



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, Building 1202
Seattle, WA 98134-2388
Telephone: (206) 427-0732
ATTN: Rory Lee,
Project Manager

Public Notice Date: March 17, 2023

Expiration Date: March 31, 2023

Reference No.: NWS-2020-00969-AQ

Name: Skagit Bay Shellfish Farm (King)

Interested parties are hereby notified that an 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 May 11, 2021.

APPLICANT: Skagit Bay Shellfish Farms
Attention: Sebastian Santelices
13239 #2 South Young Road
Mount Vernon, WA 98273
Telephone: (360) 961-7715

AGENT: Flying Tide Consulting
Attention: Natalie Sahli
522 Edison Street
Olympia, WA 98501
Telephone: (360) 209-3029

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

WORK: Commercially cultivate Pacific oysters, Manila clams, and Eastern softshell clams on 291 acres of Skagit Bay between tidal elevations -2.0 feet and +3.0 feet (mean lower low water). Seeding and harvesting will be by hand. Oysters will be cultivated in plastic mesh flip bags attached to racks, stakes, or lines using reusable plastic or wire ties. Clams will be cultivated on the substrate and may be covered up to 6 months after planting by predator exclusion netting anchored by metal rebar stakes. Site access will be by boat and on-foot from adjacent uplands. Harvest will occur every year via boat and private boat launch.

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

ADDITIONAL INFORMATION: All activities will take place more than 25 feet from native *Zostera marina*. Non-native *Z. japonica* is present on the site in dense patches. During the summer, dense mats of free-floating green macro-algae, *Enteromorpha*, are present at the site. An eelgrass survey was conducted of the proposed cultivation area during the survey window in 2020. The applicant is requesting a permit covering a 10-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 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 wetland/waters are substantially inaccurate a new public notice may be published.

MITIGATION: None 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.

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 determined that a Section 401 (Clean Water Act) Water Quality Certification, and a Coastal Zone Management Act Consistency Determination are not required.

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 reference number as shown below. All e-mail comments should be sent to Rory.W.Lee@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, 4735 E. Marginal Way S, Building 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. Please include the following name and reference number:

Skagit Bay Shellfish Farms, NWS-2020-00969-AQ

Encl: Figures (5)

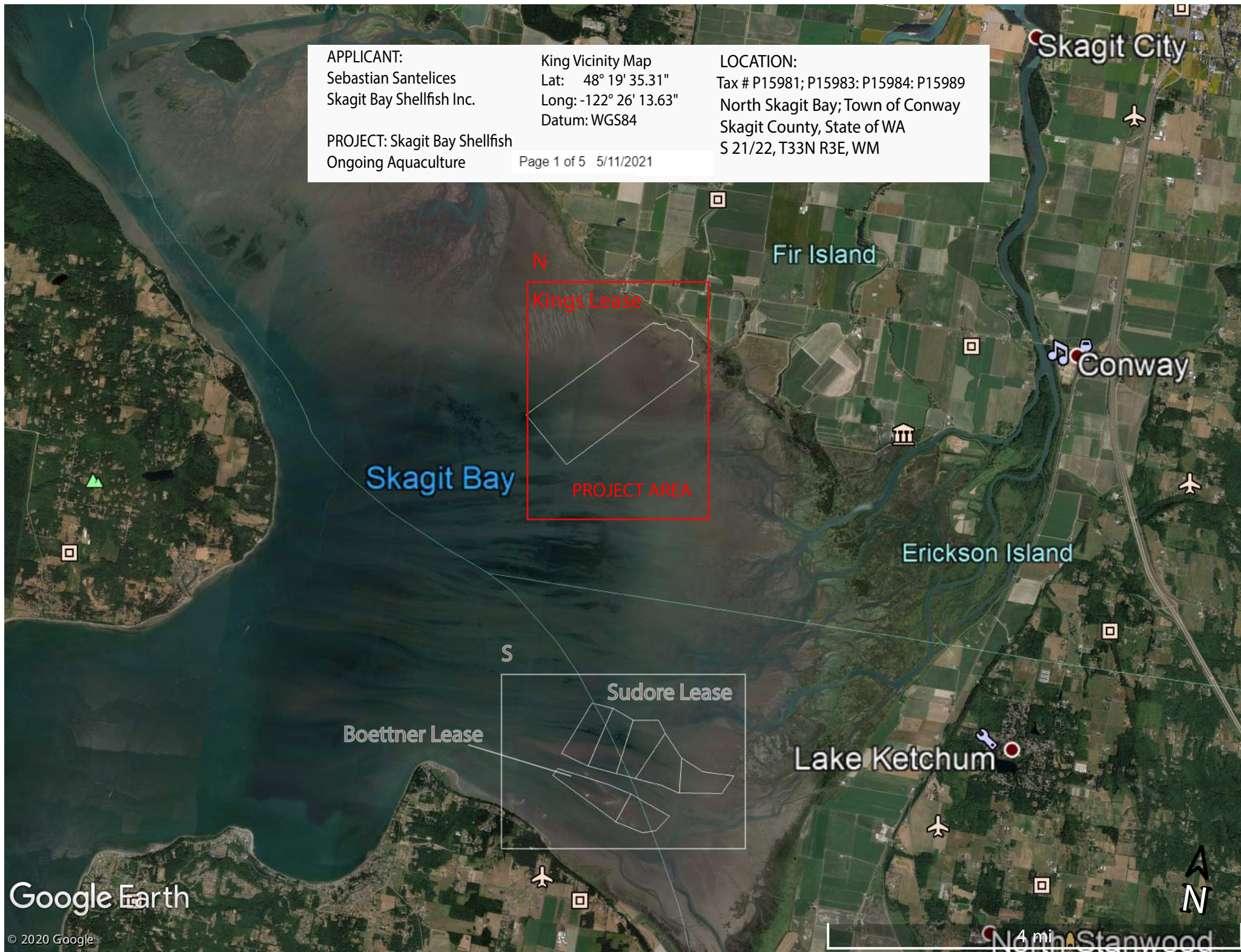
APPLICANT:
Sebastian Santelices
Skagit Bay Shellfish Inc.

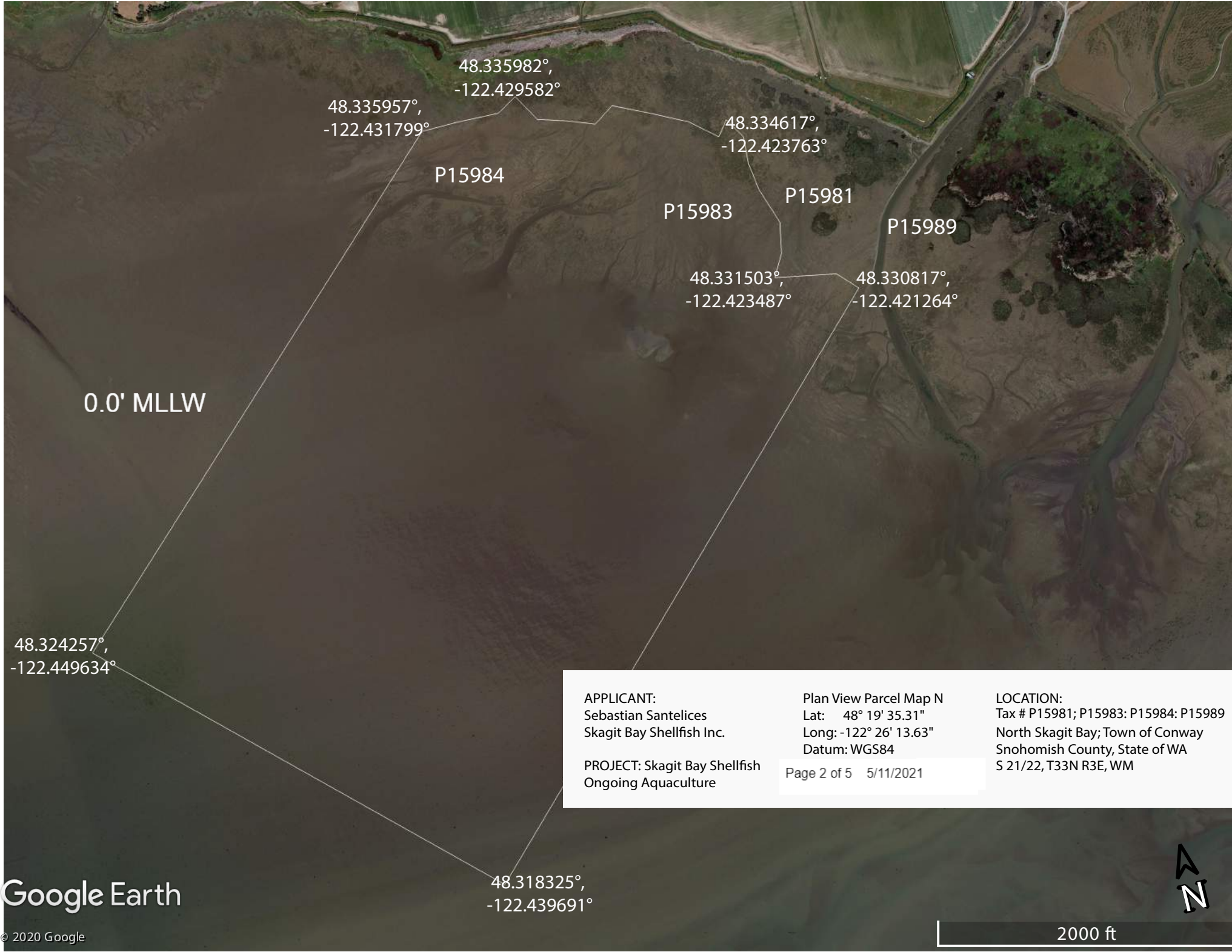
King Vicinity Map
Lat: 48° 19' 35.31"
Long: -122° 26' 13.63"
Datum: WGS84

LOCATION:
Tax # P15981; P15983; P15984; P15989
North Skagit Bay; Town of Conway
Skagit County, State of WA
S 21/22, T33N R3E, WM

PROJECT: Skagit Bay Shellfish
Ongoing Aquaculture

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48.335982°, -122.429582°
48.335957°, -122.431799°

P15984

48.334617°, -122.423763°

P15983

P15981

P15989

48.331503°, -122.423487°

48.330817°, -122.421264°

0.0' MLLW

48.324257°, -122.449634°

48.318325°, -122.439691°

Google Earth

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2000 ft

APPLICANT:
Sebastian Santelices
Skagit Bay Shellfish Inc.

King Existing Conditions
Lat: 48° 19' 35.31"
Long: -122° 26' 13.63"
Datum: WGS84

LOCATION:
Tax # P15981; P15983; P15984; P15989
North Skagit Bay; Town of Conway
Skagit County, State of WA
S 21/22, T33N R3E, WM

PROJECT: Skagit Bay Shellfish
Ongoing Aquaculture

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Total Acres: 487
Total Ongoing Cultivation Acres: 0
Total Proposed Cultivation Acres: 487

Habitat Conditions: Sandy, flat substrate throughout. Sparse natural set softshell clams throughout. No vegetative habitat within the parcel.



APPLICANT:
Sebastian Santelices
Skagit Bay Shellfish Inc.

PROJECT: Skagit Bay Shellfish
Ongoing Aquaculture

King Proposed Cultivation
Map
Lat: 48° 19' 35.31"
Long: -122° 26' 13.63"
Datum: WGS84

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5/11/2021

LOCATION:

Tax # P15981; P15983; P15984; P15989
North Skagit Bay; Town of Conway
Skagit County, State of WA
S 21/22, T33N R3E, WM

48.331997°,
-122.438123°

49 Acres of proposed manila clam
(*V. philippinarum*) cultivation area

48.330848°,
-122.436525°

196 Fallow Acres

95 acres proposed Pacific oyster
(*C. gigas*) cultivation area

48.328769°,
-122.433544°

291 acres proposed E Softshell
(*M. arenaria*) cultivation area
(overlaps all cultivation areas)

48.325695°,
-122.428783°

48.324280°,
-122.449810°

48.323337°,
-122.448170°

48.322408°,
-122.443526°

48.318226°,
-122.439744°

The total 291 acres of proposed cultivation area will consist of modifications to existing conditions for manila clam and Pacific oyster cultivation. Manila clams will be planted under predator nets that will be removed after 6 months. Oysters will be grown in flip bag systems in a 89 acre area (150' lines spaced 6 ft). All harvest and planting to take place by hand.

APPLICANT:
Sebastian Santelices
Skagit Bay Shellfish Inc.

PROJECT: Skagit Bay Shellfish
Ongoing Aquaculture

Plan View Parcel Map South

Lat: 48° 16' 22" N
Long: 122° 25' 15" W
Datum: WGS84

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LOCATION:

XXXXXX

XXXXXX
South Skagit Bay: Town of Stanwood
Snohomish County, State of WA
XXXXXX
S. 14, T32N R3E, WM

