



US Army Corps
of Engineers
Seattle District



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
4735 E. Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 764-5531
ATTN: Kylie Webb,
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: September 30, 2022

Expiration Date: October 30, 2022

Reference No.: NWS-2021-862-AQ

Name: MBR Geoduck LLC

Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings dated 21 September 2022, 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. 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.

APPLICANT: MBR Geoduck LLC
Attention: Troy Baker
13544 Northeast Betts Road
Vancouver, Washington 98686
Telephone: (503) 708-8015

AGENT: Pearl Environmental Consulting
Attention: Stephanie Jones
P.O. Box 223
Quilcene, Washington 98376
Telephone: (360) 301-2061

LOCATION: The proposed project would occur on approximately 2.18 acres within six parcels in Little Skookum Inlet and Totten Inlet, Shelton, Mason County, Washington on privately owned and leased property. The work is proposed on parcels 22032-50-00025, 31910-12-80150, 31910-11-80010, 31910-12-80522, 31911-12-00070, and 31910-11-80910. The cultivation area is located in the intertidal portion of the tidelands between +5.0 feet and -2.0 feet mean lower low water (MLLW).

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Project Site Coordinates:

Parcel 22032-50-00025

Corner	Latitude	Longitude
A	47.175022	-122.957676
B	47.175801	-122.946942
C	47.175888	-122.956623
D	47.174934	-122.957231

Parcel 31910-12-80150 & 31910-12-80522

Corner	Latitude	Longitude
A	47.153477	-123.039355
B	47.153199	-123.038863
C	47.152619	-123.039020
D	47.153037	-123.039528

Parcel 31910-11-80010 & 31910-11-80910

Corner	Latitude	Longitude
A	47.153719	-123.036909
B	47.153325	-123.035845
C	47.153088	-123.035017
D	47.152895	-123.034960
E	47.153017	-123.035952
F	47.153071	-123.036356

Parcel 31911-12-00070

Corner	Latitude	Longitude
A	47.154515	-123.018850
B	47.154516	-123.018557
C	47.154448	-123.018552
D	47.154447	-123.018854

WORK: Continuation of an existing unauthorized 2.18-acre shellfish mariculture operation cultivating Manila clam by obtaining an after-the-fact permit process as shown on the drawings dated 21 September 2022. The Site will be accessed via boats and uplands. In general, the work would include:

Manila clam seeds would be placed on a thin layer of sand located on temporary seed floats (moored on parcel 31910-12-80153 mid-May to mid-September). The seeds would remain on the floats for approximately two months. The clams would then be removed from the float and placed by hand on the intertidal sediment. Predator exclusion nets (14 feet by 20 feet) would be installed over freshly seeded areas and secured to the substrate with rebar hooks. Approximately three years after seeding, the clams

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would be harvested by hand and placed into mesh bags which would be removed from the Site via boat.

Bed Preparation: Approximately 5 cubic yards of gravel may be discharged over 1620 square feet of tideland within portions of the following parcels: 31910-12-80522, 31910-12-80150, 31910-11-80010, and 31910-11-80910. No more than 1-inch depth of gravel would be placed annually on any given parcel and not all parcels would require annual graveling.

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

ADDITIONAL INFORMATION: The Applicant has requested 14 years of authorization to accommodate multiple cycles of clam cultivation.

The location of the line of mean high water or high tide line 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: Compensatory mitigation has not been 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 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.

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

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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: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

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 a Section 401 Water Quality Certification for the proposed project.

ADDITIONAL EVALUATION: Per 33 CFR 325(b)(1)(i), this public notice serves as the Section 401(a)(2) neighboring jurisdiction notification to the Environmental Protection Agency.

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 Kylie.M.Webb@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Kylie Webb, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388. 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.

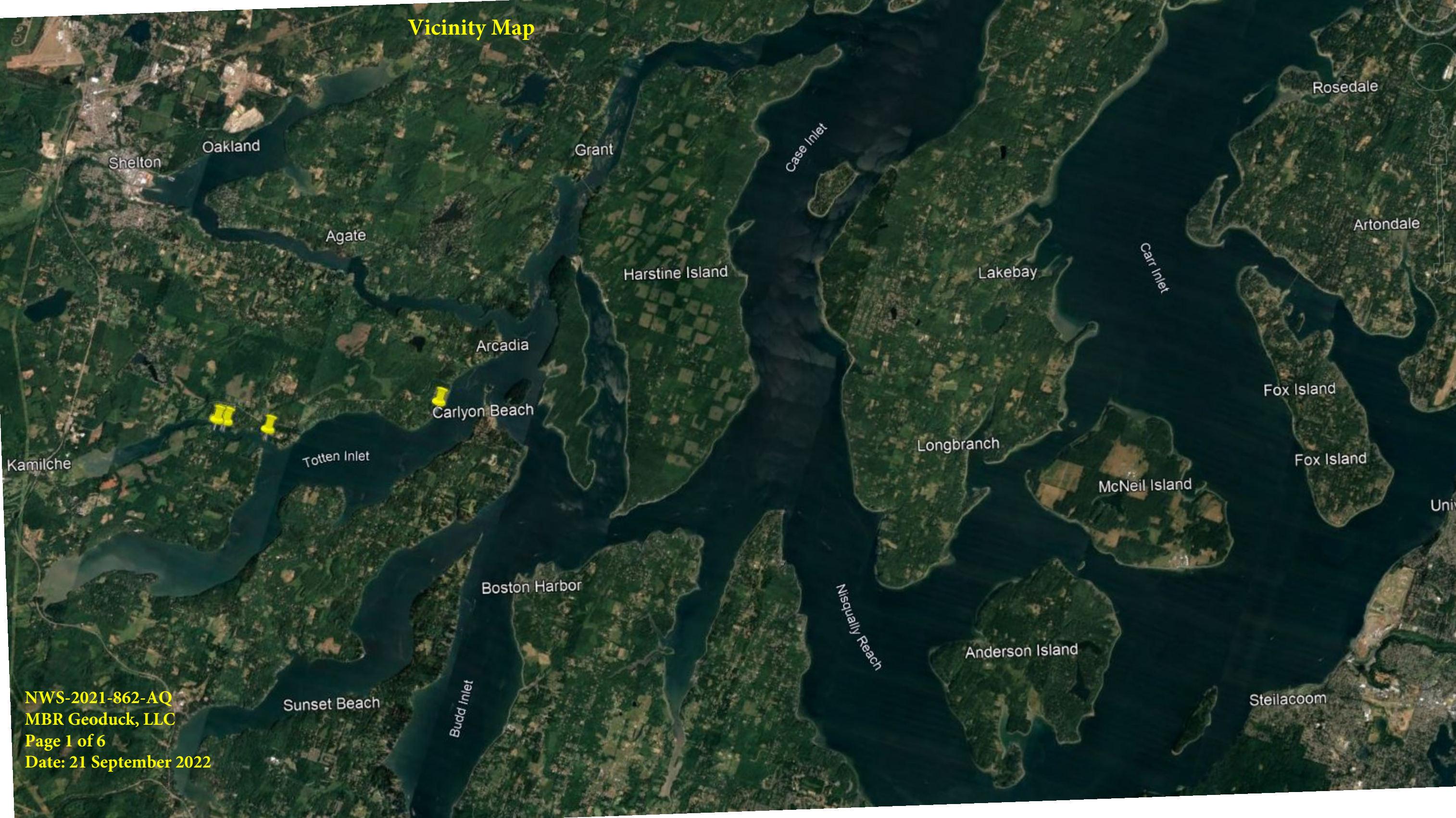
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ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington, 98504-7600, or e-mail to 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: MBR Geoduck, LLC; NWS-2021-862-AQ

Encl: Figures (6)

Vicinity Map



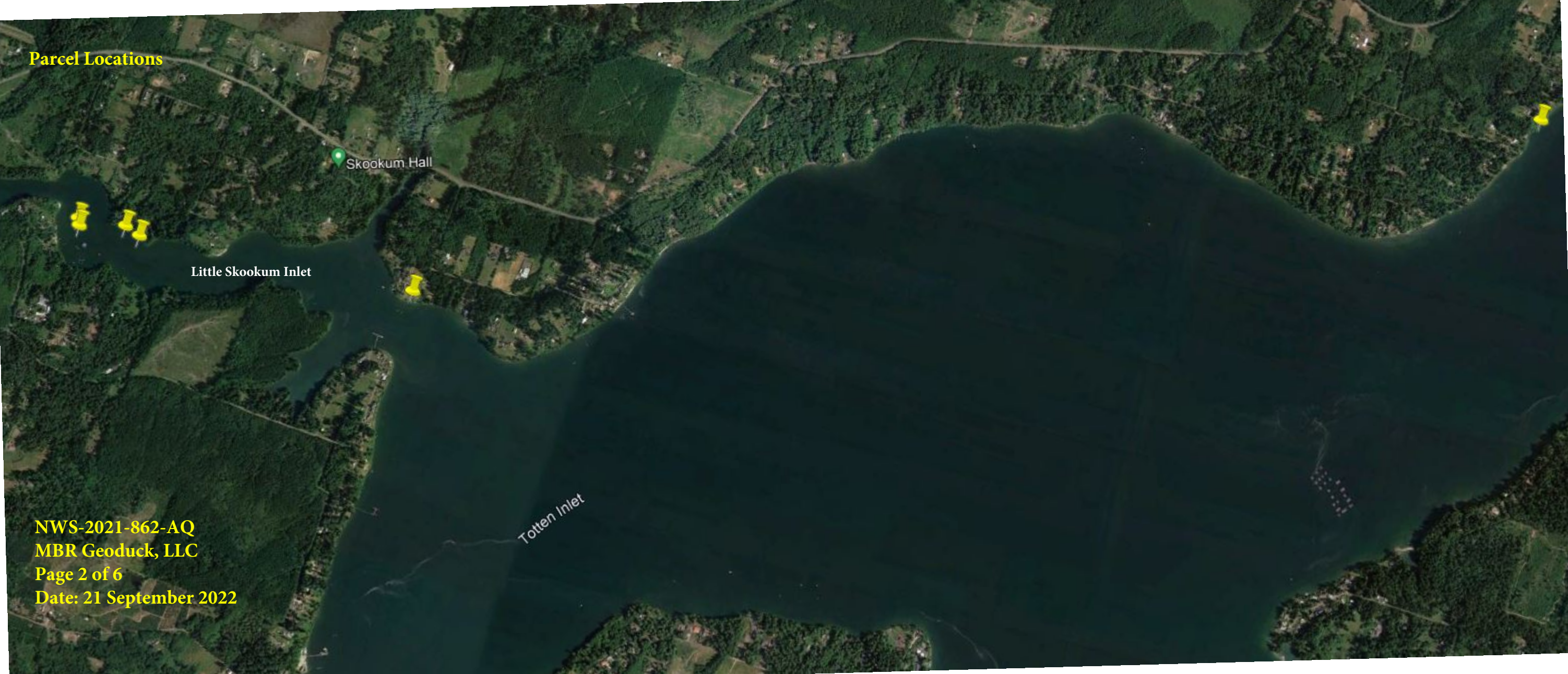
Parcel Locations

Skookum Hall

Little Skookum Inlet

Totten Inlet

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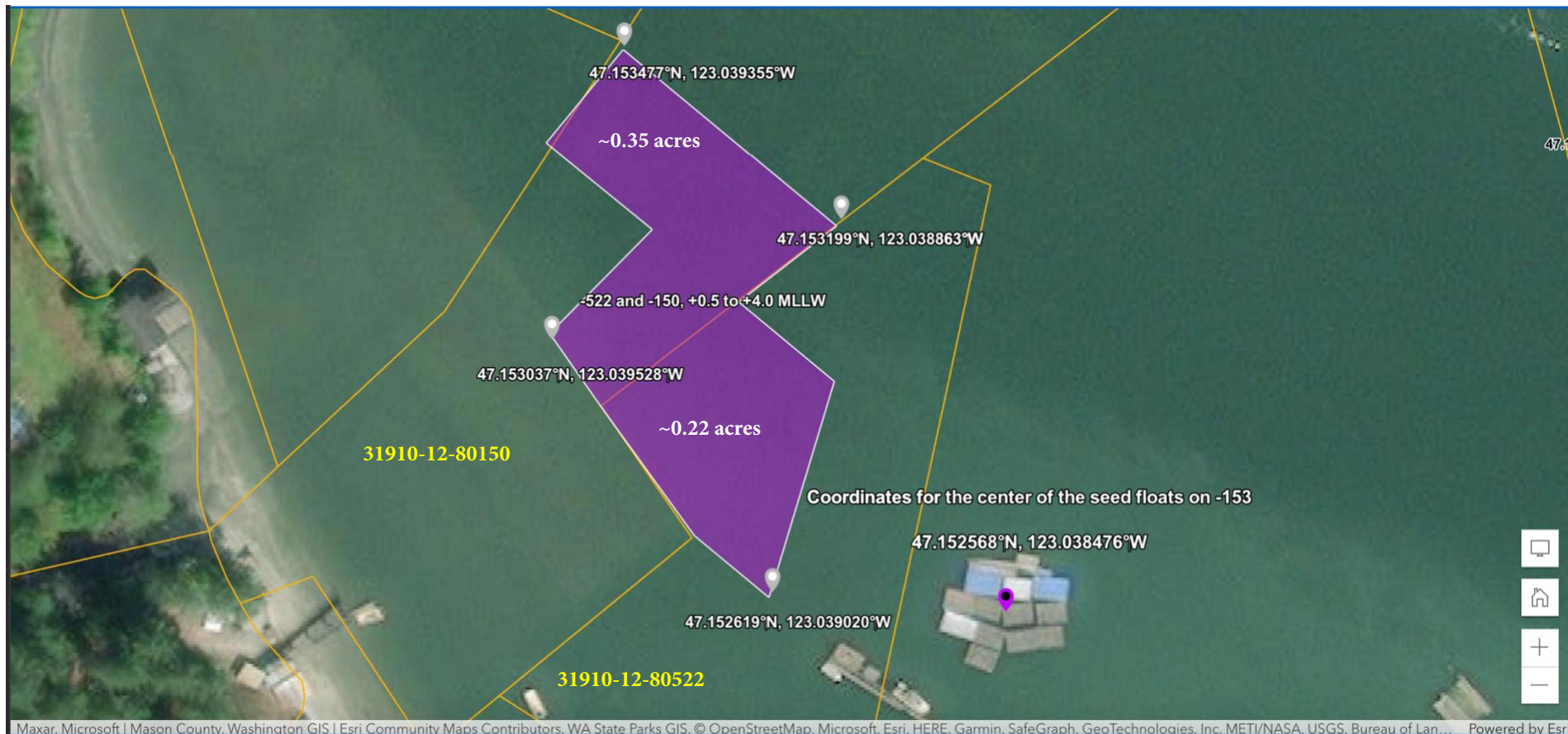
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