



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) 348-3999
ATTN: Danette L. Guy,
Biologist/Sr. Project
Manager

Public Notice Date: May 8, 2025
Expiration Date: June 7, 2025

Reference No.: NWS-2008-0487-AQ
Name: Heckes Clams, Inc

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 April 21, 2025. The Corps will also review the work in accordance with Section 404 of the Clean Water Act (CWA).

APPLICANT: John P. Heckes
Heckes Clams Inc
Post Office Box 131
Chinook, Washington 98614
Telephone: 503-791-0576

LOCATION: In Willapa Bay at Oysterville, tax parcel 79005003078, Pacific County, Washington

WORK: Cultivate Manila clams and Pacific oysters commercially on a total of 17.5 acres between tidal elevations 0.0 and +4 feet (mean lower low water). Access would be both by boat, and by vehicle across adjacent upland.

Up to 17.5 acres of Manila clams would be grown between tidal elevations +3.5 ft. and 0.0 ft. Shell or gravel may be applied to enhance firmness of the substrate (no more than one inch per year). Clams may recruit naturally to the bed, but if there is no or inadequate natural recruitment, seed may be placed. Some or all the acreage under Manila clam cultivation may be covered with predator exclusion netting. The mesh size of Manila clam nets is 1/4 inch. Nets are typically maintained throughout the culture cycle (approximately 2-3 years) and are secured to the substrate with rebar. Manila clams are harvested by hand at low tide with rakes.

Oysters would be grown directly on the substrate, and off-bottom utilizing longline and/or surface/floating culture or tumble bag methods. Oysters may naturally set on the bed or may be seeded by hand or from a vessel. Shell may be spread for catching naturally recruiting larvae. Oysters may be transplanted during grow-out to fattening beds. Oyster beds may be harrowed

during grow-out to move the oysters back to the sediment surface. Oysters would be harvested by hand during low tide or by dredge after 3-4 years, depending on site conditions.

For the longline method, oysters are grown in clusters on rope lines suspended off the bottom (typically 3 feet or less) between upright stakes made of PVC or metal pipe. Typical pipe diameter is 1.5 inches. Longline rows are typically spaced between 2-3 feet and each 600 feet long. The lines are typically strung at low tide. The tumble bag method involves attaching a buoy and securing bags to a single horizontal rod held in place by rebar stakes driven into the substrate. The bags are filled with oyster seed and pivot on the rod and float, causing the oysters to tumble with the ebb and flow of the tide. Rows (up to 126 feet in length) of tumble bags are typically spaced 6-8 feet apart. The mesh size of tumble bags typically ranges from 1/8 to 3/8 inches.

There is no access to the site other than through native eelgrass beds. To minimize negative effects to eelgrass from vehicle and vessel operations: (a) Vehicles would access the site the minimum times necessary for successful cultivation activities no more than 20-25 times per year at this site; (b) use only standard vehicles, such as tractors with flotation tires or ATVs; (c) use only one vehicle at a time; (d) access the site where concentrations of eelgrass are lowest, and attempt to travel on the same path for repeated trips.

PURPOSE: Provide shellfish commercially cultivated in Willapa Bay for human consumption.

ADDITIONAL INFORMATION: The proposed permit would expire on December 31, 2036.

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 ordinary high-water mark/line of mean high water/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 wetland/waters are substantially inaccurate a new public notice may be published.

MITIGATION: None 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. This consultation has already occurred and led to the Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters. The applicant intends to comply with the terms and conditions of these Opinions.

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 Corps has determined that the proposed action will adversely affect designated EFH for federally managed fisheries in Washington waters. Measures to avoid and minimize these effects are incorporated in conservation measures in the Programmatic Biological Opinions cited above.

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 Danette.L.Guy@usace.army.mil. 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.

You may also now submit project specific comments to the Corps through the new Regulatory Request System (RRS) through this link: <https://rrs.usace.army.mil/rrs>; Click Public Notices and filter to Washington State to see all current Seattle District Public Notices, including this notice. You may submit your comments directly through this portal.

Conventional mail comments should be sent to:
U.S. Army Corps of Engineers, Regulatory Branch,
Attention: Danette Guy, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Heckes Clams Inc, NWS-2008-0487-AQ.

Encl: Figures (3)

Leadbetter Point State Park

Hines



Parcel: 79005003078
District Information

Owner: HECKES, JOHN P

Situs:

X

Oysterville Rd

Oysterville

103

Peninsula Hwy

I St

I St

N St

Vernon Ave

U St

Joe Johns Rd

Sandridge Rd

Nahcotta

103

Ocean Park

Bay Ave

Willapa Bay

NWS-2008-0487

Heckes Clams Inc/ John Heckes
Parcel #79005003078
Existing Shellfish Farm, Willapa Bay
Pacific County, WA
46.567, -124.019
22.78 acre parcel
17.5 acres of Manila Clams currently farmed & a possible
17.5 acres of Pacific Oyster ground cultch
17.5 acres of Pacific Oyster off bottom
4/21/2025

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TAXLOT 79005003078



79005001078

79005000007

79005010078

79005000011

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79005000012

79005000126

Reference:
NWS-2008-487

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Drawn to extent

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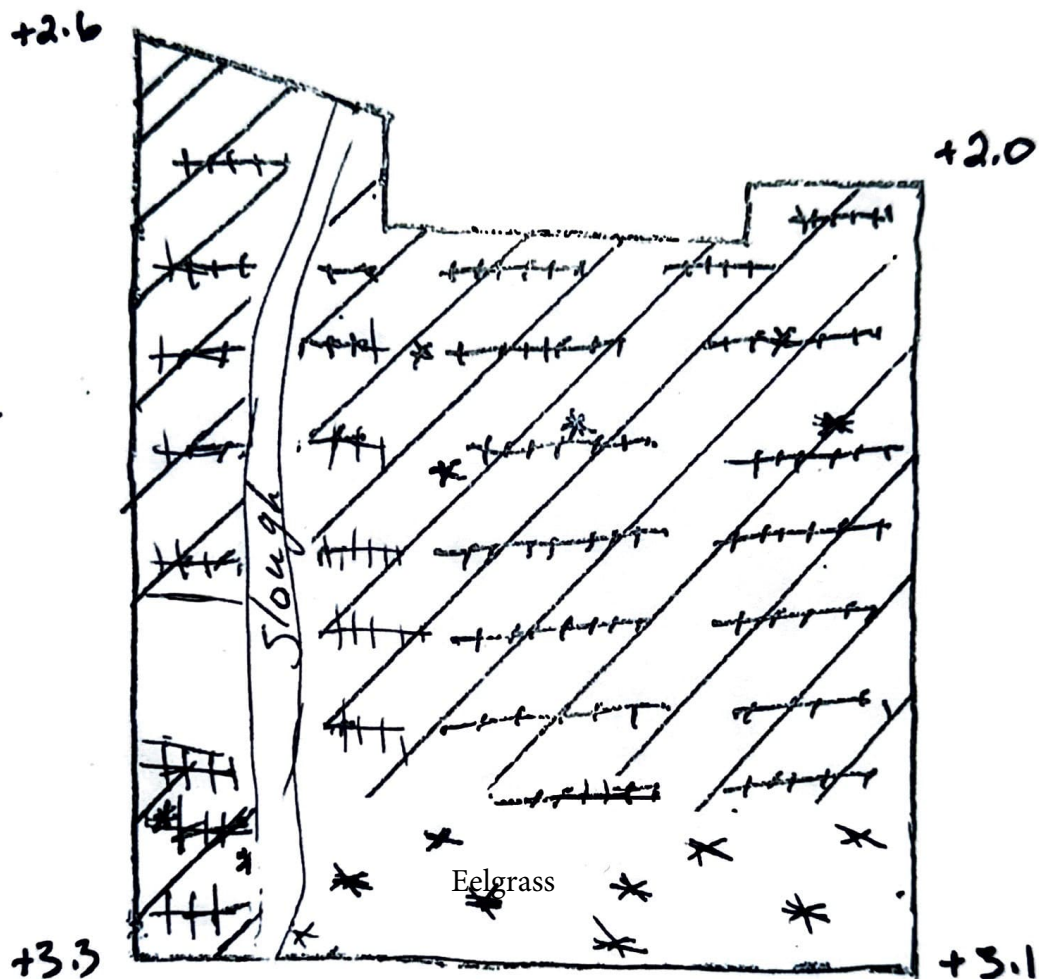
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