

From: [BrownScott, Jennifer](#)
To: [Thomas, Sue](#)
Subject: Fwd: Jamestown S"Klallam Tribe Shellfish Farm Permitting Meeting
Date: Wednesday, March 30, 2016 8:25:23 AM
Attachments: [Permit meeting Agenda April 1 2016.docx](#)
[JARPA DungenessMarch 28 2016.doc](#)
[Dungeness Project Drawings March28 2016.pdf](#)
Importance: High

Jennifer Brown-Scott
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~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~
~~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

----- Forwarded message -----

From: **Ralph Riccio** <rriccio@jamestowntribe.org>
Date: Tue, Mar 29, 2016 at 5:13 PM
Subject: Jamestown S'Klallam Tribe Shellfish Farm Permitting Meeting
To: "Carlson, Sean (DNR)" <Sean.Carlson@dnr.wa.gov>, "Ryan_McReynolds@fws.gov" <Ryan_McReynolds@fws.gov>, "josh.peters@dnr.wa.gov" <josh.peters@dnr.wa.gov>, "BrownScott, Jennifer (jennifer_brownscore@fws.gov)" <jennifer_brownscore@fws.gov>, "Lund, Perry (ECY) (plun461@ecy.wa.gov)" <plun461@ecy.wa.gov>, "Laura Hoberecht - NOAA Federal (laura.hoberecht@noaa.gov)" <laura.hoberecht@noaa.gov>, "Sanguinetti, Pamela NWS" <Pamela.Sanguinetti@usace.army.mil>, "julie.horowitz@gov.wa.gov" <julie.horowitz@gov.wa.gov>, "Blaine.Reeves@dnr.wa.gov" <Blaine.Reeves@dnr.wa.gov>, "Lear, Cathy (CLear@co.clallam.wa.us)" <CLear@co.clallam.wa.us>
Cc: Kelly Toy <ktoy@jamestowntribe.org>, Scott Chitwood <schitwood@jamestowntribe.org>, Kurt Grinnell <k_grinnell@msn.com>, "W Ron. Allen" <rallen@jamestowntribe.org>

All,

Please find attached the agenda for our meeting on Friday, along with the updated JARPA Application and Project Drawings. Let me know if you would like the opportunity to present on behalf of your agency, and we can amend the agenda. Be prepared to discuss your agency's requirements as we move forward with permitting our shellfish farm in Dungeness Bay. Please remember as a pre-existing farm we will be applying for a Nationwide Permit 48, not an Individual Permit.

I look forward to collaborating on Friday.

Ralph

Ralph Riccio

Jamestown S'Klallam Tribe

1033 Old Blyn Hwy

Sequim WA, 98382

Shellfish Biologist/DSO

Office: 360-681-4630

Fax: 360-681-4611

Cell: 360-460-3240

rriccio@jamestowntribe.org

Jamestown S’Klallam Tribe Dungeness Shellfish Farm on DNR State Aquatic Lands

9:00AM April 1st 2016

Red Cedar Hall – Jamestown S’Klallam Tribe

Meeting Agenda

9:00 - Introductions

9:10 - Description of the shellfish operation (Jamestown S’Klallam Tribe)

9:30 – Authorizations, Evaluations and Questions:

- Army Corps (Nationwide Permit 48)
- USFWS (Federal lead for ESA/106)
- Refuge (Compatibility)
- DNR (Tideland Aquaculture Lease)
- Ecology
- Clallam County

11:00 - Next steps forward/Timeline

11:30 - Wrap up



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



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AGENCY USE ONLY

Date received:

Agency reference #: NWS-2007-1213 _____

Tax Parcel #(s): _____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Jamestown S'Klallam Tribe Dungeness Shellfish Farm

Part 2–Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Allen, Ron

2b. Organization (If applicable)

Jamestown S'Klallam Tribe

2c. Mailing Address (Street or PO Box)

1033 Old Blyn Hwy

2d. City, State, Zip

Sequim, WA 98382

2e. Phone (1)

(360)681-4630

2f. Phone (2)

(360)460-3240

2g. Fax

()

2h. E-mail

rriccio@jamestowntribe.org

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx>.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to

http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
Riccio, Ralph, William			
3b. Organization (If applicable)			
Jamestown S’Klallam Tribe			
3c. Mailing Address (Street or PO Box)			
1033 Old Blyn Hwy			
3d. City, State, Zip			
Sequim, WA 98382			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(360)681-4630	(360)460-3240	()	rriccio@jamestowntribe.org

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☐ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☒ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don’t know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
WA Department of Natural Resources			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
5310 Eaglemount Rd,			
4d. City, State, Zip			
Chimacum, WA 98325			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail
(360) 732-7411	()	()	sean.carlson@dnr.wa.gov

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input checked="" type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
Dungeness Spit			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Sequim, WA 98382			
5d. County [help]			
Clallam			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	23	31 North	4 West
5f. Provide the latitude and longitude of the project location. [help]			
• Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)			
48.02465N 123.004031W NAD83			
5g. List the tax parcel number(s) for the project location. [help]			
• The local county assessor's office can provide this information.			
NA			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address		Tax Parcel # (if known)
Dungeness Wildlife Refuge-USFWS	715 Holgerson Road, Sequim, WA 98382		NA

5i. List all wetlands on or adjacent to the project location. [help]
NA
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
Dungeness Bay
5k. Is any part of the project area within a 100-year floodplain? [help]
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
5l. Briefly describe the vegetation and habitat conditions on the property. [help]
The project site is in the intertidal zone with no vegetation present. Eelgrass is located outside the parcel to the east and southwest. The substrate is mostly sand and shell rubble from pre-existing oyster production. There are also several thousand mature oysters with newer generations of oysters covering the substrate throughout the parcel.
5m. Describe how the property is currently used. [help]
The shellfish farm has not been in use since poor water quality caused the Tribe to suspend operations in 2005. Some equipment and several thousand mature oysters ready for harvest still remain on the property.
5n. Describe how the adjacent properties are currently used. [help]
The adjacent properties are currently used by the USFWS Dungeness Wildlife Refuge by visitors and various species of birds and other animals.
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]
There are still remnant metal and PVC posts sticking up out of the mud from past shellfish farming. They are not in use at this time.
5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]
See Project Drawings

Part 6—Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

Farm oysters and clams in a variety of methods on 47 of the acres of the 50 acre parcel. 3 acres will be avoided due to the possibility of eelgrass presence.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

Purpose: Produce shellfish to sell for human consumption. The Tribe needs to grow shellfish because so many shellfish growing areas where the Tribe is accustomed to harvesting wild shellfish are either over harvested or are suffering from poor water quality. The Tribe must farm shellfish in order to exercise their treaty rights, and Dungeness Bay is the location that the Tribe has been leasing from DNR for the last 26 years with the intent to resurrect shellfish farming once water quality improved. The following farming methods will be used:

On-Bottom Oyster Culture: Beach Oysters, also called Intertidal Cultured Oysters, are oysters which are raised on tidal beaches with muddy, sandy or rocky bottoms. Spat (very small seed attached to shell or “cultch”) or seed oysters are distributed over existing oyster beds and left to mature naturally. Planting seed oysters (>1”) involves staking down a mesh predator net over the oysters to prevent the seed from being washed away. The net is removed when the oysters reach a larger size, generally 90-120 days. On-bottom Bags are grown in mesh bags which are attached to a line on the bottom.

Suspended Oyster Culture: Rack & Bag cultured oysters are grown in mesh cages or bags which are generally staked about one to two feet off the bottom. Oysters raised by the bag method are protected from predators and do not become cramped for space as they grow. They also do not have to filter as much sand & mud in order to get nutrients, thus they grow faster. Long-line culture is a variation of off bottom culture where long ropes with seeded shell attached are suspended. This suspension method is usually done horizontally and staked about one to two feet above the bottom in an intertidal region.

Jamestown’s oyster culture method will primarily be on-bottom culture and on-bottom flip bags, but will also experiment with long-line, and rack and bag. Oysters will be harvested by hand and will be placed into large totes. Totes will then be removed at high tide by vessel. Jamestown would like to determine the most optimal culture methods as soon as possible and the types of culture methods used will be dependent on the market and other environmental and economic factors.

Geoduck Aquaculture:

Jamestown plans to continue with geoduck test farming in up to five acres of the project site. PVC tubes four or six inch in diameter, and up to 12” in length will be stomped into the mud at a density of 1 per sq. foot. Three to four geoduck seed will be planted in the each tube. 15 x 45 foot predator exclusion nets will be used to cover the tubes and will be held in place by rebar stakes. Tubes will be removed approximately 2 years after planting an area and geoduck will be sampled periodically for growth rate and quality.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- | | | | | |
|--|--|--|---|---------------------------------------|
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Residential | <input type="checkbox"/> Institutional | <input type="checkbox"/> Transportation | <input type="checkbox"/> Recreational |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> Environmental Enhancement | | | |

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input type="checkbox"/> Float | <input type="checkbox"/> Retaining Wall (upland) |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Floating Home | <input type="checkbox"/> Road |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | |

<input type="checkbox"/> Boat Launch <input type="checkbox"/> Boat Lift <input type="checkbox"/> Bridge <input type="checkbox"/> Bulkhead <input type="checkbox"/> Buoy <input type="checkbox"/> Channel Modification	<input type="checkbox"/> Ditch <input type="checkbox"/> Dock / Pier <input type="checkbox"/> Dredging <input type="checkbox"/> Fence <input type="checkbox"/> Ferry Terminal <input type="checkbox"/> Fishway	<input type="checkbox"/> Land Clearing <input type="checkbox"/> Marina / Moorage <input type="checkbox"/> Mining <input type="checkbox"/> Outfall Structure <input type="checkbox"/> Piling/Dolphin <input type="checkbox"/> Raft	<input type="checkbox"/> Scientific Measurement Device <input type="checkbox"/> Stairs <input type="checkbox"/> Stormwater facility <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Utility Line
<input type="checkbox"/> Other:			

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

All equipment described in section 6b. will be brought to the property by boat and will be assembled by hand.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: May 1st 2016 End date: On going ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$40-60K

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

☐ Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

☐ Yes ☐ No ☐ Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

☐ Yes ☐ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☐ Yes ☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☐ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Part 8—Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

☒ Not applicable

Adverse impacts will not occur because we will be farming shellfish in areas that have been farmed for over 60 years.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

☐ Yes ☒ No **As filter feeders, perhaps there will be a positive impact to water quality.**

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If **Yes**, submit the plan with the JARPA package and answer 8d.
- If **No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☒ Not applicable

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

NA

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
None					

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

NA

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

NA

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
		()	
		()	
		()	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If **Yes**, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

17110020

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm> to find the WRIA #.

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9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/programs/wq/swqs/criteria.html> for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

☐ Rural ☐ Urban ☐ Natural ☒ Aquatic ☐ Conservancy ☐ Other _____

9g. What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to <http://www.dnr.wa.gov/forest-practices-water-typing> for the Forest Practices Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- **If No**, provide the name of the manual your project is designed to meet.

☐ Yes ☐ No NA

Name of manual:

9i. Does the project site have known contaminated sediment? [\[help\]](#)

- **If Yes**, please describe below.

☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

Oyster Farming in Dungeness Bay

The Jamestown S'Klallam Tribe purchased the assets of an existing oyster farm in Dungeness Bay in 1990. The history of oyster farming prior to that time has been derived from various documents currently available.

1953: The oyster farm operation was owned by a succession of private owners prior to 1953. The first lease of tidelands for the purpose of oyster farming occurred in 1953. At that time oyster seed was brought from Japan (*Crassostrea gigas*) Olympia oysters had been harvested out of Washington waters.

1964: In 1964 Mr. Joe Engman of Sequim became the owner, under the name D.C Oyster Farms. (The Tribe purchased the assets of this company in 1990.)

1968: Oysters were grown as "bottom culture", using seed naturally spawned and set on oyster shell in Quilcene and Dabob Bays. The mature oysters (2 to 3 years) were harvested by hand or by an oyster "dredge", sometimes referred to as a shallow dredge, on a barge-like boat.

1970-71: In 1970-71, according to a letter to the editor by Mr. Engman, the Washington State Department of Fisheries conducted a study of the impact of oyster farming on Dungeness crab, clams, and soil erosion. He states that there were no harmful effects from 17 years of oyster farming.

1972: D.C. Farm began growing oysters by "long-line", meaning the oyster shell containing oyster seed is hung from a line about 2 feet off the ground, strung on pvc pipe set into the substrate. They strung 100,000 shells with

seed on them according to Mr. Engman. They also continued with bottom culture.

1988: WA Department of Natural Resources did not renew Mr. Engman's lease, pending Mr. Engman conducting an official survey of the tideland lease boundaries.

February 1990: Nancy Curry, Refuge Manager, Coastal Refuge Office, US FWS, wrote a letter to the State Department of Natural Resources stating they had no objection to renewing the tideland lease to the Tribe. However they requested several conditions – that the restriction of oyster culture to landward of eel grass beds be retained in the new lease; and that the operation be conducted in such a manner as to minimize interference with waterfowl, and that harvest be by hand or shallow dredge. The letter repeats that it is imperative that no eelgrass beds be lost.

August 1990: The Tribe purchased the assets of the company and continued bottom culture and the shucking operation. We formed a company called JKT Oyster Company, Dungeness Oyster House. Harvesting was done by hand and by dredge, of the oysters already on the tidelands. We planted bottom culture. We gradually expanded the long-line culture area on the inside of the main Dungeness Spit.

Water Quality in Dungeness Bay: The Washington Department of Health Shellfish Program was responsible for insuring that the water in which shellfish for human consumption are grown meets rigorous federal and state standards. The standards are based primarily on levels of fecal coliform bacteria, either found in the water are highly likely to be there due to upland conditions. Multiple years of data were collected (30 sample dates, taken either monthly or bi-monthly) and analyzed. Water samples were collected throughout the inner and outer Bay

1995: the State Department of Health (DOH) warned that water quality was deteriorating in the Bay. The Tribe initiated monitoring of fresh water inputs to the Bay, to identify potential sources of fecal coliform. Over the years the Tribe has been joined by Clallam County, Clallam Conservation District, Washington Department of Ecology, Washington Department of Health and Battelle Marine Laboratory to conduct a robust series of monitoring and assessments of pollution sources, controls and fixes.

1997: DOH closed shellfish harvesting at NW Corner due to fecal coliform levels. They issued a warning that water quality elsewhere in the Bay was close to failing the standards.

1999: DOH closed shellfish harvest in front of the dock and shucking plant, and on Graveyard Spit due to water monitoring data failing fecal coliform standards. The Tribe stopped planting oysters. The shucking plant and retail store had already been closed.

2003: The State Department of Health closed shellfish harvest in the inner Bay from November through January, based on analysis that those months were the ones contributing to the failing fecal coliform levels. This compromised a business which relies on good sales for Thanksgiving and Christmas.

2005: The oyster farm was closed, and remnant PVC pipe and rope were removed from the inner Bay tidelands.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- **If Yes**, attach it to your JARPA package.

☐ Yes ☒ No **Scheduled for Spring tides 2016**

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

See 2007 Biological Opinions

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

NA

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

☒ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

☒ Other: Nationwide Permit 48 Pre-existing Shellfish Aquaculture Farm

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

- ☐ Substantial Development ☐ Conditional Use ☐ Variance
☐ Shoreline Exemption Type (explain): _____

Other City/County permits:

- ☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- ☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

You must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- ☐ \$150 check enclosed. Check # _____
Attach check made payable to Washington Department of Fish and Wildlife.
- ☐ My project is exempt from the application fee. (Check appropriate exemption) _____
- ☐ HPA processing is conducted by applicant-funded WDFW staff.
Agreement # _____
- ☐ Mineral prospecting and mining.
- ☐ Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- ☐ Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
HPA # _____

Washington Department of Natural Resources:

- ☒ Aquatic Use Authorization
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

- ☐ Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

- ☐ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)
☒ Other: Nationwide Permit 48 Pre-existing Shellfish Aquaculture Farm

United States Coast Guard permits:

- ☐ Private Aids to Navigation (for non-bridge projects)

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

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, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

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

Applicant Printed Name

Applicant Signature

Date

11b. Authorized Agent Signature [\[help\]](#)

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 and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name

Authorized Agent Signature

Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements.

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.

See Attachment E

Property Owner Printed Name

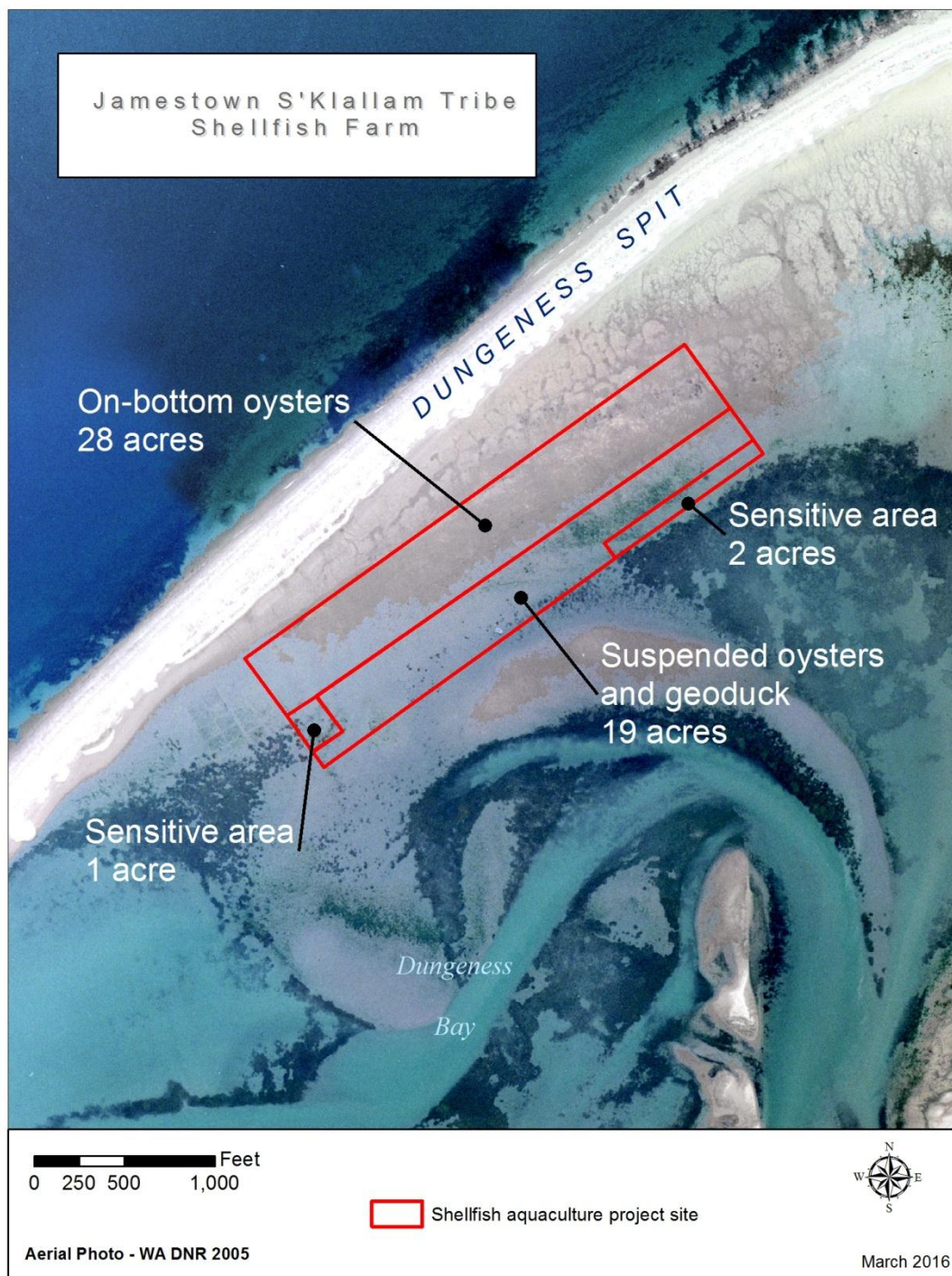
Property Owner Signature

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 any false, fictitious, or fraudulent statements or representations or makes or uses 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.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-019-09 rev. 09/2015

Nationwide Permit 48-Project Drawings for Shellfish Aquaculture Location and Methods



On-bottom Beach Culture



On-bottom Bag Culture



Long Line Culture

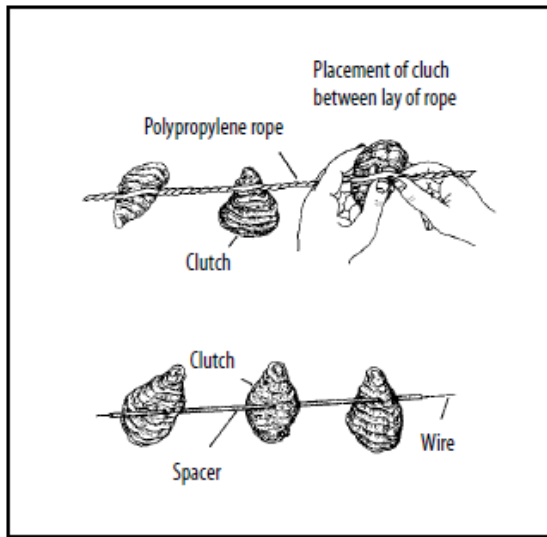


Figure 3. Basic Construction of Long lines



Rack and Bag

