



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

US Army Corps of Engineers

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (701) 255-0015, X2013
ATTN: Benjamin Reile,
Project Manager

Public Notice Date: June 30, 2021

Expiration Date: July 15, 2021

Reference No.: NWS-2020-508-AQ

Name: Wiegardt Willapa Bay
Shellfish Farm

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to continue performing work in waters of the U.S. as described below and shown on the enclosed drawings dated November 12, 2020.

The Washington Department of Ecology has issued a section 401 Water Quality Certification on 12 March 2021.

APPLICANT: Wiegardt & Sons, Inc.

Attention: Mr. Ken Wiegardt
Post Office Box 309
Ocean Park, Washington 98640
Telephone: (360) 244-3099

AGENT: K&L Gates LLP

Attention: Mr. Robert M. Smith
925 Fourth Avenue, Suite 2900
Seattle, Washington 98104
Telephone: (206) 370-5743

LOCATION: The project site is located on tidelands within Willapa Bay adjacent to 21420 Sandridge Road, near Nahcotta, Pacific County, Washington.

WORK: Continue a commercial shellfish aquaculture operation on 312 acres of Pacific County tax parcels 79004000077, 79004000097, 79004003004, 79004003005, 79004000051, 79004003073, 79004000006, 79004003075, 79004003076, 79004000091, 79004000074, 79004001075, 79004000004 and 11110355325. This includes 106 acres of on-bottom Manila clam culture, 156 acres of on-bottom oyster culture, and 50 acres of suspended oyster flip bag culture.

Manila clams are produced through natural recruitment. Harvest occurs by hand at low tide. Harvest occurs every 2 to 4 years depending on clam density and growth. Clam beds are maintained by a light frosting of gravel that is washed twice by the supplier. Frosting will occur every 3 to 5 years. On-bottom oysters are produced through both natural recruitment and hatchery produced seed. For natural recruitment the bed is lightly frosted with clean oyster shell that has been aged for a minimum of 90 days. Frosting typically happens in July/August and will occur every 3 to 5 years when oyster larvae are present in the water column and mature oysters have been previously removed from the bed. Hatchery produced seed is also planted after the mature oysters have been removed. Oysters are harvested every 2 to 5 years depending on oyster density and growth. All oyster harvest is done at low tide by

hand. Suspended oyster flip bags consist of longlines that are 120 feet long with anchor lines at either end and supporting posts every 6 feet. Each row is spaced 6 feet apart. One block consists of up to 25 rows. Blocks are spaced a minimum of 50 feet from each other. The anchor lines consist of $\frac{1}{2}$ " nylon ropes with a 4"x4"x $\frac{1}{4}$ " piece of plastic sunk 2 feet into the ground. The anchor lines are used to maintain line tension. The supporting posts are made of schedule 80, 1 $\frac{1}{4}$ " PVC. Lines between the posts are $\frac{1}{4}$ " Samson Amsteel. Longlines can be 1 foot to 4 feet in elevation above the ground. Longlines hold bags with floats. The bags are made from $\frac{1}{4}$ " and 3/8" VEXAR mesh and are approximately 2 feet by 3 feet. Bags are attached to the line using plastic zip-ties. Bags attached to the longlines have a small crab float attached to them opposite of the attachment to the long line. Floats are attached to the bag using thin polypropylene line and plastic clips.

All cultivation activities will occur between tidal elevations +3.0 and -1.0 feet (mean lower low water = 0). Access will be by boat/barge and will not occur across adjacent uplands.

PURPOSE: To provide commercially farmed shellfish in Willapa Bay for human consumption.

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 the Corps 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.

A Department of the Army permit for the proposed project, if issued, would authorize the proposed commercial shellfish activities at this site over a 10-year period.

The location of the high tide line (upper limit of the Corps' jurisdiction) is well landward of the +3.0 tideline shown on the project drawings and has not been verified by the U.S. Army Corps of Engineers (Corps). All the applicant's proposed work would occur waterward of the +3.0 tideline.

Scattered eelgrass is present in the project area.

MITIGATION: The applicant did not propose mitigation for unavoidable impacts to the aquatic environment.

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. There are no recorded historic properties within the permit area. The nature, scope, and magnitude of the work to be permitted is such that there is little likelihood that an historic property exists or may be affected. 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 – 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.

ADDITIONAL EVALUATION: This proposal will be the subject of a Shorelines Substantial Development Permit processed by Pacific 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.

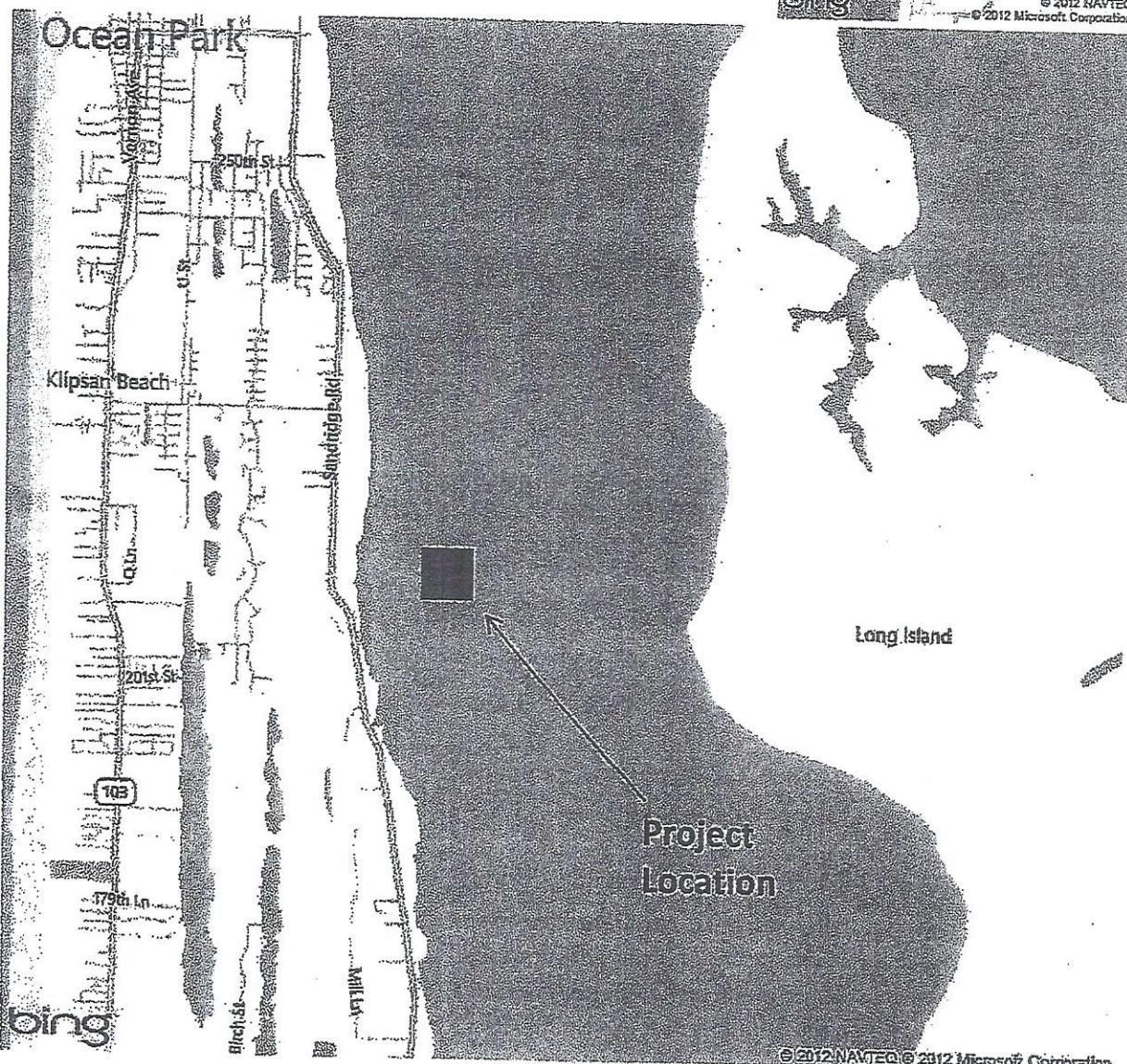
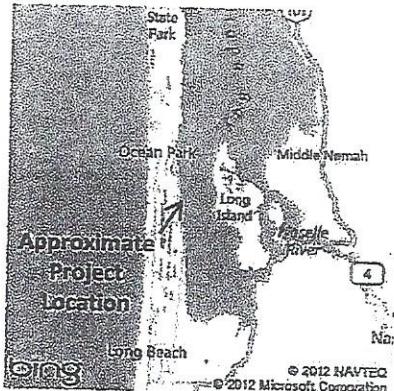
NWS-2020-508, Wiegardt Willapa Bay Shellfish Farm

CORPS COMMENTS: All e-mail comments should be sent to jonathan.smith@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Benjamin Reile, P.O. Box 3755, Seattle, Washington 98124-3755. 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.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Wiegardt Willapa Bay Shellfish Farm, NWS-2020-508.

Encl: Figures (3)

Vicinity Map



Reference: NWS-2020-502

Waterbody: Willapa Bay

County: Pacific

Location: 300 feet offshore, south of Nahcotta

Latitude/Longitude: 46.457 N, 124.01848 W

Applicant: Wiegardt & Sons, Inc.

Project Description: Existing 312-acre shellfish farm

State: Washington

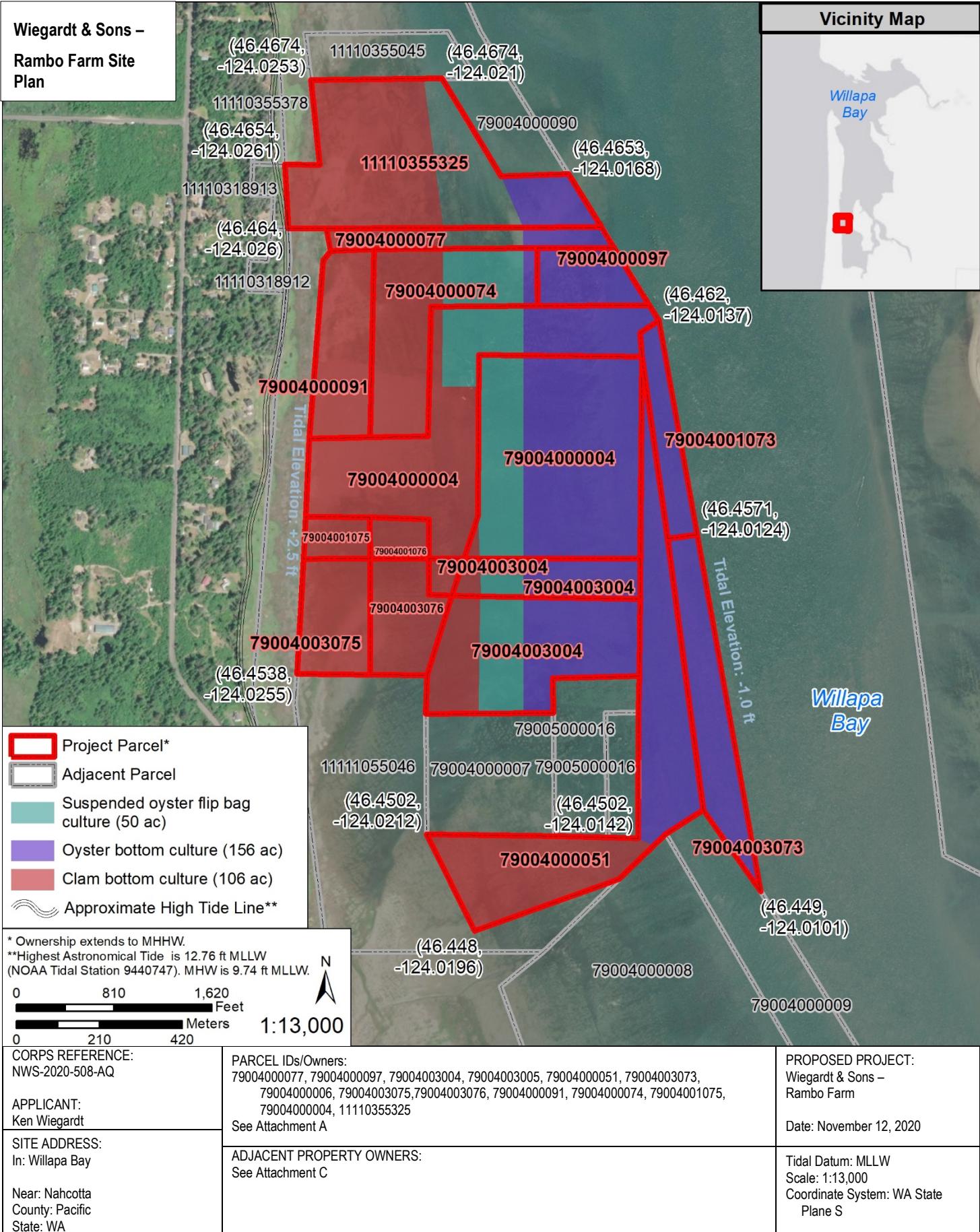
Date: 11/13/2020

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**Wiegardt & Sons –
Rambo Farm Site
Plan**

Vicinity Map

Willapa
Bay





Suspended oyster shell bags

Reference: NWS-2020-502

Waterbody: Willapa Bay

County: Pacific

Location: 300 feet offshore, south of Nahcotta

Latitude/Longitude: 46.457 N, -124.01848

Applicant: Wiegardt & Sons, Inc.

Project Description: Existing 312-acre shellfish farm

State: Washington

Date: 11/13/2020