



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

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
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 764-6904
ATTN: Pamela Sanguinetti,
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: December 3, 2018

Expiration Date: January 11, 2019

Reference No.: NWS-2007-1213

Name: Jamestown S'Klallam Tribe

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated November 28, 2018.

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: Jamestown S'Klallam Tribe
Attention: Ron Allen, Chair
1033 Old Blyn Highway
Sequim, Washington 98382
Telephone: (360) 681-4656

AGENT: Ms. Elizabeth Tobin
Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, Washington 98382
Telephone: (360) 681-4656

LOCATION: In Dungeness Bay on tidelands within Dungeness National Wildlife Refuge near Sequim, Clallam County, Washington

WORK: Cultivate 34 acres of Pacific oysters using on-bottom bag culture and on-bottom loose culture methods.

PURPOSE: To install a commercial shellfish aquaculture operation for cultivation of oysters within the Jamestown S'Klallam Tribe's cultural lands and historic shellfish harvesting areas, which includes Dungeness and Sequim Bays.

ADDITIONAL INFORMATION: The proposed work would occur on tidelands of the second class conveyed by the State of Washington as permanent easement to the U.S. Fish and Wildlife Service. The applicant has a 50 acre

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lease from Washington State Department of Natural Resources to cultivate shellfish. The area has historically been subject to previous types of oyster cultivation.

The proposed work is to cultivate 34 acres of Pacific oysters using two on-bottom methods: mesh bag culture and loose culture. Up to 20 acres would be used, in rotation, to grow oysters in 2 by 3 feet mesh bags. The bags would be secured to a line and the line is secured to the substrate using screw anchors. The lines would be spaced 10 feet apart. Oysters would typically grow out for 14-15 months in the bags, and are then spread out onto the beach. The on-bottom beach method entails spreading the oysters directly onto the substrate. Harvest is done by hand by collecting and placing the oysters into oyster harvest bags. The bags are then lifted onto a marine vessel. Cultivation would occur between the +4-foot and -1-foot tidal elevations (mean lower low water).

Installation of the oyster bag lines would occur in three phases: Phase 1 (Years 1 & 2) would establish 5 acres of bottom-bag culture at a bag density of up to 4000 bags/acre or a total of 20,000 bags. Phase 2 (Years 2 to 5) would increase the on-bottom bag oyster cultivation to 10,000 acres. Phase 3 (Years 5 and beyond) may increase the on-bottom cultivation up to a maximum of 20 acres, in rotation depending on the outcomes of the cultivation, for up to 80,000 bags.

Work is proposed to avoid native eelgrass by establishing a minimum buffer set-back for all cultivation activities. Access to the project site would be by vessel.

MITIGATION: No compensatory mitigation is proposed. The project has proposed to avoid work in native eelgrass and forage fish spawning areas.

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. A historic properties investigation has been conducted within the permit area. No historic properties determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. The Corps invites responses to this public notice from Native American Tribes 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 Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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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 – 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 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.

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 certification for the proposed project.

ADDITIONAL EVALUATION:

This proposal is the subject of Shorelines Substantial Development Permit No. SH2017-00011, being processed by Clallam County.

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 pamela.sanguinetti@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Pamela Sanguinetti, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will

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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.

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: Jamestown S’Klallam Tribe; NWS-2007-1213

Encl: Figures (6)

REFERENCE: NWS- 2007-1213	LOCATION: Dungeness Spit Parcel No. 20-A013012	PROPOSED PROJECT: Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm
APPLICANT: Jamestown S'Klallam Tribe	LAT/LONG: 48.02465N 123.004031W	IN: Dungeness Bay NEAR/AT: Sequim COUNTY: Clallam STATE: WA
ADJACENT PROPERTY OWNERS: 1. DNR 2. USFWS	PAGE # <u>1</u> OF # 6 DATE: 11/28/2018	

Project Drawings for Shellfish Aquaculture Location and Methods in Dungeness Bay

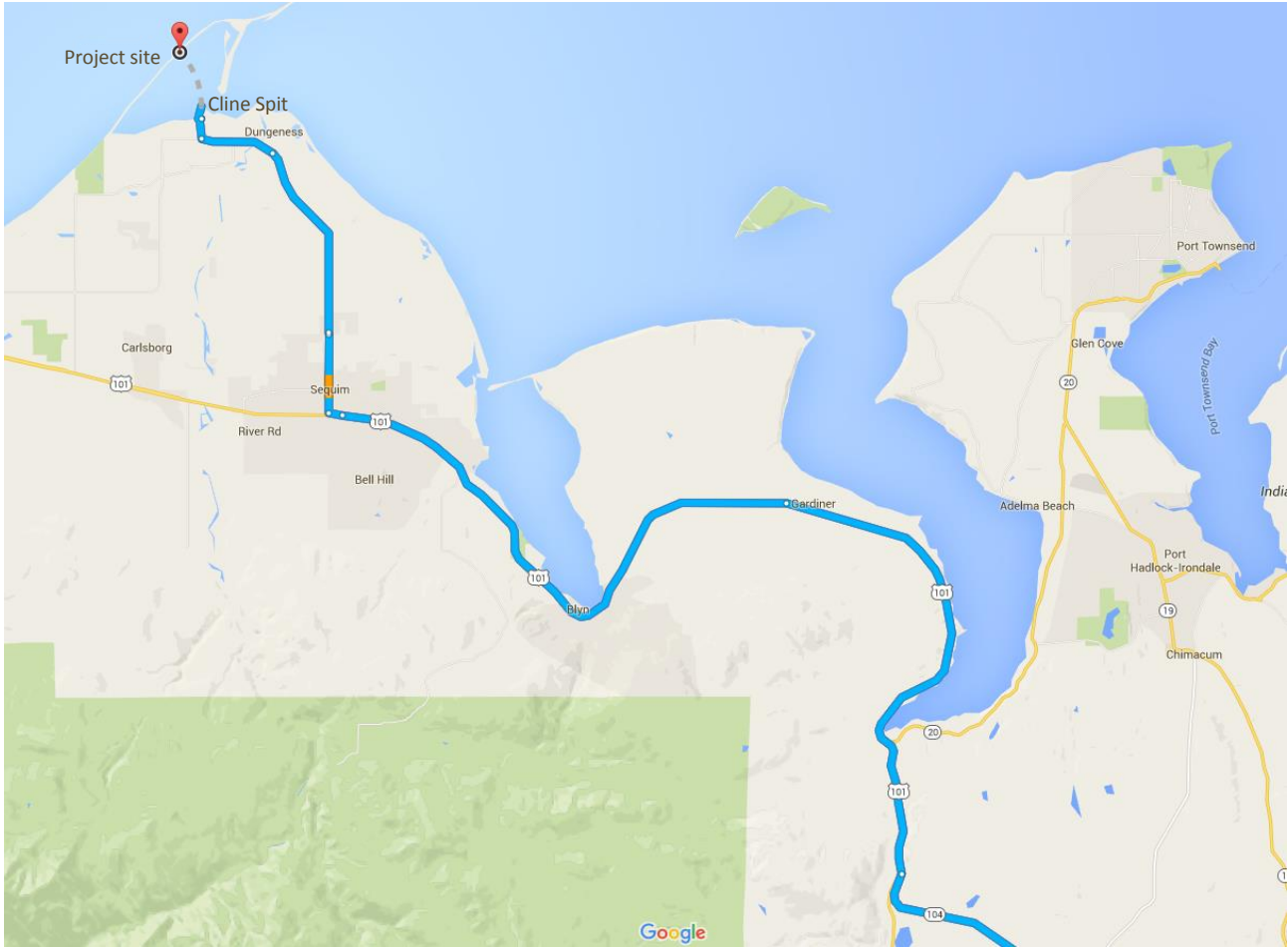
Project Vicinity Map



Project site location within Western Washington

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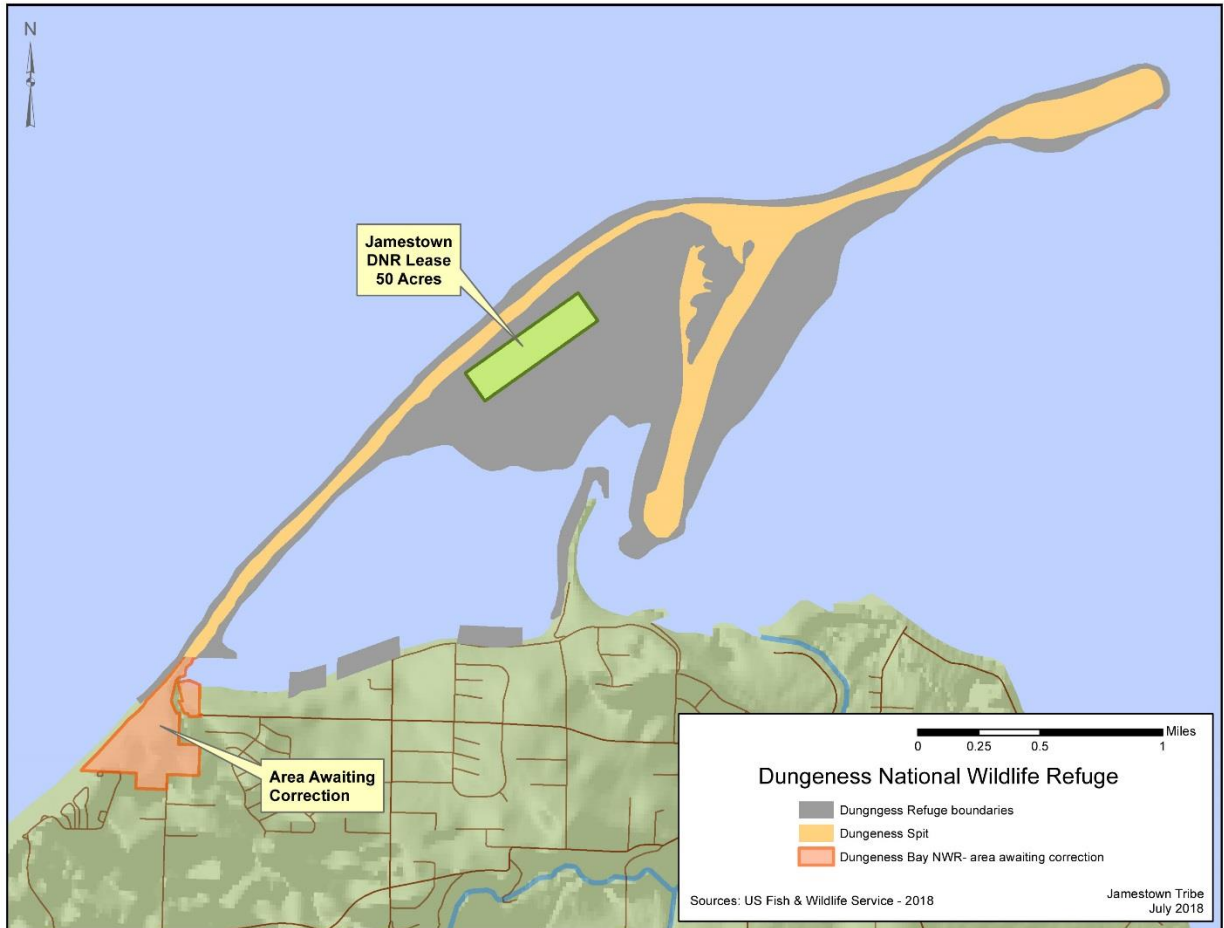
Directions to Project Site



Directions to project site from U.S. Highway 101 northbound:
 Take Sequim-Dungeness Way to Clark Rd.
 Follow Clark Rd to Cline Spit Rd.
 The project site is accessed by boat from the Cline Spit boat ramp.

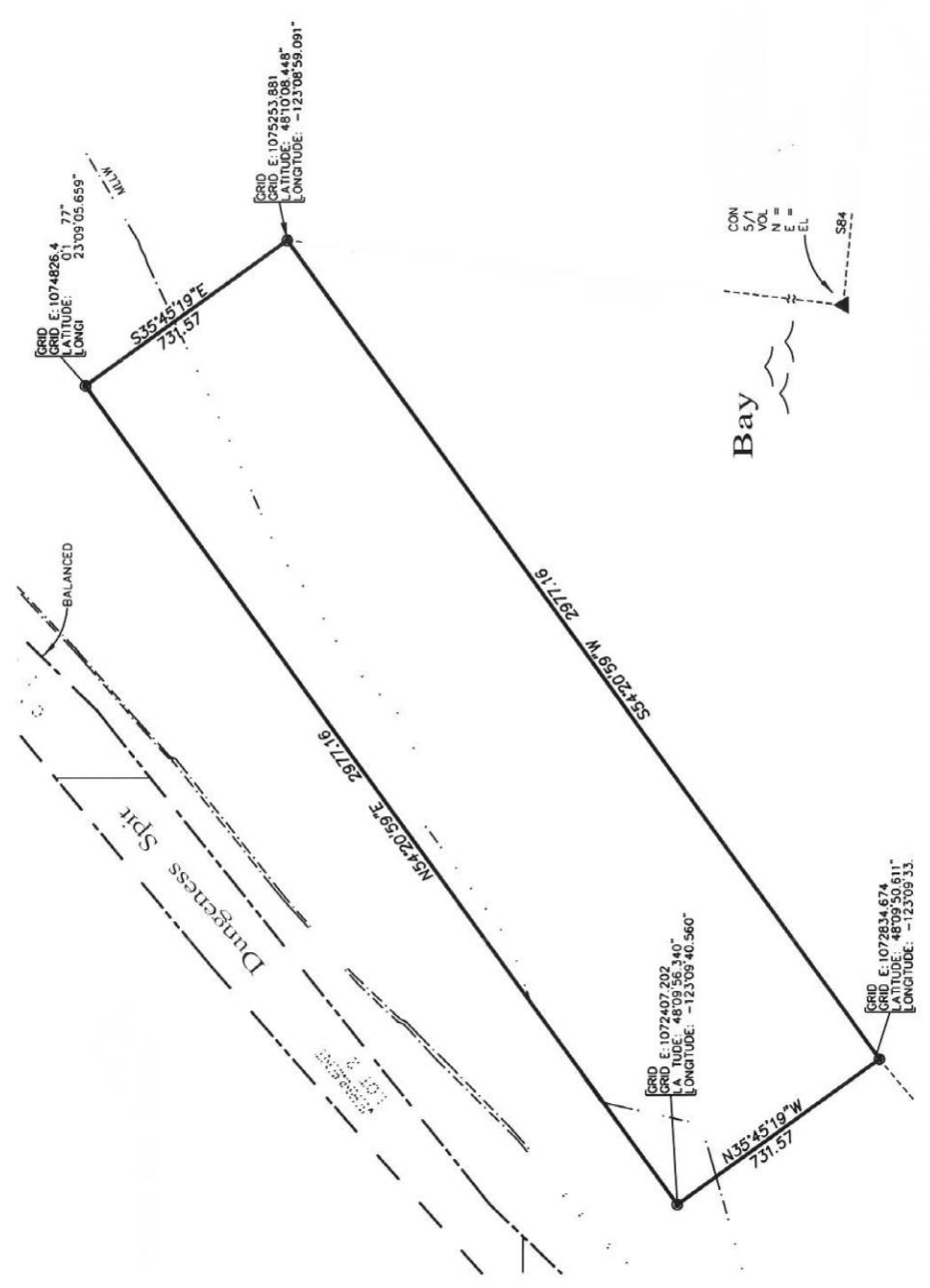
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Project Site Location



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Parcel Boundaries



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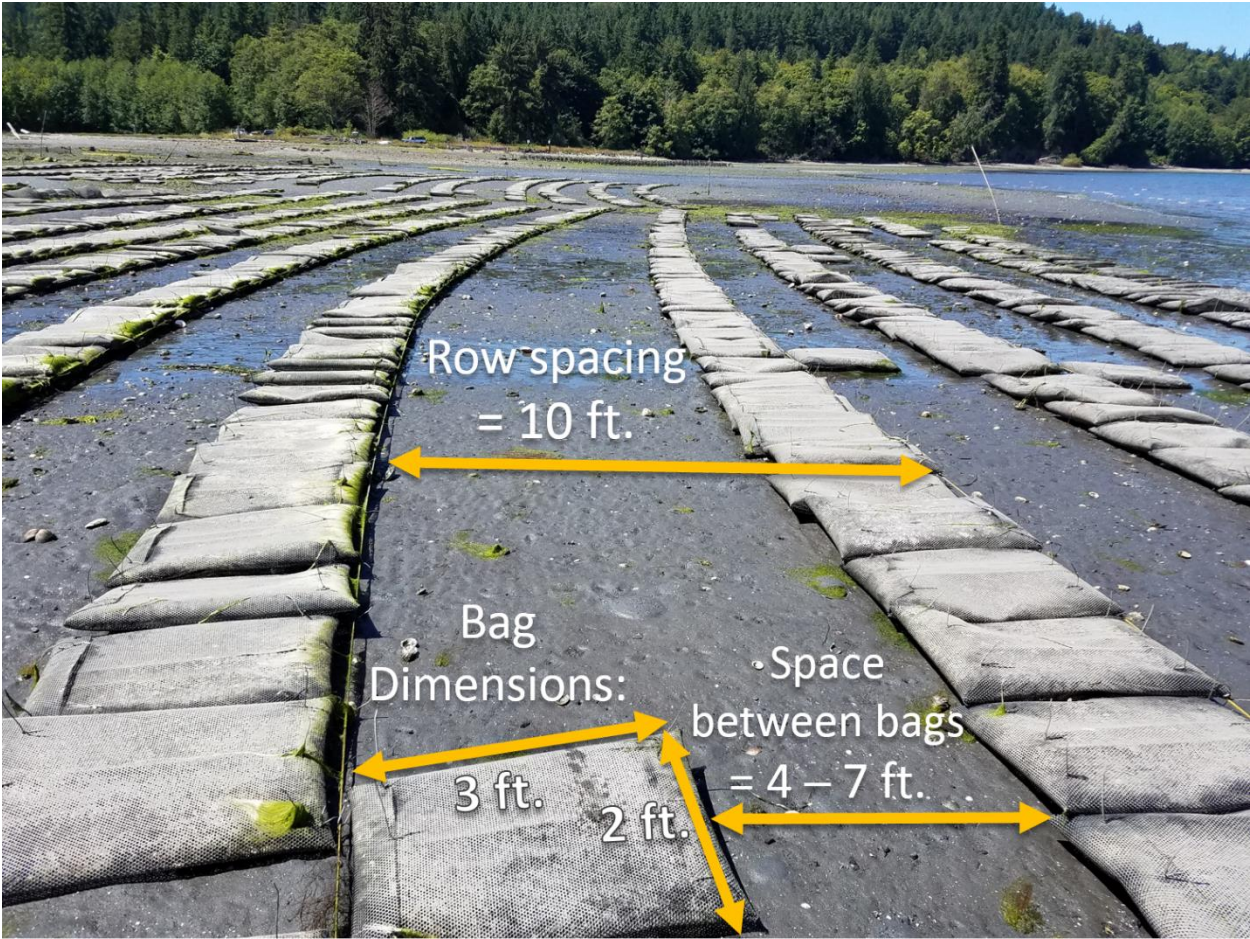
Project Cultivation Map



Project map showing the eelgrass conservation area (16 acres) and the shellfish cultivation area (34 acres) within the 50 acre lease parcel. The eelgrass cultivation area was determined by placing a minimum 25ft buffer around eelgrass patches with density of ≥ 3 shoot per m^2 . Upper and lower tidal elevations of Pacific oyster cultivation will occur between +4 ft. to -1ft. MLLW. In years 1 & 2 of project operation, only 5 acres of the 34 acre shellfish cultivation area will be designated for on-bottom bag cultivation.

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On-Bottom Bag Cultivation



Bag dimensions and spacing of on-bottom bag cultivation.