



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
4735 E. Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 764-3482
ATTN: Jordan Bunch,
Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6076
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: March 16, 2022
Expiration Date: March 31, 2022

Reference No.: NWS-2008-00509-AQ
**Name: J.J. Brenner Oyster
Company Shellfish Aquaculture-
Roundtree Leases**

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated December 7, 2021.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: J.J. Brenner Oyster Company
Attention: Bruce Brenner
402 South 333rd Street, Suite 106
Federal Way, WA 98003
Telephone: (360) 239-4943

AGENT: Confluence Environmental Company
Attention: Marlene Meaders
146 North Canal Street
Seattle, WA 98103
Telephone: (206) 724-5781

LOCATION: Approximately 5.5 acres of tidelands within Parcel # 319102270200, 319112280021, and 319112170100 in Little Skookum Inlet near Shelton, Mason County, Washington. The project would be located in the intertidal portion of these tidelands between elevations +3.0 and -4.0 feet mean lower low water (MLLW). The project corners are indicated in the enclosed drawings.

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WORK: This project proposes to continue the commercial cultivation of Manila clams (*Venerupis philippinarum*), Pacific oysters (*Crassostrea gigas*) and begin cultivation of Olympia oysters (*Ostrea lurida*), and Kumamoto oysters (*Magallana sikamea*) within a 3.4-acre cultivation area.

Up to 0.9 acres of oysters would be grown directly on the bottom of the tidelands or in bags anchored to the substrate. Oyster shells would be bagged and placed in the intertidal area to catch natural spat and then spread on the substrate in the same footprint. Seeded oyster cultch would be grown out in plastic grow bags set on the seabed on racks or on lines that are anchored to the bottom. Buoys are attached to the bags. On-bottom oysters would be grown between the tidal elevations of +0.5 and -4.0 feet MLLW. Predator exclusion nets would be staked down over oyster seed to prevent the seed from being washed away or consumed by predators and removed after 90-120 days. Nets would not be used on more than two acres at a time. Oysters would also be grown using the rack-and-bag culture method. PVC frames would be used to elevate attached oyster grow bags above the beach substrate. Oysters would be harvested by hand and hand tools after 18 to 48 months.

Up to 2.5 acres of Manila clam seed would be broadcast by hand at low tide on suitable substrate between tidal elevations of +3.0 and -1.5 feet MLLW. Clam seed would be covered by predator exclusion netting for 18-24 months following seed dispersal. Manila clams would be grown for 2-4 years and then harvested using hand tools such as clam rakes. Up to 171 cubic yards of a blend of washed gravel would be applied to an area of 2.5 acres to improve the substrate for clam cultivation. Gravel would be placed using a barge at high tide and dispersed onto the tidelands to a depth no greater than one inch.

PURPOSE: Cultivation of shellfish for commercial sale and human consumption.

ADDITIONAL INFORMATION:

The applicant is requesting a permit that would be valid for 15 years to conduct the shellfish mariculture work.

The location line of mean high water and high tide line shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

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CULTURAL RESOURCES: The Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. Historic properties are recorded near the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The Corps invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Nations in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

SOURCE OF FILL MATERIAL: The source of the fill material will be washed peal gravel mixed with shell fragments. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to

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determine whether to certify or deny a Section 401 Water Quality Certification for the proposed project.

Per 33 CFR 325(b)(1)(i), this public notice serves as the Section 401(a)(2) neighboring jurisdiction notification to the Environmental Protection Agency.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: All e-mail comments should be sent to jordan.a.bunch@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Jordan Bunch, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

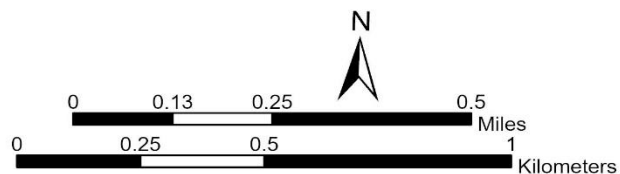
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: J.J. Brenner Oyster Company, NWS-2008-00509-AQ.

Encl: Figures (4)

**J.J. Brenner Oyster Company:
Little Skookum Inlet – Roundtree Leases
Vicinity**



 Project Parcels



CORPS REFERENCE: previously permitted under NWS-2010-00061, NWS-2010-00062, NWS-2008-00509
APPLICANT:
J.J. Brenner Oyster Co.

PARCEL IDs/OWNERS:
319102270200; 319112280021; 319112170100/
Dolores Roundtree 271 SE Roundtree Way,
Shelton, WA 98584

PROPOSED PROJECT:
Little Skookum Inlet – Roundtree Leases

Sheet 1 of 4
Date: December 7, 2021

SITE ADDRESS:
In: Little Skookum Inlet
Near: Shelton, Mason County, WA

ADJACENT PROPERTY OWNERS: multiple
(refer to Section 5h of the JARPA)

LOCATION:
Tidal Datum: feet MLLW
Scale 1: 35,000
Coordinate System: WA State Plane South (feet)

**J.J. Brenner Oyster Company:
Little Skookum Inlet – Roundtree Leases
Plan View**

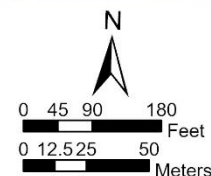


Parcel 319102270200 (4.59 acres)

Clams (1.71 acres)

Oysters (.21 acres)

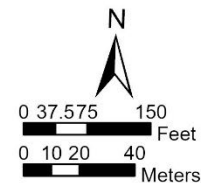
Uncultured (2.67 acres)



**J.J. Brenner Oyster Company:
Little Skookum Inlet – Roundtree Leases
Plan View**



Parcel 319112280021 (1.56 acres)
 Clams (0.91 acres)
 Oysters (0.65 acres)



CORPS REFERENCE: previously
permitted under NWS-2010-00062
 APPLICANT:
 J.J. Brenner Oyster Co.

PARCEL IDs/OWNERS:
 319112280021; Dolores Roundtree 271 SE
 Roundtree Way, Shelton, WA 98584

PROPOSED PROJECT:
 Little Skookum Inlet – Roundtree Leases
 Sheet 3 of 4
 Date: February 10, 2022

SITE ADDRESS:
 In: Little Skookum Inlet
 Near: Shelton, Mason County, WA

ADJACENT PROPERTY OWNERS:
 Squaxin Island Tribe; DNR; Mary Gruver
 (refer to Section 5h of the JARPA)

LOCATION:
 Tidal Datum: feet MLLW
 Scale 1: 3,200
 Coordinate System: WA State Plane South (feet)

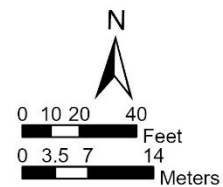
J.J. Brenner Oyster Company:
Little Skookum Inlet – Roundtree Leases
Plan View



Parcel 319112170100 (0.064 acres)

Clams (0.032 acres)

Oysters (0.032 acres)



CORPS REFERENCE: previously permitted under NWS-2008-00509

APPLICANT: J.J. Brenner Oyster Co.

PARCEL IDs/OWNERS: 319112170100; Dolores Roundtree 271 SE Roundtree Way, Shelton, WA 98584

PROPOSED PROJECT: Little Skookum Inlet – Roundtree Leases

Sheet 4 of 4
 Date: February 10, 2022

SITE ADDRESS: In: Little Skookum Inlet
 Near: Shelton, Mason County, WA

ADJACENT PROPERTY OWNERS: DNR, Bennett et al.
 (refer to Section 5h of the JARPA)

LOCATION: Tidal Datum: feet MLLW
 Scale 1: 3,200
 Coordinate System: WA State Plane South (feet)