



**US Army Corps
of Engineers**
Seattle District

Public Notice of Application for Permit

US Army Corps of Engineers
Regulatory Branch
4735 E Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 764-5531
ATTN: Kylie Webb,
Project Manager

Public Notice Date: May 4, 2022
Expiration Date: June 3, 2022

Reference No.: NWS-2020-00549-AQ
**Name: Wiegardt, Ken (Wiegardt
Shellfish Farm T215)**

Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings dated November 12, 2020, was performed without specific authorization under Section 10 of the Rivers and Harbors Act and Section 404 and 401 of the Clean Water Act. U.S. Army Corps of Engineers permit regulations (33 CFR 320-332) allow District Engineers to make a determination of whether the activity is contrary to the public interest or if the work should be authorized by an after-the-fact permit.

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. 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 Washington Department of Ecology issued a Section 401 Water Quality Certification on May 18, 2021, and a Coastal Zone Consistency determination was made on June 14, 2021.

APPLICANT: Mr. Ken Wiegardt
Wiegardt 7 Sons, Inc.
Post Office, Box 309
Ocean Park, Washington 98640

AGENT: Mr. Robert Smith
K&L Gates LLP
925 Fourth Avenue, Suite 2900

LOCATION: The project Site is located within 22 acres of privately owned tidelands with Parcel number 12112755215 in Willapa Bay, near 3311 275th Street Ocean Park, Pacific County, Washington (Section 27, Township 12 N, Range 11 W). The proposed cultivation area would be located between +1.0 feet (ft) and -2.5 ft Mean Lower Low Water (MLLW) tidal elevations.

Project Site Corner Cultivation Coordinates:

Corner	Latitude	Longitude
Northeast	46.5047	-124.0256
Northwest	46.5047	-124.0221
Southwest	46.5013	-124.0245

Southeast	46.5017	-124.0274
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WORK: The proposed project is to retain and continue a commercial shellfish mariculture operation cultivating 11 acres of Pacific oyster (*Crassostrea gigas*) using multiple cultivation methods. The cultivation methods would consist of 7 acres of on-bottom clutch bag cultivation, 1 acre of suspended flip-bag culture, 3 acres of floating oyster culture, and 11 acres of on-bottom cultivation as shown on the drawings dated November 12, 2020. All harvest would occur by hand and the site would be accessed via boat and uplands.

On-bottom Cultivation: 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 there are oyster larvae present in the water column and mature oysters have been previously removed from the bed. Frosting would consist of the discharge of up to 1,479 cubic yards of oyster shell over the 11-acre cultivation area. Frosting would typically occur in July/August every 3 to 5 years. Hatchery-produced seed would be planted after the mature oysters have been removed. Oysters would be harvested by hand at low tide every 2 to 5 years depending on oyster density and growth.

On-bottom Clutch Bag Cultivation: On bottom oyster cultch bag cultivation would consist of 3 foot long 8 inch diameter bags full of clean oyster shell. Shell in the bags may have oyster seed that was set on them in an upland location. Bags of clean shell may also be put out when there are oyster larvae present in the water column to attract natural recruitment. Bags would be stacked 3 deep on top of 3 pieces of 4" schedule 40 thin wall PVC pipe to keep the bottom layer of bags from smothering. Rows would be spaced 3 feet apart. The bags would be put out from March through October and would be left for approximately 6 months or until the seed is large enough for on bottom culture. Harvest would be completed at low tide by hand.

Suspended Flip Bag Cultivation: Suspended oyster flip bags would consist of longlines that are 120 feet long with anchor lines at either end with supporting posts every 6 feet. Each row would be spaced 6 feet apart. One block consists of up to 25 rows. The blocks would be spaced a minimum of 50 feet from each other. The anchor lines consist of two 1/2" nylon ropes with a 4"x4"x1/4" piece of plastic driven 2 feet into the ground. The anchor lines are used to maintain line tension. The supporting posts are made of schedule 80, 1 1/4" PVC. Lines between the posts are 1/4" Samson Amsteel. The longlines can be 1 foot to 4 feet in elevation above the ground. The longlines hold bags with floats. The bags are made from 1/4" and 3/8" VEXAR mesh and are approximately 2 feet by 3 feet. The bags would be attached to the line using plastic zip-ties and would have a small crab float attached to the opposite side of the longline attachment. The floats would be attached to the bag using thin polypropylene line and plastic clips. Monthly visits along with visits after high wind events are made to check condition of oysters and gear. Harvest would be completed by removing the bags from the longlines and sorting/washing/packing the oysters at an upland location.

Floating Cultivation: Floating cage oyster culture would consist of longlines using 1/2" Blue Steel rope that is 50 feet long. The rows would be spaced 4 feet apart. There would be three 4"x4 1/4" thick plastic anchors on each end of the longline as well as one every 5 feet on the longline. Each plastic anchor would be attached to a 1/2" nylon rope that is 5 feet long. Each anchor would be driven into the ground to a depth of 2 1/2 feet. The other end of the anchor line would be attached to the longline using thimbles. Oyster seed would be placed into tube shaped cages measuring approximately 2 feet by 1 foot. The cages are made of plastic-coated wire mesh and have a plastic lid on both ends. Cages would be attached to the longlines using plastic zip ties. The cages attached to the longlines have 2 small crab floats attached to them opposite of the attachment point to the longline. The floats are attached to the cage using thin polypropylene and plastic clips. Monthly visits along with visits after high wind events are made to check conditions of oysters and gear. Harvest is done by removing the cages from the longline and

sorting/washing/packing the oysters at an upland location.

PURPOSE: The purpose of the proposed project is to provide shellfish for commercial sale and consumption.

ADDITIONAL INFORMATION: The Applicant has requested a permit duration of 10 years to facilitate up to 4 cycles of oyster 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.

MITIGATION: The Applicant has not proposed any compensatory mitigation.

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.

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. 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: 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 Washington Department of Ecology has or will evaluate the proposed project in accordance with Section 401 of the Clean Water Act and for consistency with the Coastal Zone Management Act.

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.

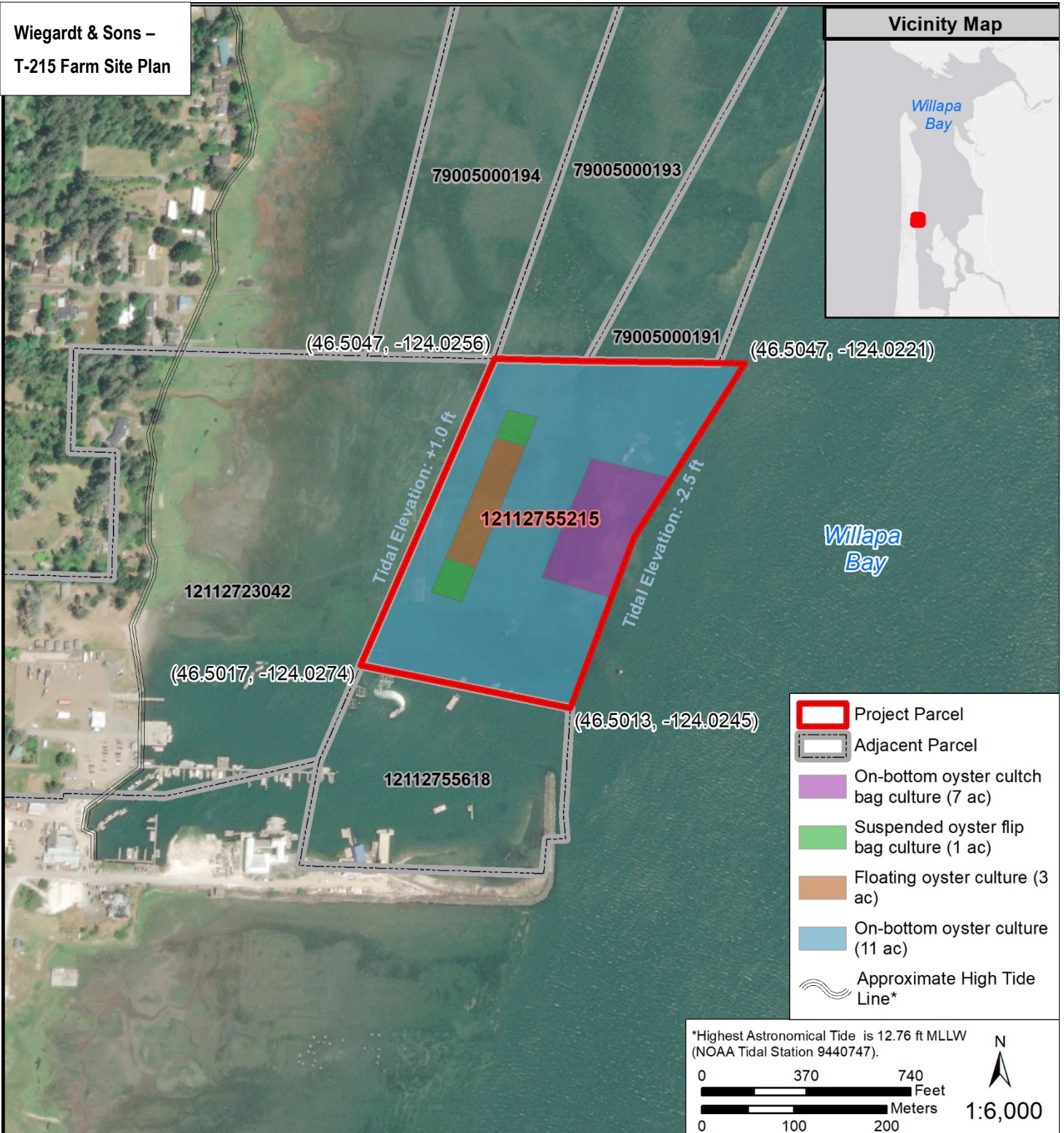
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from 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 Kylie.M.Webb@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, 4735 E Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388. 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:

Wiegardt Shellfish Farm T215, NWS-2020-00549-AQ

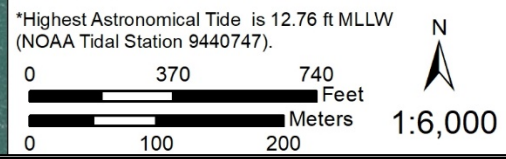
Encl: Figures (8 Pages)

**Wiegardt & Sons –
T-215 Farm Site Plan**

Vicinity Map



- Project Parcel
- Adjacent Parcel
- On-bottom oyster cultch bag culture (7 ac)
- Suspended oyster flip bag culture (1 ac)
- Floating oyster culture (3 ac)
- On-bottom oyster culture (11 ac)
- Approximate High Tide Line*



<p>CORPS REFERENCE: NWS-2020-549-AQ</p> <p>APPLICANT: Ken Wiegardt</p>	<p>PARCEL IDs/Owners: 12112755215/ Ken Wiegardt</p>	<p>PROPOSED PROJECT: Wiegardt & Sons – T-215 Farm Sheet 1 of 8 Date: November 12, 2020</p>
<p>SITE ADDRESS: In: Willapa Bay</p> <p>Near: Nahcotta County: Pacific State: WA</p>	<p>ADJACENT PROPERTY OWNERS: 12112755618/ Stackpole Harbor Oyster LLC 12112723042/ Port of Peninsula 79005000191, 79005000193/ Taylor Resources 79005000194/ Brian Sheldon</p>	<p>Tidal Datum: MLLW Scale: 1:6,000 Coordinate System: WA State Plane S</p>



on bottom oyster culture



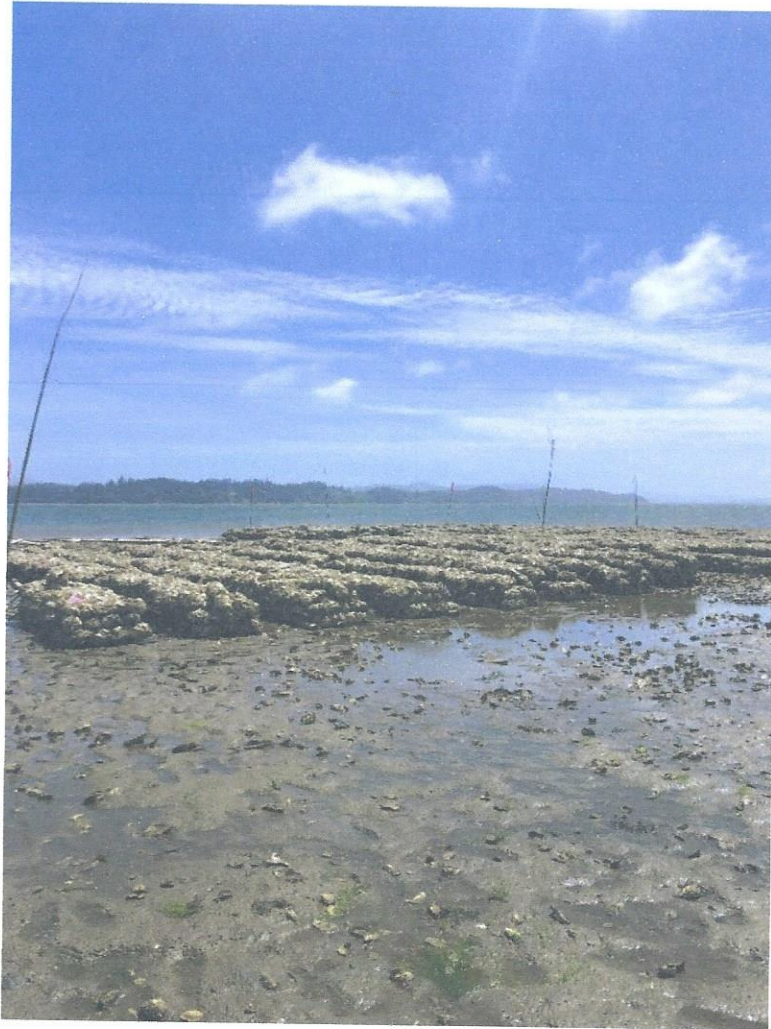
suspended oyster flip bag culture



Suspended oyster flip bag culture



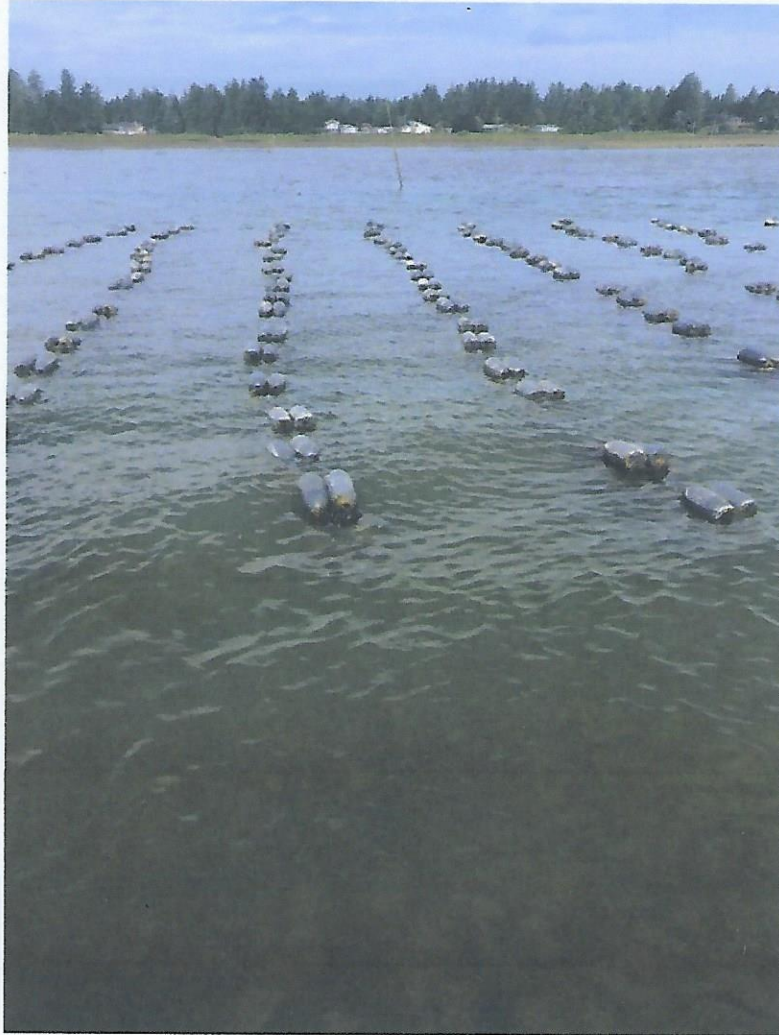
On bottom oyster cultch bag culture



on bottom oyster cultch bay culture



Floating oyster culture



Floating oyster culture