6/23/2020 edoc

6/26/2020 signed
Verified Section 401

US Army Corps of Engineers
Seattle District

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

_____

_____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
11 Chelsea Farms Nisqually

Conversion of NWS permit #: 2017-0821

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Lentz, Kyle			
2b. Organization (If applicable)			
Chelsea Farms			
2c. Mailing Address (Street or PO Box)			
6438 Young Road			
2d. City, State, Zip			
Olympia, WA 98502			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(360) 866 8059	(360) 742-9881	(360) 866 4003	kyle@chelseafarms.net

[1]Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
Beagle, Marty			
3b. Organization (If applicable)			
Chelsea Farms			
3c. Mailing Address (Street or PO Box)			
6438 Young Road			
3d. City, State, Zip			
Olympia, WA 98502			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(360) 866 8059	(360) 742-9881	( )	marty@chelseafarms.net

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)
GREGG, TIMOTHY A
4b. Organization (If applicable)
4c. Mailing Address (Street or PO Box)
7210 PUGET BCH RD NE
4d. OLYMPIA, WA 98516

4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
360-491-2755	(360)464-0557	( )	

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☒ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

7210 PUGET BCH RD NE

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

OLYMPIA, WA 98516

5d. County [help]

THURSTON

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	15	19	1W

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83

Approximate center of parcel is 47.135046, -122.787833

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

69600001900,69600001700,69600001800

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)
ROWLAND, ROY H III	PO BOX 3201 LACEY, WA 98509	69600002101
TURNER, JEFF & CHRISTINE	7120 PUGET BEACH RD NE OLYMPIA, WA 98516	69600001600

5i. List all wetlands on or adjacent to the project location. [help]

Not applicable

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Marine tideland (intertidal) on Nisqually Reach, South Puget Sound

5k. Is any part of the project area within a 100-year floodplain? [help]

__ Yes ☒ No, the project area is marine tideland __ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

A. Shoreline riparian vegetation and habitat features

The uplands overlooking the tidelands are medium bluffs with vegetation such as big leaf and vine maples, pacific madrones, and alder present on and above the toe of the bluffs. The tidelands below the line of extreme high tide have virtually no large woody debris.

The upland vegetation is primarily high canopy conifers, big leaf maples, and red alders with an understory comprised of fern species, salal, vines, and other vegetation typical of Puget Sound lowlands. Much of the upland properties abutting the tidelands are developed and landscaped. There is an upland residence on two of the three properties.

The shoreline adjacent to the proposed project is mostly natural with some short sections of soft and hard armoring. There are active geoduck farms a short distance to the north and south of the project area. There has historically been shellfish farming in the vicinity for generations, primarily manila clams and pacific oysters.

B. Aquatic substrate and vegetation

The project area is a weather beach subject to easterly winds and wave influence with little gravel and cobble sized material. The upper intertidal area above +5' tidal elevation has some gravel and medium sand mix, while fine sand becomes the dominant substrate as one moves deeper into the lower tidal zone.

Based on visual surveys of the beach on July 24,2017 and April 19, 2018, there is no on-the-ground evidence of eelgrass (Zostera marina) or rooted kelp in the proposed project area. Small quantities of loose, transient, brown and red kelps and Ulva spp. may be found in the area during the summer months. The on-line tools for the Washington Marine Vegetation Atlas (Department of Natural Resources) along with the Washington State Coastal Zone Atlas (Department of Ecology) show an absence of eelgrass and kelp in the proposed project area.

5m. Describe how the property is currently used. [help]

The project location is in Nisqually Reach, South Puget Sound, on private tidelands. The tidelands are second-class tidelands extending to extreme low water. We know of no records that demonstrate prior farming activity at the site, nor are there any indications on the tidelands of such activities.

The predominant uses of the Nisqually Reach are residential, recreation, and shellfish aquaculture. The project area is used very infrequently for recreational purposes such as beach walking. The surface waters over the proposed project location are used seasonally for boating and fishing.

There are residential structures on the upland of two of the three parcels. We have been cultivating geoducks on this site since 2019.

5n. Describe how the adjacent properties are currently used. [help]

The adjacent tidelands are privately owned and are used for recreational activities

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

No structures whatsoever in the project area tidelands. There is a residential structure on two of the uplands of the three tideland parcels that constitute the project.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

Access by boat only

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

Since 2018, Chelsea Farms has been operating the 2.2 acre commercial intertidal geoduck clam aquaculture site located on Nisqually Reach in southern Puget Sound. The site is comprised of 3 contiguous privately owned tideland parcels. All three sites are located in the NW ¼ Section 15N in Township19, Range 1W,W.M. In 2018, we planted 213,866 geoducks in a cultivation area of 1.58 acres. The cultivation area is located in the intertidal portions of the tidelands between -4.5 ft. and +2.0 ft. mean lower low water (MLLW).

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The purpose of the project is to commercially farm geoducks on intertidal ground so as to provide more food for the world.

The site is well suited for geoduck culture, which have specific requirements for water quality, temperature, flows, oxygen content, adjacent land use, wind protection, commercial navigation, and, in marine waters, salinity. (Department of Ecology, WAC 173-26-241(3)b).

6c. Indicate the project category. (Check all that apply) [help]

☒ Commercial ☐ Residential Institutional Transportation Recreational
Maintenance Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☒ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	

Boat Lift	Dock / Pier	Marina / Moorage	Stairs

☐ Bridge	☐ Dredging	☐ Mining	☐ Stormwater facility
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Swimming Pool
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	☐ Utility Line
☐ Channel Modification	☐ Fishway	☐ Raft	

☐ Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

A. Project Goal

The goal of the project is to continue to cultivate geoduck clams (Panopea abrupta) for commercial harvest and sale on privately owned intertidal ground. The length of a single cycle from initial planting to final harvest may be a little as four years or as much as seven years, followed by repeated growing and harvest cycles as allowed by permit and favorable market conditions.

B. Farm Location

The present farm site for geoduck cultivation is located in Nisqually Reach, South Puget Sound, Thurston County, WA on tidelands adjacent with 7132,7144, and 7210 Puget Beach Road. All farming activities occur on privately owned tidelands within an area defined by +1.5 ft. tidal elevation and approximately -3.0 ft. tidal elevation. The adjacent tidelands are privately owned, and active shellfish farms are present on tidelands to the North and South.

C. Farming Techniques

The project area is approximately 2.2 acres. The culture area is approximately 1.58 acres.

No farming activities occur in the upper intertidal area, i.e., above +1.5 ft. tidal elevation. All work activities are manual labor, all access is by boat (none over uplands), no motorized machinery operates on the beach, no refueling of engines or motors occurs near the beach, no equipment is stored on site, no rooted aquatic vegetation or benthic organisms are removed from the site, no fill or grading occurs at the site, no chemical/environmental contaminants are used, and farming activities create no substantial interference with normal public use of the surface waters.

To maintain aesthetic quality, noise during all farming operations comply with Thurston County noise ordinance 10.36. Motors used for harvest are insulated for sound and have hospital grade exhaust systems; workers are educated about noise minimization when working on the beach. If farm work activities occur at night, night lighting on the beach are provided by individual LED headlamps.

All employees are trained regarding local, state, and federal conditions for operations of commercial shellfish farms.

Work conducted in 2017 (July and August) and 2018 (April) of the entire project area revealed that the site has no native eelgrass (Zostera marina) or rooted kelp (floating and non-floating canopied species) that would

need to be avoided during farming activities.

The project area is identified by the Washington Department of Fish and Wildlife Priority Habitat and Species report (accessed July 12, 2017) as documented and potential spawning area for sand lance and surf smelt, but not for herring.

In the past two years we have not found any sand lance eggs. If forage fish were found at the proposed project site, they may spawn concurrent with farming activities. Surf smelt and sand lance spawning typically occur at higher tidal elevations (above +5.0 ft. tidal elevation) than where farming activities take place. As we are accessing the farm area only by boat, and no cultivation activities occur above a +1.5 ft. tidal elevation, there is no reason to even be in the area where sand lance and surf smelt may spawn.

South Puget Sound herring stocks identified as being present in the near vicinity of the proposed project site, typically spawn on rocky, gravelly substrate in the absence of marine vegetation and thus are not likely to utilize the sandy substrate in the proposed project area. The deeper waters off of the beaches of the parcels are designated as pre-spawning habitat for herring. (Source: Washington Department of Fish and Wildlife Priority Habitat and Species Online Map) Below is an approximate timeline of significant farming milestones for the proposed project site. While various factors can influence the schedule (environmental storms, availability of seed, market conditions, etc.), the timeline presented is representative of other shellfish aquaculture operations.

Primary Activity	**Time Frame**
Site Prep	None necessary
Planting	Spring to late summer- install capped and banded tubes, plant seed, install area netting (if needed)
Maintenance	Ongoing throughout growing cycle- 6-12 months after planting- remove caps and bands from tubes; retain area netting if used 18-24 months after planting- remove tubes and area netting
Harvesting	5 to 7 years after planting- start harvest 6 to 24 months after initiation of harvest- complete harvest (time varies depending on harvest method, suitable tides, market conditions, etc.)

1. Permits and Permissions: all necessary state, and local permits were obtained at some point in time over the last 30+ years. On many of the commercially active tideland parcels farming commenced prior to the requirement for a Substantial Shoreline Development Permit (SSDP) or Conditional Use Permit (CUP) in Thurston County; they are exempt from requirements for those permits as activities undertaken were grandfathered in.
2. Surveys: A visual inspection of the proposed project area was conducted in July and August 2017, and in April 2018, for rooted aquatic vegetation. Included in this baseline survey of the area was an examination for native eelgrass (Zostera marina) and rooted kelp (floating and non-floating canopied species). No native eelgrass or rooted kelp are present in the proposed project area.

A. Planting Activities

1. Strategy: The planting process is the most importance aspect in cultivation of geoducks. The juvenile clams or seed (10 mm-15 mm in length) are quite fragile and must be handled in a delicate fashion. They must have adequate protection from predators and deleterious environmental conditions in order to survive, grow, and gradually dig deeper into the substrate where they will thrive and prosper until harvested. Planting techniques are utilized that minimize disturbance of the proposed project area (and thus to listed species and critical habitat) and also reduce aesthetic impacts to the surrounding landowners. Good planting technique gives a better chance of a high rate of survival.

   The beginning of the planting season is typically aligned with the first occurrence of low daytime tides in the spring and continues during subsequent low tides into October if necessary to complete the work. We will strive to complete the planting of a plot within one season, planting the lowest portions of the plot first in the spring, and the upper reaches of the plot in late summer and fall. Currently we have planted out the majority of the cultivation area.

2. Methodology:

   Site Preparation: The planting area requires no site preparation prior to planting activities. There is no removal of benthic organisms or any substrate material from the site. There is no redirection of beach seepage or seasonal upland runoffs.

   Seed: We obtain seed from hatcheries authorized by Washington State Department of Fish & Wildlife.

   No seed grow-out activities take place in the proposed project area.

Tube Placement: PVC anti-predator “culture” tubes (4” diameter by 10” length) are placed into the beach substrate at a density of one tube per square foot. They protrude approximately 3 in. to 4 in. above the surface of the sand. The tubes are thin wall PVC with a specific gravity greater than 1.0 and weigh approximately 0.7 lbs. each and thus do not float. Tube placement and planting occurs within an area defined by +1.5 ft. and -3.5 ft tidal elevations. Each tube that is placed has a mesh cap that is secured with a specialized rubber band containing the compound EPDM that imparts resistance to UV light and salt water. These mesh caps act as barriers to predators in the intertidal zone. No area netting is used at the farm site.

The tubes are typically off-white or grey when placed but within weeks become heavily fouled with marine organisms and algae. They appear dark and blend in with the beach. Mesh caps are of a neutral color and also blend well with the beach. The proposed cultivation area will be visible during daylight hours only when tides are below +2.0 ft. tidal elevation- in June that is approximately 21% of daylight hours; in September it will be visible for approximately 13.7% of daylight hours. From mid-September through mid-March only the upper-most portion of the farm will be visible during daylight hours as the lower tides occur at night.

Ten to twelve tide cycles would be required to plant and net the annual planting portion of the proposed project area, depending on the method employed (wet or dry), how many individuals participate, weather conditions, and the work-window open during a particular tidal cycle.

Thus, depending on the time of year and other factors, subtidal planting may be employed instead of dry planting. Planting of the cultivation area will occur in one planting season and hence would not occur again until six to eight years after the initial planting was completed.

C: Maintenance:

Maintenance of the site began immediately after planting. Maintenance of the site includes routine inspection at a frequency of at least twice a month while tubes are present, to ensure that tubes and netting are maintained in a neat and orderly manner, and do not escape into the environment. Maintenance includes documentation of any fish or wildlife found in the anti-predator netting. Inspections are made down-drift of the farm site for a distance of at least 1,000 feet. Site visits are made by boat.

Any live entangled fish or wildlife when encountered are released, and any loose nets, tubing, or aquaculture related debris discovered during inspections are removed from the site. Earnest effort is made to ensure tubes,

nets, and fasteners will not wash off of the farm area. A site visit occurs after any major storm event.

Tube and Net Removal- As they grow the clams burrow deeper into the substrate. Sometime between 18-24 months after planting the clams have reached a depth of 18-20 inches that is deep enough to provide protection from the vast majority of predators. At this point the tubes can be removed from the site. Workers access the site by boat and pull and bag the tubes. All materials are removed from the area by boat.

Prior to removal of the tubes, inspections will be made to determine of herring/sand lance/surf smelt stocks have used any of the materials on the site as spawning substrate. Inspection is especially important if the tube removal is slated for January through March. If any spawn is found, the site will be left until the eggs have hatched.

A. Harvesting:

Geoducks will be harvested after they have reached marketable size (1.5 to 2 lbs.) in six to eight years, though this time period can be influenced by several factors (market demand, environmental conditions, etc.) “Wet” harvesting from below the waterline by divers using surfaced-supplied air (SSA) may occur if tide levels are not low enough for traditional “dry” harvest methods. The “wet” technique is in essence the same as a “dry” except that it all happens underwater. We anticipate utilizing the wet harvesting technique approximately 90% of the harvest time.

The rate of harvest for this site is a function of market demand, price, export availability, harvesting activities on other farm beaches, etc. As geoducks are a fresh food, there is no long-term storage of the product, thus harvesting efforts must follow market demands.

Chelsea Farms does not use any overland access to the beach- all activities associated with the project are accessed by boat. All harvesting equipment will be vessel-based and will not operate on the beach. The harvest method described herein is widely used in Washington state for intertidal geoduck aquaculture. Harvest will employ the use of low-pressure water pumps that are coupled to hoses equipped with nozzles (inside diameter of 5/8” or less). The nozzles are handheld and controlled by the operator, with nozzle pressure being limited to approximately 40 psi. measured at the pump. Water intake lines on the pumps are fitted with mesh screens that meet or exceed National Marine Fisheries Service (NMFS) screening criteria to prevent sucking up any small critters/fish. The water hose is placed into sediment adjacent to the geoduck and loosens the sediment around the clam, allowing it to be easily removed by hand. The pump is vessel mounted and equipped with a muffler. Sound level readings of approximately 50 dB above ambient noise were obtained at a distance of fifty feet from the vessel.

During beach harvest operations which can occur during both day and night, the vessel containing the water pump will be moored offshore. Hoses are laid to the beach and harvesters remove one geoduck at a time from the substrate, similar in fashion to the dive harvesters, which are then transported in crates to the vessel. During either type of harvest work, “dry” or “wet”, workers will have no need to access the upper intertidal of the beach.

Dive harvest sessions often last two to four hours for each of two divers, depending on market demand, clarity of the water, and density of clams. The harvest process is managed to ensure Clean Water Act 401 water quality certification standards are met. Noise from farm operations and light generation are minimized; all people and equipment are brought to the site by boat and removed from the beach at the end of each day. Harvest activities occur well below forage fish spawning elevations.

6f. What are the anticipated start and end dates for project construction? (Month/Year)
If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start date: Ongoing End date: Ongoing ☐ See JARPA Attachment D

. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

Not applicable, this is an ongoing farming operation, not a one time construction project

6h. Will any portion of the project receive federal funding? [help]//////////

- **If yes**, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☒ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☐ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☐ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☐ Yes ☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☐ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

Shellfish culture must have a healthy marine ecosystem in order to flourish. We will continue to review and employ proven state-of-the-art practices to minimize any local, temporary adverse impacts. The cultivation of shellfish has been viewed as beneficial to the shoreline environment, not detrimental, as it provides structure, water filtration, and coupling of nutrients.

Farming activities do not occur in the upper intertidal area (eg. above +1.5 ft. tidal elevation). All work activities are by manual labor, all access is by boat, and no motorized machinery operates on the beach, no refueling occurs on the beach, no equipment storage at the site, no rooted aquatic vegetation or benthic organisms removed from the site, no fill or grading happens, and no chemical/environmental contaminants are used.

The maximum time a work vessel might be grounded on the beach is approximately four hours during a low tide cycle, after which time it is removed.

The farm site is at elevations below the spawning elevations of sand lance and surf smelt, and there is no presence of native eelgrass or other rooted vegetation necessary to attract herring spawn. While the area is not documented for herring, however, on the chance they may spawn on culture gear (tubes), we will conduct visual inspections at the farm site prior to any farming activity to ascertain if herring stocks have utilized the beach for spawning. If spawn is found, the farm will be left alone until eggs have hatched.

Harvest work will disturb the substrate for short periods to a depth of 36". No earth movement will occur, and although some sediment transport/turbidity will result temporarily, the beach will quickly return to original condition.

The proposed project is typical of oysters and clam farm activities and locations that were included in the 2015 *Programmatic Biological Assessment* (PBA) of the Army Corps of Engineers (ACOE) and the subsequent reviews/biological opinions conducted by National Marine Fisheries Service and U.S. Fish and Wildlife Service (the Services).[1] All farm activities that we are proposed here (e.g., species, equipment, methods, location, etc.), and their impacts on the aquatic environment, were evaluated by the ACOE and the Services and thus their documents serve as the reference biological evaluation for this project. [2] Current, or as subsequently revised, NWP 48 conditions (national, regional, and Seattle District) applicable to this farm activity will be followed—these conditions are, in part, the result of the Services' reviews and therefore are intended to protect ESA-listed species, critical habitat, and essential fish habitat. The most recent set of NWP 48 ACOE-*Seattle District specific conditions* (aka conservation measures) is available on the ACOE website.[3]

[1] *Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters*, U.S. Army Corps of Engineers Regulatory Program, Seattle District, October 2015; *Endangered Species Act (ESA) Section 7(a)(2) Biological Programmatic Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation*, National Marine Fisheries Service, Reference No. 01EWFW00-2016-F-0121, September 2, 2016 and September 30, 2016; *Endangered Species Act-Section 7 Consultation, Biological Opinion*, U.S. Fish and Wildlife Service, Reference No. 01EWFW00-2016-F-0121, August 26, 2016.

[2] Prior to implementation of the PBA, new farm proposals to the ACOE under NWP 48 required individual consultation with the Services;

preparation of a biological evaluation by the applicant formed the basis of this consultation. Implementation of the PBA streamlined this process. As long as an applicant's proposed shellfish activities meet the following three criteria, the PBA functions as the applicant's biological evaluation: (1) the proposed activities fall within the scope of activities described in the PBA (which ours do), (2) the applicant can & will meet the PBA's conservation measures (which we can & will), and (3) the proposed site occurs within the geographic area considered by the PBA (which ours does).

[3] NWP 48 is the ACOE's nationwide permit for "Commercial Shellfish Aquaculture Activities". Commercial shellfish farms in Washington cannot legally operate without a permit from the ACOE--the most common form of that permit is NWP 48. Currently, NWP 48 includes 31 national general conditions (some applicable to shellfish aquaculture), 10 Seattle District regional general conditions (some applicable to shellfish aquaculture), 1 regional specific condition (specific to shellfish aquaculture), and most recently, a revised list of 33 Seattle District specific conditions or conservation measures (specific to shellfish aquaculture). Recent legal decisions have created difficulties in the Nationwide Permit process; therefore Chelsea Farms will make supplication thru individual consultation with the ACOEl

.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☒ Not applicable

There will no net negative impacts. Shellfish harvest techniques may result in local and temporary effects, but no long-term effects.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

Not applicable

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Shellfish Cultivation	Nisqually Reach	Nisqually Reach	Temporary	Not applicable	Total area of planting and harvesting is 1.58 acres

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

Not applicable

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Not applicable

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
		( )	
		( )	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

17110019

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.

WRIA 13 Deschutes

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

☐ Rural ☐ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☐ Other_____ _

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System. ////////////////////

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No Not applicable

Name of manual:

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☐ Yes No

9j. If you know what the property was used for in the past, describe below. [help]

We have been cultivating shellfish in this area for the past 30 years.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

A cultural resource assessment (CRA) was not conducted for the property. The records search and literature review included analysis of materials located on the Washington State Department of Archeology and Historic Preservation's online database, the Washington Information System for Archeology and Archeological Records Database – (WISAARD). No listed archeological sites were identified within or nearby the project area.

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Common Name	Scientific Name	Listing Date	Federal Status	Critical Habitat
Fishes				
Bull trout (PS/Coastal DPS)	*Salevelinus confluentus*	11/1/1999	Threatened	Yes*
Chinook salmon (PS ESU)	*Onchorhynchus tshawytscha*	6/28/2005	Threatened	Yes
Steelhead (PS DPS)	*O. mykiss*	1/5/2006	Threatened	Proposed
Bocaccio rockfish(PS/GB DPS)	*Sebastes paucispinis*	4/28/2010	Endangered	Proposed
Yelloweye rockfish (PS/GB DPS)	*S. ruberrimus*	4/28/2010	Threatened	Proposed
Birds				
Marbled murrelet (WA/OR/CA DPS)	*Brachyramphus marmoratus*	10/1/1992	Threatened	Yes*
Marine Mammals				
Southern resident killer whale	*Orcinus orca*	11/18/2005	Endangered	Yes
DPS- distinct population segment; ESU: Evolutionary Significant Unit; PS- Puget Sound; GB-Georgia Basin; WA- Washington OR-Oregon; CA- California				
*Critical habitat identified, but does not occur within the proposed area				

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

Species listed or likely to be present in the vicinity of the project area, but not within it: seabirds, harbor seals, salmonoids, surf smelt, pacific sand lance,pacific herring, rock sole, bald eagles, wild geoduck

Analysis provided by consulting the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) database.

Forage fish are known to play a vital dietary role in the marine ecosystem. The three species that make up the majority of the forage fish prey base in Puget Sound are the surf smelt, Pacific sand lance, and Pacific herring, thus they are cited here as indicators for potential project effects. Surf smelt and herring spawn in sand to pea-gravel sized sediments at elevations from +5 ft MLLW to mean higher high water (MHHW). Herring typically spawn on aquatic plants. The breeding areas for surf smelt and sand lance are documented in the PHS database to either include the project area or in close vicinity thereof.

As mentioned previously, all work at the proposed farm occurs on tideland elevations well below breeding areas for sand lance or surf smelt.

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _ (lead agency). The expected decision date is_____.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____

☐ Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☐ Substantial Development ☐ Conditional Use ☐ Variance

☐ Shoreline Exemption Type (explain): _____

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

You must submit a check for $150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

☐ $150 check enclosed. Check #_____
Attach check made payable to Washington Department of Fish and Wildlife.

☒ My project is exempt from the application fee. (Check appropriate exemption)_____

- ☐ HPA processing is conducted by applicant-funded WDFW staff.
  Agreement #_____
- ☐ Mineral prospecting and mining.
- ☒ Project occurs on farm and agricultural land.
  (Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- ☐ Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
  HPA #_____

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

☒ Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

☒ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters)

United States Coast Guard permits:

☐ Private Aids to Navigation (for non-bridge projects)

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____(initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____(initial)

Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]
Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

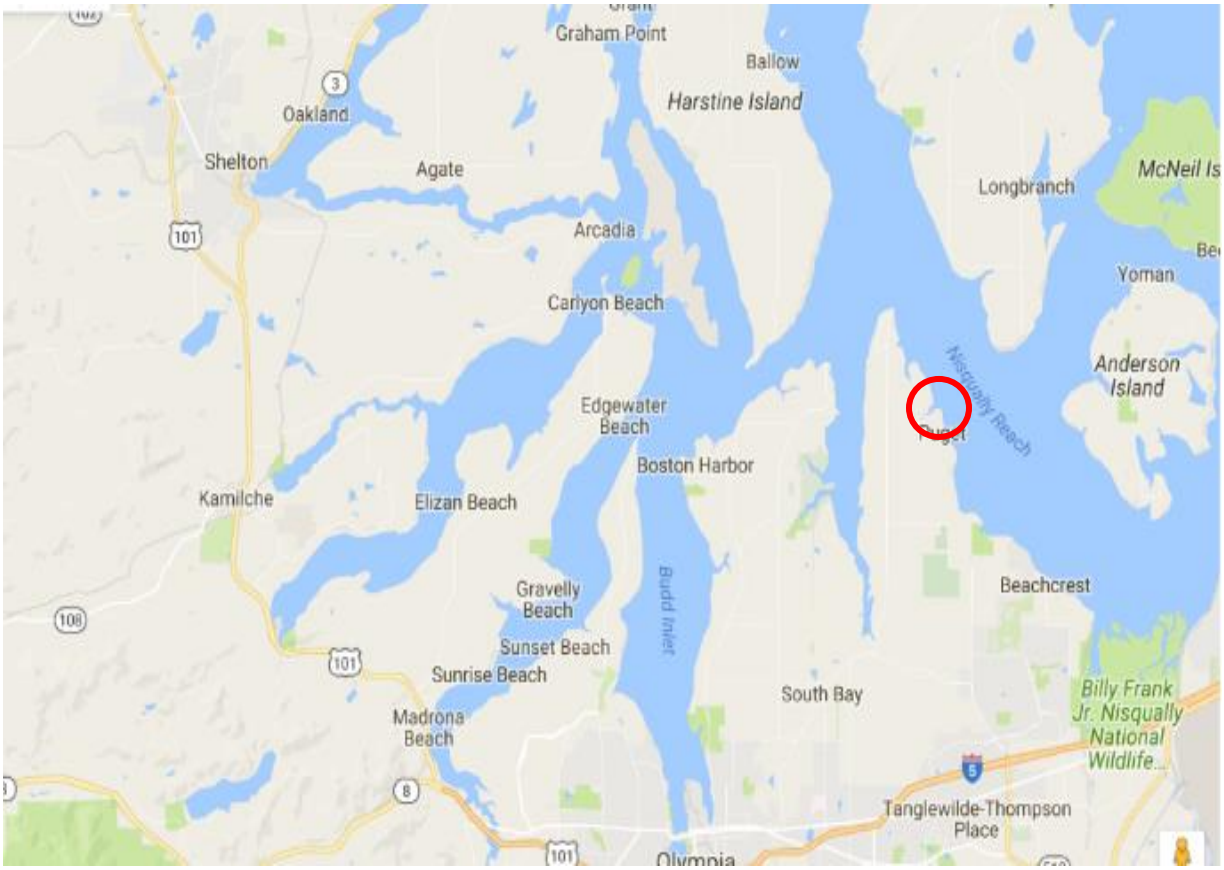
If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.
ORIA publication number: ENV-019-09 rev. 09/2015

REFERENCE:
APPLICANT: Chelsea Farms
DATE: 6/16/2020
PROJ: 11 Chelsea Farms Nisqually

NEAR/AT: Olympia, WA
LAT/LONG: 47.135125 / -122.787937
LOCATION (PARCEL): 69600001800 69600001900, 69600001700

PROP. PRJCT: Shellfish aquaculture
IN: Nisqually Reach, WA
COUNTY: Thurston
STATE: Washington

VICINITY MAP



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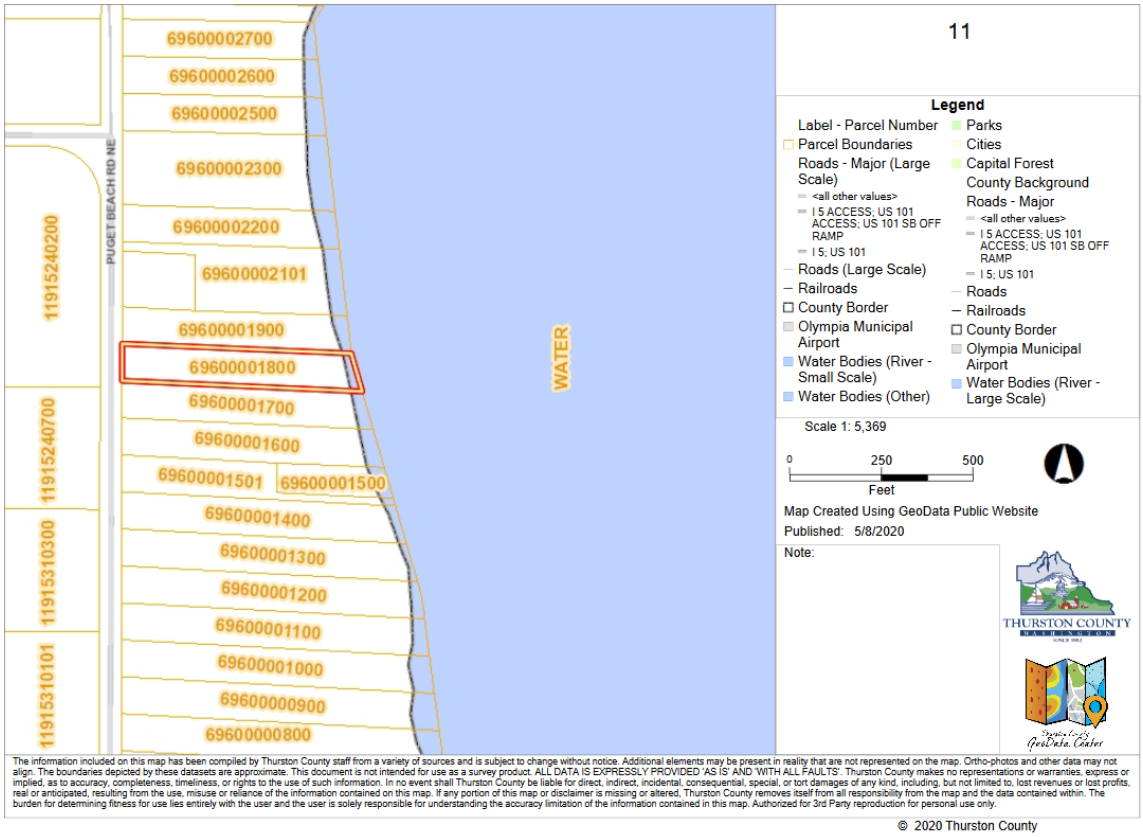


PROJECT AREA

Lat/Long for PROJECT area:

A: 47.1350918 -122.787922

B: 47.1354207 -122.7882799

C: 47.1348569 -122.7881118

D: 47.1349433 -122.7887076

CULTIVATION AREA

Lat/Long for CULTIVATION area:

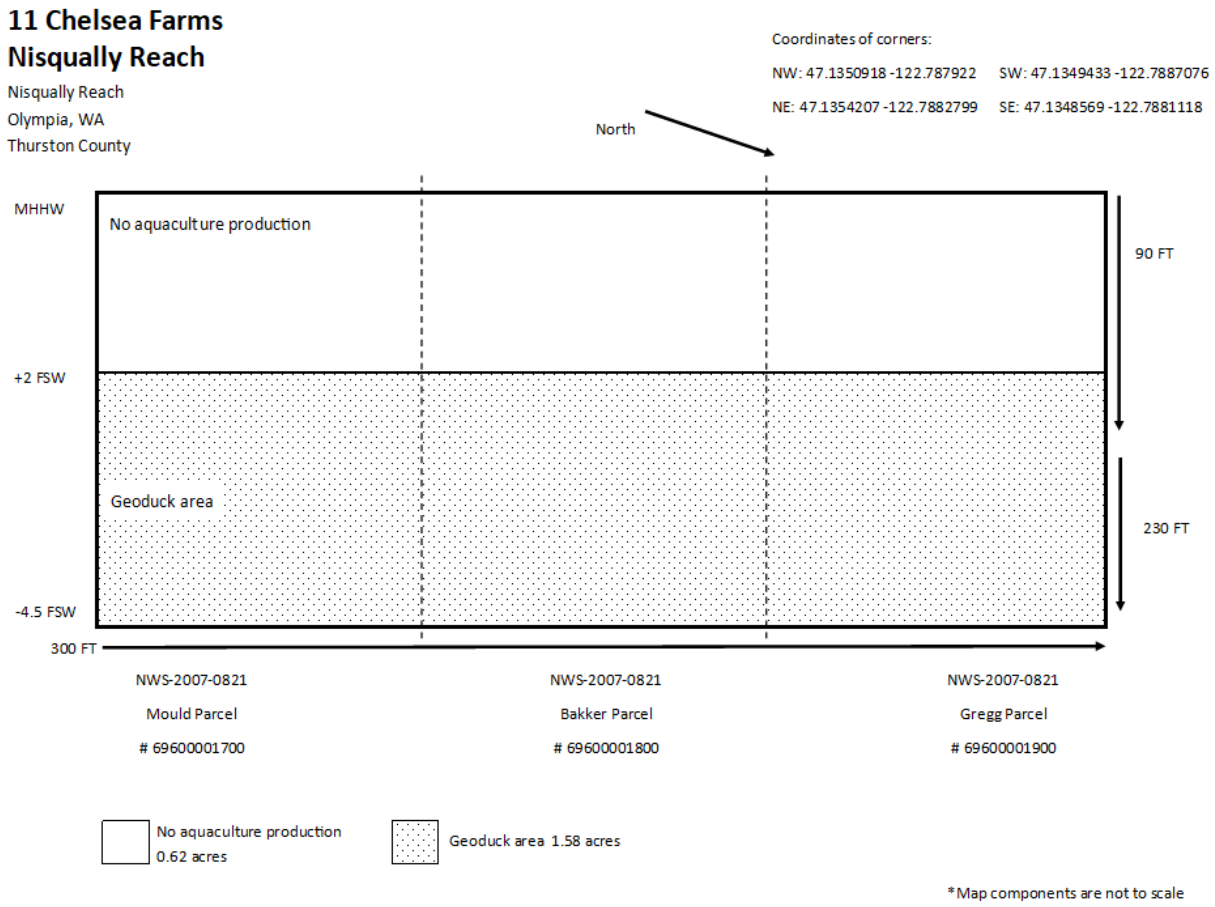
A: 47.1350917 -122.787922

B: 47.1352201 -122.787342

C: 47.1348156 -122.7871895

D: 47.1346689 -122.7877157

PLAN VIEW


11 Chelsea Farms
Nisqually Reach
Nisqually Reach
Olympia, WA
Thurston County
Coordinates of corners:
NW: 47.1350918 -122.787922
SW: 47.1349433 -122.7887076
NE: 47.1354207 -122.7882799
SE: 47.1348569 -122.7881118
North
MHHW
No aquaculture production
90 FT
+2 FSW
Geoduck area
230 FT
-4.5 FSW
300 FT
NWS-2007-0821
Mould Parcel
69600001700
NWS-2007-0821
Bakker Parcel
69600001800
NWS-2007-0821
Gregg Parcel
69600001900
No aquaculture production
0.62 acres
Geoduck area 1.58 acres
*Map components are not to scale

Chelsea Farms
6438 Young Rd NW
Olympia, WA 98502

Washington State Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008

Chelsea Farms is submitting multiple electronic applications for 401 Water Quality Permits. Where it was deemed logical (primarily because of proximity), we have selected multiple individual parcels and placed them into 13 individual projects.

Below, you will find the project names:

- 1 Chelsea Farms Eld Inlet (NWS-2020-588-AQ)
- 2 Chelsea Farms Eld Inlet (NWS-2007-01345)
- 3 Chelsea Farms Eld Inlet (NWS-2020-590-AQ)
- 4 Chelsea Farms Cooper Point (NWS-2020-592-AQ)
- 5 Chelsea Farms Hunter Point (NWS-2020-597-AQ)
- 6 Chelsea Farms Green Cove (NWS-2020-598-AQ)
- 7 Chelsea Farms Flapjack (NWS-2012-01315)
- 8 Chelsea Farms Totten (NWS-2020-599-AQ)
- 9 Chelsea Farms Gallagher (NWS-2020-600-AQ)
- 10 Chelsea Farms Hammersley (NWS-2020-604-AQ)
- 11 Chelsea Farms Nisqually (NWS-2017-0821)
- 12 Chelsea Farms Harstine (NWS-2020-606-AQ)
- 13 Chelsea Farms Henderson (NWS-2020-607-AQ)

Should you have any questions or concerns, please contact:

Marty Beagle
Chelsea Farms
(360) 742-9881
marty@chelseafarms.net

Deven Ropes
Chelsea Farms
deven@chelseafarms.net

REFERENCE:
APPLICANT: Chelsea Farms
DATE: 6/16/2020
PROJ: 11 Chelsea Farms Nisqually

NEAR/AT: Olympia, WA
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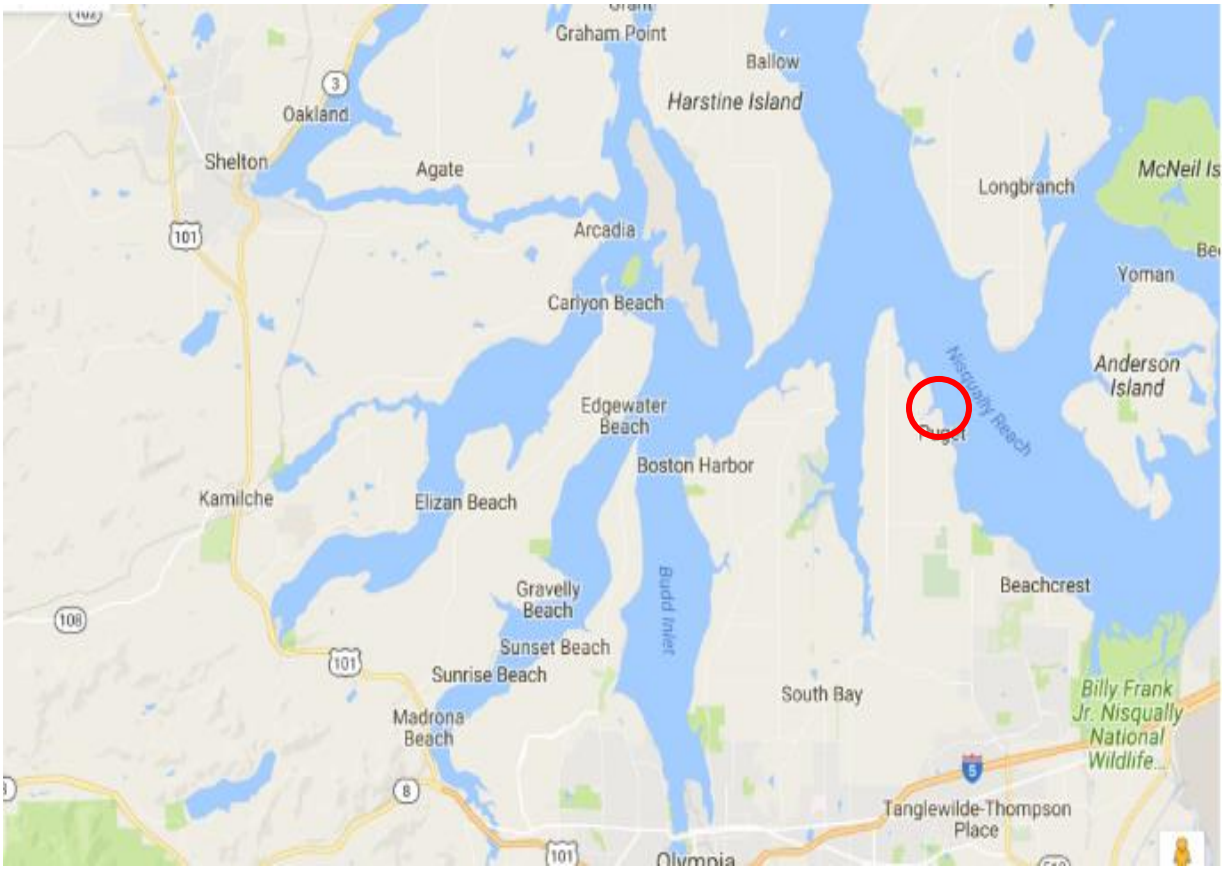

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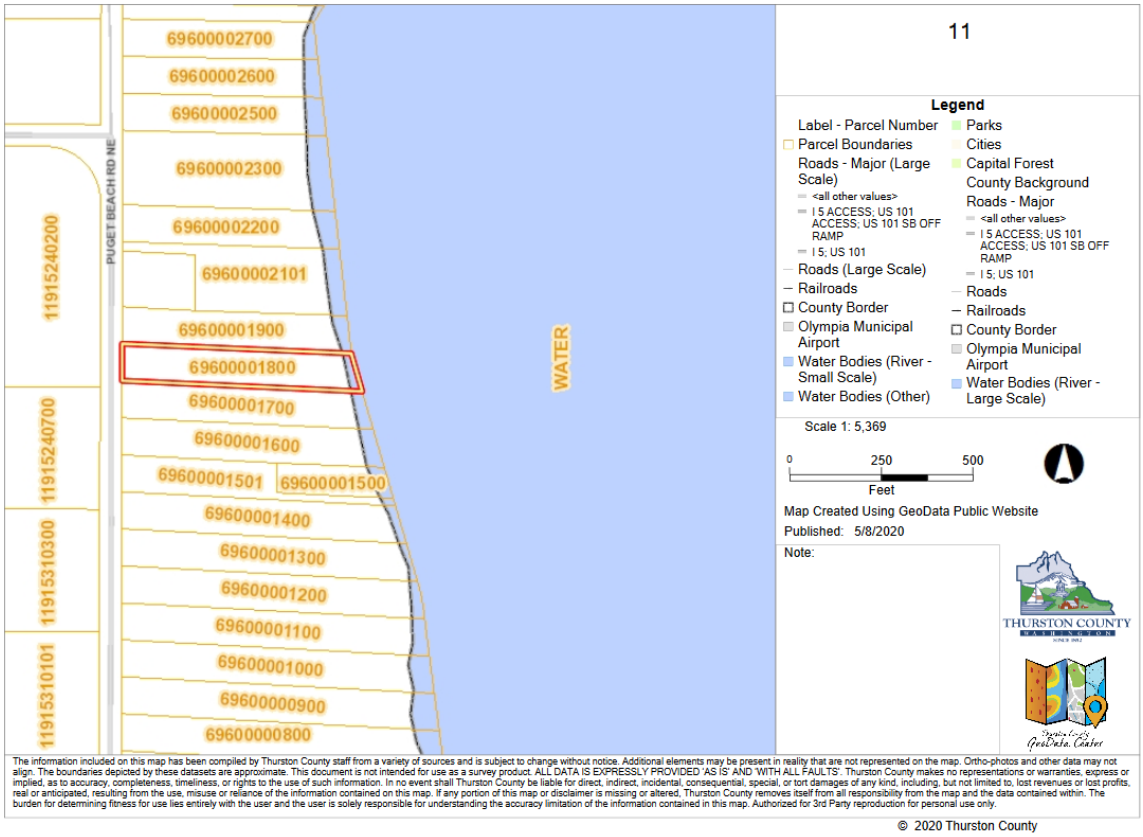

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PROP. PRJCT: Shellfish aquaculture
IN: Nisqually Reach, WA
COUNTY: Thurston
STATE: Washington

PROJECT AREA

Lat/Long for PROJECT area:

A	47.135435°	-122.788678°
B	47.135578°	-122.787420°
C	47.134720°	-122.787165°
D	47.134598°	-122.788332°

REFERENCE:
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PROP. PRJCT: Shellfish aquaculture
IN: Nisqually Reach, WA
COUNTY: Thurston
STATE: Washington

CULTIVATION AREA

Lat/Long for CULTIVATION area:

A	47.135477°	-122.788316°
B	47.135578°	-122.787420°
C	47.134720°	-122.787165°
D	47.134639°	-122.787969°

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