



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:** July 9, 2021  
**Expiration Date:** July 26, 2021

**Reference No.:** NWS-2020-631-AQ  
**Name:** Wiegardt Willapa Bay Smoky  
Shellfish Farm

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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 and a Coastal Zone Management Consistency Determination on 17 May 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 in Willapa Bay, Pacific County, Washington. Tidelands of Willapa Bay. Closest town is Ocean Park, Washington. From Holman, take Highway 101 North 9.5 miles to project vicinity. Project is located on tidelands next to Long Island and is not accessible by road.

**WORK:** The project site is located on tidelands within Willapa Bay on parcel number 79004000064; 79004000079, near Ocean Park, Pacific County, Washington; Section 11, 13, 14, and 24, Township 11N, Range 11W; WRIA 24, Willapa Watershed. Proposes to continue to cultivate 78 acres of on bottom oyster culture and 2 acres of fallow shellfish culture. On bottom oysters are produced through both natural recruitment and hatchery-produced seed. For natural recruitment, the bed will be lightly frosted with clean oyster shell that has been aged for a minimum of 90 days.

The project was previously approved by the Corps pursuant to a Nationwide Permit 48 approval in 2017. Wiegardt to continue operation on 78 acres of on bottom oyster culture and 2 acres of fallow shellfish culture. On bottom oysters are produced through both natural recruitment and hatchery-produced seed. For natural recruitment, the bed will be lightly frosted with clean oyster shell that has been aged for a minimum of 90 days. Frosting will occur

NWS-2020-631, Wiegardt Willapa Bay Smoky Shellfish Farm

when there are oyster larvae present in the water column and mature oysters have been previously removed from the bed. Frosting typically happens in July/August. Frosting with oyster shell will occur every 3 to 5 years. Hatchery produced seed is planted after the mature oysters have been removed. Oysters are harvested every 2 to 5 years depending on oyster density and growth. Oyster harvest will either be done by dredge at high tide or by hand at low tide. Approximately 10 acres per year are currently harvested by dredge

**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).

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.

**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.

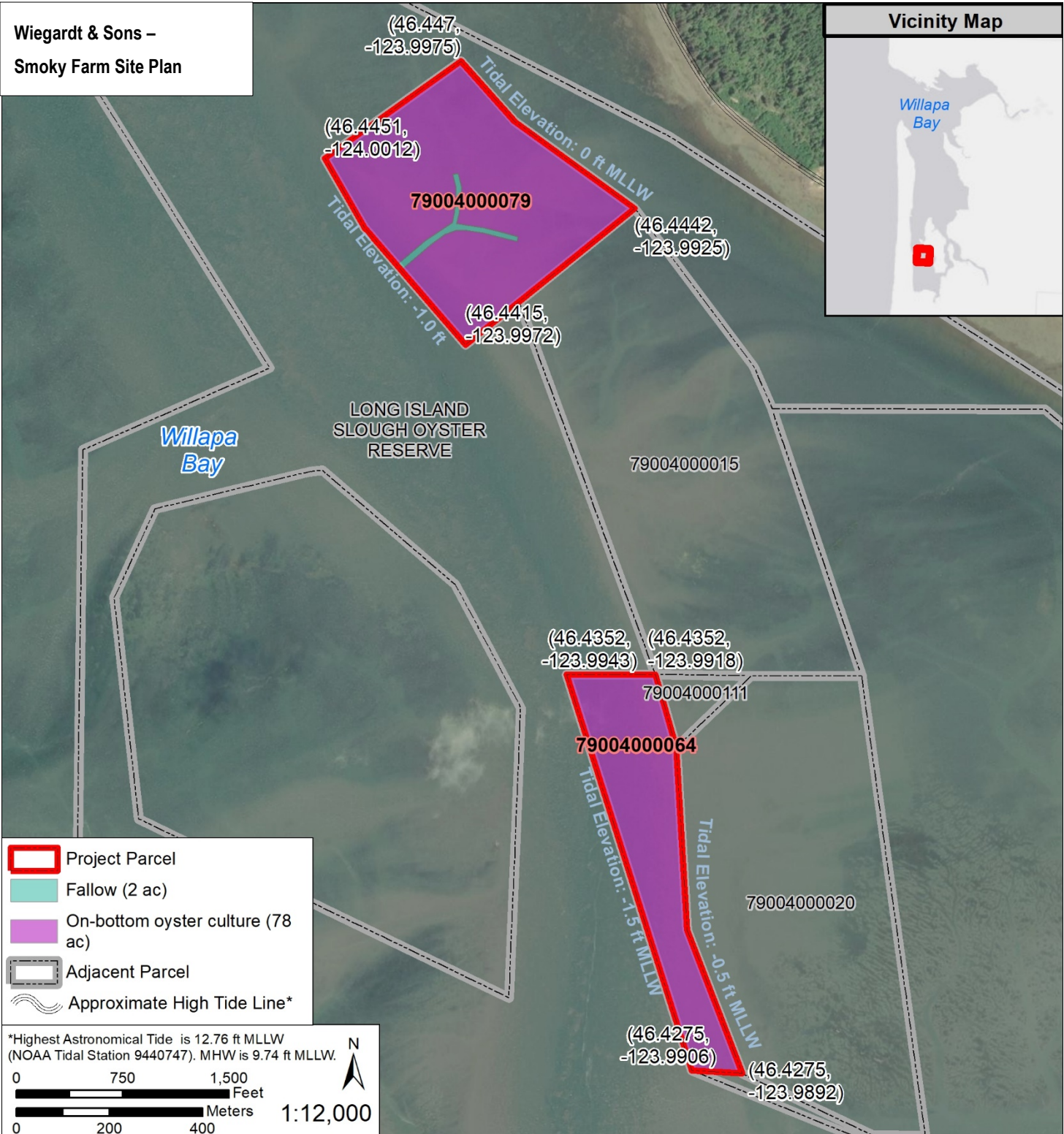
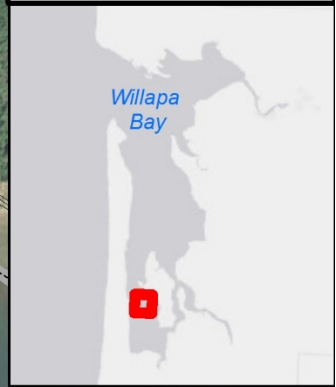
**CORPS COMMENTS:** All e-mail comments should be sent to Benjamin.d.reile@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Benjamin Reile, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of 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 Smoky Shellfish Farm, NWS-2020-631.

Encl: Figures (1)

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

**Vicinity Map**



- Project Parcel
- Fallow (2 ac)
- On-bottom oyster culture (78 ac)
- Adjacent Parcel
- Approximate High Tide Line\*

\*Highest Astronomical Tide is 12.76 ft MLLW (NOAA Tidal Station 9440747). MHW is 9.74 ft MLLW.

0 750 1,500 Feet  
0 200 400 Meters

N  
**1:12,000**

CORPS REFERENCE:  
NWS-2020-631-AQ

PARCEL IDs/Owners:  
79004000064, 79004000079/ Ken Wiegardt

PROPOSED PROJECT:  
Wiegardt & Sons –  
Smoky Farm

APPLICANT:  
Ken Wiegardt

ADJACENT PROPERTY OWNERS:  
Long Island Oyster Reserve/ WA Dept of Natural Resources  
79004000020, 79004000111/ Coast Seafoods Co  
79004000015/ Taylor Resources Inc

Sheet 1 of 6  
Date: November 12, 2020

SITE ADDRESS:  
In: Willapa Bay  
  
Near: Nahcotta  
County: Pacific  
State: WA

Tidal Datum: MLLW  
Scale: 1:12,000  
Coordinate System: WA State  
Plane S