



**Request for Clean Water Act
Section 401 Water Quality Certification
WA State Department of Ecology**
Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY

Date Received: 01/27/2021
Aquatics ID#: 139460
Team: SWRO
Valid Request: 1/28/2021

A. Identify the applicable federal license or permit:Permit or License Number (if known): NWS-2020-915

Federal Agency triggering the Water Quality Certification (WQC):

- ☒ U.S. Army Corps of Engineers ☐ U.S. Coast Guard
☐ U.S. Environmental Protection Agency ☐ Federal Energy Regulatory Commission
☐ Other: _____

B. Project Information:Name: Markham Oyster Co. County: Grays Harbor**C. Documentation showing that the pre-filing meeting request was submitted at least 30 days prior to submitting this Section 401 WQC Request:** ☒ Attached**D. Applicable Additional Information (Attached):**

- ☒ Completed, signed, and dated Joint Aquatic Resources Permit Application (JARPA)
☐ Water Quality Monitoring Plan or WQ Monitoring and Protection Plan
☐ Mitigation Plan
☐ Wetland Delineation Report and ratings
☐ Copy of the federal permit or license application, including all accompanying information
☐ Suitability Determination for dredging projects with in-water disposal
☐ Dewatering Plan
☐ Revegetation/Restoration Plan
☐ Erosion and Sediment Control Plan
☐ SEPA and/or NEPA decision

E. Certification Statements:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief.

Initial DAH

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Initial DAHSignature: David Hollingsworth Date: 1-27-21Print Name: DAVID HOLLINGSWORTH

Submit this CWA §401 Certification Request form along with a JARPA and supporting information to ecyrefedpermits@ecy.wa.gov and cc the federal permitting agency.

To request an ADA accommodation, contact Ecology by phone at (360) 407-6076 or email at ecyrefedpermits@ecy.wa.gov, or visit [Accessibility & the Americans with Disabilities Act \(ADA\)](#). For Relay Service or TTY call 711 or 877-833-6341.



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.



US Army Corps
of Engineers®
Seattle District

AGENCY USE ONLY

Date received: 01/27/2021 edoc
Rec'd Req 401 Form
Agency reference #: Valid - 1/28/2021
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) [\[help\]](#)

Markham Oyster Ongoing Aquaculture

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Ruggles, Gary and Hollingsworth, David

2b. Organization (If applicable)

Markham Oyster Co.

2c. Mailing Address (Street or PO Box)

20 Old Westport rd

2d. City, State, Zip

Aberdeen, WA 98520

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

360-589-8143

mgruggles@comcast.net

¹Additional 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.
- 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.

²To 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.

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)			
Sahli, Natalie			
3b. Organization (If applicable)			
Flying Tide Consulting			
3c. Mailing Address (Street or PO Box)			
522 Edison St SE			
3d. City, State, Zip			
Olympia, WA 98501			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
360-209-2069	360-878-4449		natalie@flyingtideconsulting.com

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)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail

Part 5—Project Location(s)

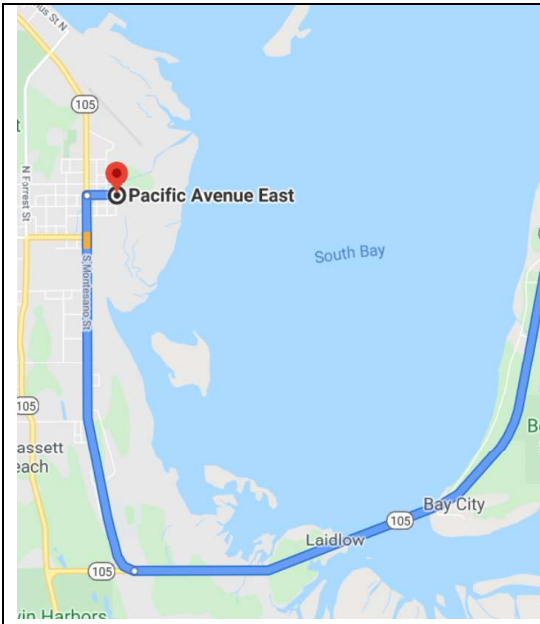
Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☒ 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]			
<input checked="" type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> 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]			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Westport, WA 98595			
5d. County [help]			
Grays Harbor			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	8	16N	R11W
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none">Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)			
46.8888N, -124.0806W			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none">The local county assessor's office can provide this information.			
616110754351, 616110754352, 616110754353			
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)
N/A: this property consists of 3 adjoining parcels owned by the applicant. They are accessed by boat. No other parcels surround the properties within 450'			

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5i. List all wetlands on or adjacent to the project location. [help]
N/A
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
Grays Harbor
5k. Is any part of the project area within a 100-year floodplain? [help]
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
5l. Briefly describe the vegetation and habitat conditions on the property. [help]
Sparse eelgrass in the S portion of the bed, sparse natural set cockle over entire bed, mud substrate.
5m. Describe how the property is currently used. [help]
The property is currently used for the on-bottom cultivation of Pacific oysters, longline culture of Pacific oysters, and the harvest of naturally occurring cockle clams.
5n. Describe how the adjacent properties are currently used. [help]
No other parcels surround the properties within 450'. Nearest upland parcel is zoned as Westport CON Conservancy; Westport MUTC1 Mixed-Use Tourist Commercial 1
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]
Currently, there are longlines on the NE of the property. Longlines are inspected on a regular basis. If any damage to the structure is encountered on inspection, the structure is repaired, and the damaged gear properly disposed.
5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]
Follow WA 105 S. Slight right on Montesano St S. Take right onto E Pacific Ave.



Part 6–Project Description

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

Continuing aquaculture activities authorized under the NWP 48: specifically activities relating to the on-bottom and longline culture of pacific oysters and harvest of naturally occurring cockle clams

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

The plots in the project area have been continuous productive commercial oyster grounds for over ten decades under the management of various operators. The purpose of the project is to continue cultivating oysters on these properties, which have been owned and managed by Markham Oyster Co. for several years consistent with the conditions outlined in the recently vacated NWP 48 permit. Extending permit coverage for the operation into the future will ensure that Markham Oyster Co. is able to maintain its ability to sustainably produce food for human consumption, and continue to provide employment opportunity for the local community. No additional modifications are requested that vary from activities previously approved under the NWP 48.

Harvest of on-bottom oysters takes place via dredge and also via hand. The time to maturity for on-bottom oysters is approximately 2-3 years. Longlines are harvested by hand in accordance with industry BMPs, and structures are repaired and replaced at regular inspection intervals. Naturally-occurring cockle clams are harvested from beds by hand on a rotating basis every 2-3 years. Care is taken to ensure that harvesting of mature populations facilitates a healthy rebound of the population for subsequent years.

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) [\[help\]](#)

<input checked="" type="checkbox"/> Aquaculture <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Boat House <input type="checkbox"/> Boat Launch <input type="checkbox"/> Boat Lift <input type="checkbox"/> Bridge <input type="checkbox"/> Bulkhead <input type="checkbox"/> Buoy <input type="checkbox"/> Channel Modification	<input type="checkbox"/> Culvert <input type="checkbox"/> Dam / Weir <input type="checkbox"/> Dike / Levee / Jetty <input type="checkbox"/> Ditch <input type="checkbox"/> Dock / Pier <input type="checkbox"/> Dredging <input type="checkbox"/> Fence <input type="checkbox"/> Ferry Terminal <input type="checkbox"/> Fishway	<input type="checkbox"/> Float <input type="checkbox"/> Floating Home <input type="checkbox"/> Geotechnical Survey <input type="checkbox"/> Land Clearing <input type="checkbox"/> Marina / Moorage <input type="checkbox"/> Mining <input type="checkbox"/> Outfall Structure <input type="checkbox"/> Piling/Dolphin <input type="checkbox"/> Raft	<input type="checkbox"/> Retaining Wall (upland) <input type="checkbox"/> Road <input type="checkbox"/> Scientific Measurement Device <input type="checkbox"/> Stairs <input type="checkbox"/> Stormwater facility <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Utility Line
<input type="checkbox"/> 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.

No new project is proposed. All elements remain consistent with activities verified under the NWP 48.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- 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

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

Project expenses will be ongoing and subject to change with market value, cost of labor increases, and equipment repair and purchases.

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 ☐ Don't know

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

N/A

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. [\[help\]](#)

N/A

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. [\[help\]](#)

N/A

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

The project will be carried out consistent with the guidelines and conservation measures outlined in the following documents:

1. The Pacific Coast Shellfish Growers Association’s Environmental Codes of Practice.
2. Willapa Grays Harbor Oyster Growers Association Best Management Practices
3. The Army Corps of Engineers Programmatic Biological Assessment and the National Marine Fisheries Service and U.S. Fish and Wildlife Service Biological Opinions.

Additionally, appropriate soil erosion and sediment controls will be used and maintained in effective operating condition, and visual monitoring will be conducted to confirm that project-related discharges do not cause turbidity plumes that extend beyond 150 feet and take corrective action to cure any such exceedances.

Shellfish cultivation positively contributes to the aquatic environment through acting as three-dimensional habitat and improving water quality through removal via filtration of nutrients and particulate organic matter. Shellfish both thrive in, and create, a healthy aquatic environment.

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 ☐ Don't know

The activities are ongoing and previously authorized with the guidance of the US Army Corps of Engineers, US Fisheries Service and National Marine Fisheries Services. See 8a for more information on ongoing best practices.

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. [\[help\]](#)

N/A

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

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. [\[help\]](#)

N/A

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. [\[help\]](#)

N/A

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: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-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.

171001050400

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

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up> to find the WRIA #.

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

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria> 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: <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases>.

☐ 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

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. [\[help\]](#)

Cultivation and harvest of oysters and clams

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

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

☐ Yes ☒ No

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. [\[help\]](#)

Western Snowy Plover Pacific Coast DPS, Marbled murrelet, Short-tailed albatross, Streaked horned lark
Southern DPS green sturgeon, Chinook, chum, and coho salmon, steelhead and cutthroat trout, Eulachon
Killer whale, Southern Resident DPS, Humpback whale

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. [\[help\]](#)

Estuarine and Marine Habitat
Shorebird, Waterfowl & Migratory Bird Concentrations
Fish: Pacific herring, eulachon, chinook, chum, coho, coastal resident sea run cut-throat trout; Bull trout critical habitat
Marine Mammals: Humpback Whales, Orcas; Harbor Seal; seal haul outs.

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 <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

☐ 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](#)

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 ☐ Non-Federally Regulated Waters

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (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:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: d13-pf-d13bridges@uscg.mil

- ☐ Bridge Permit ☐ Private Aids to Navigation (or other non-bridge permits)

United States Environmental Protection Agency:

- ☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

- ☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

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. GR (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. GR (Initial)

<u>GARY RUGGLES</u>	<u></u>	<u>July 29, 2020</u>
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.

<u>Natalie Sahli</u>	<u></u>	<u>1/27/2021</u>
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 (provide copy of easement with JARPA).

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.

<u>Property Owner Printed Name</u>	<u>Property Owner Signature</u>	<u>Date</u>
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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: ORIA-16-011 rev. 09/2018



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



US Army Corps
of Engineers®
Seattle District

AGENCY USE ONLY	
Date received:	_____
Agency reference #:	_____
Tax Parcel #(s):	_____ _____ _____

TO BE COMPLETED BY APPLICANT [help]	
Project Name:	<u>Markham Oyster Ongoing Aquaculture</u>
Location Name (if applicable):	<u>Cedar River</u>

Attachment B:
For additional project location(s) [\[help\]](#)

Use this attachment only if you have more than one project location.

Use a separate form for each additional location.

Use black or blue ink to enter answers in white spaces below.

1. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input checked="" type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
2. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 16) [help]			
3. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Westport, WA 98595			
4. County [help]			
Grays Harbor			
5. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	8	16N	R11W
6. Provide the latitude and longitude of the project location. [help]			
• Example: 47.03922 N lat. / -122.89142 W long (Use decimal degrees - NAD 83)			
46.876680, -124.085770			
7. List the tax parcel number(s) for the project location. [help]			
• The local county assessor's office can provide this information.			
161118848401			

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

Name	Mailing Address	Tax Parcel # (if known)
WDFW STATE OF WASHINGTON	600 CAPITOL WAY NORTH OLYMPIA, WA 98501	161118848300/16111884 8400

9. List all wetlands on or adjacent to the project location. [\[help\]](#)

N/A

10. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Grays Harbor

11. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

☐ Yes ☒ No ☐ Don't know

12. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Mud substrate and sparse natural set cockles throughout. Sparse eelgrass along the W boundar of the bed and along the E/SE boundary of the bed.

13. Describe how the property is currently used. [\[help\]](#)

The property is currently used for the on-bottom cultivation of Pacific oysters and the harvest of naturally occurring cockle clams.

14. Describe how the adjacent properties are currently used. [\[help\]](#)

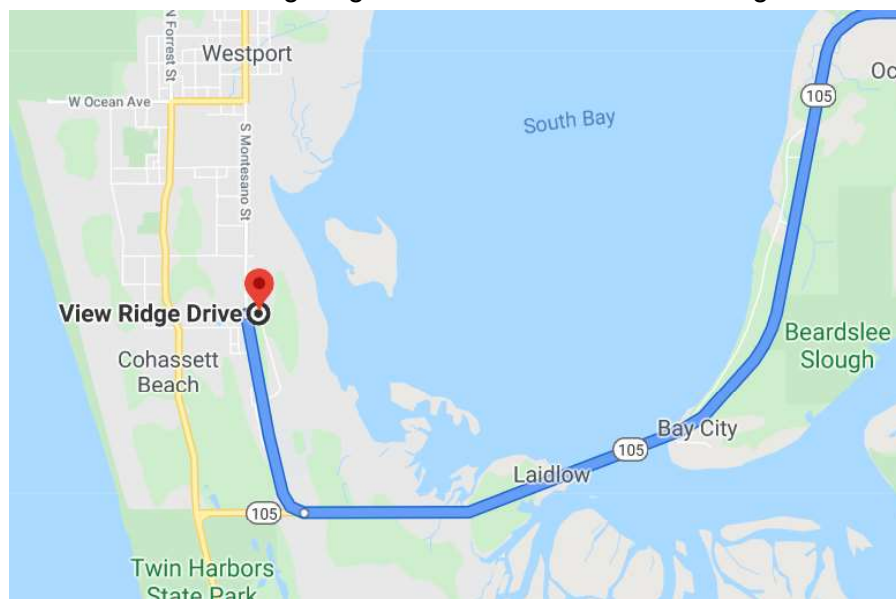
The adjacent properties to the W are owned and managed by WDFW and are designated oyster rounds. Currently, grounds are fallow. Lands to the E, S and N of the property are undeveloped.

15. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

There are no structures on the property.

16. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Follow WA 105 S. Slight right on Montesano St S. Take right onto View Ridge Dr S.



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: ORIA-16-013 rev. 10/2016



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



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AGENCY USE ONLY	
Date received:	_____
Agency reference #:	_____
Tax Parcel #(s):	_____ _____ _____

TO BE COMPLETED BY APPLICANT [help]	
Project Name: Markham Oyster Ongoing Aquaculture	
Location Name (if applicable): <u>NCP</u>	

Attachment B:
For additional project location(s) [\[help\]](#)

Use this attachment only if you have more than one project location.

Use a separate form for each additional location.

Use black or blue ink to enter answers in white spaces below.

1. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input checked="" type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
2. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 16) [help]			
3. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Westport, WA 98595			
4. County [help]			
Grays Harbor			
5. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	8	16N	R11W
6. Provide the latitude and longitude of the project location. [help]			
• Example: 47.03922 N lat. / -122.89142 W long (Use decimal degrees - NAD 83)			
46.885857°, -124.070264°			
7. List the tax parcel number(s) for the project location. [help]			
• The local county assessor's office can provide this information.			
161108852801			

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

Name	Mailing Address	Tax Parcel # (if known)
WA DNR	1111 Washington St. SE PO Box 47001	Lease # 20-074851
	Olympia, WA 98504	
COAST SEAFOODS COMPANY	PO BOX 166	161108852700, 161108852800
	SOUTH BEND WA 98586	

9. List all wetlands on or adjacent to the project location. [\[help\]](#)

N/A

10. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Grays Harbor

11. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

☐ Yes ☒ No ☐ Don't know

12. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Mud substrate and sparse cockle habitat throughout.

13. Describe how the property is currently used. [\[help\]](#)

The property is currently used for the on-bottom cultivation of Pacific oysters and the harvest of naturally occurring cockle clams.

14. Describe how the adjacent properties are currently used. [\[help\]](#)

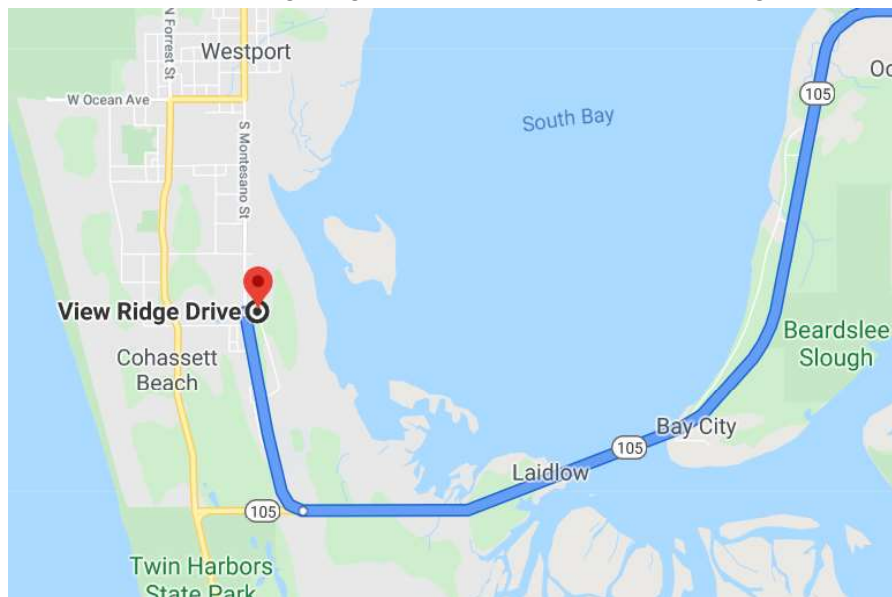
The surrounding properties are all used for the commercial cultivation of Pacific oysters. The DNR lease to the north is additionally used by applicant for the hand harvest of cockles.

15. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

N/A

16. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Follow WA 105 S. Slight right on Montesano St S. Take right onto View Ridge Dr S.



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WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



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AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [\[help\]](#)

**Project Name: Markham Oyster Ongoing
Aquaculture**

**Location Name (if applicable): DNR Lease
20-074851**

Attachment B:
For additional project location(s) [\[help\]](#)

Use this attachment only if you have more than one project location.

Use a separate form for each additional location.

Use black or blue ink to enter answers in white spaces below.

1. 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](#))

2. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 16) [\[help\]](#)

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

Westport, WA 98595

4. County [\[help\]](#)

Grays Harbor

5. Provide the section, township, and range for the project location. [\[help\]](#)

¼ Section	Section	Township	Range
	8	16N	R11W

6. Provide the latitude and longitude of the project location. [\[help\]](#)

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

46.887726°, -124.069570°

7. List the tax parcel number(s) for the project location. [\[help\]](#)

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

Lease # 20-074851

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

Name	Mailing Address	Tax Parcel # (if known)
Applicant is sole adjoining property owner		

9. List all wetlands on or adjacent to the project location. [\[help\]](#)

N/A

10. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Grays Harbor

11. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

☐ Yes ☒ No ☐ Don't know

12. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Mud substrate and sparse natural set cockles throughout. Sparse eelgrass in the center of the property.

13. Describe how the property is currently used. [\[help\]](#)

The property is currently used for the on-bottom cultivation of Pacific oysters and the harvest of naturally occurring cockle clams.

14. Describe how the adjacent properties are currently used. [\[help\]](#)

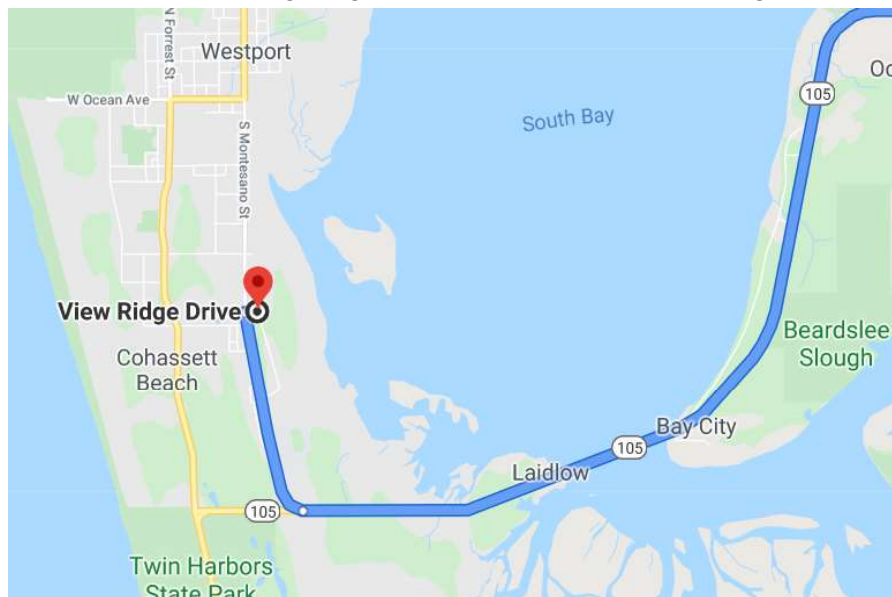
The property to the south is used for the commercial cultivation of Pacific oysters and commercial harvest of cockles. Adjacent properties to the E, W, and N are undeveloped.

15. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

N/A

16. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Follow WA 105 S. Slight right on Montesano St S. Take right onto View Ridge Dr S.



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WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) [\[help\]](#)



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of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____; ☐ Town
☐ Application Fee Received; ☐ Fee N/A
☐ New Application; ☐ Renewal Application
 Type/Prefix #: _____; NaturE Use Code: _____
 LM Initials & BP#: _____
 RE Assets Finance BP#: _____
 New Application Number: _____
 Trust(s): _____; County: _____
 AQR Plate #(s): _____
 Gov Lot #(s): _____
 Tax Parcel #(s): _____

Attachment E: Aquatic Use Authorization on Department of Natural Resources (DNR)-managed aquatic lands [\[help\]](#)

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit <http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions> for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to <http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map>. [\[help\]](#)
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a \$25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources." (Contact your Land Manager to determine if and when you are required to pay this fee.) [\[help\]](#)

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [\[help\]](#)

Use black or blue ink to enter answers in white spaces below.

1. Applicant Name (Last, First, Middle)	
Ruggles, Gary	
2. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]	
Markham Oyster Ongoing Aquaculture	
3. Phone Number and Email	
360-589-8143; mgruggles@comcast.net	
4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]	
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Liability Company Home State of Registration: _____	<input type="checkbox"/> Individual <input type="checkbox"/> Marital Community (Identify spouse): _____ <input type="checkbox"/> Government Agency <input type="checkbox"/> Other (Please Explain): _____

5. Washington UBI (Unified Business Identifier) number, if applicable: [help]
602-657-538
6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If Yes, Authorization number(s): <u>20-074851</u>
7. Do you intend to sublease the property to someone else?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, contact your Land Manager to discuss subleasing.
8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]
N/A

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

Carol Piening

Printed Name

Dept. of Natural Resources

District Manager or Assistant Division Manager

DocuSigned by:
Carol Piening
2020.11.02 09:03:04

Signature

Dept. of Natural Resources

District Manager or Assistant Division Manager

9/14/2020

Date

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WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



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Seattle District

AGENCY USE ONLY	
Date received:	_____
Agency reference #:	_____
Tax Parcel #(s):	_____ _____

TO BE COMPLETED BY APPLICANT [help]	
Project Name: <u>Markham Oyster Ongoing Aquaculture</u>	
Location Name (if applicable): <u>Fitts Bed</u>	

Attachment B:
For additional project location(s) [\[help\]](#)

Use this attachment only if you have more than one project location.

Use a separate form for each additional location.

Use black or blue ink to enter answers in white spaces below.

1. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input checked="" type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
2. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 16) [help]			
3. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Markham, WA 98520			
4. County [help]			
Grays Harbor			
5. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	3	16N	R11W
6. Provide the latitude and longitude of the project location. [help]			
• Example: 47.03922 N lat. / -122.89142 W long (Use decimal degrees - NAD 83)			
46.940952°, -123.975994°			
7. List the tax parcel number(s) for the project location. [help]			
• The local county assessor's office can provide this information.			
171030850400, 171019850801			

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

Name	Mailing Address	Tax Parcel # (if known)
WILD LIFE MARSH LAND LLC	PO BOX 1691	171125847600
	MCCLEARY WA, 98557	
G H COUNTY	310 W SPRUCE ST SUITE 100	171030847200, 171030847300, 171029850500, 171020850700, 171019851100
	MONTESANO WA 98563	
ROY STUART G	5104 U STREET	171019850802
	WASHOUGAL WA 98671	

9. List all wetlands on or adjacent to the project location. [\[help\]](#)

N/A

10. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Grays Harbor

11. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

☐ Yes ☒ No ☐ Don't know

12. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Mud substrate and sparse eelgrass throughout.

13. Describe how the property is currently used. [\[help\]](#)

The property is currently fallow

14. Describe how the adjacent properties are currently used. [\[help\]](#)

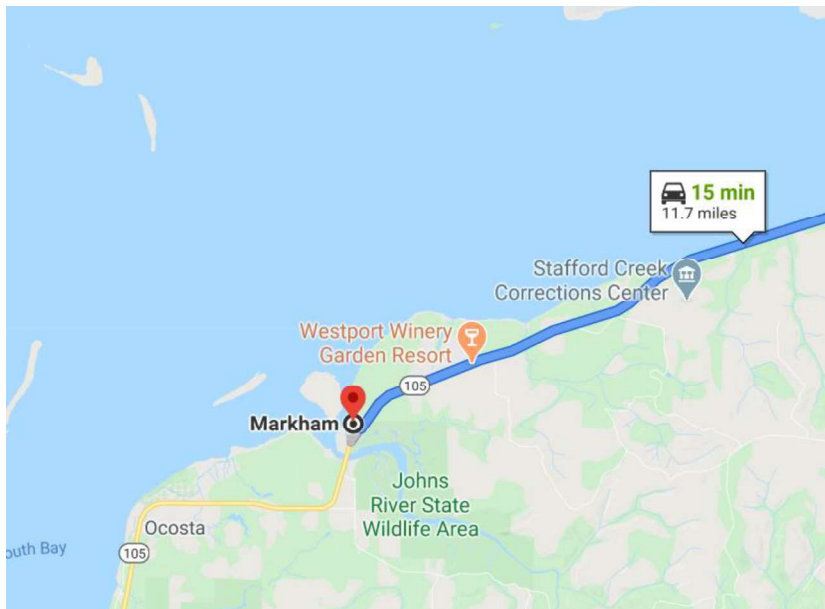
The surrounding properties are undeveloped, though classified as oyster grounds

15. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

None.

16. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Follow US 101 S. Continue on WA-105 S. Destination is on the right off of the highway.



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WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



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Seattle District

AGENCY USE ONLY	
Date received:	_____
Agency reference #:	_____
Tax Parcel #(s):	_____ _____ _____

TO BE COMPLETED BY APPLICANT [help]	
Project Name: <u>Markham Oyster Ongoing Aquaculture</u>	
Location Name (if applicable): <u>Grass Creek</u>	

Attachment B:
For additional project location(s) [\[help\]](#)

Use this attachment only if you have more than one project location.

Use a separate form for each additional location.

Use black or blue ink to enter answers in white spaces below.

1. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input checked="" type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
2. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 16) [help]			
3. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Gray Gables, WA 98550			
4. County [help]			
Grays Harbor			
5. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	2	18N	R11W
6. Provide the latitude and longitude of the project location. [help]			
• Example: 47.03922 N lat. / -122.89142 W long (Use decimal degrees - NAD 83)			
46.979918°, -124.044142°			
7. List the tax parcel number(s) for the project location. [help]			
• The local county assessor's office can provide this information.			
171110856800			

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

Name	Mailing Address	Tax Parcel # (if known)
COAST SEAFOODS CO	PO BOX 166	171103853300, 171103853500,
	SOUTH BEND WA	
G H COUNTY	310 W SPRUCE ST SUITE 100	171110854000
	MONTESANO WA, 98563	

9. List all wetlands on or adjacent to the project location. [\[help\]](#)

N/A

10. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Grays Harbor

11. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

☐ Yes ☒ No ☐ Don't know

12. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Sand substrate in N of bed, bottom half of bed is mud substrate with sparse eelgrass.

13. Describe how the property is currently used. [\[help\]](#)

The property is currently fallow

14. Describe how the adjacent properties are currently used. [\[help\]](#)

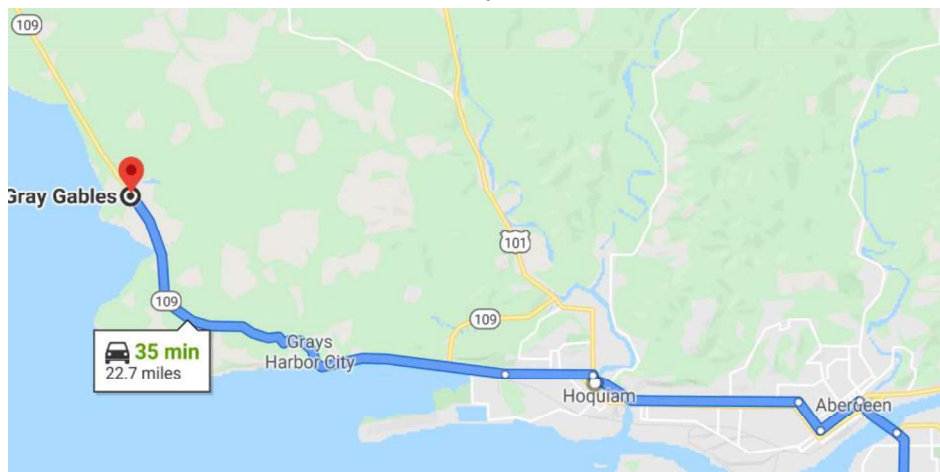
The properties to the north are used for the commercial cultivation of oysters. The properties to the E, S and W are fallow.

15. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

None.

16. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Follow US 101 from Aberdeen to Hwy 109. Turn Left after Kessler Ln



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