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: 05/11/2021
Aquatics ID#: 135422
Team: HQ
Valid Request: 05/11/2021

A. Identify the applicable federal license or permit:

Permit or License Number (if known): NWS 2013-1268

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: BDN LLC Geoduck Farm - Smersh Parcel County: Jefferson

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 _____

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 _____

Signature: _____ Date: May 10, 2021

Print Name: Bradley D. Nelson

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]

US Army Corps of Engineers ®
Seattle District

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

AGENCY USE ONLY

Date received: 05/11/2021 edoc
Rec'd 401 Req Form

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]
BDN LLC Geoduck Farm – Smersh Parcel (Previous COE Project No. NWS-2013-1268)

Part 2–Applicant

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

2a. Name (Last, First, Middle)			
Nelson, Brad			
2b. Organization (If applicable)			
BDN LLC			
2c. Mailing Address (Street or PO Box)			
3011 Chandler Street			
2d. City, State, Zip			
Tacoma, WA 98409			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(253) 377-3353		(253) 566-1178	brad@seaproducks.com

[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.
- 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)			
Sheppard, Kenneth			
3b. Organization (If applicable)			
Simburg, Ketter, Sheppard & Purdy, LLP			
3c. Mailing Address (Street or PO Box)			
999 Third Ave., Suite 2525			
3d. City, State, Zip			
Seattle, WA, 98104			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(206) 382-2600		(206) 223-3929	ksheppard@sksp.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)			
Smersh, James			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
P.O. Box 1246			
4d. City, State, Zip			
Mercer Island, WA 98040			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
(206) 963-5571			

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]

Project Area is aquatic. Nearby Street address of upland property: 1160-1254 Shine Road

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

Port Ludlow, WA 98365

5d. County [help]

Jefferson

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

¼ Section	Section	Township	Range
NW	3	27N	1E

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)

NW Corner: 47.866644, - 122.663644; NE Corner: 47.866313, -122.661231; SW Corner: 47.865831, -122.663884; SE Corner: 47.865575, -122.661410

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

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

Jefferson County Parcel 721031007

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)
Jefferson County	P.O. Box 1220, Port Townsend, WA, 98368	721031008
Mark & Judith Johnson	1234 Shine Road, Port Ludlow, WA, 98365	721031023
E&S Davis Living Trust	P.O. Box 65351, Port Ludlow, WA, 98365	721831024
James and Susan Simpkins	24215 SE 34th Place, Issaquah, WA 98029	721031025

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

None

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

Squamish Harbor

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

☐ Yes ☒ No ☐ Don't know

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

A survey was conducted on 8/20/13 to record habitat conditions at the site of the proposed project. Substrate and other features identified were as follows: sand, pea gravel, cobble, barnacles, mud, scattered Anthlopeura elegantissima, and patchy sand dollars. The microalgae consisted of Ulva, native eelgrass (Zostera marina), and non-native dwarf eelgrass (Zostera japonica). See the Biological Evaluation submitted herewith for additional detail.

The site has also been surveyed several times to map the extent of the Z. marina bed. Confluence Environmental conducted an eelgrass survey on July 20, 2016 to reconfirm the extent of the eelgrass bed previously surveyed In September 2015. Both Z. marina and Z. japonica are present within the project site. Z. marina is abundant at subtidal and lower intertidal elevations, while Z. japonica is very sparsely distributed at higher intertidal elevations. A bed of dense, robust Z. marina is located seaward of the extreme low tide elevation (approximately -2 ft. MLLW). Landward of this dense bed edge the beach is substantially composed of bare sand with occasional patches of sparse Z. japonica. No Z. marina is present landward of approximately -2 ft. MLLW. Planting of geoducks is planned between approximately +2 MLLW and a 5-meter (16.4 ft.) buffer of the dense Z. marina bed edge. The eelgrass survey performed by Confluence is attached to the enclosed Specific Project Information Form ("SPIF").

Because more than one year has lapsed since the previous survey was completed, the Washington State Department of Ecology and Jefferson County requested that the bed edge be re-verified to ensure the proposed project will be sited at least 16 feet from native eelgrass so as to reduce the potential for negative impacts to protected resources. A biologist knowledgeable in Pacific Northwest seagrass identification and survey methods visited the Smersh parcel during low tide on June 28th, 2018 between 11:00 am and 1:00 pm. At that time, water elevations ranged from -0.3 feet to -1.6 feet relative to MLLW. The surveyor crisscrossed the entire parcel while scanning the substrate to the left and right to locate and identify any submerged aquatic vegetation, with a specific focus on locating native eelgrass. As with previous surveys, very small, sparse patches of non-native Japanese eelgrass (Zostera japonica) were found widely distributed between approximately +2 feet and -1 foot MLLW. No native eelgrass was found above -1 foot MLLW. A dense bed of native eelgrass with a patchy margin was observed below approximately -1 to -2 feet MLLW. The location of the landward edge of the native eelgrass bed was accurately recorded using a differential GPS with sub-meter accuracy. The 2018 bed edge closely matches the 2016 bed edge in some areas but the patchy margin has receded waterward in many areas Nowhere has the bed expanded landward of the 2016 margin. Thus, the geoduck planting area proposed in 2016, and permitted by the Corps in 2017, will not be altered in the application for a Jefferson County conditional use permit. (See attached Proposed Smersh Geoduck Farm: 2018 Zostera marina bed edge re-verification, dated July 9, 2018.)

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

The tidelands have been used for typical beach recreational activities.

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

The adjacent upland properties are single family residential. Nearby tidelands include existing geoduck farms.

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

The site currently has a decayed bulkhead above MHHW and a small rock jetty on the western border.

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

From the east end of the Hood Canal Bridge, take the bridge west on SR 104. Go 1.8 miles and turn left onto Shine Road. The Project site is located 1.1 miles to the west.

Part 6–Project Description

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

The proposed project would establish an intertidal geoduck farm.

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

The purpose of this proposed project is to grow geoduck for a wholesale market.

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	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ 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.

BDN proposes to cultivate Pacific geoduck (Panopea generosa). The planting area will consist of approximately 5.15 acres, generally between approximately +2 ft. MLLW and a 5-meter (16.4 ft.) buffer of the native eelgrass (Zostera marina) bed edge, located between approximately -1MLLW and -2 MLLW.

To protect geoduck seed from predators, PVC tubes 4” in diameter by 10" long will be manually placed in the substrate at low tide, while the tidelands are exposed, before any geoduck seed is planted. The tubes are inserted into the substrate such that at least half of the tube is below the substrate and the remainder is above it. A low pressure water hose may be used to loosen the substrate sufficiently to properly insert the tubes. Tubes will be spaced at approximately one tube per square foot in the planting area. Only 3”-5" of the tubes will be exposed above the substrate. Tubes will be labeled with contact information for BDN. 12-25 workers will work to insert these PVC tubes during each approximately 5-hour shift. This will allow for approximately 6,000-10,000 tubes to be placed per day.

Geoduck seed will be obtained from a certified hatchery and typically planted in the installed PVC tubes when 4-5 mm in size. The juvenile geoducks will be placed in the installed tubes by divers during times when the tubes are submerged. No water jets will be used during placement of the seed in the PVC tubes. The PVC tubes will be covered with a mesh cap and secured with UV-resistant rubber bands after the seed has been planted. Planting will begin in spring and continue through fall. Planting activities will occur once per year, typically in June or July, over a period of 20-25 days.

No netting will be installed over the tubes, and no rebar or other materials will be used in connection with the planting maintenance or harvest activities. The installed PVC tubes are very resistant to dislocation during severe weather, or from geoduck movement and activity, so no securing nets are necessary. Any dislodged tubes do not float, and thus tend to remain on or near the tract even if dislodged, where they can be retrieved by regular beach inspections. No fill materials or other nursery/grow-out structures will be installed on the site.

Site inspections will be made weekly, or more frequently if needed due to adverse weather or citizen complaints, to ensure that PVC tubes have not become dislodged. BDN has implemented an aquaculture gear maintenance plan, appended as Attachment I-2, to address potential gear escapement and to facilitate quick recovery of any gear displaced by storm activity. Site inspections will be generally conducted by 2-4 BDN employees walking the tidelands and surrounding areas at low tide. Site maintenance will also include monitoring and relocation of built-up drift microalgae (e.g. Ulva). If low tide periods occur at night, these workers may use individual LED headlamps for such inspection and maintenance work. If any maintenance work is required, this will be performed by as many as four people, but should typically require no more than 1 hour for each such maintenance event. No vessel operations will take place at night.

Two years after planting, when the geoducks have reached a depth sufficient to avoid predators, beach workers will remove the tubes by hand at low tide. Consistent with Corps requirements, if any herring spawn is found on the PVC tubes, they will not be removed until the eggs have hatched. The tubes will be placed in large bags and removed for reuse or proper upland disposal.

Usually, harvesting will begin between five and six years after planting; the exact timing of harvesting will depend on a variety of environmental and economic factors. The total harvest window is expected to be 1-2 years. The majority of harvesting will be conducted at high tides by divers using surface-supplied air. A small amount of beach harvesting will be conducted during the "cleanup" harvest phase at the end of the harvesting period when there are fewer geoducks remaining on the beach. Both dive harvests and beach harvests use the same extraction equipment. A diesel or gasoline engine located on the work skiff is used to power a water jet nozzle that loosens the substrate around each geoduck. The engine will have a muffler to minimize noise impacts. The water intake hose will include a 2.36 mm wire mesh screen covering the intake to prevent fish entrainment in the low-pressure pump. The water

jet nozzle is at the end of an approximately 150' long, 1.5" delivery hose. The nozzle is approximately 27" long and may supply up to 20-30 gallons of water per minute at 40 psi

After geoducks are removed from the substrate as described above, they will be stored in crates located on the work skiff prior to transport off-site. During both dive and beach harvesting, the work skiff will not be anchored in any native eelgrass beds. Dive harvests will be conducted during daylight hours. Divers work within a 150' radius of the work skiff at depths of 5' to 20' using surface supplied air. The vessel engine will be turned off while divers are working for diver safety. When beach harvesting, the skiff is regularly moved so that it always remains near the water's edge. Water hoses are then run from the skiff

to the beach. Dive harvests will employ 1 diver and 2 support workers in the skiff. Dive harvesting will usually last for 3-to 6 hours each harvest day. Beach harvests will employ 2 workers on the beach and 2 support workers on the skiff.

Harvesting activities at this location will occur only during daylight hours, over a period of about 5 hours per day, averaging 3-4 harvest days per week during the one to two year harvest period. BDN will comply with Corps' conditions associated with herring, surf smelt, and sand lance spawning.

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: Immediately upon issuance of all necessary permits. End Date: Continuous ☐ See JARPA Attachment D

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

$515,000

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]

Not Applicable

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)
Not Applicable						

[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]

No fill will be used.

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]

Not Applicable

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

Fueling of vessels will be done at gas stations and never on the water. Vessels will either be moored directly offshore of the site outside of eelgrass beds and/or grounded for a maximum of five hours during the low tide runs to accommodate cultivation activities (planting, maintenance, and harvesting). BDN will comply with all conditions provided in the Corps' 2015 Programmatic Biological Assessment for Shellfish Activities in Washington State Inland Marine Waters.

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

No mitigation plan has been prepared because there are no known adverse impacts on non-wetland waterbodies

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
Not Applicable					

[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; there is no fill associated with the proposed project.

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; there is no excavation or dredging associated with the proposed project.

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
Army Corps of Engineers	Pam Sanguinetti	(206) 764-6904	3/12/2019

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.

17110018

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 #.

WRIA 17 Quilcene-Snow

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

During all site activities (anchor installation, planting, maintenance and harvest) turbidity will not exceed:

• 10 NTUs over background when the background is 50 NTUs or less; or

• A 20 percent increase in turbidity when the background turbidity is more than 50 NTUs.

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- Shoreline Residential ☐ 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]

Private tidelands

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]
See Biological Evaluation
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]
See Biological Evaluation

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 Jefferson County Dept. of Community Development (lead agency). The expected decision date is unknown.
☐ 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. _____ (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)

Brad Nelson		December 1, 2020
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.

Kenneth Sheppard		December 1, 2020
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.

James Smersh		December 1, 2020
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: ORIA-16-011 rev. 09/2018

Site Plan - BDN LLC Geoduck Farm

Smersh Parcel