



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: December 19, 2011
Expiration Date: January 18, 2012

Reference No.: NWS-2011-983
Name: A&K Shellfish, LLC.

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: A & K Shellfish, LLC
1110 Jacobson Boulevard
Bremerton, Washington 98310
Attention: Annie Fitzgerald
Telephone: (360) 440-1655

AGENT: Marine Surveys and Assessments
521 Snagstead Way
Port Townsend, Washington 98368
Attention: Amy Leitman
Telephone: (360) 385-4073

LOCATION: In Dabob Bay at Zelatched Point, Toandos Peninsula, Quilcene, Washington

WORK: Install a 7.2 acre commercial oyster and clam farm. All planting and harvesting will be by hand. Access to the project area will be by boat or by land. All planting will be conducted at low tides in the "dry". The planting area will be located between 0.0-foot and -3.5-foot contour elevation (Datum: MLLW = 0.0 feet).

Clam cultivation: Manila clam seed will be scattered on the beach, by hand, over about two tidal cycles in the spring and summer. Predator exclusion netting may be used. Harvest will occur two to four years after planting. Harvesting will be by hand raking.

Oyster cultivation: Oyster seed will be attached to old oyster shell, scattered unattached, and/or placed in seed clutch bags on the substrate. Oysters will be harvested by hand picking. A barge may be used when harvesting the cluster oysters.

PURPOSE: Provide oysters and clams for human consumption.

ADDITIONAL INFORMATION: 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.

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: No planting will occur in the areas of existing *Zostera marina* (eelgrass). Set-backs will be used between existing eelgrass and planting areas. Also, any vessels used in the planting or harvesting will not ground out on eelgrass.

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.

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 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. There are no recorded historic properties within the permit area and the proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

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 commentator'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.

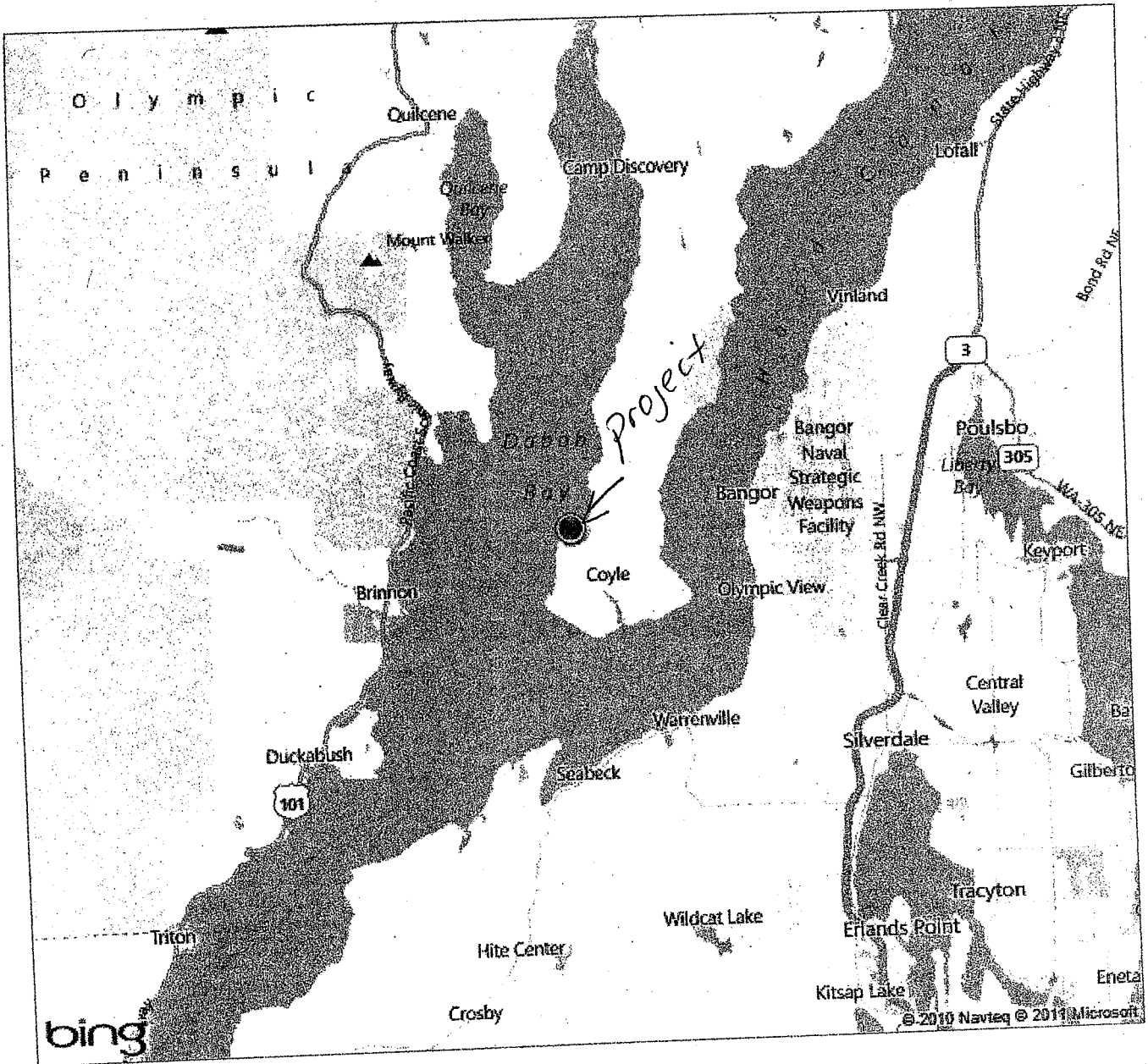
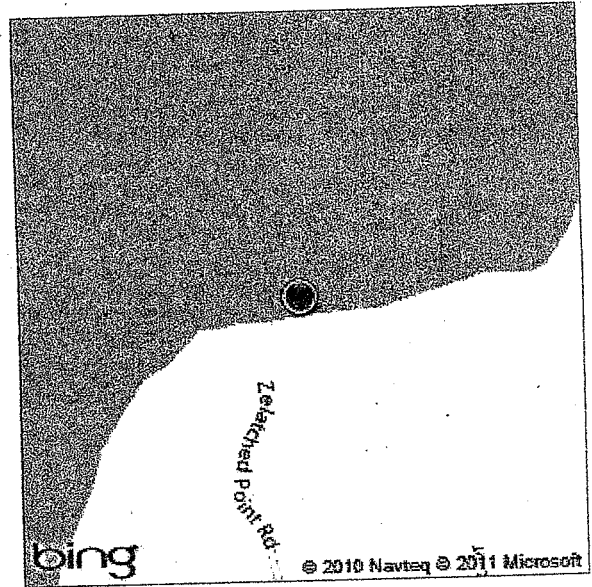
Corps comments: All e-mail comments should be sent to pamela.sanguinetti@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention: Pamela Sanguinetti, Post Office Box 3755, Seattle, Washington 98124-3755.

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: A&K Shellfish, LLC

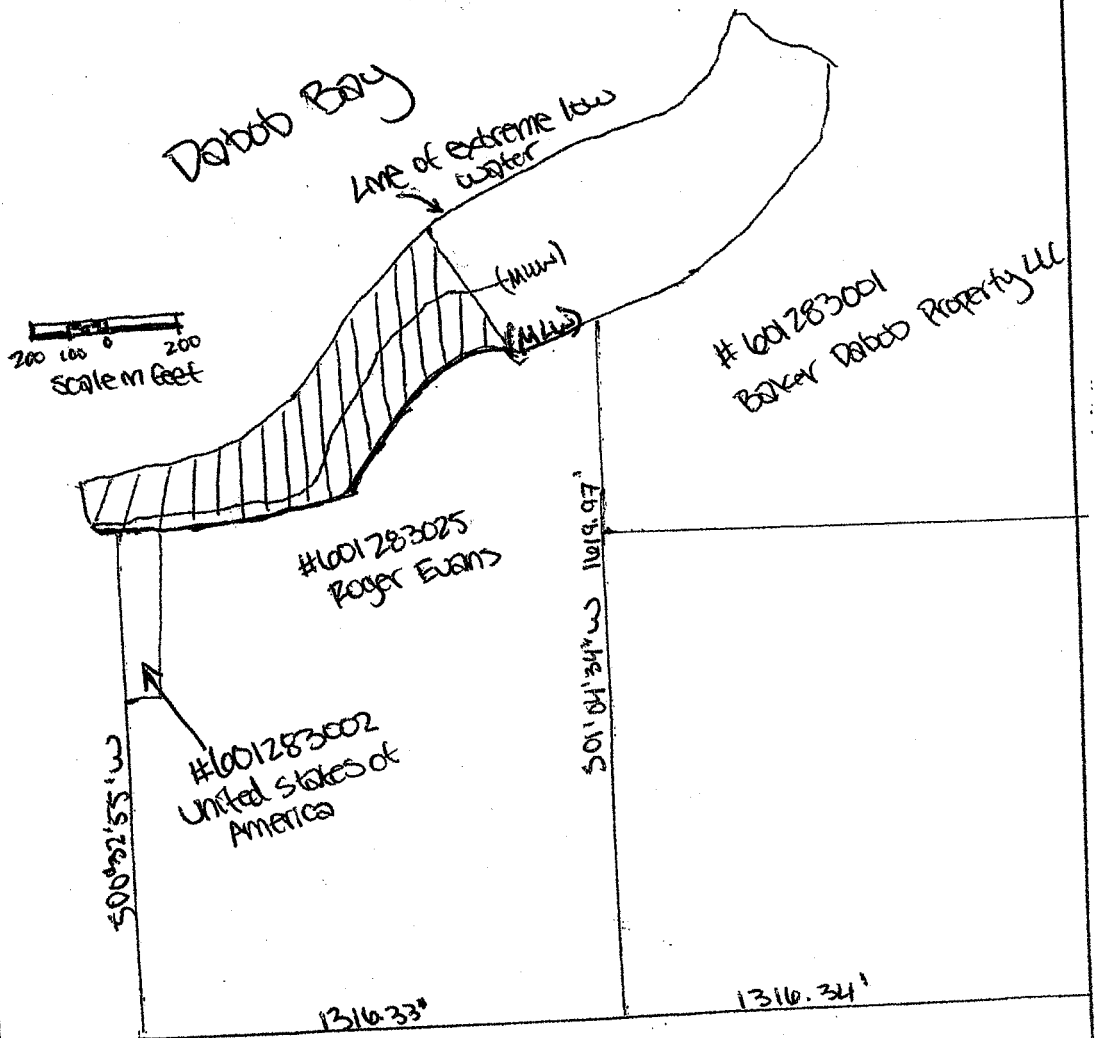
Encl: Figures (4)

Reference: NWS-2011-938 Date: Nov.30, 2011
Applicant: A & K Shellfish Proposed: 7.2 acre
oyster & clam farm In: Dabob Bay, near Quilcene
Jefferson County, WA
Lat/Long: 47.71220, -122.82090 Datum: 0.00' MLLW
Sheet 1 of 4



Reference: NWS-2011-938 Date: Nov. 30 2011
 Applicant: A & K Shellfish Proposed: 7.2 acre
 oyster & clam farm In: Dabob Bay, near Quilcene
 Jefferson County, WA
 Lat/Long: 47.71220, -122.82090 Datum: 0.00' MLLW
 Sheet 2 of 4

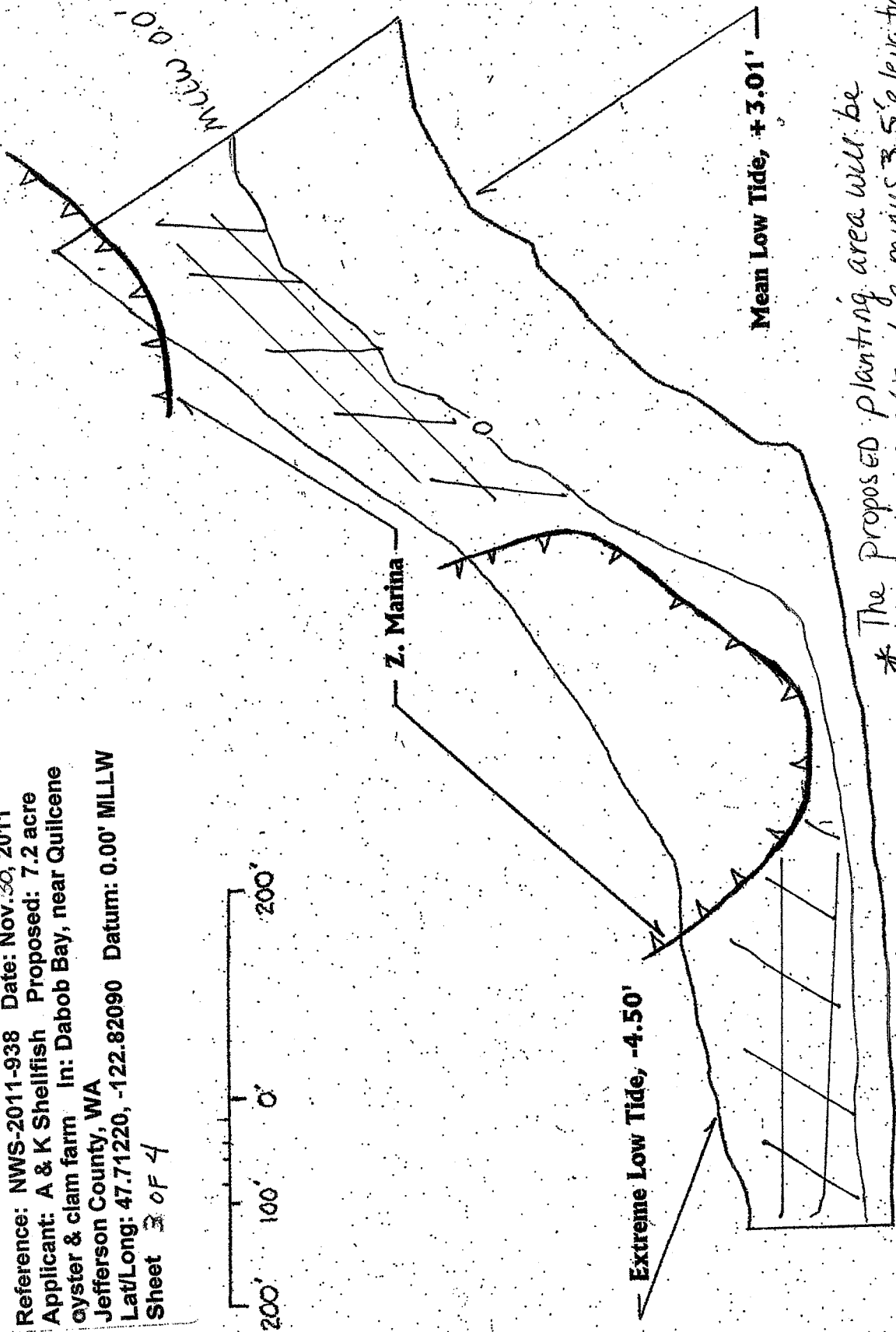
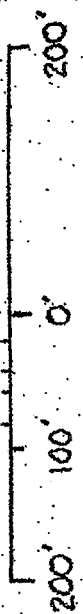
Lease area = 313,793 sq. ft / 7.20 Ac.
 In Section 28, Township 20 N, Range 1 W
 Jefferson County, WA



MLLW: Denotes line of mean low water
 MLLW: Denotes line of mean low lower water
 [Hatched Box]: Denotes DNR Aquatic land lease

↑ North

Reference: NWS-2011-938 Date: Nov. 30, 2011
 Applicant: A & K Shellfish Proposed: 7.2 acre
 oyster & clam farm In: Dabob Bay, near Quilcene
 Jefferson County, WA
 Lat/Long: 47.71220, -122.82090 Datum: 0.00' MLLW
 Sheet 3 of 4



LEGEND

Z. Marina:

Leasehold Boundary -
 Planting Area

Leasehold boundary approximately 7.2 acres.

Parcel list:

1. Parcel # 601291001 United states of America
2. Parcel # 601283002 United states of America
3. Parcel # 601283025 Roger Evans
PO Box 216
Quilcene, WA 98370
4. Parcel # 601283001 Baker Dabob Property LLC
c/o Mark Baker
3279 Belvidere Ave. SW
Seattle, WA 98126

Reference: NWS-2011-938 Date: Nov. 30, 2011
Applicant: A & K Shellfish Proposed: 7.2 acre
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Sheet 4 of 4