



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 30, 2021

Reference No.: NWS-2020-560-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 17 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, near Oysterville, Pacific County, Washington. Adjacent upland property is Leadbetter State Park and four parcels owned by Leadbetter Farms LLC. Traveling east on Highway 101 from Holman, turn left onto Sandridge Rd. Continue on Sandridge Rd. until Oysterville, Turn left on Oysterville Rd., then right onto Stackpole Rd. Continue several miles to project vicinity.

WORK: Continue a commercial shellfish aquaculture on tidelands within Willapa Bay, on parcel numbers 79005000202, 13112155066, 13112255067, 79005000108, 79005000004, 79005000093, 79005000094, 79005000116, 79005000127, 79005000136, 79005000147, 79005000228, 79005000232, 79005000236, 79005001231, 79005003003, 79005003079, and 79005003092, near Ocean Park, Pacific County, Washington; Section 15, 16, 21, 22, and 27, Township 13N, Range 11W; WRIA 24, Willapa Bay Watershed. This project proposes to continue operation on 359 acres of bottom Manila clam culture, 218 acres of on bottom oyster culture, and 20 acres suspended oyster flip bag culture.

The project was previously approved by the Army Corps of Engineers pursuant to a Nationwide Permit 48 approval in 2017. The permits previously issued to Wiegardt and Warren Cowell authorize 359 acres of bottom Manila clam culture, 218 acres of on bottom oyster culture, and 20 acres suspended oyster flip bag culture. Wiegardt acquired

the parcels previously cultivated by Warren Cowell under permit number NWS-2007-1486 in 2019. As compared to the site plans approved pursuant to the 2017 permits, Wiegardt has made the following modifications:

- (1) NWS-2010-00238 approved both oyster rack-and-bag culture and oyster bottom culture. Wiegardt has removed the rack-and-bag culture and the entire area is currently only oyster bottom culture.
- (2) NWS-2010-00230 approved 20 acres of oyster flip bag culture. Currently only one acre of flip bag culture is planted and Wiegardt plans to expand to a total of 10 acres of flip bag culture. The remaining 10 acres will be cultivated with Manila clam ground culture.

Manila clams are produced through natural recruitment. Harvest occurs by hand at low tide. Harvest will occur 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. See attached pictures. On bottom oysters are produced through hatchery-produced seed. Hatchery-produced seed is planted after the mature oysters have been removed. Oysters are harvested every 1 to 3 years depending on oyster density and growth. 77 acres are dredge harvested each year. Dredge harvest occurs by use of a harvest bag that is lowered from a boat by boom crane or hydraulic winch at high tide and pulled along the bottom to scoop up or 'dredge' the oysters. The dredge bags have a leading edge (blade) consisting of a steel frame with teeth and a steel mesh collection bag attached to the frame. As the dredge bags are towed across the substrate, the oysters are loosened and guided into the bags. The bag is then hoisted onto the boat deck, emptied, and then redeployed. Dredge equipment can typically be adjusted so that the correct depth is dredged as tide levels change. Hand harvest at low tide also occurs. Suspended oyster flip bags consist of longlines that are 120 feet long with anchor lines at either end with 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 two ½" nylon ropes with a 4"x4"x1/4" 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 ¼" PVC. Lines between the posts are ¼" 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 ¼" 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. Monthly visits along with visits after high wind events are made to check condition of oysters and gear. Harvest is done by removing the bags from the longlines and sorting/washing/packing the oysters at an upland location.

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.

Sand/Mud substrate. Scattered patches of both native and invasive eelgrass.

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.

NWS-2020-560, Wiegardt Willapa Bay Shellfish Farm

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.

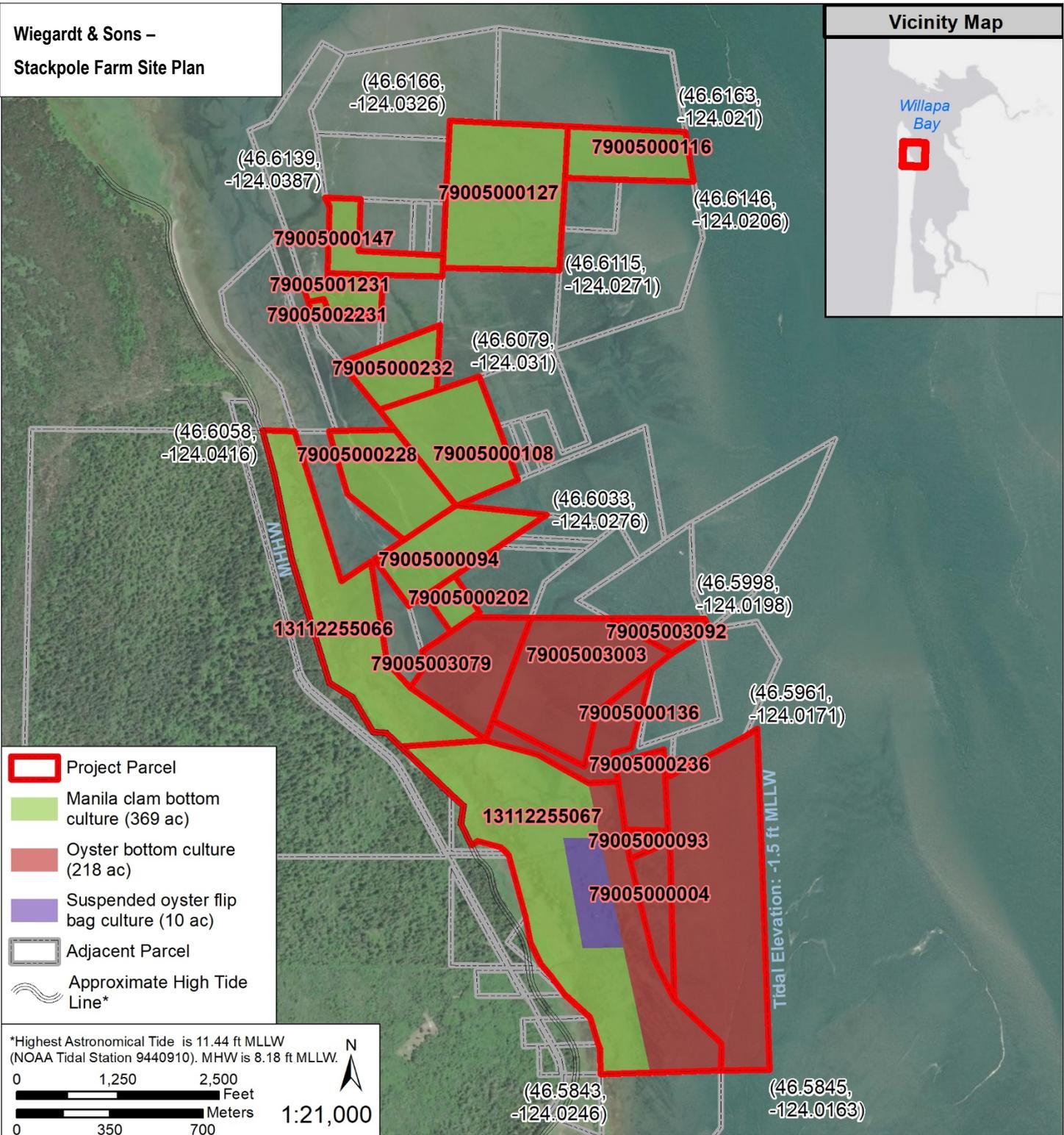
CORPS COMMENTS: All e-mail comments should be sent to jonathan.smith@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Benjamin Reile, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative 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-2020-560.

Encl: Figures (2)

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

Vicinity Map



- Project Parcel
- Manila clam bottom culture (369 ac)
- Oyster bottom culture (218 ac)
- Suspended oyster flip bag culture (10 ac)
- Adjacent Parcel
- Approximate High Tide Line*

*Highest Astronomical Tide is 11.44 ft MLLW (NOAA Tidal Station 9440910). MHW is 8.18 ft MLLW.

0 1,250 2,500 Feet

0 350 700 Meters

1:21,000

CORPS REFERENCE:
NWS-2020-560-AQ

APPLICANT:
Ken Wiegardt

SITE ADDRESS:
In: Willapa Bay

Near: Oysterville
County: Pacific
State: WA

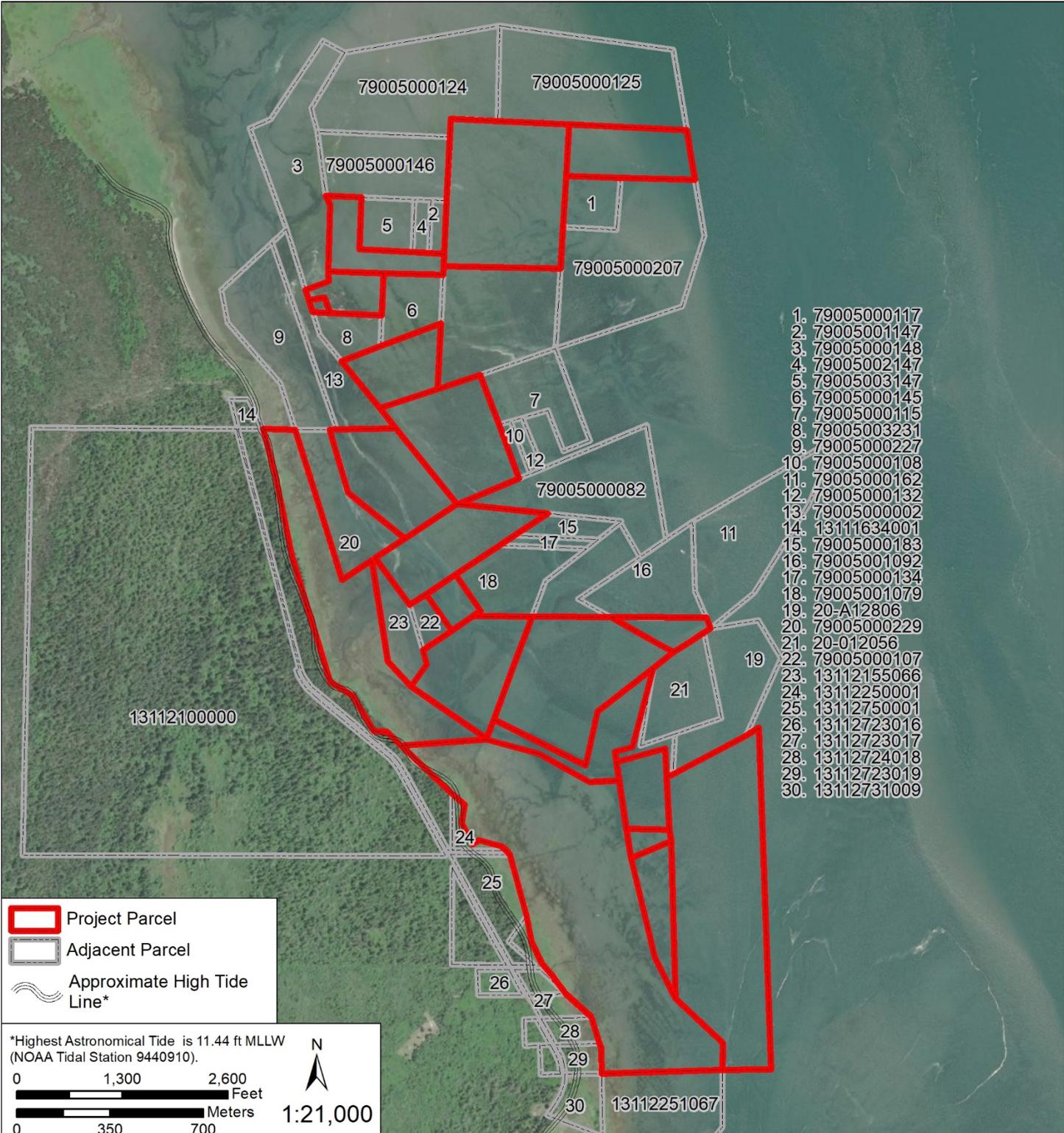
PARCEL IDs/Owners:
79005000202, 13112155066, 13112255067, 79005000108, 79005000004, 79005000093,
79005000094, 79005000116, 79005000127, 79005000136, 79005000147, 79005000228,
79005000232, 79005000236, 79005001231, 79005003003, 79005003079, 79005003092

Owner: Ken Wiegardt

ADJACENT PROPERTY OWNERS:
See Appendix C

PROPOSED PROJECT:
Wiegardt & Sons –
Stackpole Farm
Sheet 1 of 9
Date: November 12, 2020

Tidal Datum: MLLW
Scale: 1:21,000
Coordinate System: WA State
Plane S



1. 79005000117
2. 79005001147
3. 79005000148
4. 79005002147
5. 79005003147
6. 79005000145
7. 79005000115
8. 79005003231
9. 79005000227
10. 79005000108
11. 79005000162
12. 79005000132
13. 79005000002
14. 13111634001
15. 79005000183
16. 79005001092
17. 79005000134
18. 79005001079
19. 20-A12806
20. 79005000229
21. 20-012056
22. 79005000107
23. 13112155066
24. 13112250001
25. 13112750001
26. 13112723016
27. 13112723017
28. 13112724018
29. 13112723019
30. 13112731009

 Project Parcel
 Adjacent Parcel
 Approximate High Tide Line*

*Highest Astronomical Tide is 11.44 ft MLLW (NOAA Tidal Station 9440910).



1:21,000

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 Ken Wiegardt

ADJACENT PROPERTY OWNERS:
 See Appendix C

PROPOSED PROJECT:
 Wiegardt & Sons –
 Stackpole Farm: Adjacent Parcels
 Sheet 3 of 3
 Date: November 9, 2020

Tidal Datum: MLLW
 Scale: 1:21,000
 Coordinate System: WA State
 Plane S