



US Army Corps  
of Engineers  
Seattle District



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

# 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) 316-3164  
ATTN: Brandon Clinton,  
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:** August 20, 2020

**Expiration Date:** September 20, 2020

**Reference No.:** NWS-2019-450

**Name:** Northwest Shellfish Company,  
Inc. (Hjelm Geoduck Farm)

---

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 April 11, 2019.

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:** Northwest Shellfish Company, Inc.

Attention: Mark Schaffel  
6812 Munson Road Southwest  
Olympia, Washington 98512  
Telephone: (360) 866-2643

**LOCATION:** In Eld Inlet near Olympia, Thurston County, Washington

**WORK:** Establish a commercial shellfish aquaculture operation in Eld Inlet on 0.98 of an acre of privately owned tideland between -4.5- and +5-feet mean lower low water (MLLW).

Juvenile geoducks would be planted in the substrate by hand between the subtidal property boundary at -4.5 feet MLLW and an upper-intertidal limit of +5 feet MLLW. Four-inch diameter, 10.75-inch long PVC tubes would be manually placed in the substrate at a depth of 7 inches and at a density of one tube per square foot. Each tube would have an individual cover net held in place by a rubber band. Tubes and nets would be removed after 12-24 months.

Harvest would be conducted after 5-8 years by laborers using low pressure, high volume water hoses to liquefy the substrate and pull up geoducks by hand.

**PURPOSE:** Cultivate geoduck for commercial sale

**NWS-2019-990, Northwest Shellfish Company, Inc. (Hjelm Geoduck Farm)**

**ADDITIONAL INFORMATION:** The harvest cycle for geoduck proposed by the applicant would range from 5 to 8 years. This permit would authorize planting, maintenance, and harvesting activities at this location for up to 10 years.

The location of the high tide line shown on the project drawings has not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

**MITIGATION:** No compensatory mitigation has been proposed for this activity.

**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 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. A historic properties investigation has been conducted within the permit area. No historic properties determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. 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

**NWS-2019-990, Northwest Shellfish Company, Inc. (Hjelm Geoduck Farm)**

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 is the subject of Shorelines Substantial Development Permit, being 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 public notice to ensure consideration.

**CORPS COMMENTS:** All e-mail comments should be sent to [brandon.c.clinton@usace.army.mil](mailto:brandon.c.clinton@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Brandon Clinton, 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: Northwest Shellfish Company, Inc. (Hjelm Geoduck Farm), NWS-2019-450

Encl: Figures (5)



**NWS-2019 - 450**

**VICINITY MAP**


Applicant: Schaffel, Mark David	Project Name: Hjelm Tideland	 <b>CONFLUENCE</b> ENVIRONMENTAL COMPANY 146 N Canal St, Suite 111, Seattle WA 98103 <a href="http://www.confenv.com">www.confenv.com</a>
In: Eld Inlet Near/At: Olympia County: Thurston State: Washington	Project Location: 5603 Countryside Beach Rd NW Olympia, WA 98502	
Adjacent property owners: 1. Ruth Loiacono, 42900001500 2. Robert and Diana Berguld, 93025100100 3. John and Shelly McKerricher, 42900001300	Latitude: 47.112577 N Longitude: 122.936844 W	
<b>Sheet 1 of 5</b>		Date: April 11, 2019





**NWS-2019 - 450**


**PLAN VIEW**

Applicant: Schaffel, Mark David	Project Name: Hjelm Tideland	 <b>CONFLUENCE</b> ENVIRONMENTAL COMPANY 146 N Canal St, Suite 111, Seattle WA 98103 <a href="http://www.confenv.com">www.confenv.com</a>
In: Eld Inlet Near/At: Olympia County: Thurston State: Washington	Project Location: 5603 Countryside Beach Rd NW Olympia, WA 98502	
Adjacent property owners: 1. Ruth Loiacono, 42900001500 2. Robert and Diana Berguld, 93025100100 3. John and Shelly McKerricher, 42900001300	Latitude: 47.112577 N Longitude: 122.936844 W	
<b>Sheet 2 of 5</b>		Tidal elevations estimated using NOAA station #9446807 Date: April 11, 2019



**NWS-2019 - 450**

**ADJACENT PROPERTY OWNERS**

Applicant: Schaffel, Mark David	Project Name: Hjelm Tideland	 <b>CONFLUENCE</b> ENVIRONMENTAL COMPANY 146 N Canal St, Suite 111, Seattle WA 98103 <a href="http://www.confenv.com">www.confenv.com</a>
In: Eld Inlet Near/At: Olympia County: Thurston State: Washington	Project Location: 5603 Countryside Beach Rd NW Olympia, WA 98502	
Adjacent property owners: 1. Ruth Loiacono, 42900001500 2. Robert and Diana Berguld, 93025100100 3. John and Shelly McKerricher, 42900001300	Latitude: 47.112577 N Longitude: 122.936844 W	
<b>Sheet 3 of 5</b>		Date: April 11, 2019

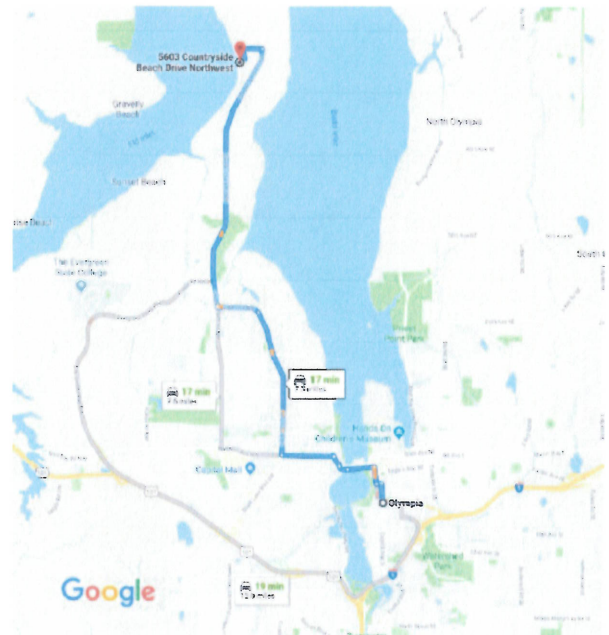


## Olympia

Washington

### Take Division St NW and Cooper Point Rd NW to 58th Ave NW

1. Head north on Capitol Way S toward 11th Ave SW  
15 min (7.1 mi)  
0.2 mi
2. Turn left onto Talcott Avenue Southwest  
308 ft
3. Turn right onto Columbia St SW  
0.2 mi
4. Turn left onto 5th Ave SW  
0.3 mi  
Pass by Bank of America Financial Center (on the right)
5. Keep right to continue on 5th Ave SW/Olympic St W  
0.1 mi
6. At the traffic circle, take the 2nd exit onto Olympic Way  
0.1 mi
7. At the traffic circle, take the 2nd exit onto Harrison Ave NW  
0.6 mi
8. Turn right onto Division St NW  
1.7 mi
9. Keep left to continue on 28th Ave NW  
0.5 mi
10. Turn right onto Cooper Point Rd NW  
3.2 mi



### Continue on 58th Ave NW. Drive to Countryside Beach Dr NW


11. Turn left onto 58th Ave NW  
2 min (0.4 mi)
12. 58th Ave NW turns slightly left and becomes Countryside Beach Dr NW  
0.2 mi  
0.1 mi

5603 Countryside Beach Dr NW

Olympia, WA 98502


NWS-2019 - 450

### DRIVING DIRECTIONS AND MILEAGE

Applicant: Schaffel, Mark David	Project Name: Hjelm Tideland	 <b>CONFLUENCE</b> ENVIRONMENTAL COMPANY 146 N Canal St, Suite 111, Seattle WA 98103 <a href="http://www.confenv.com">www.confenv.com</a>
In: Eld Inlet Near/At: Olympia County: Thurston State: Washington	Project Location: 5603 Countryside Beach Rd NW Olympia, WA 98502	
Adjacent property owners: 1. Ruth Loiacono, 42900001500 2. Robert and Diana Berguld, 93025100100 3. John and Shelly McKerricher, 42900001300	Latitude: 47.112577 N Longitude: 122.936844 W	
Sheet 4 of 5		Source: Google Maps
		Date: April 11, 2019



# SHORELINE PHOTO

Applicant: Schaffel, Mark David	Project Name: Hjelm Tideland	 <b>CONFLUENCE</b> ENVIRONMENTAL COMPANY 146 N Canal St, Suite 111, Seattle WA 98103 <a href="http://www.confenv.com">www.confenv.com</a>
In: Eld Inlet Near/At: Olympia County: Thurston State: Washington  <b>NWS-2019 - 450</b>	Project Location: 5603 Countryside Beach Rd NW Olympia, WA 98502	
Adjacent property owners: 1. Ruth Loiacono, 42900001500 2. Robert and Diana Berguld, 93025100100 3. John and Shelly McKerricher, 42900001300	Latitude: 47.112577 N Longitude: 122.936844 W  <b>Sheet 5 of 5</b>	
		Source: WA State Department of Ecology's Coastal Atlas Date: April 11, 2019