



**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](mailto:ecyrefedpermits@ecy.wa.gov)

AGENCY USE ONLY

Date Received: **8/30/2023**  
Aquatics ID#: **138678**  
Team: **HQ**  
Valid Request: **9/15/2023**

**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  
☐ 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](mailto: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](mailto:ecyrefedpermits@ecy.wa.gov), or visit [Accessibility & the Americans with Disabilities Act \(ADA\)](#). For Relay Service or TTY call 711 or 877-833-6341.



US Army Corps  
of Engineers  
Seattle District

**Nationwide Permit 48**  
**Pre-construction Notification Form**  
**For Existing Commercial Shellfish Aquaculture Activities**

**Part 1 – Applicant**

Agency Use Only# NWS-2008-0559

1a. Name (Last, First, Middle) and Organization (if applicable)

J&G Gunstone Clams, Inc.

1b. Mailing Address (Street or Post Office Box)

P.O. Box 216

1c. City, State, Zip

Port Townsend, WA 98368

1d. Phone (day)

360 797-7302

1e. Phone (cell)

360 460-6998

1f. E-mail

N/A

**Part 2 – Authorized Agent or Contact (if applicable)**

2a. Name (Last, First, Middle) and Organization

Reed Gunstone

2b. Mailing Address (Street or Post Office Box)

P.O. Box 216

2c. City, State, Zip

Port Townsend, WA 98368

2d. Phone (day)

360 797-7302

2e. Phone (cell)

360 460-6998

2f. E-mail

N/A

**Part 3 – Property Owner (if same as applicant skip)**

3a. Name (Last, First, Middle) and Organization (if applicable)

Irene Gunstone

3b. Mailing Address (Street or Post Office Box)

P.O. Box 216

3c. City, State, Zip

Port Townsend, WA 98368

3d. Phone (day)

360 797-7302

3e. Phone (cell)

360 460-6998

3f. E-mail

N/A

## Part 4 – Project Area

☐ Check here if there are multiple project areas. For each project area, include the following information in an attachment or use a separate form, as appropriate.

4a. Street Address (if applicable)

NKA

4b. City, State, Zip (If project is not in a city or town, please provide the name of the nearest city or town.)

Sequim, WA 98382

4c. County

Clallam

4d. Waterway

Sequim Bay

4e. Latitude and longitude of the project area (e.g. 47.03922 N lat. / -122.89142 long) with datum (if known)

?

4f. Section, Township, and Range for the project area (1/4 Section, Section, Township, Range)

## Part 5 – Project Description

Nationwide Permit 48 authorizes existing aquaculture operations. An existing operation is one that has been granted a permit, license or lease from a state or local agency specifically authorizing commercial aquaculture activities and which has undertaken such activities prior to **March 12, 2007 (NOTE TO PM: THIS DATE WAS WRONG IN THE SHARPA; SHOULD BE MARCH 18, 2007, BUT FUTURE PROJECTS WILL USE JARPA, NOT THIS FORM)**. Attach a copy of the permit, license, or lease authorizing aquaculture activities at the project area described below.

☐ **Attached. (If you do not qualify for review under Nationwide Permit 48, please contact the U. S. Army Corps of Engineers (Corps) for information on alternative permits, such as an individual permit.)**

### FREQUENT ISSUE

5a. Acreage of project area that was planted as of March 12, 2007: 7 acres.

5b. Acreage of project area that was fallow (area that is left unplanted as part of a normal rotation or farming practice, but that has not been abandoned) as of March 12, 2007: 0 acres.

5c. Acreage of project area in which there has been no previous aquaculture activity as of March 12, 2007: 0 acres.

5d. Total acreage of project area: 7 acres. If 5a.–5c. does not equal 5d., please provide an explanation.

5e. Please check the status of any attendant features that are within the project area or part of the project (X).

	None	Existing	Proposed
Piers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramps	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stock piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staging areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Berms (e.g., sand bags, excavated material)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Booms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (list) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If applicable, please provide information on the existing structures or proposed work to include dimensions, material, construction methodology, etc. (attach additional pages as necessary).

5f. The applicant must give a description of the proposed project sufficiently detailed to allow the district engineer to determine that the adverse impacts will be minimal and determine the need for compensatory mitigation. We find that sketches make this requirement easier to comply with and expedite the review of the application. Sketches should include size, location, and approximate length of the project site. Examples are enclosed. You can submit a written description if you wish, but it must give a representative depiction of your project that is detailed enough so the Corps can validate the description in the field. Photos are also helpful in depicting a project.

☐ **Sketches are attached.**

5g. Project purpose: (e.g., provide mussels for human consumption). This is also where an explanation of the need for attendant features should be made.

shell fish for human consumption

5h. Describe any proposed or existing fill, excavation or structures necessary to redirect water flow (if applicable):

N/A

5i. Describe the amount (e.g., cubic yards, acreage, etc.) of any material placed for "graveling or frosting" that occurs or is proposed to occur (if applicable):

0-5 yds. gravel every few yrs.

5j. Are predator exclusion nets being used? No ☐ Yes ☒

How many acres of canopy nets?  Time period in place?

How many acres of individual Geoduck tube nets?  Time period in place?

Description of how nets are secured:

steel fence posts  
Rebar - cement blocks

Any other types of nets:

clam nets

5k. Names of species, acres being cultivated and cultivation method (attach separate pages as needed):

Name (species)	X	Acres Planted as of March 12, 2007*	Cultivation Method
Pacific littleneck clam ( <i>Protothaca staminea</i> ) (NATIVE)	X		Bottom
Manila clam ( <i>Venerupis philippinarum</i> )	X		"
Butter clam ( <i>Saxidomus giganteus</i> ) (NATIVE)	X		"
Geoduck ( <i>Panopea abrupta</i> ) (NATIVE)	X		"
Pacific oyster ( <i>Crassostrea gigas</i> )	X		"
Kumamoto oyster ( <i>Crassostrea sikamea</i> )			
Eastern oyster/American oyster ( <i>Crassostrea virginica</i> )			
Olympia oyster ( <i>Ostrea conchaphila</i> ) (NATIVE)			
European flat oyster ( <i>Ostrea edulis</i> )			
Blue mussel ( <i>Mytilus trossulus</i> )			
Mediterranean/Gallo mussel ( <i>Mytilus galloprovincialis</i> )			
Pink scallop ( <i>Chlamys rubida</i> or <i>Chlamys hastata</i> )			
Other: Cockle, softshell, varnish, Nucula	X		"
Horse clams (NATIVE, included in consultation)	X		"
Razor clams (NATIVE, <u>not</u> included in consultation)			

\* Total acres planted may be greater than the project area due to multiple-species being cultivated on same acreage.

5l. Description of the culture and harvesting method for each species:

Bottom culture - hand harvest

5m. The district engineer determines whether an activity may affect threatened or endangered species. To streamline the Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultation process, the Corps worked closely with National Marine Fisheries Service (NMFS) and U. S. Fish and Wildlife Service (USFWS) on developing programmatic consultations for NWP 48. The programmatic consultations for NWP 48 are completed and ESA and EFH requirements are met for that activity as long as it complies with the terms and conditions of the programmatic consultations. Individual consultation between the Corps and USFWS and NMFS is not required for activities covered by programmatic consultations; however, streamlined coordination or reporting may be required. Activities covered by programmatic ESA and EFH consultations must still comply with Corps notification and permitting requirements. As part of your verification, you will be notified of any terms and conditions that may apply.

5n. Are vegetated shallows\* present in the project area? ☒ No ☐ Yes

If yes, please describe the location, species, and density in the project area. You must submit a delineation (description) of the submerged aquatic vegetation present. This can be included in the project area sketches (5f). Photos can also be submitted.

*\*Vegetated shallows are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, i.e., eelgrass (Zostera marina).*

5o. Will any dredge harvesting, tilling, or harrowing be conducted in areas considered vegetated shallows?

☒

No

☐

Yes

5p. Describe work being conducted in areas considered vegetated shallows:

N/A

5q. Describe any use of nursery/seed grow-out structures (e.g., plastic pools).

trays/rings used for a few months then removed for harvest

## Part 6 – Historical/Cultural Resources

6a. Describe any historical knowledge of what the property was used for in the past, including how long the project area has been used for aquaculture activities:

Shellfish farm for over 4 generations

6b. Has a historical/cultural resource survey been performed on the project area?

No

☒

Yes

☐

If yes, please attach a copy of the report to your application.

6c. Explain from where the project area will be accessed (e.g. boat, road, shoreline).

John Wayne Marine, boat ramp North of site,  
and on site

6d. Will any upland construction be required for your project to function? No ☒ Yes ☐  
If yes, please add to your sketches or fully describe.

Signatures required before submitting the NWP 48 pre-construction notification form.

7a. Applicant Signature (required)

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.

I hereby authorize the agent named in Part 2 of this application to act on my behalf in matters related to this application. JS (initial)

By initially here, I state that I have the authority to grant access to the property. I also give my consent for the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project \_\_\_\_\_ (initial)

Reed JS for T&G Sunstone Chaus 11/30/12  
Applicant Date

7b. Authorized Agent Signature

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.

Reed JS 11/30/12  
Authorized Agent Date



7c. Property Owner Signature (if not applicant)

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

\_\_\_\_\_  
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 a false, fictitious, or fraudulent statements or representations or makes or used 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.

## **Part 8 – Submitting the Completed NWP 48 Pre-construction Notification Form**

Please mail the completed NWP 48 Pre-Construction Notification Form and project sketches and photos to the following address:

Seattle District Corps of Engineers  
CENWS-OD-RG – NWP 48  
Post Office Box 3755  
Seattle, Washington 98124-3755

For each project area, please include a copy of the permit, license or lease granted from a state or local agency specifically authorizing aquaculture activity prior to March 12, 2007.

If you have any questions, please call (206) 764-6904 or (206) 764-3495.

## **Part 9 – Requirements for an Additional Pre-construction Notification Form.**

If any of the following changes are proposed to occur, then a new pre-construction notification is required to be submitted to the district engineer as early as possible before they occur:

1. The project area is greater than 100 acres.
2. There is any reconfiguration of the aquaculture activity, such as relocating existing operations in to portions of the project area not previously used for aquaculture activities.
3. There is a change in species being cultivated.

4. There is a change in culture methods (e.g., from bottom culture to off-bottom culture).

5. Dredge harvesting, tilling, or harrowing is conducted in areas inhabited by submerged aquatic vegetation.

Include a copy of the original verification letter with sketches. Providing updated sketches would also facilitate a faster review of the changes.

These existing operations may be authorized by this NWP after the district engineer has reviewed the pre-construction notification and determined that the new activity complies with the terms and conditions of the NWP, and will have minimal adverse effects.

J&G Gunstone Clams, Inc.

P.O. Box 4118  
Sequim, WA 98382

July 12 2023

U.S. Army Corp of Engineers  
PO Box 3755  
Seattle, WA 98124

Reference: *Log Dump*  
*NWS-2008-00559*

To Whom It May Concern:

We would like to submit a modification request at project location *Log Dump*, reference number, *NWS-2008-00559*, parcel 32912220100. The requested modification is to use a mechanical clam harvester.

We are requesting use of a mechanical clam harvester due to a continued lack of available worker force and a move to industry standards to stay competitive and in business. Mechanical harvesting would be conducted at low tide, with a machine controlled harvest, and water quality managed in accordance with the programmatic.

On the pre-filing request form, we noted the presence of native and non-native eelgrass at this project site. Eelgrass, although present, is outside of the harvest area. We confirm that all other operational activities (e.g. areas of cultivation) continue to remain the same on the project site *Log Dump*. We verify that the drawings include and represent the current information to date regarding our existing and proposed activities at this project location. We have included the drawings with this letter for reference.

Should there be a need for any additional information or should questions arise, please let us know and we will be happy to assist. Thank you for your time and consideration.

Sincerely,



Reed Gunstone & Allison Cutting

Applicant & Authorized Agent,  
J&G Gunstone Clams, Inc.

Cell: 360.460.6998, 360.808.0772

Email: [jgclams@gmail.com](mailto:jgclams@gmail.com), [alli.cutting@gmail.com](mailto:alli.cutting@gmail.com)

bing Maps

48.033, -123.02

NWS-2008-559

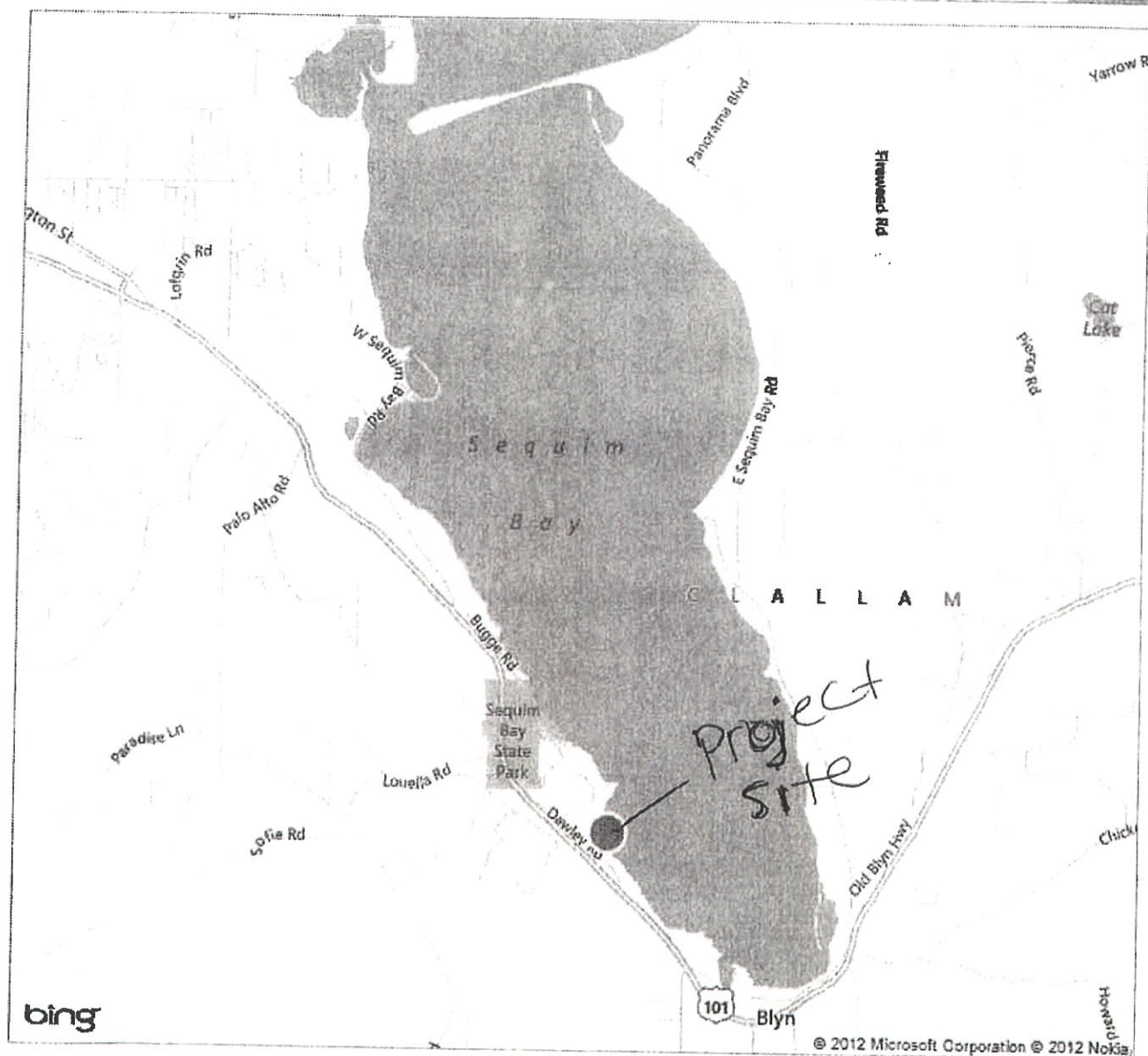
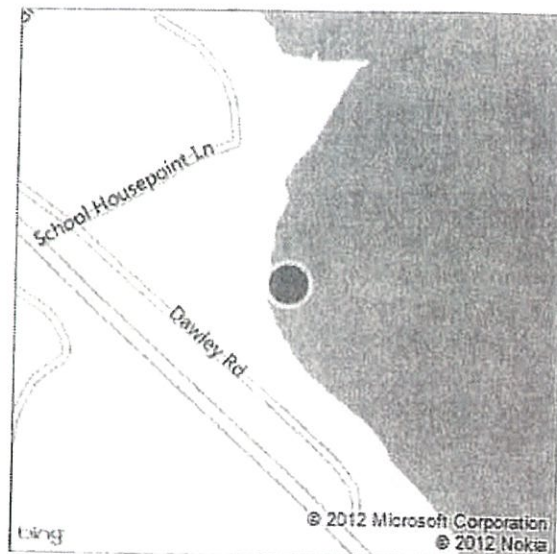
J&G Gunstone Clam Inc. (Log Dump)

On the go? Use [m.bing.com](http://m.bing.com) to find maps, directions, businesses, and more

48.033, -123.020

Up to date: June 9 2023

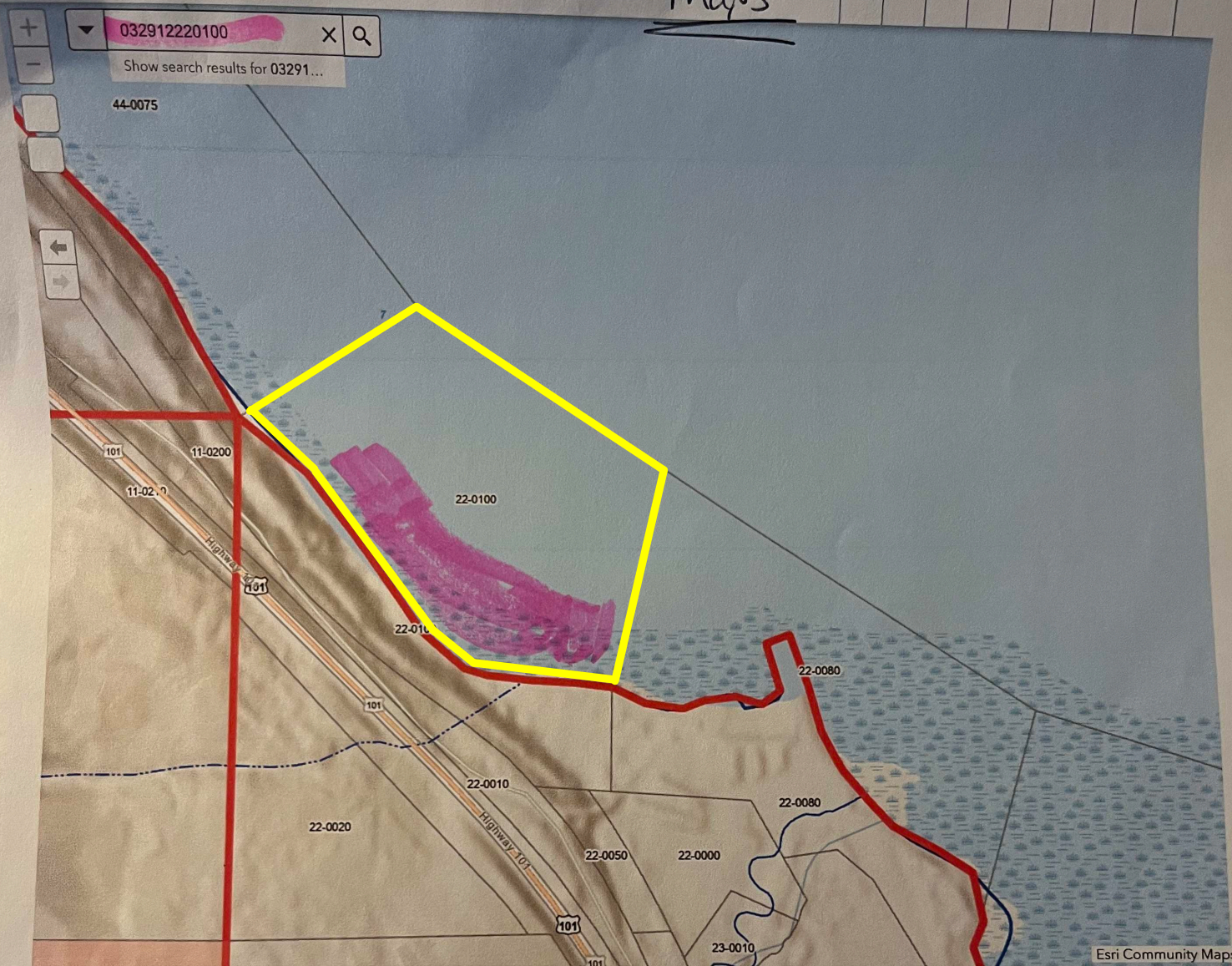
Owner: Reed C Gunstone Gift Trust





A

Maps



Log Dump  
~7 acre project area

Permitted for hand harvest, requesting modification for mechanical harvest

Yellow border is the project area  
Pink highlight is the requested area for mechanical harvest

300ft  
-123.000 48.030 Degrees



Log Dump

NWS-2008-559

J + G Gunstone Clam Inc.

parcel # 032912 220100

Project area: 7 acres

