



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:
Aquatics ID#:
Team:
Valid Request:

A. Identify the applicable federal license or permit:

Permit or License Number (if known): _____

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: _____ County: _____

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 **Note:** see Cover Letter
☐ 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: _____

Print Name: _____

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: 9/29/2021 edoc
Rec'd 401 Request 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) [\[help\]](#)

Station House Oyster Company Project 1 (NWS-2012-1104)

Part 2—Applicant

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

2a. Name (Last, First, Middle)			
Kemmer, James			
2b. Organization (If applicable)			
Station House Oyster Company			
2c. Mailing Address (Street or PO Box)			
450 Chinook Valley Rd.			
2d. City, State, Zip			
Chinook, WA 98614			
2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail
360-777-8203			jaoskemmer@hughes.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.

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)			
Meaders, Marlene			
3b. Organization (If applicable)			
Confluence Environmental Company			
3c. Mailing Address (Street or PO Box)			
146 N Canal Street			
3d. City, State, Zip			
Seattle, WA 98103			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
206-724-5781			marlene.meaders@confenv.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. [\[help\]](#)

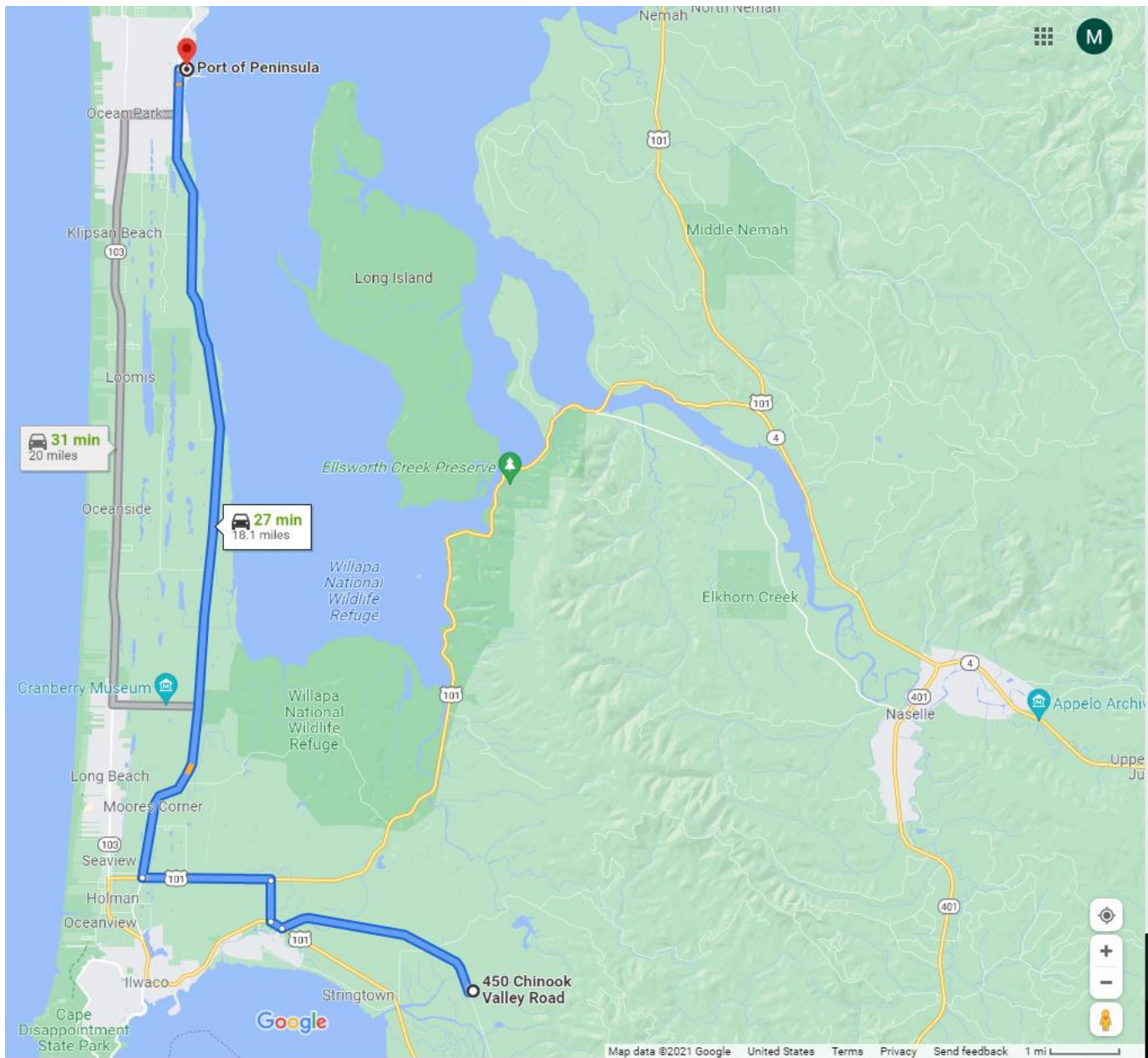
- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

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]			
Willapa Bay, no street address			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Ocean Park, WA 98640			
5d. County [help]			
Pacific			
5e. Provide the section, township, and range for the project location. [help] *Projected from terrestrial grid.			
¼ Section	Section	Township	Range
NA	16	13N	11W
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)			
46.612964 N / -124.035668 W			
5g. List the tax parcel number(s) for the project location. [help]			
• The local county assessor's office can provide this information.			
Parcel #79005003147 (OB-E147)			
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)	
WIEGARDT, CAROLE	1921 BRISTOL ST	79005000146	
	PETALUMA, CA 94954		
COWELL, WARREN EUGENE	PO BOX 43	79005000147	
	OCEAN PARK, WA 98640		
SWANTEK, CHRIS	201 SOUTH ADAMS	79005002147	
	HOQUIAM, WA 98550		

5i. List all wetlands on or adjacent to the project location. [help]
NA
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
Willapa Bay
5k. Is any part of the project area within a 100-year floodplain? [help]
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
5l. Briefly describe the vegetation and habitat conditions on the property. [help]
<p>This is generally characterized as intertidal mudflats, exhibiting shallow gradients. Substrate is sandy with some muddy sand. Native eelgrass (<i>Zostera marina</i>) is present in areas with appropriate habitat. There is also other macroalgae and the non-native eelgrass (<i>Zostera japonica</i>) present in the clam culture areas.</p> <p>According to data from the US Department of Agriculture, this area is in a high intertidal location where diatoms and other vegetation may also occur. Manila clams are typically grown at higher tidal elevations. This area was mapped in 2020 imagery as having native eelgrass present; however, this map may also reflect other vegetation with similar image spectrum characteristics (Lewis, personal communication, 2021). The 2009 data suggests eelgrass may be or may have been absent at this site. According to the grower (Kemmer, personal communication, 2021), this area does have eelgrass and there does not appear to be limitations to eelgrass growth. Overall, native eelgrass is believed to be either stable or expanding in the area that is part of Project 1.</p> <p>References:</p> <p>Lewis, N. 2021. Personal communication regarding eelgrass patterns in Willapa Bay. US Department of Agriculture. Email: nate.lewis@oregonstate.edu</p> <p>Kemmer, J. 2021. Personal communication regarding Station House Oyster Company operations. Station House Oyster Company. Email: jaoskemmer@gmail.com</p>
5m. Describe how the property is currently used. [help]
Parcel #79005003147 is currently used for Manila clams (<i>Venerupis philippinarum</i>) production, although natural sets of Pacific oyster (<i>Crassostrea gigas</i>) also occur in the area and are harvested by hand. This parcel has been previously permitted for shellfish aquaculture under Corps Permit Number NWS-2012-1104. There are no changes from the previously approved shellfish activities.
5n. Describe how the adjacent properties are currently used. [help]
<p>Adjacent properties are currently used in one or more of the following ways:</p> <ul style="list-style-type: none"> - For shellfish aquaculture - For recreation, including shellfish harvesting, beach walking, or boating (when inundated) - May lie fallow
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]
There are no structures on the intertidal parcels.

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

The farm area is accessed by boat. Driving directions from Station House Oyster Co. to Port of Peninsula Marina (i.e., nearest boat launch) are provided below.



From Chinook Valley Road:

- Head north toward Walberg Road for 3.2 miles,
- Turn right onto US-101 North for 0.2 miles,
- Turn right onto US-101 ALT for 0.6 miles,
- Turn left onto US-101 South for 1.9 miles,
- Turn right onto Sandridge Road in Seaview, WA, for 12.2 miles, and
- Turn right on 275th St. Destination is at the end of 275th St.

Part 6—Project Description

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

This application is for continued shellfish aquaculture and harvest activities in Willapa Bay. This location has been cultivated for 9 years under permit NWS-2012-1104. The purpose of this project is to continue commercial culture of Manila clams in existing farm areas for sale for human consumption. This area also has natural sets of Pacific oysters that are harvested by hand and sold commercially. This area includes 1 individual parcel for a total of 5.0 acres, all of which are actively used for culture. The shellfish growing area lies at +2.0 feet above mean lower low water (MLLW) (refer to JARPA Drawings).

Refer to Section 6e below for a description of these activities.

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

The purpose of the project is to continue cultivating Manila clams for human consumption.

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 |
|---|--|--|---|

☐ 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 permanent construction is proposed. Project 1 is located at the north end of Willapa Bay near Leadbetter Point State Park (refer to JARPA Drawings). The farm area is a Manila clam bed with a few oysters scattered in the area. Harvest methods are through hand-picking and no mechanical harvest equipment is used in this location. Additional details on culture methods are provided below.

MANILA CLAM CULTURE METHODS

The information below describes planting, frosting (graveling), and harvest culture methods for Manila clams.

Planting culture methods

Hatchery-grown clams are seeded by hand directly onto the beach substrate. Natural spawning and setting of clams will also occur. After seeding, predator exclusion nets may be used to cover the clam bed, with edges

anchored using rebar or buried in the substrate. Nets would remain in place until harvest, which generally takes 2-3 years.

Frosting (Graveling) methods

Prior to planting, clam beds are prepared by applying a thin layer of washed gravel mixed with shell fragments directly to the substrate (i.e., frosting). This activity occurs every 2 years or so, when the tide is high enough to float a barge carrying the frosting material. Material will be distributed evenly across the bed from a barge or skiff to a depth of less than 0.5 inches when the tide is high enough to float a barge. Several thin layers of material may be placed over a period of days. To place a single 0.5-inch layer requires about 70 cubic yards (CY) of washed gravel or shell per acre. An individual site would not be frosted more frequently than once every 2 years.

Harvest methods (hand harvest)

Hand harvesters dig clams or oysters during low tides using a clam rake every 2-3 years. Shovels or other hand operated tools may also be used. Market-size clams and oysters are selectively harvested, placed in buckets, bagged, tagged, and removed. Undersized shellfish are returned to beds for future harvests. Since a given clam bed may contain multiple year classes of clams and oysters, it may be harvested on a regular schedule to harvest individual year classes. Hand-picking disturbs the top 1 to 2 inches of sediment, and these effects persist for approximately 1 tidal cycle (Suhrbier et al. 2017). Dredging effects are not relevant for this area.

Reference:

Suhrbier, A.D., D.P. Cheney, J.R. Cordell, W.F. Dewey, J.P. Davis, and J.G. Ferreira. 2017. Innovative farming methods for production and harvest of Manila clams in Washington State, USA. *World Aquaculture Society*:49–57.

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: Continuing End Date: Ongoing ☐ See JARPA Attachment D

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

Over \$10,000

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]						
<input checked="" type="checkbox"/> Not applicable						
7b. Will the project impact wetlands? [help]						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
7c. Will the project impact wetland buffers? [help]						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
7d. Has a wetland delineation report been prepared? [help]						
<ul style="list-style-type: none"> If Yes, submit the report, including data sheets, with the JARPA package. 						
<input type="checkbox"/> Yes <input type="checkbox"/> No						
7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]						
<ul style="list-style-type: none"> If Yes, submit the wetland rating forms and figures with the JARPA package. 						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know						
7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]						
<ul style="list-style-type: none"> 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. 						
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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]						
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]					
<input type="checkbox"/> Not applicable					
The project will follow all terms, conditions, and conservation measures described in the Programmatic Consultation (Corps 2015, NMFS 2016, USFWS 2016). References: Corps (US Army Corps of Engineers). 2015. Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program. NMFS (National Marine Fisheries Service). 2016. ESA Section 7 Formal Biological Programmatic Opinion and EFH Consultation for Shellfish Aquaculture Activities in Washington State, NMFS Reference Number WCR-2014-1502. USFWS (US Fish and Wildlife Service). 2016. Biological Opinion, Programmatic Consultation for Shellfish Activities in Washington State Inland Marine Waters, Reference Number 01EWF00- 2016-F-0121.					
8b. Will your project impact a waterbody or the area around a waterbody? [help]					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
8c. Have you prepared a mitigation plan to compensate for the project’s adverse impacts to non-wetland waterbodies? [help]					
<ul style="list-style-type: none"> 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. 					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don’t know					
NA					
8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.					
<ul style="list-style-type: none"> If you already completed 7g you do not need to restate your answer here. [help] 					
NA					
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
Clam culture or oyster harvesting	Willapa Bay	Intertidal	Temporary	Up to 70 CY per acre	Up to 5.0 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]					
Up to 70 CY per acre of gravel or shell may be used for frosting to harden the substrate of the area used for Manila clam production. The material will be sourced from certified quarries within Washington State or from dried shell from Station House Oyster Company.					

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. [\[help\]](#)

NA

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
U.S. Army Corps of Engineers	Tim Long	(614) 692-4660	9/21/2021
Washington State Department of Ecology	Marco Pinchot	(360) 995-3235	8/11/2021

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.

171001060401

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 24 - Willapa

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

In accordance with (WAC 173-201A-210 (1)(e)), during all project activities 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.

<p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> 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.
<input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other: <u>Willapa Bay Estuary (WBE)</u>
<p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal
<p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> If No, provide the name of the manual your project is designed to meet.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Name of manual: _____
<p>9i. Does the project site have known contaminated sediment? [help]</p> <ul style="list-style-type: none"> If Yes, please describe below.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>9j. If you know what the property was used for in the past, describe below. [help]</p> <p>The property has been used for shellfish harvest for several decades.</p>
<p>9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> If Yes, attach it to your JARPA package.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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]</p> <p>Green Sturgeon (<i>Acipenser medirostris</i>) Bull trout (<i>Salvelinus confluentus</i>) Chinook salmon (<i>Oncorhynchus tshawytscha</i>) Chum salmon (<i>Oncorhynchus keta</i>) Pacific eulachon (<i>Thaleichthys pacificus</i>) Marbled murrelet (<i>Brachyramphus marmoratus</i>) Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)</p> <p>Critical habitat is designated in Willapa for the following species:</p> <ul style="list-style-type: none"> - Green sturgeon - Bull trout - Marbled murrelet - Western snowy plover

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 wetland

Kumamoto oyster

Pacific Herring (Georgia Basin DPS) (*Clupea pallasii*)

Shorebird concentrations

Waterfowl concentrations

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: No SEPA trigger ; continuation of historic shellfish farm

☐ 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. [\[help\]](#)

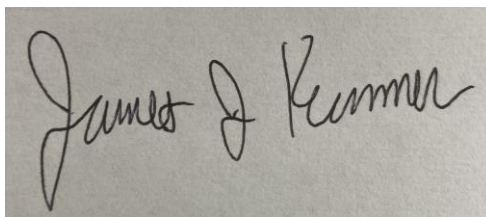
11a. Applicant Signature (required) [\[help\]](#)

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. JJK (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. JJK (initial)

James J. Kemmer



9/21/2021

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.

Marlene Meaders



9/21/2021

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.

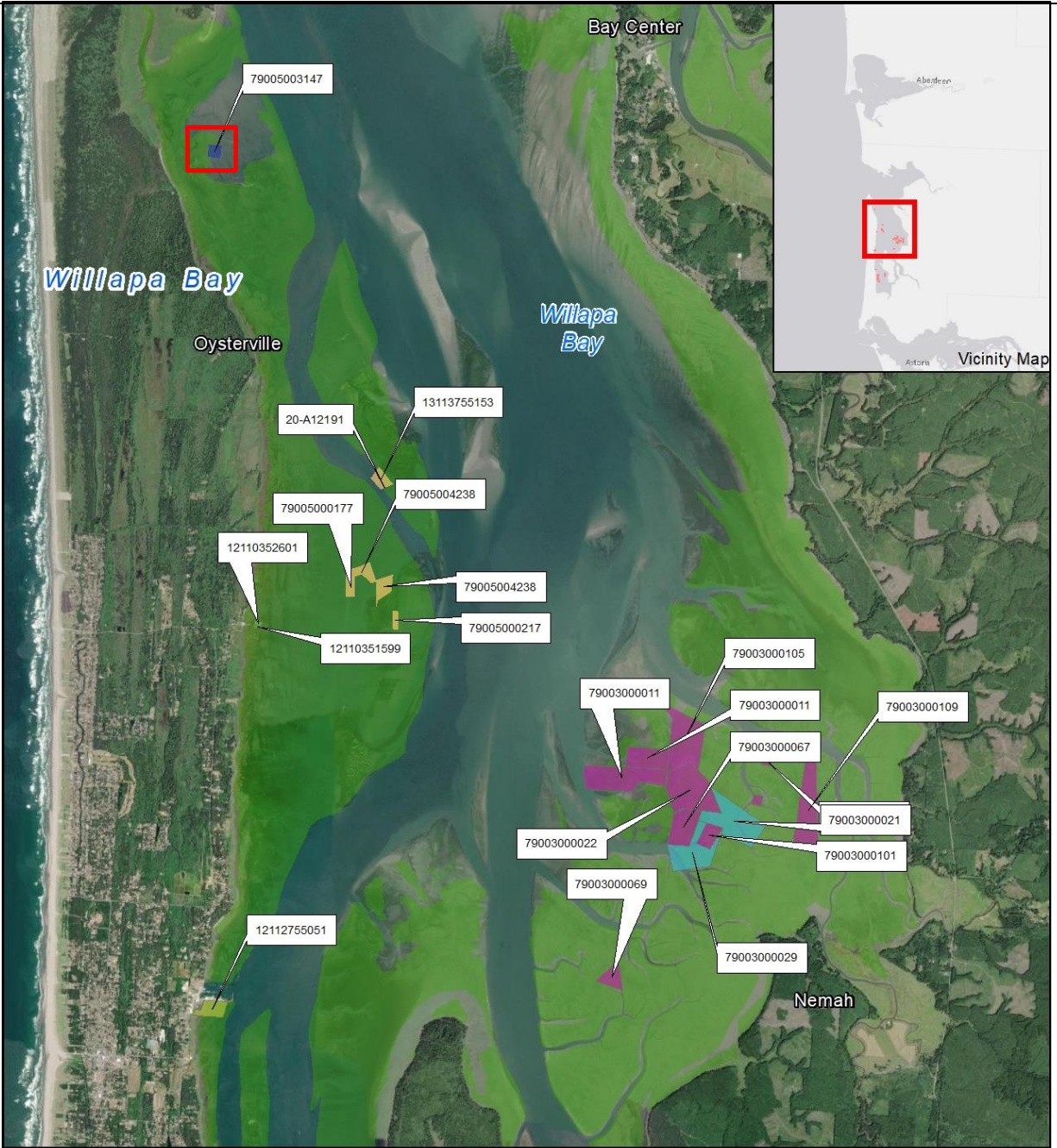
Property Owner Printed Name

Property Owner Signature

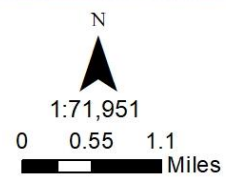
Date

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



- | | |
|---|--|
| Project 1 - NWS-2012-1104 | Project 4 - NWS-2021-854 |
| Project 2 - NWS-2021-853 | Project 5 - NWS-2020-1145 |
| Project 3 - NWS-2009-1261 | Project 6 - NWS-2007-1476 |
| | Eelgrass/SAV (2015) |



Corps Reference: NWS-2012-1104
(as previously permitted)

Site Address:
Willapa Bay (no street address)
Ocean Park, Washington 98640

In: Willapa Bay, Pacific County, Washington

Applicant: James J. Kemmer

Parcel IDs: 79005003147 (OB-E147)

Parcel Owners: James and Andrea Kemmer

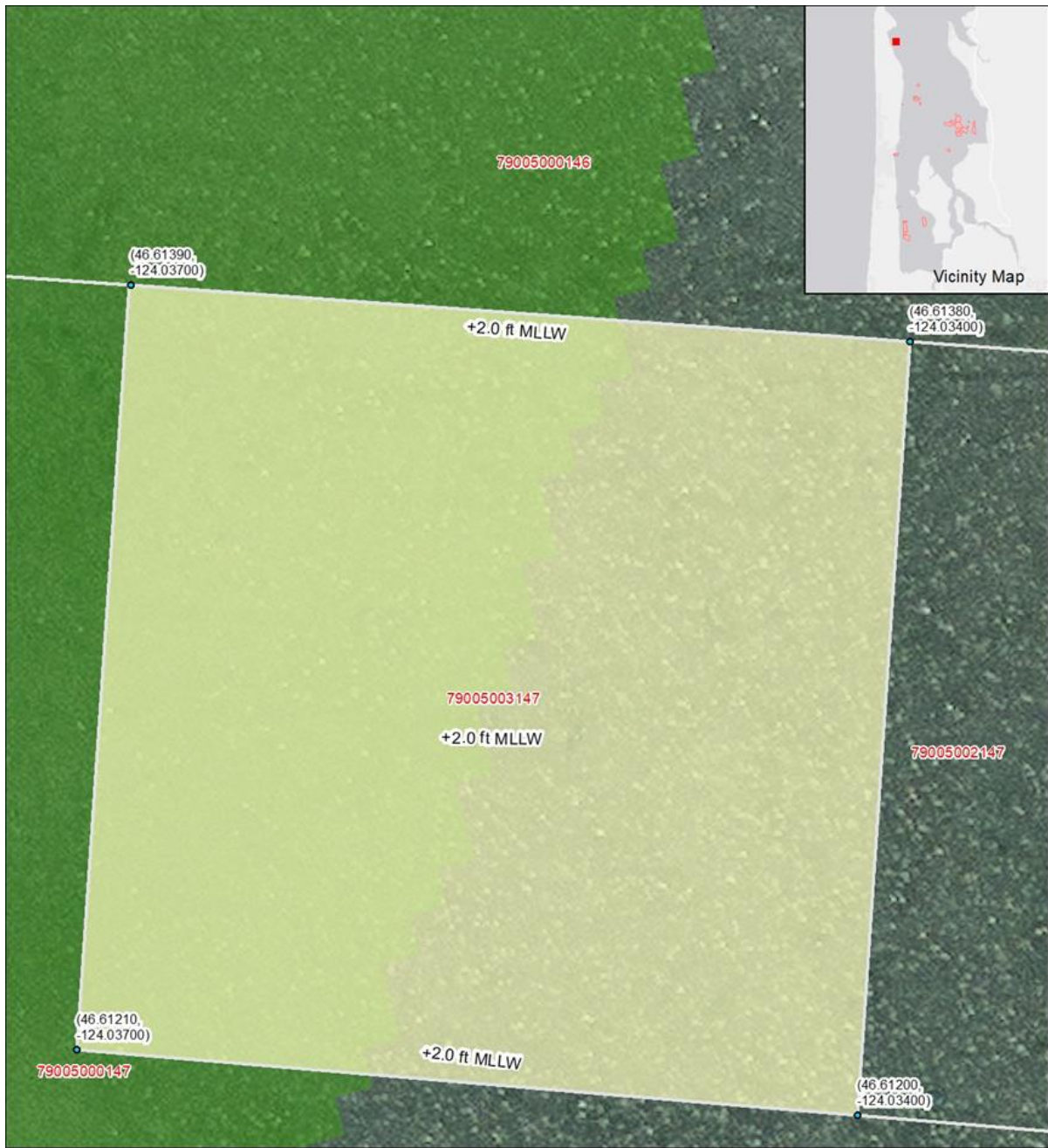
Sheet 1 of 2

Proposed Project: Station House
Oyster Company Project 1

Date: September 29, 2021

Tidal Datum: 0 feet MLLW

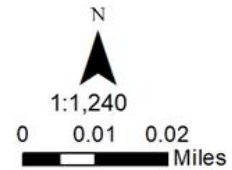
Coordinate System: WA State Plan
South (feet)



Oyster and clam ground culture (5.0 acres)
 Adjacent Parcels

 Parcel corners

 Eelgrass/SAV (2015)



Corps Reference: NWS-2012-1104
(as previously permitted)

Site Address:
Willapa Bay (no street address)
Ocean Park, Washington 98640

In: Willapa Bay, Pacific County, Washington

Applicant: James J. Kemmer

Parcel IDs: 79005003147 (OB-E147)

Parcel Owners: James and Andrea Kemmer

Sheet 2 of 2

Proposed Project: Station House
Oyster Company Project 1

Date: September 29, 2021

Tidal Datum: 0 feet MLLW

Coordinate System: WA State Plan
South (feet)



September 29, 2021

Washington State Department of Ecology
Federal Permit Unit

Attention: Marco Pinchot

[Sent via email]: ecyrefedpermits@ecy.wa.gov; mpin461@ecy.wa.gov

**Re: Water Quality Certification Request for Station House Oyster Company Project 1
(NWS-2012-1104)**

Dear Marco Pinchot and Federal Permit Unit:

On behalf James J. Kemmer and Andrea Randall of Station House Oyster Company, we are submitting a permit application for Water Quality Certification (WQC) under Section 401 of the Clean Water Act for the Station House Oyster Company Parcel #79005003147 (OB-E147), which is an existing shellfish farm in Willapa Bay, Pacific County, Washington.

This application is for an existing shellfish farm that has been continuously permitted and operating for nearly ten years (previous NWS-2012-1104). The current permitting effort will use the same number. The project parcel comprises 5.0 acres of intertidal land, all of which is actively used for culture. The species under cultivation is Manila clam (*Venerupis philippinarum*). Clams are ground-cultured without any structures. Pacific oysters (*Crassostrea gigas*) naturally occur at low density in the project area and are harvested by hand. Both of these species were identified as cultured in past Nationwide Permit 48 efforts. Station House Oyster Company is seeking approval to continue permitted activities only. There are no changes to the planned operations or areas from the past permit for this site.

Station House Oyster Company submitted a Pre-Filing Meeting Application to the Washington State Department of Ecology on December 2, 2020.

Included in this WQC request please find the following information attached:

- 1) Documentation of the Pre-Filing Meeting Request (filed 12/2/2020)
- 2) Section 401 Water Quality Certification Request Form
- 3) JARPA
- 4) JARPA Drawings
- 5) Programmatic Consultation Verification Enclosure
- 6) Water Quality Monitoring Plan – See below

WATER QUALITY MONITORING PLAN

In addition to these application materials, Station House Oyster Company will comply with all terms and limitations from the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Corps and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, including all applicable limits on discharges and survey and/or monitoring requirements. Please refer to the following documents and the attached programmatic consultation verification enclosure:

- Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015
- Programmatic Biological Opinion, National Marine Fisheries Service, September 2016 (Reference Number WCR-2014-1502)
- Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016 (Reference Number 01EWF00-2016-F-0121)

Appropriate soil erosion and sediment controls will be used and maintained in effective operating condition, and the Station House Oyster Company will conduct visual monitoring 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.

If, after your review of the application materials, you need additional information on the project, please do not hesitate to contact me.

Respectfully yours,



MARLENE MEADERS

Principal Marine Biologist

206.724.5781

marlene.meaders@confenv.com