



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) 718-0335
ATTN: Kelsey Rogers,
Project Manager

Public Notice Date: April 18, 2025
Expiration Date: May 18, 2025

Reference No.: NWS-2020-969-AQ
Name: Skagit Bay Shellfish Farms
(Kings Lease)

Interested parties are hereby notified that a revised 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 February 12, 2025. The work was previously described in the Public Notice dated March 17, 2023. The revision consists of an increase in cultivation acreage.

APPLICANT: Trans Ocean Seafoods DBA Skagit Shellfish
Attention: Sebastian Santelices
15416 Produce Lane
Mount Vernon WA 98273
Telephone: (360) 961-1153

AGENT: Confluence Environmental Company
Attention: Kelly McDonald
146 North Canal Street, Suite 111
Seattle WA 98103
Telephone: (513) 967-8930

LOCATION: Skagit County tax parcels P15981, P15983, P15984, and P15989 in Skagit Bay near Conway, Washington.

WORK: Commercially cultivate Pacific oysters, Manila clams, and Eastern softshell clams on 362.4 total acres of Skagit Bay between tidal elevations -3.0 and +3.0 feet mean lower low water (MLLW). Seeding and harvesting would be done by hand. Oysters would be cultivated off-bottom in plastic mesh flip bags (164.2 acres) attached to 150-foot-long lines using reusable plastic or wire ties, with the lines spaced 6 feet apart. Manila clams would be cultivated on 25 acres of the native substrate and would be covered with predator exclusion netting anchored by metal rebar stakes. Natural-set Eastern softshell clams would be harvested by hand over an additional 173.2 acres.

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Site access would be by boat. Harvest would occur by hand every 1-3 years by foot via private upland lease or by boat, using a private boat launch on the South Fork of the Skagit River.

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

ADDITIONAL INFORMATION: An eelgrass survey was conducted of the cultivation area during the survey window in 2024 and found no native eelgrass (*Zostera marina*) within the farm boundaries. Patches of nonnative *Z. japonica* were identified at higher tidal elevations and green algae (*Ulva spp.*) were distributed throughout the site. The applicant is requesting a permit covering an 11-year period.

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/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: No compensatory 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). 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

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reference number as shown below. All e-mail comments should be sent to kelsey.n.blubaugh@usace.army.mil.

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: Kelsey Rogers, 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. Include the following name and reference number:

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Encl: Figures (3)



APPLICANT:
Sebastian Santelices
Trans Ocean DBA Skagit Shellfish

PROJECT:
Skagit Bay Shellfish Aquaculture North

PERMIT:
NWS-2020-969-AQ; Kings Lease

LAT/LONG:
48.325880 N, -122.438245 W





*The area under Manila clam culture may shift in location within the parcel, but only up to 25 acres would be actively farmed at a given time.

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