



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) 764-6904
Attn: Pamela Sanguinetti,
Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: October 17, 2011
Expiration Date: November 16, 2011

Reference No.: NWS-2009-1530
Name: de Tienne, Darrell A.

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 United States as described below and shown on the enclosed drawings.

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: Darrell A. de Tienne
3435 Cesar Chavez #312
San Francisco, CA 94110
Telephone: (415) 821-9091

AGENT: ENVIRON International Corporation
605 First Avenue, Suite 300
Seattle, WA 98104
Attention: Scott A. Luchessa
Telephone: (206) 336-1654

LOCATION: In Henderson Bay at 13110 82nd Avenue Court Northwest, Pierce County, Washington

WORK: Install a commercial shellfish farm for production of geoduck clams. The parcel is 10.74 acres with 5 acres of cultivable aquatic land that would be planted with geoduck. The cultivable area occurs between the +2-foot and the -38-foot contour elevation (Datum: MLLW=0.0 feet). Planting would occur in phases with a maximum of 1 acre planted per year. Prior to planting an area, it would be cleared of coarse debris and any sand dollars relocated. Geoduck seed would be produced off-site and transported for planting. The planting area would be seeded by hand. Seed would be planted by placing 3 seed clams into a 4-inch diameter PVC pipe that has been sunk into the substrate. The tubes would be positioned about 15 inches on center. For additional predator control, the planted area is covered under large nets that are secured to the substrate with rebar at about 4-6-foot intervals. After 1 to 2 growing seasons, up to 2 years, the PVC tubes would be removed. The nets may remain for up to 6 additional months as needed for predator control before removal. The geoduck would be harvested 3 to 5 years later by hand with a high volume, low-pressure water hose that "liquefies" the substrate allowing the geoduck to be removed by hand. Access to the site would be by boat only. Harvest would occur both at low tides and by divers at high tides.

PURPOSE: To provide geoduck clams for human consumption.

ADDITIONAL INFORMATION:

The applicant has submitted a separate application for authorization of a bulkhead on the adjacent shoreline. The bulkhead is independent of the geoduck farm and is being evaluated under the Nationwide Permit process.

A Department of the Army permit for the proposed project, if issued, would only authorize the proposed commercial shellfish aquaculture activities at this site over a 10-year period. Any proposed time extensions or proposals to permanently operate commercial shellfish aquaculture activities at this site would require additional evaluations and/or a separate Department of the Army permit. For example, no harvesting activities may occur beyond the 10-year timeline regardless of whether shellfish remain available at the site, without an additional evaluation and/or permit.

In the case of geoduck aquaculture, a Department of the Army permit for the proposed project, if issued, would only authorize one planting-harvesting cycle over the 10-year period, although planting and harvesting of various sections of the project area may be staggered. Once harvested, a second planting on any part of the project site would require additional evaluations and/or a new Department of the Army permit.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.

MITIGATION: The applicant has proposed a number of measures to avoid and minimize impacts including securing gear and avoiding forage fish spawning habitat.

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 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.

If the Corps determines that the proposed action may adversely affect essential fish habitat (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 District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The nature, scope, and magnitude of this project involve activities that are limited to a land form (deep and intertidal water) where there is little likelihood that a historic property exists or may be affected. The District Engineer 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 with historic properties in the area.

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.

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 it would be in the public interest to authorize this proposal. 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 commentor'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 pamela.sanguinetti@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention: Pamela Sanguinetti, Post Office Box 3755, Seattle, Washington 98124-3755.

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: Department of Ecology, Attention: SEA program – 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: de Tienne, Darrell A., NWS-2009-1530

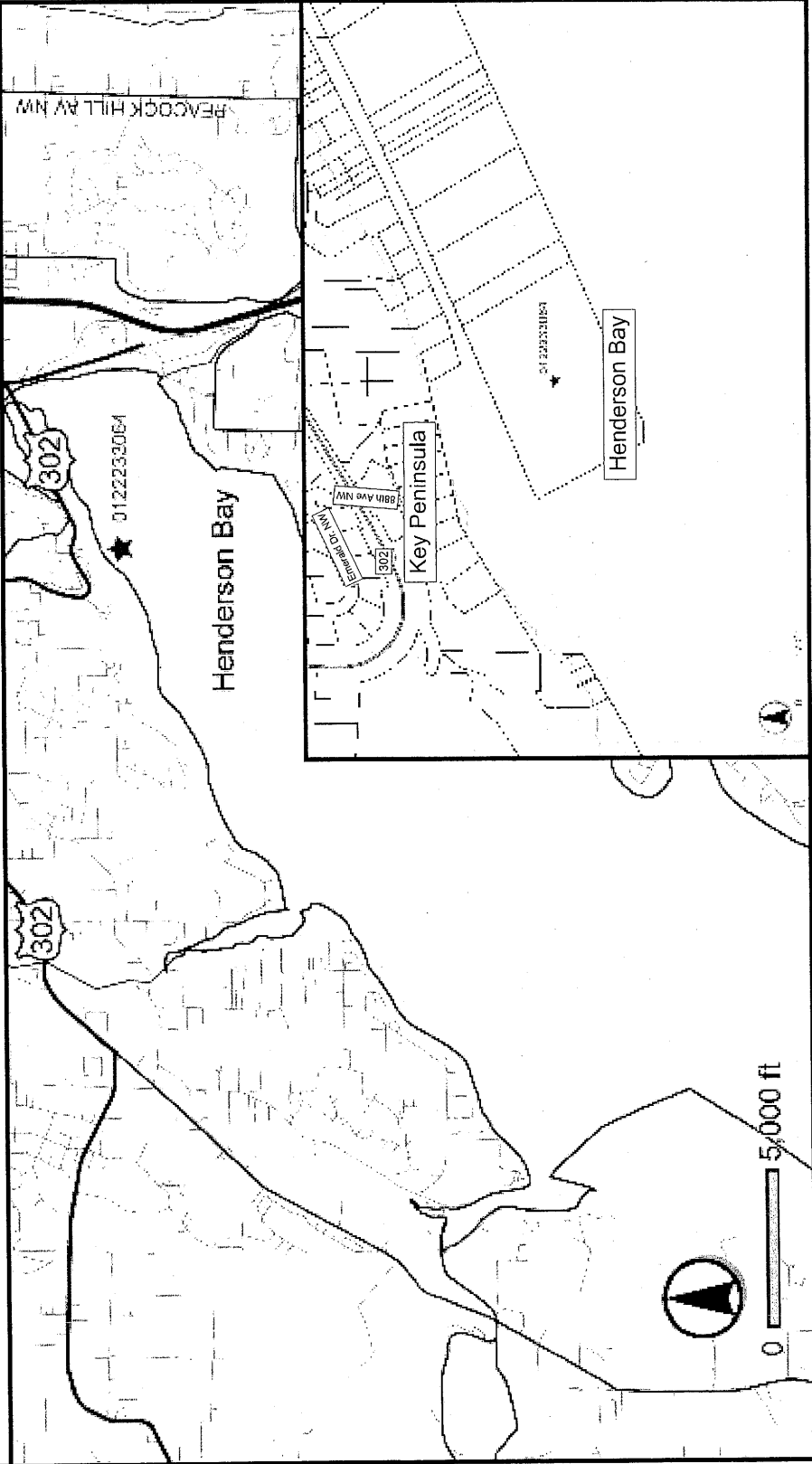
Encl: Figures (5)

REFERENCE NUMBER: NWS-2009-1530
PROJECT LOCATION (ADDRESS):
13110 82nd Ave CT NW
Gig Harbor, WA 98329

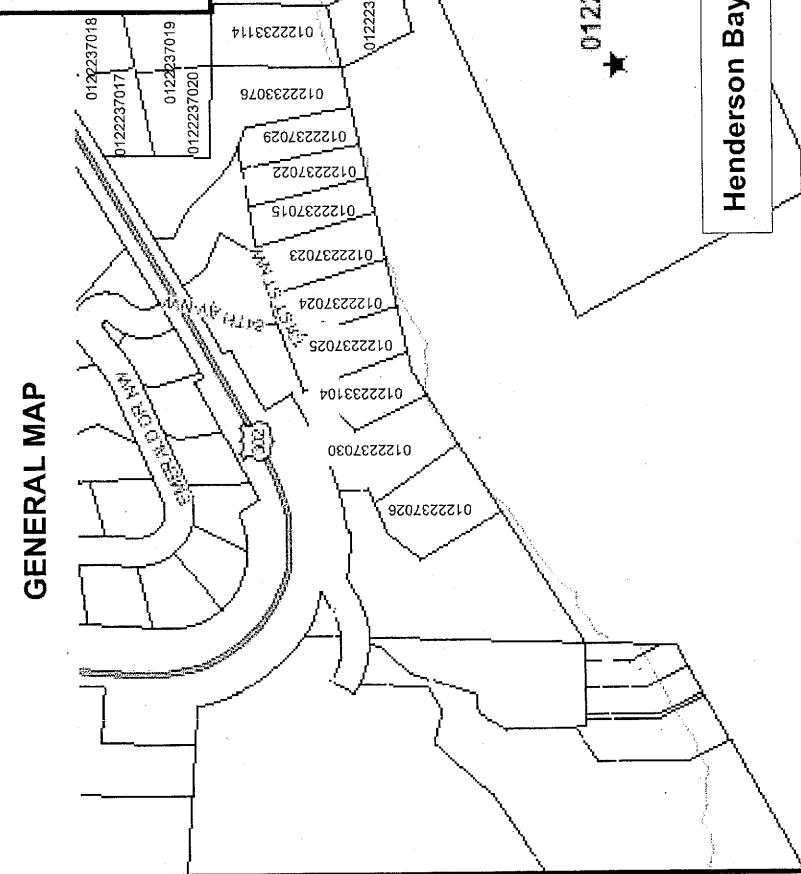
APPLICANT: de Tienne, Darrell
ADJACENT PROPERTY OWNERS:
Please refer to Sheet 5 for complete list

PROPOSED PROJECT:
New 5-acre geoduck aquaculture farm
IN: Henderson Bay, Carr Inlet
NEAR/AT: Wauna
COUNTY: Pierce
STATE: WA

LAT/LONG: 47.37622 N/ -122.64829 W
DATUM: 0 FT MLLW
SHEET 1 OF 5 DATE: Sept. 15, 2011



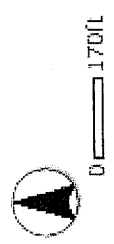
Reference Number: NWS-2009-1530
 Applicant Name: de Tienne, Darrell
 Proposed Project: New 5-acre Geoduck
 Aquaculture Farm
 Location: 13110 82nd Ave CT NW, Gig Harbor, WA 98329
 Sheet 2 of 5 Date: September 15, 2011



de Tienne Tideland
 Total = 10.74 acres
 Area Available for
 Culture = 5 acres

Henderson Bay

Note: please refer to sheet 5 for a list of land owners associated with the parcel numbers on this map.



Reference Number: NWS-2009-1530

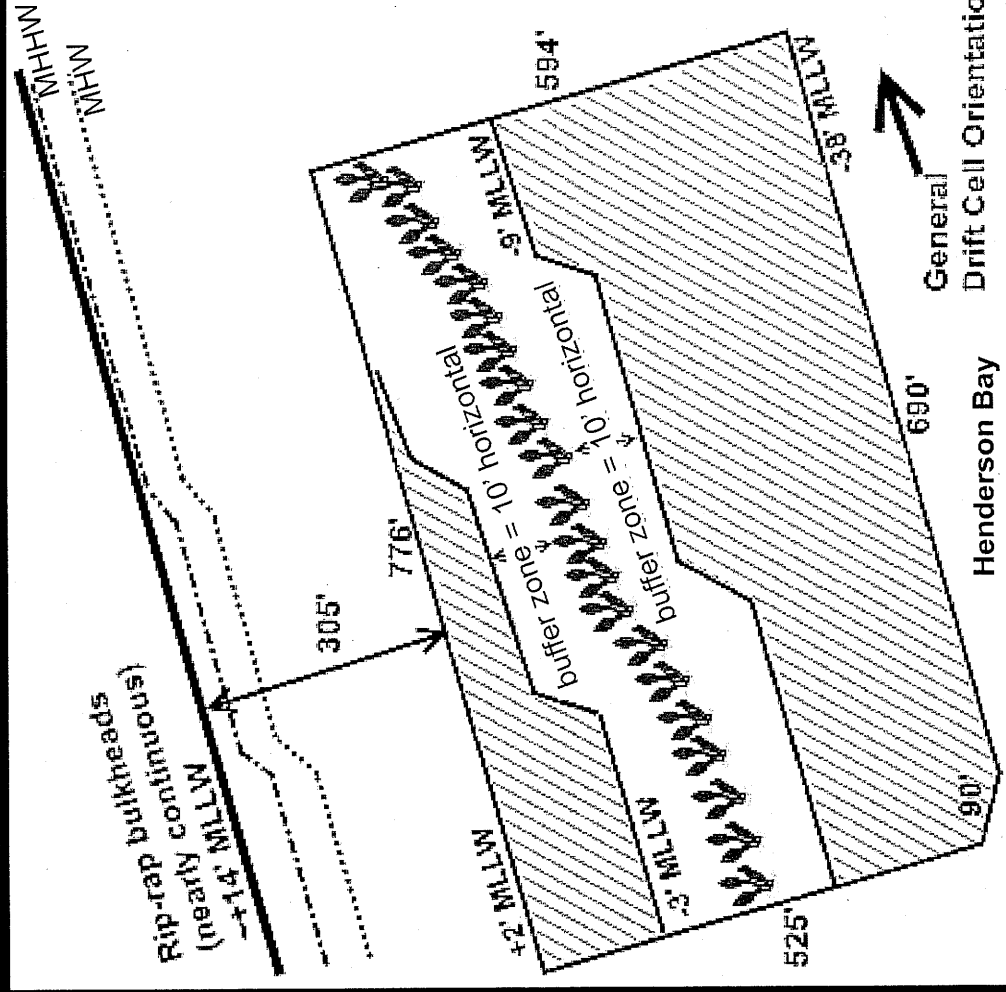
Applicant Name: de Tienne, Darrell

Proposed Project: New 5-acre Geoduck Aquaculture Farm

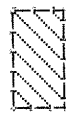
Location: 13110 82nd Ave CT NW, Gig Harbor, WA 98329

Sheet 3 of 5 Date: September 15, 2011

PLAN VIEW MAP



LEGEND



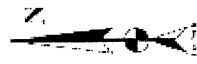
culture zone



eelgrass present

----- mean higher high water (13.5 ft)

..... mean high water (12.5 ft)



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Applicant Name: de Tienne, Darrell

Proposed Project: New 5-acre Geoduck Aquaculture Farm

Location: 13110 82nd Ave CT NW, Gig Harbor, WA 98329

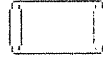
Sheet 4 of 5 Date: September 15, 2011

CROSS SECTIONAL MAP

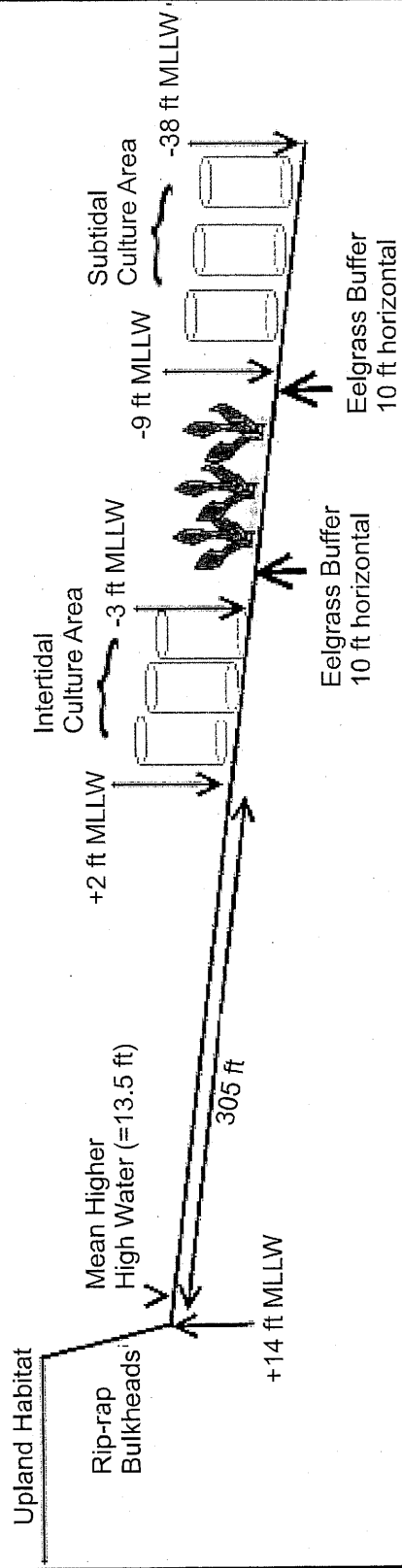
LEGEND



eelgrass



geoduck tube



PARCELS

Note: See Sheet 2 of 5 for a layout of parcels associated with this proposed farm.

Reference Number: NWS-2009-1530
 Applicant Name: de Tienne, Darrell
 Proposed Project: New 5-acre Geoduck
 Aquaculture Farm
 Location: 13110 82nd Ave CT NW, Gig Harbor, WA 98329
 Sheet 5 of 5 Date: September 15, 2011

Parcel	Address	Property Owner
0122233114	13110 82nd Ave Ct NW	de Tienne property
0122233006	de Tienne Property	de Tienne vacant land
0122233064	de Tienne Tideland	de Tienne tideland
0122237026	8508 131st St NW	Lemke, William C Jr & Joelene L
0122237030	8506 131st St NW	Reinking, Robert W & Judy L
0122233104	8420 131st st NW	Moody, Joseph D & Furukawa Miyako
0122237025	8416 131 St. NW	Wenman, Robert
0122237024	8412 131st St NW	Jones, Francis G
0122237023	8314 131st St NW	Newell, Bradford & Sandra
0122237015	8310 131st St NW	Baker, Fred & Sylvia
0122237022	8306 131st NW	Garrison, Paul & Betty
0122237029	Vacant Land	Garrison, Paul H
0122233076	8316 State 302 Rd NW	Wong, Gregory & Lalaine
0122237020	13201 82nd Ave Ct NW	Street, Joseph G & Karen E
0122237019	13202 82nd Ave Ct NW	Campbell, Roger N
0122237017	13211 82nd Ave Ct NW	Takos, Bill & Sharleen
0122237018	13214 82nd Ave Ct NW	Friedman, Edward J
0122233025	8122 SR 302	Garrison, Mike & Shima
0122233027	8116 State 302 Rd NW	Lauer, Louise
0122233043	XXX 82nd Ave Ct NW	Garrison, Mike H & Shima
0122233065	XXX 82nd Ave Ct NW	Haas, Richard M & Agnes E Ttee