



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  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone: (206) 316-3078  
ATTN: Jonathan Smith,  
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: July 2, 2020  
Expiration Date: August 1, 2020  
Reference No.: NWS-2009-657  
Name: Taylor Shellfish Farms (Eld  
Inlet)

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 June 11, 2020.

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:** Taylor Shellfish Farms  
Attention: Ms. Erin Ewald  
130 SE Lynch Road  
Shelton, Washington 98584  
Telephone: (360) 426-6178

**LOCATION:** In tidelands at the southern end of Eld Inlet, near Olympia, Thurston County, Washington.

**WORK:** Expand an existing, previously permitted commercial shellfish aquaculture operation from 99 acres to 128 acres. The original project area included 10 acres of unfarmed tidelands and 35 acres of fallow tidelands (to remain fallow) at the far south end of the project area. The proposed project includes an additional 29-acre parcel (tax parcel 93038600000), previously applied for by Olympic Oyster Company as fallow, that will now be cultivated. The applicant will continue to cultivate 50 acres of Virginica and Kumomoto oysters on-bottom and in bags within the existing 54-acre cultivation area. Pacific and Olympia oysters, will continue to be cultivated on-bottom and in bags on 54 acres of the existing project, and begin to be cultivated on-bottom and bags on the new 29-acre parcel for a total of 83 acres. Bags rest on the bottom with bags clipped to ropes anchored to the bottom by metal rebar stakes.

On-bottom Manila clam cultivation and incidental harvest of littleneck and butter clam will continue on 54 acres of the existing project and begin to be cultivated on the new 29-acre parcel for a total of 83 acres. Manila clam seed will be broadcast by hand into the intertidal area. Clam netting will be installed in some places some of the time.

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Harvest of all species will be mostly by hand, but oysters may be dredged occasionally as has occurred historically except on the two fallow parcels. All cultivation activities will occur between tidal elevations +4.5 and -4.5 feet (mean lower low water = 0). Access will continue to be by boat from an existing pier which is not part of this permit action; no access will occur directly from uplands. Taylor will maintain up to a one-inch gravel layer (“frosting”) across the cultivated project area of 83 acres, which excludes the existing 10-acre non-farmed and the 35-acre fallow areas, but includes the new, previously fallow 29-acre parcel. This fallow parcel with sandy mud substrate was not previously graveled. Taylor may spread up to 11,159 cubic yards of washed gravel over the 83 cultivated acres in any given year.

**PURPOSE:** To provide commercially farmed shellfish in Eld Inlet for human consumption.

**ADDITIONAL INFORMATION:** A Department of the Army permit for the proposed project, if issued, would authorize the proposed commercial shellfish activities at this site over a 10-year period.

The location of the high tide line (upper limit of the Corps’ jurisdiction) is well landward of the +5.0 tideline shown on the project drawings and has not been verified by the U.S. Army Corps of Engineers (Corps). All the applicant’s proposed work would occur waterward of the +4.5 tideline.

Eelgrasses are not present in the project area.

Gravel depth will be monitored over time and replenished when or if it has either been washed away due to storm events, or sunk into the substrate and the surface is no longer adequate for shellfish cultivation.

**MITIGATION:** The applicant did not propose mitigation for unavoidable impacts to the aquatic environment.

**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. The existing 99-acre project was previously authorized subject to compliance with conservation measures and other mandatory terms and conditions of the *Programmatic Biological Opinions for Shellfish Activities in Washing State Inland Marine Waters* (Shellfish Programmatic Consultations). The existing project as well as the additional 29-acre parcel were included in the baseline acres qualifying for inclusion under the Shellfish Programmatic Consultation. 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 U.S. Army Corps of Engineers (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.

**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. There are no recorded historic properties within the permit area. The nature, scope, and magnitude of the work to be permitted is such that there is little likelihood that an historic property exists or may be

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affected. The Corps invites responses to this public notice from Native American Tribes 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 Tribes 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.

**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 determine whether to certify or deny certification for the proposed project.

### **ADDITIONAL EVALUATION:**

This proposal will be the subject of a Shorelines Substantial Development Permit, processed by Thurston County.

**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

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public notice to ensure consideration.

CORPS COMMENTS: All e-mail comments should be sent to [jonathan.smith@usace.army.mil](mailto:jonathan.smith@usace.army.mil) . Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Jonathan Smith, P.O. Box 3755, Seattle, Washington 98124-3755. 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](mailto: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: Taylor Shellfish Farms (Eld Inlet), NWS-2009-657

Encl: Figures (5)

Total project area: 128 acres  
10 acres - no farming activities  
35 acres - fallow

Pacific and Olympia oyster on-bottom throughout.  
Manila, Littleneck and Butter clam throughout  
Virginica & Kumomoto oyster - 50 acres.

Dredging may occur throughout prooject area.  
Gravel placed throughout to 1- inch depth.  
No native eelgrass currently present in project area.

Steamboat  
Peninsula

Eld Inlet

Eld Inlet

Cooper  
Point

101

8



0 950 1,900 3,800  
Feet



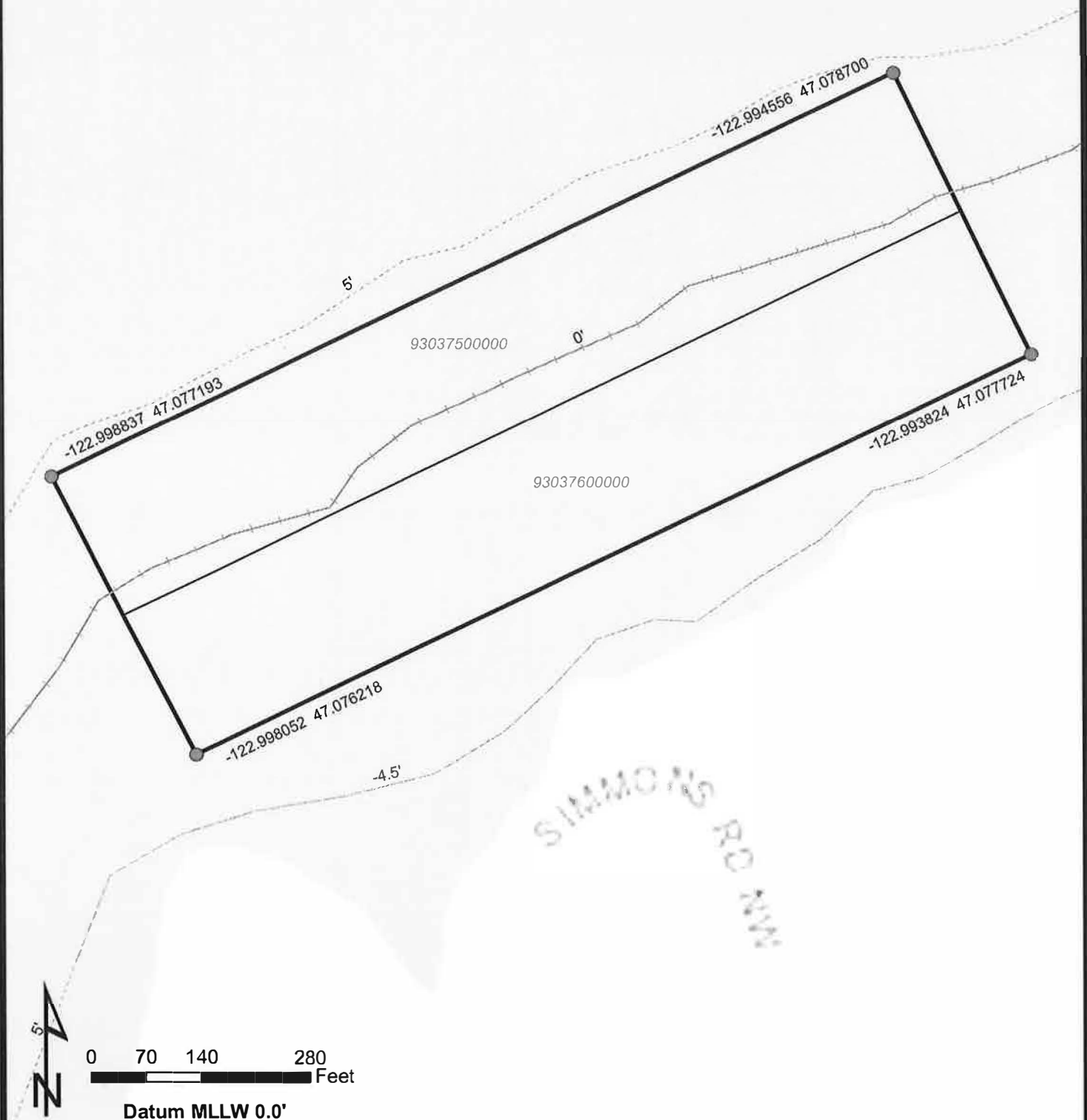
REFERENCE: NWS-2009-657  
APPLICANT: Taylor Shellfish  
ADJACENT PROPERTY OWNERS:  
Please refer to Table of Property Owners

Location: T18N, R03W, S1,11,12  
Lat/Long: 47.069275 / -123.010284

Page: 1 of 5 Date: 6/18/2020

EXISTING PROJECT: Eld  
IN: Eld Inlet  
Near/At: Olympia  
County: Thurston  
State: WA

Pacific oyster On-Bottom  
Culture at tidal elevation -4.5 to +4.5



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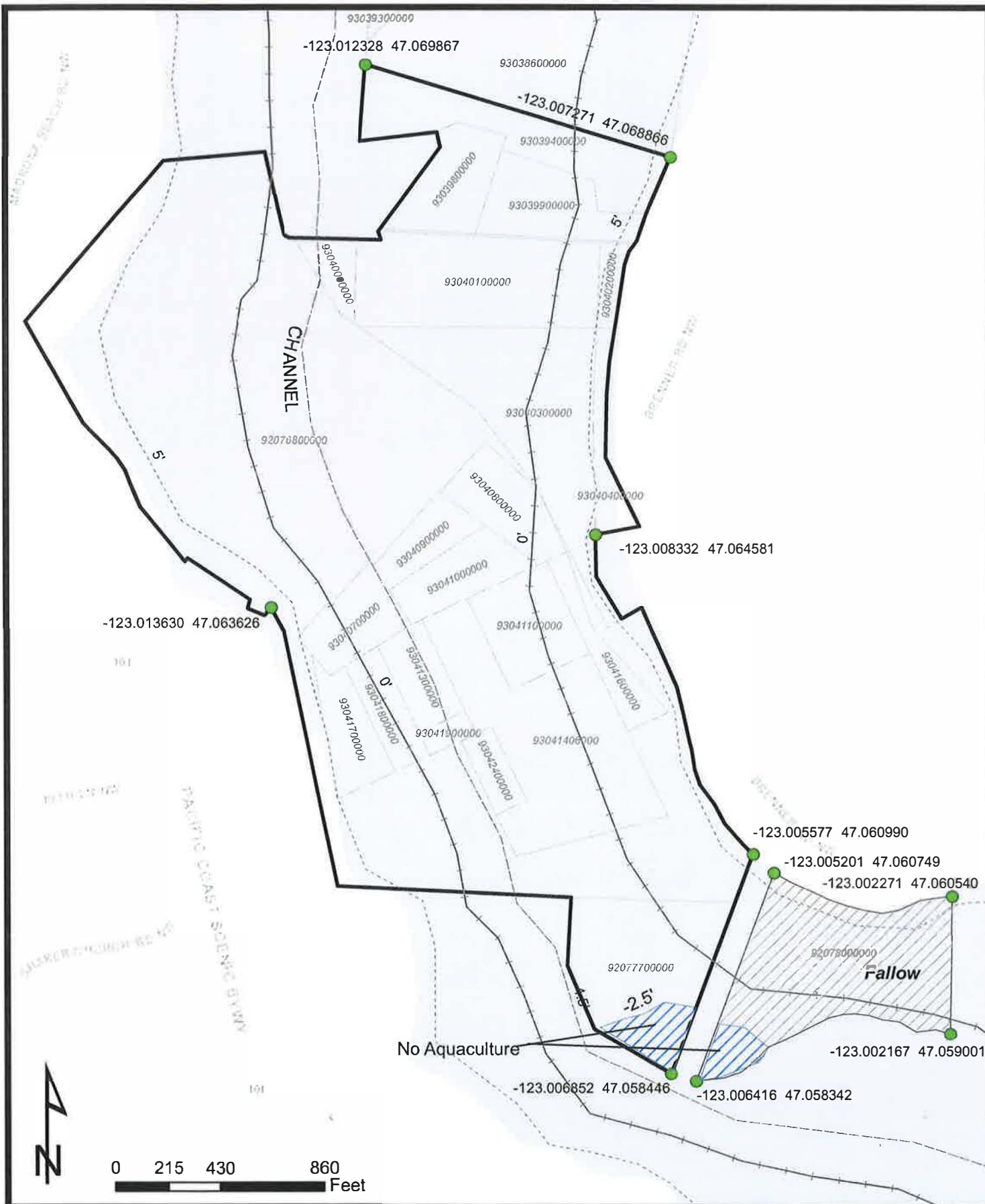
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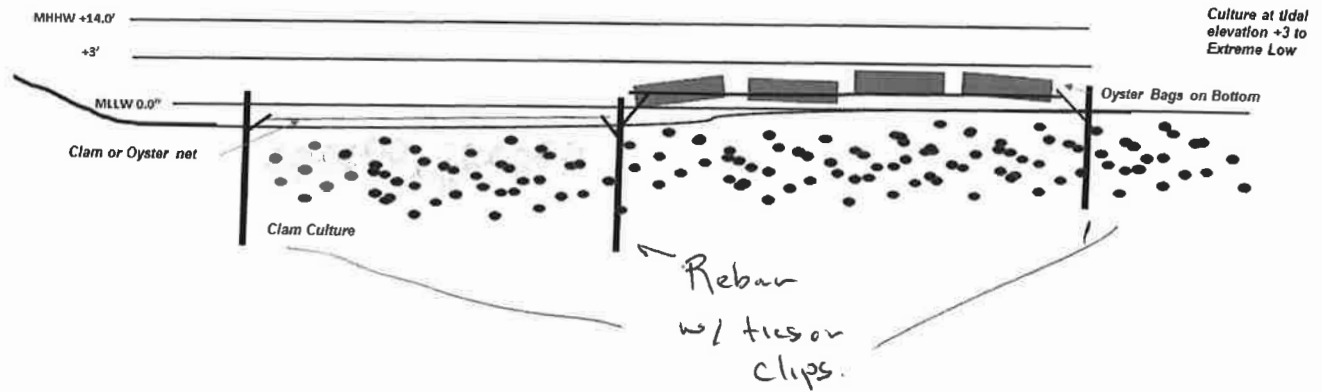
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## Typical Cross Section

Clam Netted / Non Netted

Oyster On Bottom / Bag on Bottom



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