



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) 764-3482
ATTN: Jordan Bunch,
Project Manager

Public Notice Date: September 23, 2022
Expiration Date: October 23, 2022

Reference No.: NWS-2022-584-AQ
Name: Vashon Kelp Forest, LLC

Interested parties are hereby notified that an application has been received for a Department of the Army permit 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 August 5, 2022.

APPLICANT:

Attention: Michael B. Kollins
Vashon Kelp Forest, LLC
13419 Burma Road SW
Vashon, Washington 98070
(206) 295-2927

AGENT:

Attention: Philip L. Bloch
Confluence Environmental Company
146 North Canal Street, Suite 111
Seattle, Washington 98103
(425) 440-0246

LOCATION: In 10 acres of subtidal waters in Colvos Passage, Puget Sound near Vashon Island.

WORK: The applicant proposes to install a 10-acre floating array for commercial kelp cultivation in subtidal waters (between -45 feet and -100 feet mean lower low water) of Colvos Passage. The applicant would install 44 to 64 helical anchors (22 to 32 on each side) spaced 24-feet apart. The anchors would be connected by PVC line to polyform A3 buoys and line floats which would be used to suspend the lines supporting the kelp seven feet below the surface of the water. Eight four-foot-tall navigational buoys attached to helical anchors would be installed around the perimeter of the floating array as directed by the USCG as Private Aids to Navigation (PATONs). All helical anchors would be installed by a hydraulic torque motor from a surface vessel or by a scuba diver. The PVC line would be seeded with young bull or sugar kelp plants by mixing kelp sporophytes with a glue-like mixture to attach them to the lines. Seed would be sourced from wild stock native to the Puget Sound. Kelp would be harvested by bringing the lines to the surface and cutting the kelp with hand tools. A workboat would be used only for initial installation of the underwater infrastructure; all subsequent work related to planting, harvest, and maintenance would be conducted from a skiff.

PURPOSE: Cultivation of kelp for commercial sale, human consumption, and restoration.

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 location of the line of mean high water 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 wetland/waters are substantially inaccurate a new public notice may be published.

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 proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. 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

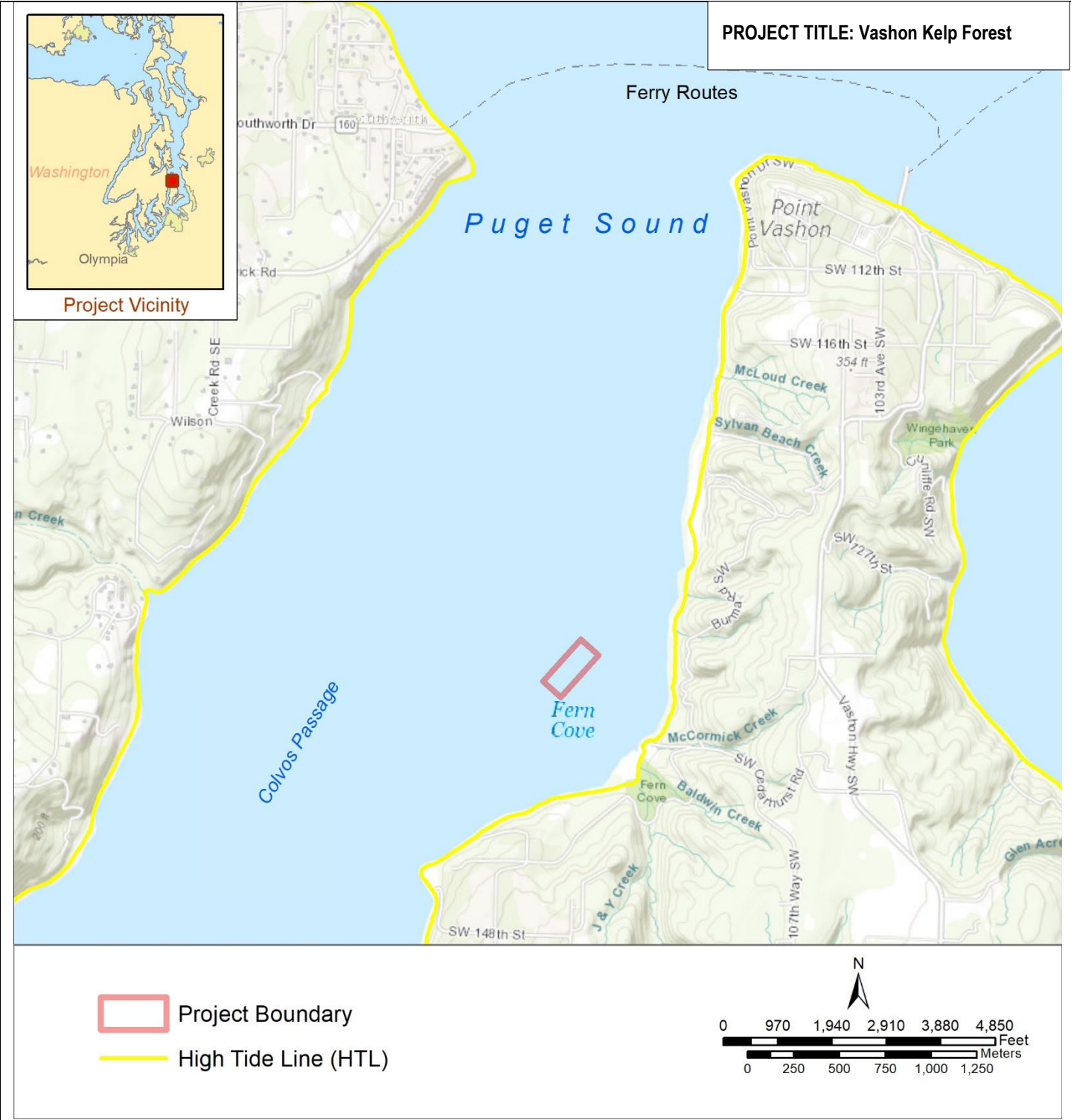
values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the 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 jordan.a.bunch@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: Vashon Kelp Forest, LLC, NWS-2022-584-AQ

Encl: Figures (4)

PROJECT TITLE: Vashon Kelp Forest

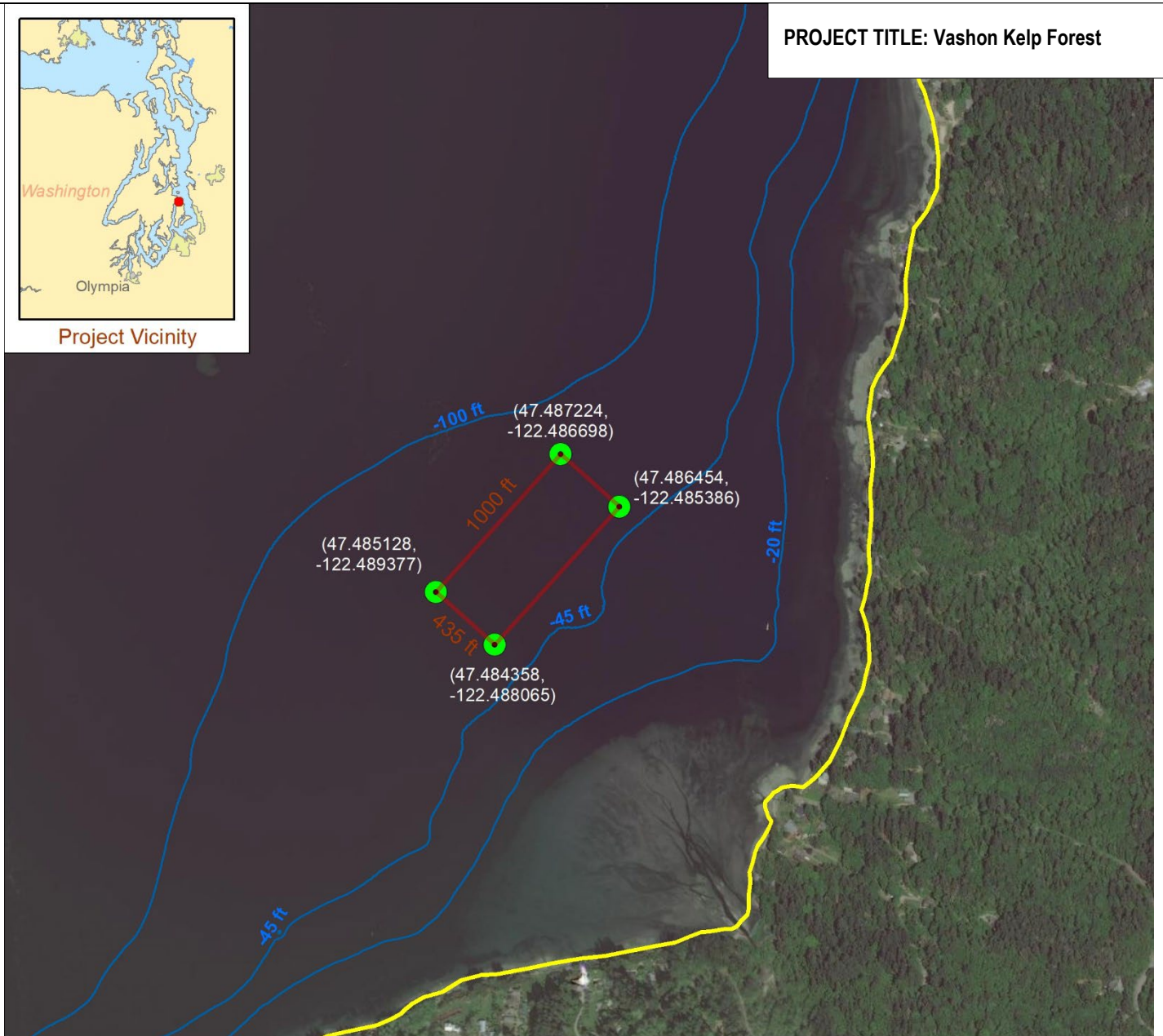


<p>CORPS REFERENCE: NWS-2022-584</p> <p>APPLICANT: Vashon Kelp Forest, LLC</p>	<p>PARCEL IDs/Owners: State Owned Aquatic Lands managed by Washington DNR</p>	<p>PROPOSED PROJECT: Vashon Kelp Forest – Installation of kelp farm on a 10-acre subtidal parcel.</p>
<p>LOCATION: N/A. Township: 23N; Range: 2E; Section 13 47.486° N; 122.456° W In: Colvos Passage, Puget Sound Near: Vashon Island County: King State: Washington</p>	<p>ADJACENT PROPERTY OWNERS (West to East): State Owned Aquatic Lands managed by Washington DNR Nearest private parcel is approximately 1,200 feet east of site.</p>	<p>Sheet 1 of 4 Date: August 5, 2022</p> <p>Tidal Datum: ft MLLW Scale: 1:30,000 Coordinate System: WA State Plane North</p>

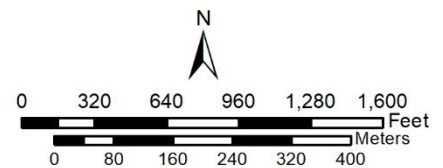


Project Vicinity

PROJECT TITLE: Vashon Kelp Forest

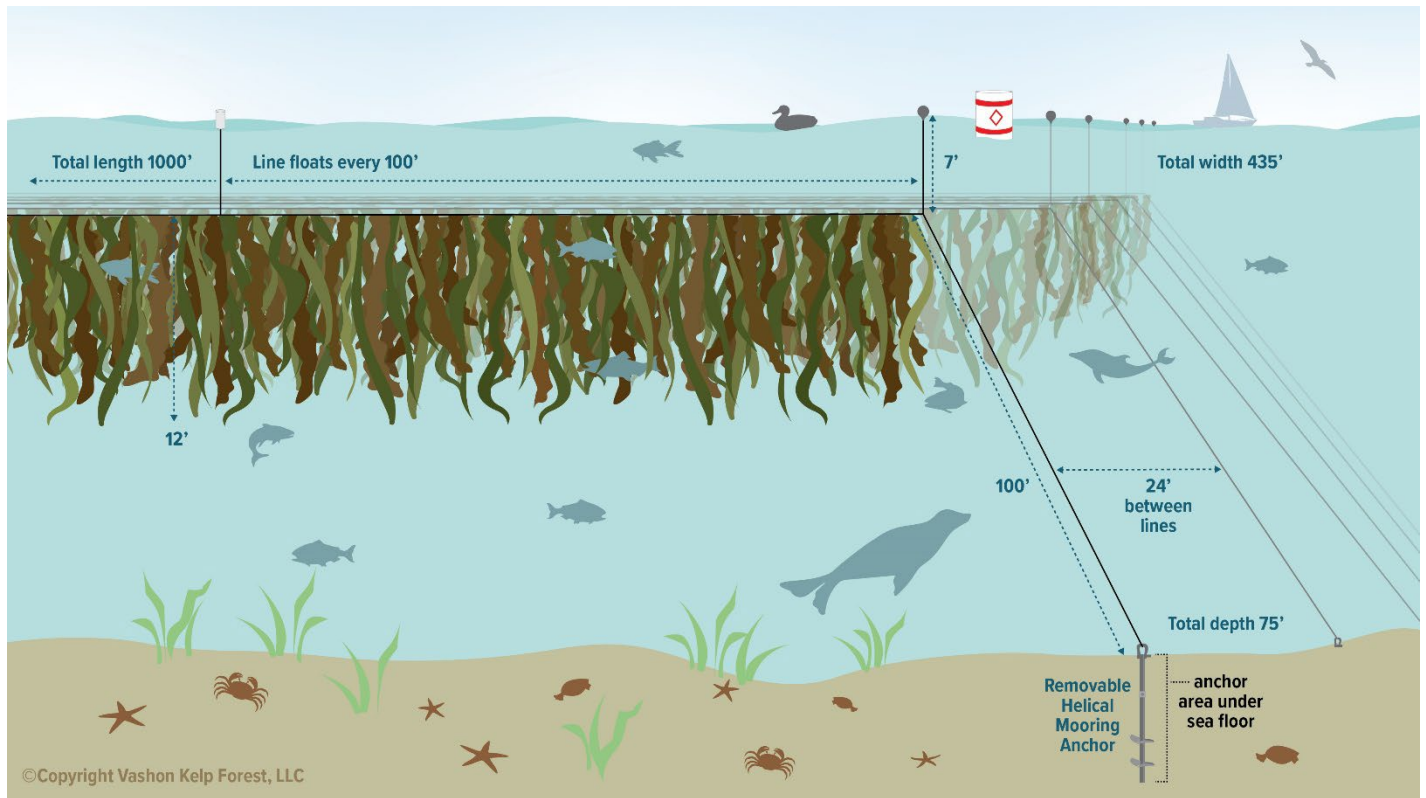


- Project Boundary
- Project Corners
- Depth Contours (MLLW)
- Ordinary High Water Mark



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<p>LOCATION: Township: 23N; Range: 2E; Section 13 47.486° N; 122.456° W</p> <p>In: Colvos Passage, Puget Sound Near: Vashon Island County: King State: Washington</p>	<p>ADJACENT PROPERTY OWNERS (West to East): State Owned Aquatic Lands managed by Washington DNR Nearest private parcel is approximately 1,200 feet east of site.</p>	<p>Tidal Datum: ft MLLW Scale: 1:10,000 Coordinate System: WA State Plane North</p>

PROJECT TITLE: Vashon Kelp Forest
SECTION VIEW



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PROPOSED PROJECT: Vashon Kelp Forest – Installation of Kelp farm on 10 acre subtidal parcel.

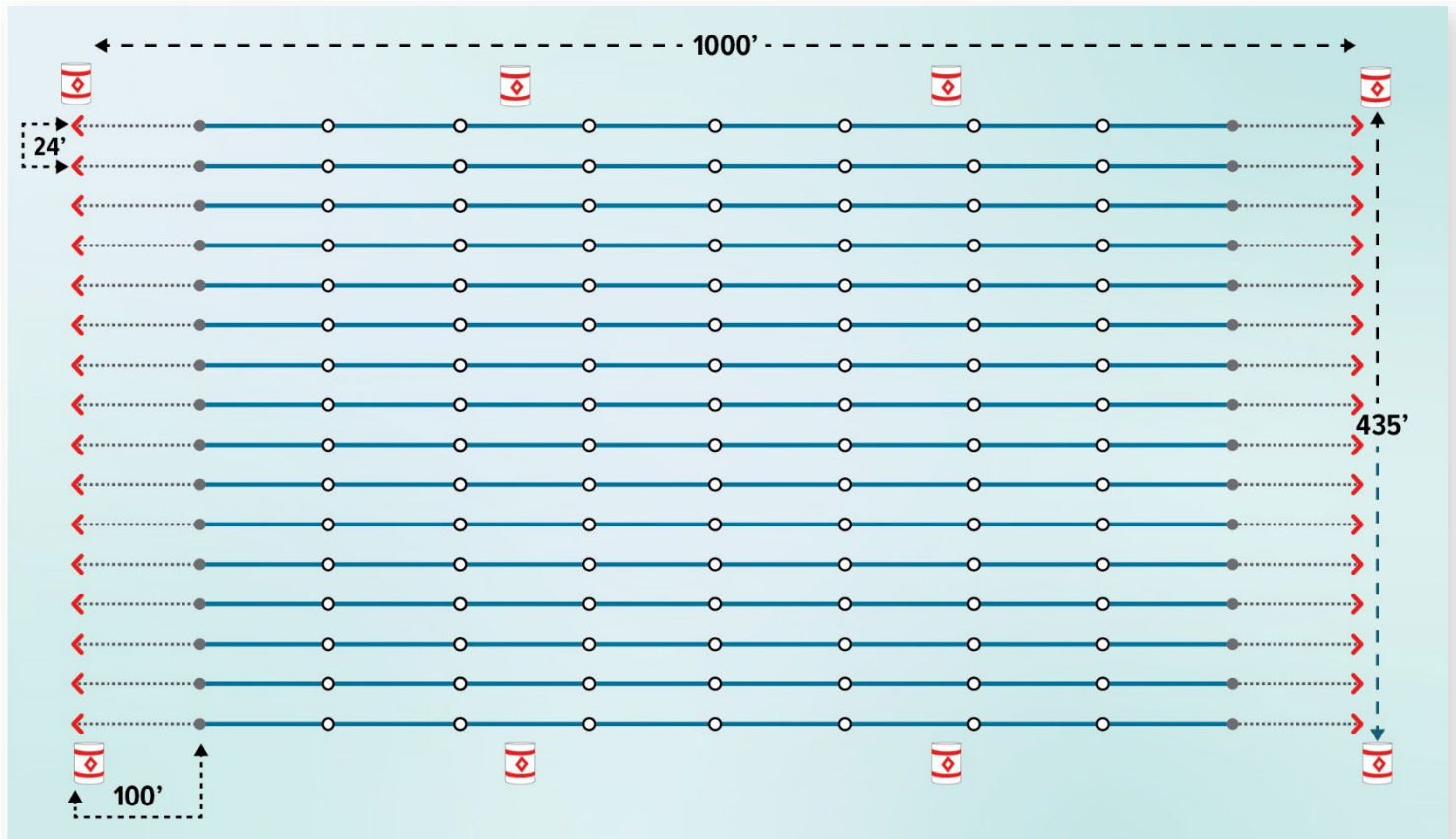
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Sheet 3 of 4

Date: August 5, 2022

PROJECT TITLE: Vashon Kelp Forest
PLANVIEW

- Kelp Line (submerged)
- Anchor Line (submerged)
- < Helical Moorings (submerged)
- Polyform A3 Buoy
- Line Floats
- US Coast Guard Navigational Buoy



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Sheet 4 of 4

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