



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: **8/30/2023**
Aquatics ID#: **138665**
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 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.



US Army Corps
of Engineers®

9 Seattle District

Nationwide Permit 48
Pre-construction Notification Form (V.7.7.09)
For Existing Commercial Shellfish Aquaculture Activities

Part 1 – Applicant

Agency Use Only# NW5-2010-444

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

J & G Gunstone Clams, Inc.

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

PO 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

RECEIVED

MAR -4 2010

REGULATORY

Part 2 – Authorized Agent or Contact (if applicable)

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

Gunstone Reed

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

PO 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)

Discovery Bay Land Co.

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

PO 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)

N/A

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

4c. County

Jefferson

4d. Waterway

Quilcene Bay

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

N/A

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

S 25 T 27 R 2 W TL TX CC
S 30 T 27 R 1 W TL TX NN

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**. 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.)

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stock piles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staging areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Berms (e.g., sand bags, excavated material)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Booms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reefs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (list) <u>off bottom oyster bags</u> <u>on racks</u>	<input type="checkbox"/>	<input checked="" 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).

Wood & Steel supports with rubber straps to hold oyster bags - Theft/trespass signs/posts/fencing - wood & steel - oyster seed fences

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)

Provide oysters and clams 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):

On average - approx. 50⁺ yds of pea gravel is used per yr. to enhance shellfish production due to WA STATE Dept. of Natural Resources forest lands caused landslides on Indian George Ck. to smoothen shellfish on tract. Sand, mud/siltation problem to continue for yrs. to come.

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:

roped, steel rods and canes, into beach, Cement Blocks, steel re-bar lengths for hold down

Any other types of nets:

N/A

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>)	X	7	Hand
Manila clam (<i>Venerupis philippinarum</i>)	X	7	"
Butter clam (<i>Saxidomus giganteus</i>)	X	7	"
Geoduck (<i>Panopea abrupta</i>)			
Pacific oyster (<i>Crassostrea gigas</i>)	X	7	"
Kumamoto oyster (<i>Crassostrea sikamea</i>)			
Eastern oyster/American oyster (<i>Crassostrea virginica</i>)			
Olympia oyster (<i>Ostrea conchaphila</i>)	X	7	"
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 E. Softshell Cockle, Mud clam	X	7	"

all over the same 7 acres

* 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:

Beach culture, on and off Bottom
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*).

EELGRASS COMES AND GOES NEAR SOUTH
EAST LINE - IT APPEARS EVERY FEW
YEARS - THEN A SOUTH STORM RIPS
IT OUT ON AN INCOMING TIDE
AREA IS SMALL TO NON EXISTING - TOO
MUCH SAND FROM WASHOUT OF STATE
FOREST ROAD SMOTHERS EVERYTHING

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 - picking oysters

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

Black Oyster grow out bags on Bottom and
off Bottom - Oyster mother shell bags

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 50+ yrs

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).

Linger Linger Rd. to private drive way to
shoreline

6d. Will any upland construction be required for your project to function? No

☒ Yes

☐

If yes, please add to your sketches or fully describe.

But the Dept. of Natural Resources Forest Roads
should be improved B/c they have caused
1000's + yards of sand/gravel to fill culverts and
~~the~~ homes and shellfish beds at this location!

Part 7 – Authorizing Signatures

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 (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)

By: Reed H. Star For: Discovery Bay Land Co. Jan. 1/2010
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 H. Star Jan. 1/2010
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: *AR-Quilcene1*
NWS-2010-00444-AQ

To Whom It May Concern:

We would like to submit a modification request at project location *AR-Quilcene1*, reference number *NWS-2010-00444*, parcels *701302012*, *702251037*. The requested modification is to use a mechanical clam harvester, and to add frosting.

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. A beach cleanup, removing debris from the logging era will be done, removing metal, wire rope, tires, large woody debris, etc.

We are requesting frosting (adding a thin .5 inch - 1 inch lift of pea gravel to sand/silt areas) on existing ACOE permitted clam beds, in small amounts (25-50 yards), every few years, in order to stabilize the substrate and allow for improved clam and oyster set and survival. Frosting will be a regular activity and will be conducted on a need's basis due to natural conditions (rains, tides, storms, etc.) that impact the sand/silt buildup, yet will not exceed 1-inch of gravel per year. There has been a substantial increase in buildup of sand and silt due to the relocation of Indian George Creek and its depostion of fines on to existing private commercial shellfish beds, as well as from a massive landslide on Washington State Department of Natural Resources timberlands that adjoined timber harvest units in the upper reaches of Indian George Creek. Hundreds of yards of soils have filled the creek bed. Sediment flooded several homes, and the creek was then relocated by the Jefferson County Conservation district. Indian George Creek now runs through higher elevation mud flats causing additional long term and continual sediment erosion and deposition of fines/mud on to the subject tidelands. The sediment impact varies with weather conditions that include rain, runoff, tidal height and wave action from storms. Existing permitted shellfish beds are being smothered from silt/mud deposits and shellfish will not set into said silt/mud deposits due to substrate drift and smothering from wave action substrate deposition that especially smothers small seed clams as well as mature clams and oysters when depositions exceed several inches. As such, we seek to add small amounts of gravel to restore the project tidelands back to their natural conditions.

We confirm that all other operational activities (e.g. areas of cultivation) continue to remain the same on the project site *AR-Quilcene1*. 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.

J&G Gunstone Clams, Inc.

P.O. Box 4118
Sequim, WA 98382

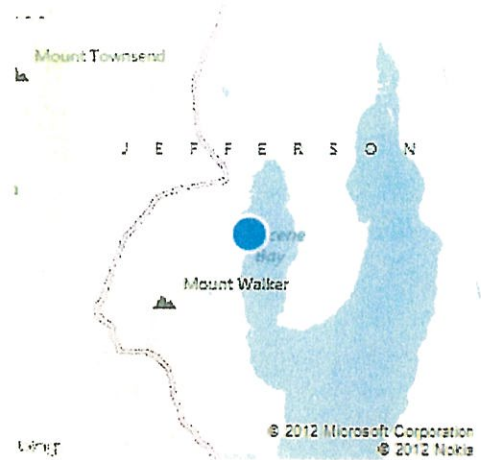
Sincerely,

Handwritten signatures of Reed Gunstone and Allison Cutting.

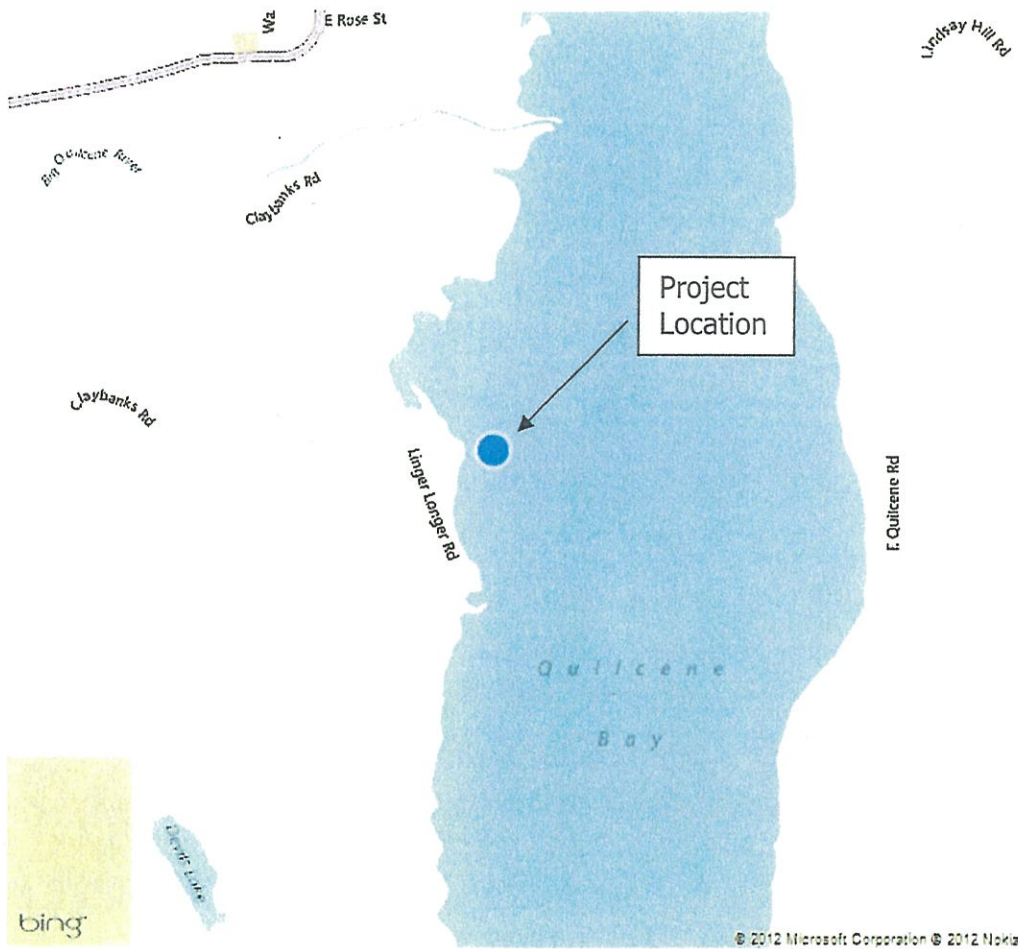
Reed Gunstone & Allison Cutting
Applicant & Authorized Agent,
J&G Gunstone Clams, Inc.

Cell: 360.460.6998, 360.808.0772

Email: jgclams@gmail.com, alli.cutting@gmail.com



Vicinity Map



Reference: NWS- 2010-0444 **Application by:** J&G Gunstone Clams, Inc.
Waterbody: Quilcene Bay **Project Description:** Existing shellfish farm
County: Jefferson **State:** Washington
Latitude/Longitude: 47.80783, -122.8649
Date: June 7 2023

parcels 701302012
 702251037

Owner: AR United LLC

Street Map



Reference: NWS- 2010-0444
Waterbody: Quilcene Bay
County: Jefferson

Application by: J&G Gunstone Clams, Inc.
Project Description: Existing shellfish farm
State: Washington

