



US Army Corps
of Engineers
Seattle District



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
4735 E. Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 427-0732
ATTN: Rory Lee,
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: May 19, 2023
Expiration Date: June 18, 2023

Reference No.: NWS-2023-305-AQ
**Name: Taylor Shellfish (Oakland Bay
Floating Culture)**

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 April 3, 2023. The Corps will review the work in accordance with Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to the Coastal Zone Management Act.

APPLICANT: Taylor Shellfish Farms
Attention: Ms. Erin Ewald
130 SE Lynch Road
Shelton, Washington 98584
Telephone: (360) 432-3348

LOCATION: 9.1 acres of cultivation within a 50-acre sub-tidal lease area in Oakland Bay (tax parcels 32015-22-22222 and 32016-22-22222) near Shelton, Mason County, Washington (parts of Sections 10, 15, and 16; Township 20 North, Range 3 West). The approximate latitude/longitude coordinates of the project corners are indicated on the enclosed drawings.

WORK: Install and maintain 30 pairs of synthetic rope lines, each pair 1,800 feet long, across 9.1 sub-tidal acres of Oakland Bay. The rope line pairs would connect the tops and bottoms of a row of black plastic (high density polyethylene) containers with each container sandwiched between a pair of black floats (encapsulated), above and below the bag. Each float-container unit, including spacing, measures 4 wide by 4 feet long, and 1 foot deep. The rope line pairs will be arranged 20- to 30 feet apart across the 50-acre site. A 25-foot bare rope section near each end allows insertion of a flipper device for flipping the row of bag/floats. The rope end pairs are attached to surface buoys and two mid-line floats at each end, which are themselves attached to 1-ton concrete wedge anchors (60 in total) resting on the substrate. There may be a screw anchor in the center of each line, depending on need. The bags will be used for oyster seed and oyster grow-out cultivation.

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

NWS-2023-0305-AQ, Taylor Shellfish Farms (Oakland Bay Floating Culture)

ADDITIONAL INFORMATION: The applicant is requesting a 13-year permit. A 2019 eel grass survey indicates eel grass and other submerged aquatic vegetation are absent. While the rope line pairs are expected to remain in place most of the time, they can be re-located to enable the Squaxin Tribe access to historic fishing areas. Float-container units will be tippy, so applicant is not expecting them to become haul out sites for mammals. The float-container units are designed to float less than 1 foot above the water surface. Operating hours are expected to be Monday – Friday during daylight hours. Access will be by boat from existing shoreline facilities. Navigational markers and marker lights will be installed to meet U.S. Coast Guard requirements.

MITIGATION: Compensatory mitigation is not 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. 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 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 – 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

NWS-2023-0305-AQ, Taylor Shellfish Farms (Oakland Bay Floating Culture)

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.

ADDITIONAL EVALUATION: This proposal is the subject of Mason County Shorelines Substantial Development, and Shoreline Conditional Use permit applications.

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 rory.w.lee@usace.army.mil . Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Rory Lee, 4735 E. Marginal Way S, Building 1202, Seattle, Washington, 98134-2388. 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.

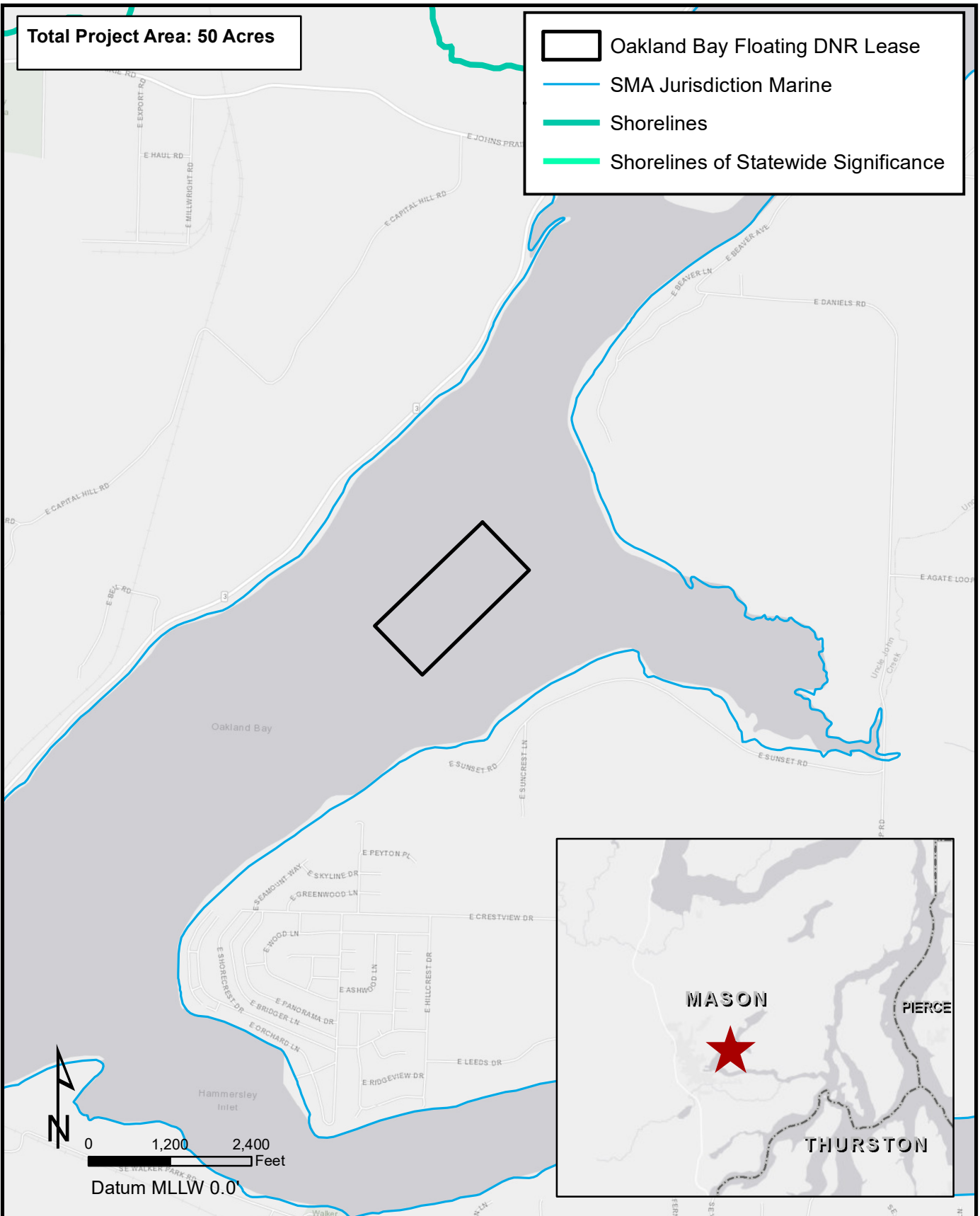
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department 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: Taylor Shellfish Farms (Oakland Bay Floating Culture) NWS-2023-0305-AQ.

Encl: Figures (5)

Total Project Area: 50 Acres

-  Oakland Bay Floating DNR Lease
-  SMA Jurisdiction Marine
-  Shorelines
-  Shorelines of Statewide Significance



REFERENCE: Oakland Bay Floating
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
Please refer to excel list of neighboring
properties

Location: T20N, R03W, S10, 15, 16
Oakland Bay Lat/Long: 47.227071
/ -123.054634 PAGE 1 of 5

NWS-2023-305

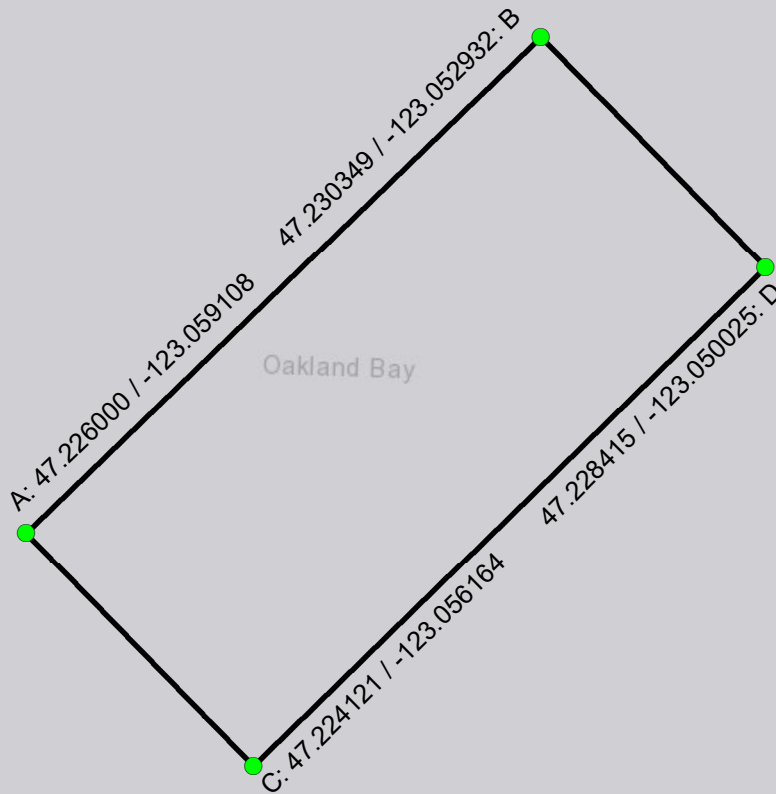
PROJECT: DNR Lease
Oakland Bay Floating
IN: Oakland Bay
Near/At: City of Shelton
County: Mason
State: WA

Total Project Area: 50 Acres
Floating oyster culture - subtidal

- Lease Area Corners
- Oakland Bay Floating DNR Lease
- SMA Jurisdiction Marine

Oakland Bay

Oakland Bay



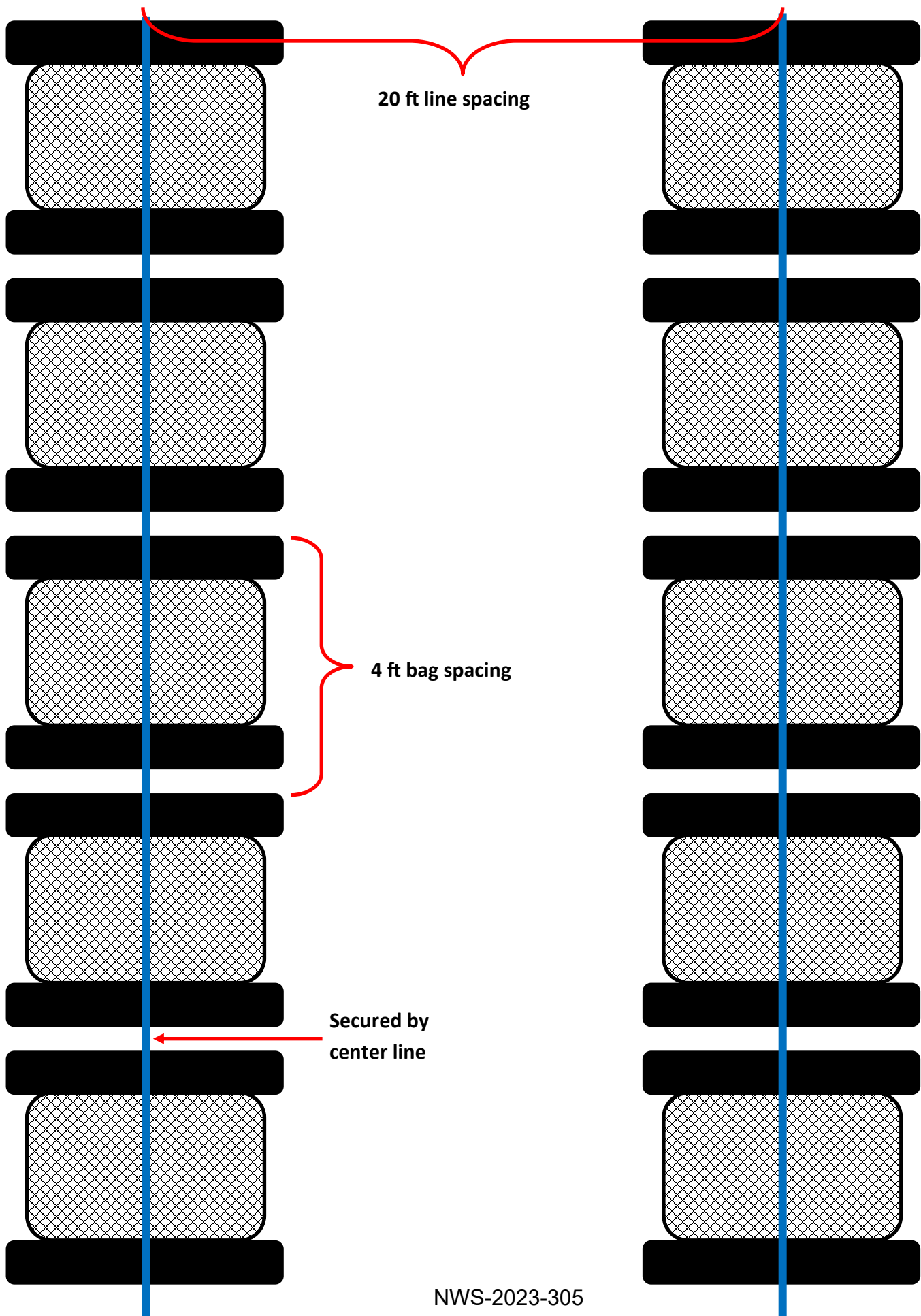
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REFERENCE: Oakland Bay Floating
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
Please refer to JARPA

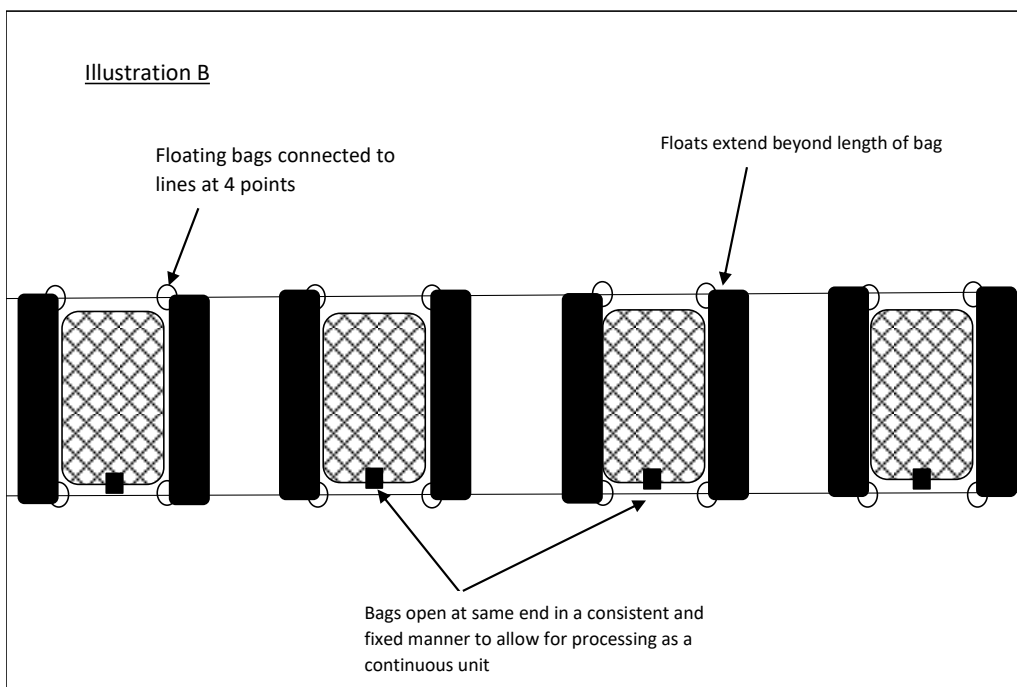
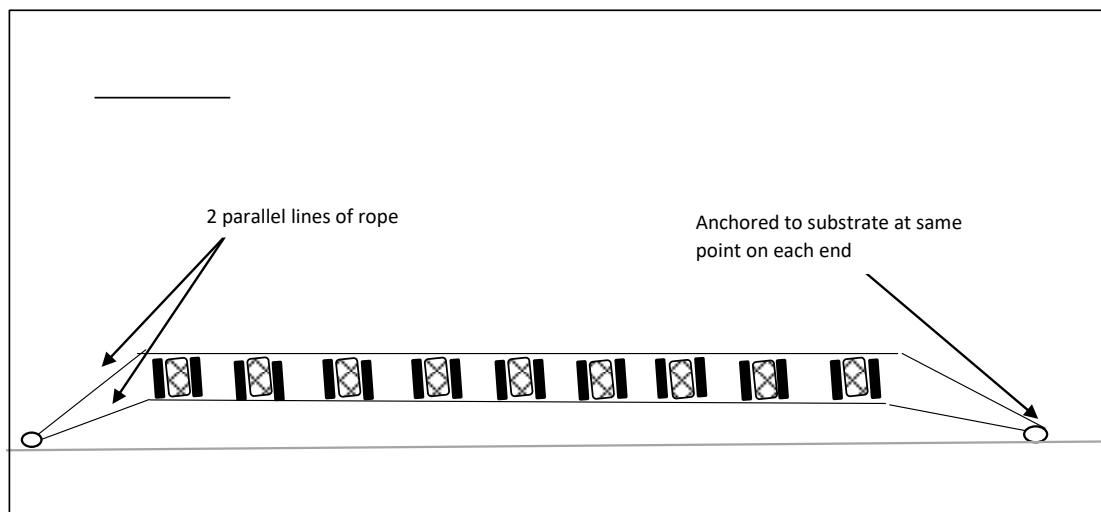
Location: T20N, R03W, S10, 15, 16 Oakland Bay Lat/
Long: 47.227071 / -123.054634
PAGE 2 of 5
Date: 04/03/2023

NWS-2023-305

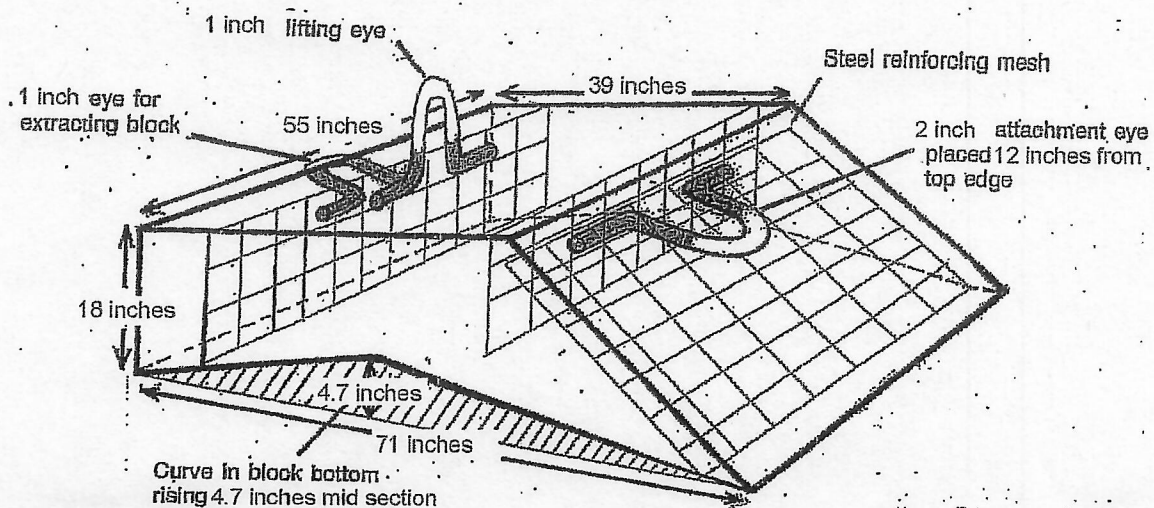
PROJECT: DNR Lease
Oakland Bay Floating
IN: Oakland Bay
Near/At: City of Shelton
County: Mason
State: WA



Taylor Shellfish – Floating Culture System



Reference: Oakland Bay Floating lease
Applicant Name: Taylor Shellfish Project: New
Application Location: Oakland Bay
Sheet 4 of 5
Date: 04/03/2023



Reference Number: ~~XXXXXX~~ **NWS-2023-305**

Applicant Name: Taylor Shellfish

Project: North Totten Mussel Farm

Location: Totten Inlet

Sheet# ~~4~~ of # **5**

~~XXXXXXXXXX~~

Figure 2-6: Typical Concrete Anchor Block

Date: 4/3/2023 Page 5 of 5

NWS-2023-305