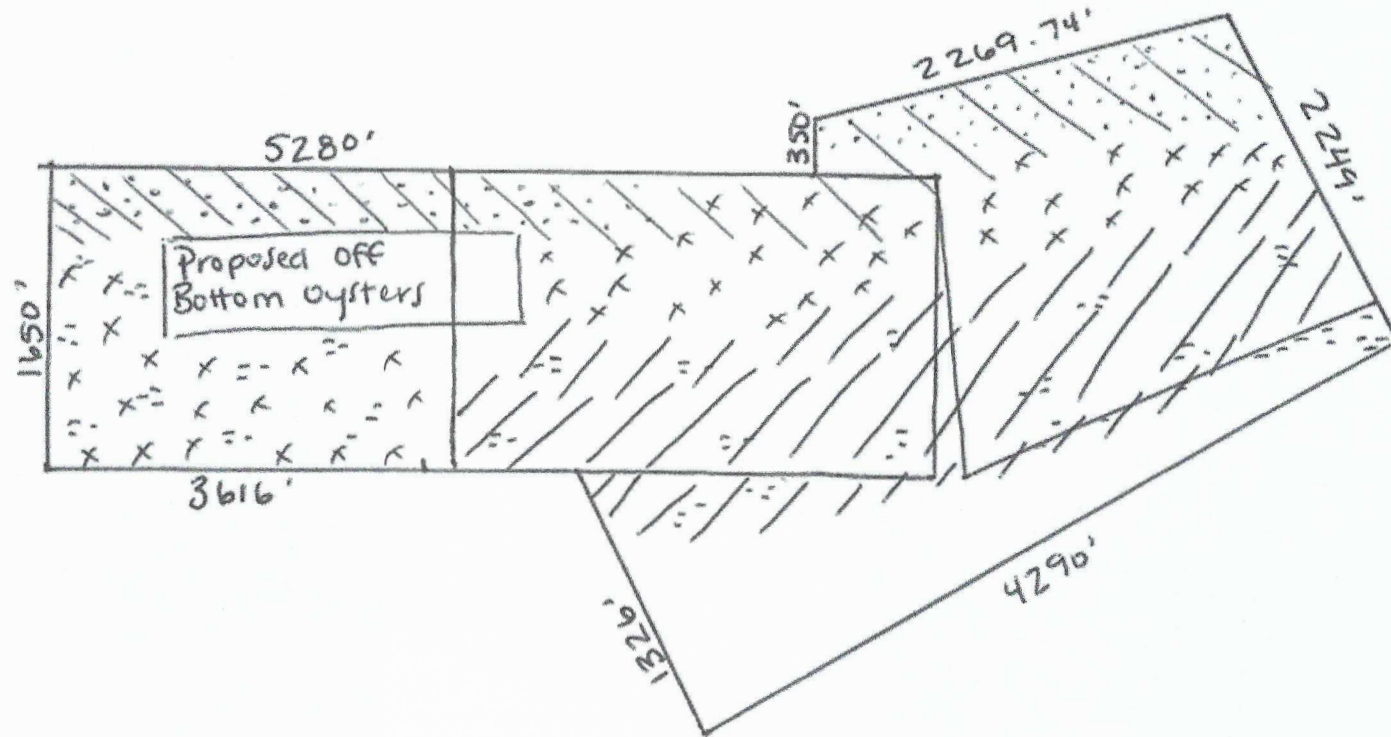
Willapa Bay

Bed # D8, D9, D10, D11 (Ground Cultch Oyster Bed/ Manila Clam Farm) 342.08 acres

Pacific County Parcel # 79004000008, 79004000009

N 46.45619

W -123.93731



Pacific Oysters

150 acres



Manila Clams



Zostera Marina



Zostera Japonica 53.71 acres



Fallow

Reference #:

Applicant Name: Herrold Fish and Oyster Co./ John Herrold

Proposed Project: Existing Aquaculture Farm

Location: Willapa Bay

Date: 8-13-20

Project Area: 342.08 acres

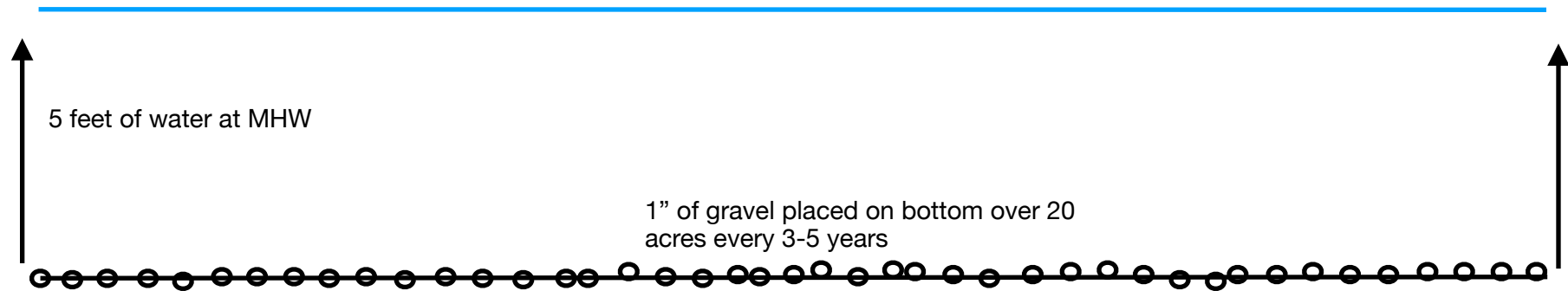
Pacific Oysters: > 150 acres

Manila Clams:

Zostera Marina:

Fallow: 192.08 acres

Cross Section Diagram



NWS-2007-1430
Parcel # 79004000008, 79004000009

Reference #
Waterbody: Willapa Bay
Applicant Name: Herrold Fish and Oyster Co/ John Herrold
Project: Existing Aquaculture Farm
County: Pacific
Date: 8/13/20