MASON COUNTY HEARING EXAMINER AGENDA

April 24, 2024
Mason County Building 1
411 N. 5th Street, Shelton
1:00PM via ZOOM

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1. **Road Vacation – #417**

Proposal: Vacate all that portion of the West half of the Alley adjacent to Lots 4, 5 & 6, in Block 51, AND the East half of the Alley adjacent to Lots 2, 3, 4 & 5, in Block 52, all in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington, situated in the Northeast quarter of Section 20, Township 22 North, Range 1 West W.M. in Mason County, Washington.

Staff: Tina Schaefer

2. **Road Vacation – #418**

Proposal: Vacate all that portion of the West half of E Fife Street adjacent to Lots 7-10, inclusive, Block 50 and all that portion of the East half of E Fife Street adjacent to Lots 7-10, inclusive, Block 49 and all of the Alley lying between Lots 7-10, inclusive, Block 48 and Lots 7-10, inclusive, Block 49, all in the Plat of Allyn as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington, situated in the Northeast quarter of Section 20, Township 22 North, Range 1 West W.M. in Mason County, Washington.

Staff: Tina Schaefer

3. **Conditional Use Permit – SHR2023-00024**

Proposal: Taylor Shellfish Farms has filed an application for a Conditional Use Permit (SHR2023-00024) to operate a geoduck aquaculture farm. The project is located in Pickering Passage, East of McLane Cove, at the following coordinates: 47.309936, -122.853672.

Staff: Gavin Scouten

4. **Conditional Use Permit – SHR2023-00025**

Proposal: Taylor Shellfish Farms has filed an application for a Conditional Use Permit (SHR2023-00025) to operate a geoduck aquaculture farm. The project is located in North Bay, South of Victor at the following coordinates: 47.365476, -122.810455.

Staff: Gavin Scouten

To Join Meeting via Zoom:
Time: April 24, 2024 at 01:00 PM Pacific Time (US and Canada)

Contact mfrazier@masoncountywa.gov or call
(360)427-9670 x365 for link and passcode

MASON COUNTY
DEPARTMENT of PUBLIC WORKS
100 W PUBLIC WORKS DRIVE
SHELTON, WASHINGTON 98584

MEMORANDUM

DATE: January 22, 2024
TO: Mason County Hearings Examiner
FROM: Mike McIrvin, County Surveyor, for Mike Collins, County Engineer, and Deputy Director
Cc: David Smith, Engineering and Construction Manager

SUBJECT: ENGINEER'S REPORT – ROAD VACATION FILE NO. 417

Vacate all that portion of the West half of the Alley adjacent to Lots 4, 5 & 6, in Block 51, AND the East half of the Alley adjacent to Lots 2, 3, 4 & 5, in Block 52, all in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington, situated in the Northeast quarter of Section 20, Township 22 North, Range 1 West W.M. in Mason County, Washington.

BACKGROUND:

Jeffrey L Carey and Deborah L Carey own Lots 4, 5 & 6 in Block 51 & Lot 5, in Block 52 in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County Washington. Daniel E Mills and Pamela R Mills own Lots 3 & 4, Block 52 in the Plat of Allyn, as recorded in Volume 1 of plats, page 17. T J B Mills, owns Lot 2, Block 52 in the Plat of Allyn, as recorded in Volume 1 of plats, page 17. All the owners have petitioned for the vacation of the deeded right of way as attached on Exhibit A. The requested areas to vacate have never been maintained. We have no record of this alley being opened within the 5-year timeframe from the year 1889 as per RCW 36.87.090 & Session Laws of 1889-1890 Section 32. Thus, making the alley already vacated by operation of law. The alley was dedicated to the public on September 2, 1889, when the Plat of Allyn was originally platted. Vacating this area would create more usable land for the petitioners. Public Works sees no value to opening the proposed vacation area at any point in the future given the statute vacated the alley by operation of law.

In compliance with RCW 36.87.40, at the Board of County Commissioners and County Engineer's direction, Public Works Department staff examined the portion of road right-of-way requested to be vacated and solicited comments on the proposed vacation. Our findings are the following:

1. The alley is not presently maintained by Mason County.
2. The roads are classified as "Class C" per RCW 36.87.090, no compensation other than the Administrative Fee.
3. The proposed vacation areas are not deemed necessary for future use for the County Road system.
4. The public will benefit from this action since it will add the vacated area to the tax rolls and relieve the county of liability.
5. The petitioners have paid in full the required administrative fee of $1000.00.

Public Notice

Public notice has been provided as required by RCW 36.87.050, both by posting at the site and by publishing in the county official newspaper.

Recommendation

Public Works recommends the vacation of the West half of the Alley adjacent to Lots 4, 5 & 6, in Block 51, AND the East half of the Alley adjacent to Lots 2, 3, 4 & 5, in Block 52, all in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington. The vacated area would still be subject to existing easements for ingress and egress, and any existing public utilities, and access to maintain these utilities must be maintained or for any other purpose, if any.

Attachments:

- Petition: Exhibit A pages 1 - 5
- Aerial Plat Map: Exhibit B
- Legal Description: Exhibit C

Rd Vac #417

RECEIVED

DEC 21 2023

MASON COUNTY PUBLIC WORKS

MASON COUNTY
PETITION FOR VACATION OF COUNTY ROAD

TO: Board of Mason County Commissioners
c/o: Mason County Public Works Department
100 W. Public Works Drive
Shelton, WA 98584

Applicant Name: JEFF & DEBI CAREY
Mailing Address: 890 E. CEDAR ST. BELFAIR WA. 98528
Phone Number: 360-731-5683 Email Address: _____
Parcel Number: MULTIPLE 12220-50-51004 & 51006 & 52002-52005

We, the undersigned, being owners of the majority of the frontage of the below-described county road, hereby petition the Board of Mason County Commissioners for vacation of the following described county road:

Road Name: ALLEY Road Number: _____

Description of road right of way to be vacated:

* 160 Ft OF Both Sides OF THE ALLEY Between BLKS 51 & 52
& 80 Ft Aprx. OF JUST The West Side of The ~~ALLEY~~ ALLEY
Between BLKS 51 & 52.

Plat Name: PLAT OF Allyn Recording Date: Sept. 1889

Section: 20 Township: T22N Range: 1W

Attached herewith is a map secured from the Mason County Engineer or from the Mason County Assessor. We have shaded the right of way herein petitioned to be vacated and have also shown the ownerships along said right of way.

IN SUPPORT OF SAID PETITION, PETITIONERS ALLEGE:

I

That the undersigned are the owners of the majority of the frontage of the county road right of way petitioned to be vacated and said right of way is located in Mason County, Washington.

II

That contact information, signatures and legal descriptions of the property owned by each petitioner on the right of way to be vacated are provided below:

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
1	JEFF CAREY	12220-50-51004	
	890 E. CEDAR ST	12220-50-52005	
	BELFAIR WA 98528	12220-50 51006	
	X		
2			
	Same	Same	
	X		

Road Vacation # 417 -Petition Exhibit "A"

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
3	TJ Mills	12220-50-52002	
	21 E Blackwell St	12220-50-52003	
	Allyn WA 98524	12220-50-52004	
	X		
4			
	X		

(Additional petitioners are listed on the attachment hereto.)

III

That, if the plat was recorded prior to March, 12, 1904, and, if the right of way is not now in use as a public road, the following proof is provided that the road was never opened for public travel for five years following recording of the plat:

The North 200 Ft Was Opened In 2020 As A Alley To Access Driveways

IV

That such county road right of way is useless as a part of the county road system and that the public would be benefited by its vacation for the following reasons:

No County Liability

V

That this road vacation is requested for the following purpose:

To Give More TO Possible Develope & Build ONE House OR Garage

VI

That this petition is accompanied by an Administrative fee of One Thousand Dollars ($1,000.00), payable to Mason County Public Works, pursuant to statute, conditioned upon petitioners paying into the Mason County Road Fund the amount of all costs and expenses incurred in the examination, report and all proceedings pertaining to this petition for the vacation of said road right of way. The County also requires compensation for Class A (50%) and Class B (100%) of appraised value.

DATED this_____day of_____, 20_____.

Road Vacation # 417 -Petition Exhibit "A"

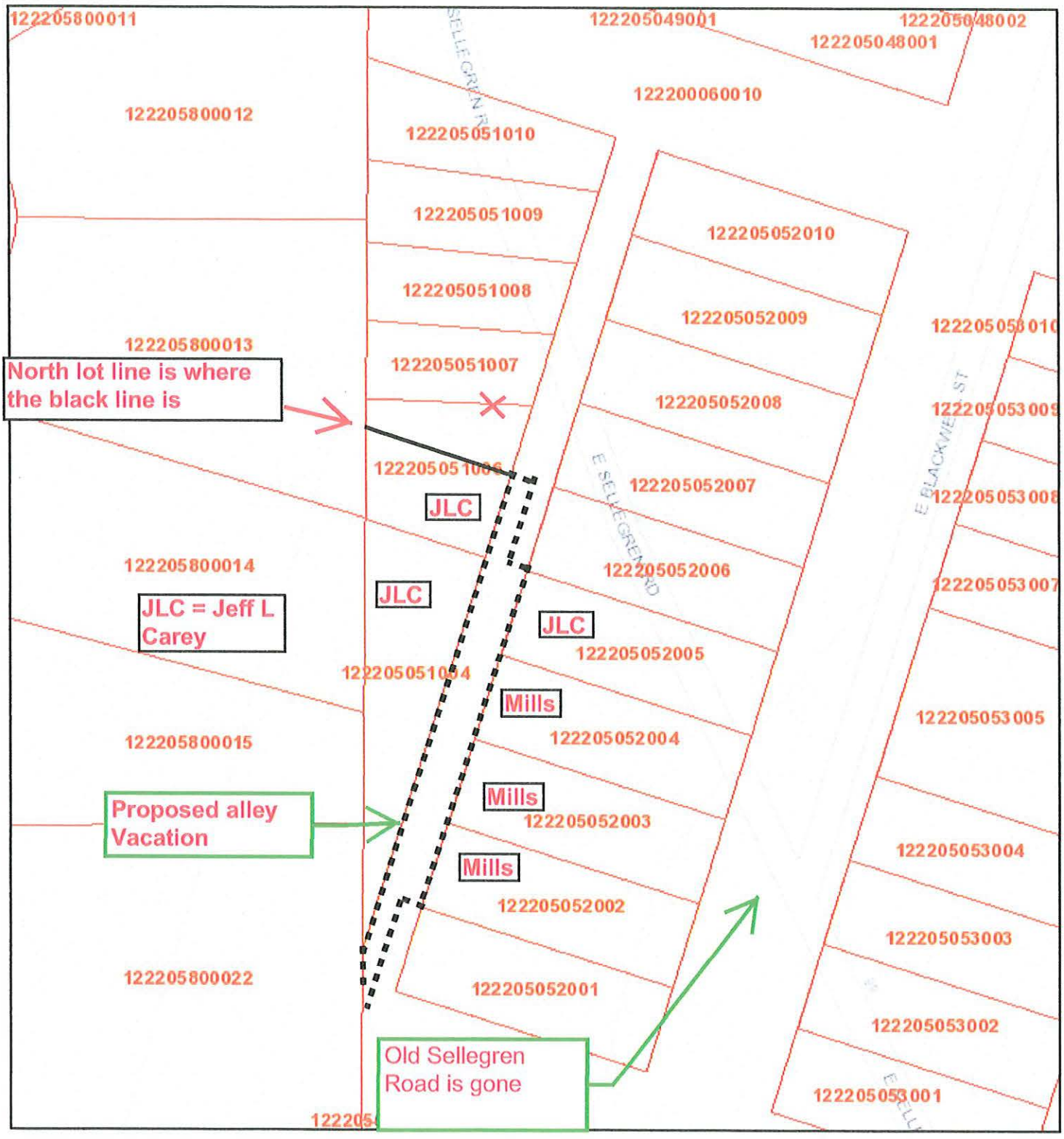
ATTACHEMENT TO PETITION FOR VACATION OF COUNTY ROAD

ADDITIONAL PETITIONERS

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
7			
	X		
8			
	X		
9			
	X		
10			
	X		
11			
	X		
12			
	X		
13			
	X		

Road Vacation # 417 -Petition Exhibit "A"

Proposed Block 51 alley Vacation



12/19/2023, 11:12:54 AM

1:765

0 0.01 0.01 0.02 mi

0 0.01 0.02 0.04 km

- County Boundary
- No Filled
- Tax Parcels (Zoom in to 1:30,000)

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Road Vacation # 417 -Petition Exhibit "A"

Mason County WA GIS Web Map Application

Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

Road Vacation # 417 -Petition Exhibit "A"

ROAD VACATION #417 - ALLEY

Aerial Plat Map Exhibit "B"

Road Vacation No. 417 – Legal Description

Vacate that portion of the West half of the Alley adjacent to Lots 4, 5 & 6, in Block 51, AND the East half of the Alley adjacent to Lots 2, 3, 4 & 5, in Block 52, all in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington, situated in the Northeast quarter of Section 20, Township 22 North, Range 1 West W.M. in Mason County, Washington.

EXHIBIT “C”

MASON COUNTY
DEPARTMENT of PUBLIC WORKS
100 W PUBLIC WORKS DRIVE
SHELTON, WASHINGTON 98584

MEMORANDUM

DATE: January 23, 2024
TO: Mason County Hearings Examiner
FROM: Mike McIrvin, County Surveyor, for Mike Collins, County Engineer, and Deputy Director
Cc: David Smith, Engineering and Construction Manager

SUBJECT: ENGINEER'S REPORT – ROAD VACATION FILE NO. 418

Vacate all that portion of the West half of E Fife Street adjacent to Lots 7-10, inclusive, Block 50 and all that portion of the East half of E Fife Street adjacent to Lots 7-10, inclusive, Block 49 and all of the Alley lying between Lots 7-10, inclusive, Block 48 and Lots 7-10, inclusive, Block 49, all in the Plat of Allyn as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington, situated in the Northeast quarter of Section 20, Township 22 North, Range 1 West W.M. in Mason County, Washington.

BACKGROUND:

Jeffrey L Carey and Deborah L Carey own Lots 7-8, in Block 50 & Lots 7-10, in Block 49, and Lots 7-10, in Block 48, in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County Washington. The Port of Allyn, a Washington municipal corporation owns Lots 9 & 10, in Block 50 in the Plat of Allyn, as recorded in Volume 1 of plats, page 17. All owners have petitioned for the vacation of the deeded right of way as attached on Exhibit A. The requested areas to vacate have never been maintained. We have no record of this road and alley being opened within the 5-year timeframe from the year 1889 as per RCW 36.87.090 & Session Laws of 1889-1890 Section 32. Thus, making the road and alley already vacated by operation of law. The road and alley were dedicated to the public on September 2, 1889, when the Plat of Allyn was originally platted. Vacating this area would create more usable land for the petitioners. Public Works sees no value to opening the proposed vacation area at any point in the future

given the statute vacated the alley by operation of law.

In compliance with RCW 36.87.40, at the Board of County Commissioners and County Engineer's direction, Public Works Department staff examined that portion of road rights-of-way requested to be vacated and solicited comments on the proposed vacation. Our findings are the following:

1. The road and alley are not presently maintained by Mason County.
2. The roads are classified as "Class C" per RCW 36.87.090, no compensation other than the Administrative Fee.
3. The proposed vacation areas are not deemed necessary for future use for the County Road system.
4. The public will benefit from this action since it will add the vacated area to the tax rolls and relieve the county of liability.
5. The petitioners have paid in full the required administrative fee of $1000.00.

Public Notice

Public notice has been provided as required by RCW 36.87.050, both by posting at the site and by publishing in the county official newspaper.

Recommendation

Public Works recommends the vacation of All that portion of the West half of E Fife Street adjacent to Lots 7-10, inclusive, Block 50 and all that portion of the East half of E Fife Street adjacent to Lots 7-10, inclusive, Block 49 and all of the Alley lying between Lots 7-10, inclusive, Block 48 and Lots 7-10, inclusive, Block 49, all in the Plat of Allyn, as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington. The vacated area would still be subject to existing easements for ingress and egress, and any existing public utilities, and access to maintain these utilities must be maintained or for any other purpose, if any.

Attachments:

- Petition: Exhibit A pages 1 - 5
- Aerial Plat Map: Exhibit B
- Legal Description: Exhibit C

Rd VAC # 418

RECEIVED
DEC 21 2023
MASON COUNTY PUBLIC WORKS

MASON COUNTY
PETITION FOR VACATION OF COUNTY ROAD

TO: Board of Mason County Commissioners
c/o: Mason County Public Works Department
100 W. Public Works Drive
Shelton, WA 98584

Applicant Name: JEFF & DEBI CAREY
Mailing Address: 890 E. CEDAR ST., BELFAIR WA. 98528
Phone Number: 360 731-5683 Email Address: jcarey5876@gmail.com
Parcel Number: MULTIPLE 12220-50-50007 & ...48009, & ...49009, & 49007 & 48007

We, the undersigned, being owners of the majority of the frontage of the below-described county road, hereby petition the Board of Mason County Commissioners for vacation of the following described county road:

Road Name: FIFE ST. & Alley Road Number: _____

Description of road right of way to be vacated:

* VACATE 160Ft OF ALLEY BETWEEN BLKS 48 & 49
* VACATE 160 Ft OF Both Sides OF FIFE ST. BETWEEN BLKS 49 & 50
* VACATE 160 Ft Aprx West Side OF Fife St Along Southern End OF BLK 50.

Plat Name: PLAT OF ALLYN Recording Date: Sept. 1889

Section: 20 Township: 22N Range: 1W

Attached herewith is a map secured from the Mason County Engineer or from the Mason County Assessor. We have shaded the right of way herein petitioned to be vacated and have also shown the ownerships along said right of way.

IN SUPPORT OF SAID PETITION, PETITIONERS ALLEGE:

I

That the undersigned are the owners of the majority of the frontage of the county road right of way petitioned to be vacated and said right of way is located in Mason County, Washington.

II

That contact information, signatures and legal descriptions of the property owned by each petitioner on the right of way to be vacated are provided below:

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
1	JEFF CAREY	12220-50-50007	360-731-5683
	890 E. CEDAR ST.	12220-50-49007-10	
	BELFAIR WA. 98528	12220-50-48007-10	
	X		
2	SAME	SAME	
	X		

ROAD VACATION # 418 -PETITION EXHIBIT "A"

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
3	LeAnn T. Dennis		360 275 2430
	18560 E. St. Rt. 3		
	Allyn, WA 98524		
	X		
4			
	X		

(Additional petitioners are listed on the attachment hereto.)

III

That, if the plat was recorded prior to March, 12, 1904, and, if the right of way is not now in use as a public road, the following proof is provided that the road was never opened for public travel for five years following recording of the plat:

A ROAD GRADE WAS CUT IN between 1995 & 1997.
THE Alley Has Never Been Graded

IV

That such county road right of way is useless as a part of the county road system and that the public would be benefited by its vacation for the following reasons:

THE Alley Will BE USED FOR A WELL site Setback & Sanitary Control Area.

V

That this road vacation is requested for the following purpose:

For The Well site Setback & Sanitary Control Area.
Clear Up Titles & Areas OF Responsibility For All Parties.

VI

That this petition is accompanied by an Administrative fee of One Thousand Dollars ($1,000.00), payable to Mason County Public Works, pursuant to statute, conditioned upon petitioners paying into the Mason County Road Fund the amount of all costs and expenses incurred in the examination, report and all proceedings pertaining to this petition for the vacation of said road right of way. The County also requires compensation for Class A (50%) and Class B (100%) of appraised value.

DATED this_____day of_____, 20_____.

ROAD VACATION # 418 -PETITION EXHIBIT "A"

ATTACHEMENT TO PETITION FOR VACATION OF COUNTY ROAD

ADDITIONAL PETITIONERS

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
7	Travis Merrill Interim Executive Director	12220-50-50009	360 801 3935
	Port of Allyn PO Box 1 Allyn WA 98524		
	X Travis Merrill		
8			
	X		
9			
	X		
10			
	X		
11			
	X		
12			
	X		
13			
	X		

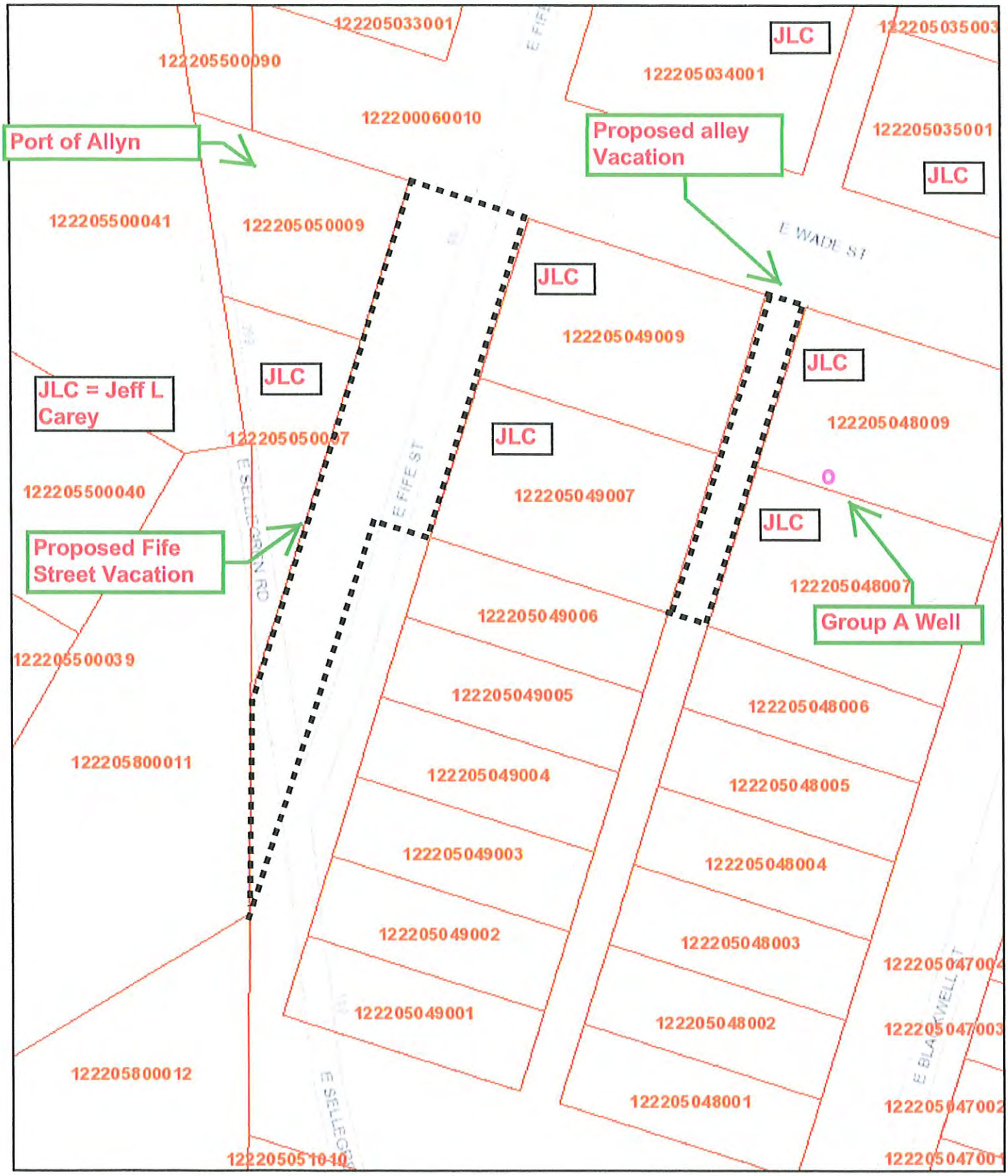
ATTACHEMENT TO PETITION FOR VACATION OF COUNTY ROAD

ADDITIONAL PETITIONERS

	NAME/ADDRESS/SIGNATURE	LEGAL DESCRIPTION OF PROPERTY/PARCEL #	PHONE
7			
	X		
8			
	X		
9			
	X		
10			
	X		
11			
	X		
12			
	X		
13			
	X		

ROAD VACATION # 418 -PETITION EXHIBIT "A"

Proposed Vacation Area 12/2023



ROAD VACATION # 418 -PETITION EXHIBIT "A"

ROAD VACATION # 418 -PETITION EXHIBIT "A"

ROAD VACATION #418 - FIFE ST AND ALLEY

Aerial Plat Map Exhibit "B"

Road Vacation No. 418 – Legal Description

All that portion of the West half of E Fife Street adjacent to Lots 7-10, inclusive, Block 50 and all that portion of the East half of E Fife Street adjacent to Lots 7-10, inclusive, Block 49 and all of the Alley lying between Lots 7-10, inclusive, Block 48 and Lots 7-10, inclusive, Block 49, all in the Plat of Allyn as recorded in Volume 1 of plats, page 17, as dedicated on September 2, 1889, in Mason County, Washington, situated in the Northeast quarter of Section 20, Township 22 North, Range 1 West W.M. in Mason County, Washington.

EXHIBIT “C”

MASON COUNTY
COMMUNITY DEVELOPMENT
Permit Assistance Center, Building, Planning

PLANNING DEPARTMENT
615 W Alder St.
Shelton, WA 98584
(360) 427-9670 ext. 236

TO: Phil Olbrechts, Mason County Hearings Examiner
FROM: Gavin Scouten, Associate Planner
RE: Conditional Use Permit Application
Pickering Passage State WA DNR Lease 20-096483
Case No. SHR2023-00024

STAFF REPORT

INTRODUCTION

PURPOSE

This report will compile, evaluate, and analyze information provided by **Taylor Shellfish** as a part of the Mason County Shoreline conditional use permitting process. The report will finish with a recommendation of action for the Mason County Hearings Examiner.

APPLICANT

The applicant for this permit is Taylor Shellfish, represented by Erin Ewald.

PROPERTY LOCATION

Project is to be located on state owned aquatic lands identified by WA DNR Lease 20-096483 on Pickering Passage in the South Puget Sound, roughly a half of a mile East of McLane Cove.

LEGAL DESCRIPTION

State owned aquatic lands identified by WA DNR Lease 20-096483. No applicable legal description.

EXHIBITS

1. Staff Report
2. Conditional Use Permit (CUP) Application
3. Maps and Diagrams
4. Conservation Measures and applicable terms and conditions from the Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters (PBA)
5. State Environmental Policy Act (SEPA) Checklist
6. SEPA Determination of Non-Significance (DNS)
7. Joint Aquatic Resources Permit Application (JARPA)

PROPOSAL

Project is to be located on 1.9 acres of lower intertidal (+0‘ to -4.5') land. The farm will be manually installed with flexible mesh HDPE nursery tubes every 15" oc. Four geoduck seed will be inserted into the sediment within each tube. No area net is installed over nursery gear. After approximately 2 years,

the tubes will be removed. An area net may be installed temporarily to protect the crop, and removed once geoduck can evade predation. Harvest will occur after approximately 5-7 years after planting using low pressure hydraulic wands to loosen up sand and gently remove geoduck from substrate. The farm is then replanted.

SITE CHARACTERISTICS

Public tidelands on the Pickering Passage within the South Puget Sound. Located in the Kennedy/Goldsborough Water Resource Inventory Area (WRIA 14).

The property is a sandy beach with minimal structure. There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site, nor are there other priority habitat features. Uplands are low bank on the other side of a state highway. (JARPA, page 4)

Uplands are residentially developed.

COMPREHENSIVE PLAN DESIGNATION

Project area is identified as *Water* in the Mason County Comprehensive Plan. Uplands are *Rural* designation.

ZONING DESIGNATION

Project area is zoned *Aquatic*.

SEPA COMPLIANCE

A Determination of Non-Significance (DNS) was issued for this project by Thomas Gorman at WA DNR on February 14th, 2024.

OTHER PERMITS REQUIRED

1. Aquatic Use Authorization from the Washington Department Natural Resources
2. Section 401 Water Quality Certification from Washington Department of Ecology
3. Section 10 Permit from US Army Corps of Engineers
4. Section 401 Water Quality Certification (discharges into waters of the U.S.) where the Tribe has Treatment as a State (TAS).

ANALYSIS

Type III Review for permit applications require that the Hearings Examiner evaluate the proposal for consistency with the County's Development Code, adopted plans and regulations. The Hearing Examiner shall review the proposal according to the criteria laid out in section 15.09.050(c):

1. The development does not conflict with the Comprehensive Plan and meets the requirements and intent of the Mason County Code, especially Title 6, 8 and 16.
2. The development does not impact the public health, safety and welfare and is in the public interest.
3. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan.

Policies and regulations are shown in orange text.
Responses are shown in black text.

AQUACULTURE POLICIES

This section of the report will lay out the policies enumerated in Mason County Code (MCC) 17.50.210(a) and provide responses using information supplied to the County by the applicant.

(1) Aquaculture is of statewide interest. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline.
(2) Potential locations for aquaculture practices are relatively restricted due to specific biophysical requirements such as water quality, temperature, substrate, dissolved oxygen, and salinity. Priority should be given to aquaculture uses in areas having a high potential for such uses.
(3) The county should strengthen and diversify the local economy by encouraging aquaculture uses. Aquaculture operations should be protected against encroachment from incompatible, competing uses.
(4) Flexibility to experiment with new aquaculture techniques should be allowed.

Policies 1 through 4 are all statements that support shellfish aquaculture – recognizing its potential value, evolving practices, challenges to finding suitable locations, and the need to protect the environment in which it can survive, including clean water. This proposal for a combination geoduck and oyster commercial aquaculture operation aligns well with these policies.

(5) The county should minimize redundancy of aquaculture permit application requirements required by this program and other county, state and federal standards.

The SEPA, JARPA and CUP applications often request similar information, albeit with nuanced differences and parsed in different ways. The applicants believe that if not individually, at least collectively, their answers across the three applications address all relevant issues including consistency with state and county polies and regulations. In the spirit of limiting redundancy, they often refer to these documents for answers that demonstrate this consistency.

(6) The county should support community restoration projects associated with aquaculture when they are consistent with this program.

Proposed project is not a community restoration project.

(7) Shoreline and upland development in productive aquaculture areas or those areas with a high potential for aquaculture uses should be reviewed for detrimental impacts on aquaculture.

Proposed project is aquaculture, not upland development.

(8) Maximum effort to protect water quality should be made in areas with high potential for aquaculture and current aquaculture areas that have been identified as sensitive areas.

Water quality will be protected through required Water Quality Certifications from WA Department of Ecology and from a Tribe with Treatment as a State (TAS). It is also in the applicant's self-interest to protect water quality to avoid contamination of shellfish beds. Water quality protections are also provided in the PBA, exhibit 4.

The county should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions. Aquaculture should not be permitted in areas where it would result in a net loss

of ecological functions or adversely impact eelgrass and macro-algae. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts. Unavoidable impacts to ecological functions shall be mitigated.

According to the JARPA:

> There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site, nor are there other priority habitat features…
>
> The tidelands to the north are privately owned and leased for commercial shellfish production. Other nearby parcels support recreational shellfish farming and passive recreation including boating, fishing, and beach combing. The surrounding uplands are used for single family residential.

(JARPA, page 4)

The applicant is not proposing to grow any non-native species of shellfish. The proposed project is in conformance with the PBA, and as such, will not result in a net loss of shoreline ecological function.

(9) Recognition should be given to the possible impacts that aquacultural activities might have on the aesthetic quality of the shoreline area.

The project area is surrounded by existing aquaculture projects. Further, at the proposed tidal elevations, tubes will be submerged for a majority of the time that they are on the beach. Once the tubes are removed area nets are the only aesthetic impact. Lastly, from the SEPA DNS (exhibit 6):

> The applicant will use flexible mesh HDPE nursery tubes, which can lay flay against the intertidal substrate and reduce impacts to aesthetics and recreation. The geoduck tubes are installed below the +1' tidal elevation and are only exposed for a small percentage of time.

(SEPA DNS, page 3)

(10) Structures or activities associated with aquaculture should be located landward of shoreline buffers unless clearly shoreline dependent.

No structures are proposed as a part of this project.

(11) Aquacultural activities should be operated in a manner that allows navigational access to shoreline owners and commercial traffic.

When the tubes are submerged by water they can be boated over. The tidelands are not privately owned, so the navigational access of shoreline owners is irrelevant to the project. Also it is possible to navigate between the growing tubes and to walk over the planted geoduck after tubes and area nets are removed. Further, from the SEPA DNS (exhibit 6):

> The nursery tubes used can lay flat against the substrate. Nets are not required to be installed on top of the tubes. If nets are necessary for predation, they will be secured by rebar and will not float or pose an entanglement risk to users of the water.

(SEPA DNS, page 3)

(12) Floating aquaculture should be reviewed for conflicts with other water dependent uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Such surface installation shall incorporate features to reduce use conflicts.

The proposed project is not a floating aquaculture.

GENERAL AQUACULTURE REGULATIONS

(A) Shoreline developments adjacent to areas suitable for aquaculture shall practice strict pollution control procedures. As required by MCC 8.52.170(g), design and siting of all new construction and major new development shall not adversely impact water quality.

No new construction or major new development is proposed with this project. Water pollution prevention will be strictly practiced as required by the Washington Department of Ecology as a part of their 401 Water Quality Certification and by following the conservation measures listed in the PBA, exhibit 4.

(B) Proposed residential subdivisions and other land uses and developments which may impact aquaculture operations shall provide facilities to prevent any adverse water quality impacts to such operations. As required by MCC 8.52.170(g), all projects shall meet or exceed any storm water design requirements to avoid any risk of decertification of shellfish beds.

No residential subdivision or development is proposed with this project.

(C) Site preparation and construction in the vicinity of aquaculture operations shall not result in off-site erosion, siltation, or other reductions in water quality. Land uses on erosion hazard areas shall meet the requirements of MCC 8.52.160.

Site preparation is not addressed in the application materials. However, satisfactory erosion and siltation protection measures are located in the Conservation Measures listed in the PBA (exhibit 4), which the applicant has agreed to adhere to:

> This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

(JARPA, page 9)

(D) Existing aquaculture activities include areas that are actively cultivated and/or dormant. It is presumed that the following areas are dormant and hence existing: areas acquired under the Bush Act of 1895; areas undergoing crop rotation; and areas dormant due to market conditions, seed or juvenile availability, past and current pest infestations or control issues, water quality issues, and other cultivation factors beyond the control of the operator. A presumptively dormant area may, on a case-by-case basis as determined by the administrator, be deemed abandoned provided clear and affirmative information evidencing intent to abandon the area for shellfish farming is provided. Existing or permitted aquaculture operations are not subject to Section 17.50.120, Existing Structures and Uses, and shall not be considered nonconforming or abandoned. Ongoing maintenance, harvest, replanting, restocking or changing the culture technique or species cultivated for any existing or permitted aquaculture activity shall not require shoreline review or a new permit, unless or until:

(i) The operation changes the scope and intent of the original permit as defined in 17.50.400; or

(ii) The facility proposes to cultivate non-native species not previously cultivated in the State of Washington.

These regulations are only applicable to existing aquaculture projects. The applicant is proposing a new aquaculture project.

(E) Consistent with mitigation sequencing, aquacultural uses and developments may be required to provide mitigation where necessary to offset significant adverse impacts to normal public use of surface waters.

This project will not cause adverse impacts to normal public use of surface waters as detailed in the Attorney General's 2007 Opinion No.1 (https://www.atg.wa.gov/ago-opinions/extent-which-hydraulic-project-approval-permits-or-shoreline-substantial-development).

(F) Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelines.

The conservation measures listed in the PBA (exhibit #4) are satisfactory in preventing erosion and accretion along adjacent shorelines.

(G) Aquaculture structures and activities that are not shoreline dependent or do not have a functional relationship to the water shall be located landward of shoreline buffers required by this program to minimize the detrimental impact to the shoreline.

Only structures and activities that are shoreline dependent are proposed for this project.

(H) Proposed aquaculture processing plants shall provide adequate buffers to screen potential impacts of operations (e.g., visual, odor, and noise impacts) from adjacent residential uses.

A processing plant is not proposed.

(I) Aquaculture activities shall, to the greatest extent feasible with regard to the economic viability of the operation and protection of the environment be located, designed and operated so that native plant and animal populations, their respective habitats and the local ecological balance are maintained.

(i) New or expanded aquaculture shall be located, designed and maintained to assure no net loss of ecological functions, as demonstrated in a habitat management plan or equivalent report (e.g. biological assessment or biological evaluation).

According to the project JARPA (exhibit 7):

> This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

(JARPA, page 9)

(ii) Aquaculture use and development shall minimize shading and other adverse impacts to macro-algae and eelgrass beds. If eelgrass or macro-algae is known or suspected, an aquatic vegetation survey is required. Unavoidable impacts shall be addressed in a habitat management plan or equivalent report (e.g. biological assessment or biological evaluation) that presents an acceptable mitigation plan. Note: regulatory protections do not apply to eelgrass or macro-algae that colonize a shellfish farm.

The project area was chosen for its lack of Eelgrass and macroalgae (JARPA, page 4).

(iii) Floating aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, or other methods that minimize disturbance to substrate. Potential adverse impacts shall be mitigated.

Proposed project is not a floating aquaculture.

(iv) Disease and pest control may be authorized, provided methods are allowed by federal and state regulations and follow best management practices. To the maximum extent practicable, aquaculture use and development shall employ the least harmful best management practices to control birds and mammals.

Disease control is not addressed or proposed in the application materials. Pest control is achieved with predator-exclusion devices, specifically HDPE tubes and area nets used to cover juvenile geoduck until it is large enough to avoid predation.

(J) To the maximum extent practicable, floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices.

The proposed project is not a floating aquaculture.

(K) Aquacultural structures shall be placed in such a manner, and be suitably sized and marked, so as to minimize interference with navigation.

No structures are proposed.

(L) Aquaculture development shall be designed and constructed with best management practices to minimize visual impacts and shall be maintained in a neat and orderly manner. Aquaculture facilities, except navigation aids, shall use colors and materials that blend into the surrounding environment where practicable.

No structures are proposed and the project will apply the Best Management Practices listed in the PBA (exhibit #4).

(M) Proposed aquacultural developments shall make adequate provisions to control nuisance factors such as excessive noise and odor and excessive lighting. Permits shall include allowance for work at night or on weekends but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses.

Noise

Noise is addressed on pages 6 and 7 of the SEPA Checklist (exhibit 5):

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be no long-term, permanent increase in noise associated with these activities. Short-term noise will increase in some areas at some times due to mechanical operations. However, harvest pumps have been modified and housed to ensure minimum noise is emitted. Employees are trained to minimize disruptive noise, especially during nighttime operations. Shellfish beds are managed according to tidal fluctuations and can occur day or night.

3) Proposed measures to reduce or control noise impacts, if any:

Motors and pumps are muffled by approved exhaust systems, employees are trained to minimize unnecessary noise, and all operations are conducted consistent with Taylor Shellfish Environmental Codes of Practice.

(SEPA Checklist, pages 6-7)

Odor

Odor is not addressed in the application materials.

Lighting

Lighting and glare are addressed on pages 8 and 9 of Exhibit 5, the SEPA Checklist (exhibit 5):

a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?

> Some activities will take place both in the daytime and the nighttime due to tides. When activities occur at night, workers use headlamps and boats or barges use only lights necessary for safe operations. No permanent lights will be necessary.

(SEPA Checklist, pages 8-9)

(N) Aquacultural discards shall be disposed of in a manner that will not degrade associated uplands, wetlands, shorelines, or aquatic environments. Discards shall not be disposed of in a manner which results in offensive odors or increases the vector population. All waste-materials and discards shall be disposed of in strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

From the Conservation Measures listed in the PBA (exhibit 4):

> 18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net…
>
> 22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

(PBA, pages 3-4)

(O) Equipment, structures and materials shall not be abandoned in the shoreline or wetland area.

From the Conservation Measures listed in the PBA (exhibit 4):

> 18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net…
>
> 22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of shellfish related debris appropriately. A

record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

(PBA, pages 3-4)

(P) Precautionary measures shall be taken to minimize the risk of oil or other toxic materials from entering the water or shoreline area.

From the Conservation Measures listed in the PBA (exhibit 4):

15. For boats and other gas-powered vehicles or power equipment that cannot be fueled in a staging area 150 feet away from a waterbody or at a fuel dock, fuels shall be transferred in Environmental Protection Agency (EPA)-compliant portable fuel containers 5 gallons or smaller at a time during refilling. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout shall be used when refueling to prevent possible contamination of waters. A spill kit shall be available and used in the event of a spill. All spills shall be reported to the Washington Emergency Management Office at (800) 258-5990. All waste oil or other clean-up materials contaminated with petroleum products will be properly disposed of off-site.

(PBA, page 3)

(Q) Gravel enhancement projects necessary to maintain existing shellfish beds are allowed. New projects that are not maintenance of existing beds and involve greater than one thousand cubic yards of material may be considered as a conditional use.

According to the SEPA checklist (exhibit 5):

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

None.

(SEPA Checklist, page 3)

(R) To minimize redundancy between federal, state and local aquaculture requirements, the county should use permit applications that mirror federal or state permit applications, and accept documentation that has been submitted to other permitting agencies wherever possible.

The only unique permit application submitted to the County was the Conditional Use Permit application. All other application materials are used in additional permitting processes.

(S) A written statement of exemption is required for new aquaculture activities that do not constitute substantial development or otherwise require a shoreline permit. A written statement of exemption constitutes a valid authorization to conduct new or expanding aquaculture activities. A written statement of exemption shall provide a summary of the consistency of the aquaculture activities with this SMP and the Shoreline Management Act.

Because this project requires a Shoreline Conditional Use Permit the Shoreline Exemption Permit is not necessary.

COMMERCIAL GEODUCK AQUACULTURE

(A) In addition to the siting considerations in the general aquaculture regulations, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

No clearing or grading is proposed as a part of this project so the sediments, topography, land, and water must be preferable for geoduck cultivation.

(B) As determined by Attorney General Opinion 2007 No. 1, the planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters, but not otherwise.

The proposed project will not cause substantial interference with normal public use of the surface waters and therefore does not require a shoreline substantial development permit.

(C) Conditional use permits are required for new commercial geoduck aquaculture. Conversions from existing non-geoduck aquaculture to geoduck aquaculture within existing farm boundaries do not require a conditional use permit.

The proposed project is a new commercial geoduck aquaculture.

(D) All subsequent cycles of planting and harvest shall not require a new conditional use permit.

The County shall not seek new conditional use permits for subsequent cycles of planting and harvest.

(E) Conditional use permits must take into account that commercial geoduck operators have a right to harvest geoduck once planted.

The operator of this aquaculture, Taylor Shellfish LLC, shall have a right to harvest geoduck at this location once it is planted.

(F) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within county shoreline jurisdiction.

Taylor Shellfish is not proposing a second farm anywhere in Pickering Passage that could be permitted with this one.

(G) Unless already addressed in other applications, such as shoreline permit applications or habitat management plans or equivalent reports (e.g. biological assessment or biological evaluation), applications for new commercial geoduck aquaculture shall contain:

(i) A narrative description and timeline for all anticipated geoduck planting and harvesting activities if not already contained in the federal or state permit application or comparable information mentioned above.

According to the Conditional Use Permit application (exhibit 2):

> Approximately 1.9 acres of lower intertidal (+0‘ to -4.5') will be manually installed with flexible mesh HDPE nursery tubes every 15" oc. Four geoduck seed will be inserted into the sediment within each tube. No area net is installed over nursery gear. After approximately 2 years, the tubes will be removed. Area net may be installed temporarily to protect the crop, and removed once geoduck can evade predation. Harvest will occur after approximately 5 -1 years after planting using low pressure hydraulic wands to loosen up sand and gently remove geoduck from substrate. The farm is then replanted.

(Conditional Use Permit Application, page 2)

(ii) A baseline ecological survey of the proposed site to allow consideration of the ecological effects if not already contained in the federal or state permit application or comparable information mentioned above.

From the SEPA Checklist (exhibit 5):

> Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015. Programmatic Biological Opinion, National Marine Fisheries Service, September 2015. Programmatic Biological opinion for Shellfish Activities in Washington State Marine inland Waters, U.S. Fish and Wildlife Service, August 2016
>
> Taylor Shellfish Environmental Codes of Practice
>
> *While these documents were not compiled specifically for this site, the environmental information gathered is relevant to the activities proposed at this site.

(SEPA Checklist, page 2)

(iii) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in 17.50.110.

If the Conservation Measures listed in the PBA (exhibit 4) are adhered to then there will be no net loss of shoreline ecological function. This is the purpose of the Programmatic Biological Opinions from the US Army Corps, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service.

(iv) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.

Mooring/Parking

These concerns can be combined because the proposed project will only be accessed by boat (SEPA Checklist, page 9). From page 4 of the PBA (exhibit 4):

> 25. Vehicles (e.g., ATVs, tractors) shall not be used within native eelgrass (Zoster a marina). If there is no other alternative for site access, a plan will be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass from vehicle operation. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum vehicles needed to conduct the work and a description of the minimum number of vehicles needed at each visit, and (c) consistency in anchoring/grounding in the same location and/or traveling on the same path to restrict eelgrass disturbance to a very small footprint.
>
> 26. Vessels shall not ground or anchor in native eelgrass (Zostera marina) or kelp (rooted/attached brown algae in the order Laminariales) and paths through native eelgrass or kelp shall not be established. If there is no other access to the site or the special condition cannot be met due to human safety considerations, a site-specific plan shall be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass and kelp from vessel operation and accessing the shellfish areas. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum number of boats and/or crew members needed to conduct the work and a description of the minimum number of boats and crewmembers needed at each visit, and (c) consistency in disturbance to a very small footprint.

(PBA, page 4)

Noise

Noise is addressed on pages 6 and 7 of the SEPA Checklist (exhibit 5):

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

> There will be no long-term, permanent increase in noise associated with these activities. Short-term noise will increase in some areas at sometimes due to mechanical operations. However, harvest pumps have been modified and housed to ensure minimum noise is emitted. Employees are trained to minimize disruptive noise, especially during nighttime operations. Shellfish beds are managed according to tidal fluctuations and can occur day or night.

3) Proposed measures to reduce or control noise impacts, if any:

> Motors and pumps are muffled by approved exhaust systems, employees are trained to minimize unnecessary noise, and all operations are conducted consistent with Taylor Shellfish Environmental Codes of Practice.

(SEPA Checklist, pages 6-7)

Lighting

Lighting and glare are addressed on pages 8 and 9 of the SEPA Checklist (exhibit 5):

a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?

> Some activities will take place both in the daytime and the nighttime due to tides. When activities occur at night, workers use headlamps and boats or barges use only lights necessary for safe operations. No permanent lights will be necessary.

(SEPA Checklist, pages 8-9)

Litter

From the Conservation Measures listed in the PBA (exhibit 4):

> 18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net…
>
> 22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

(PBA, pages 3-4)

(H) As required by Title 15 procedural regulations, Mason County will provide public notice to all property owners within three hundred feet of the proposed project boundary. The county will also provide notice to tribes with usual and accustomed fishing rights to the area. The rights

of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribe(s).

Notice was sent to property owners within 300 feet of the project area and to the Department of Fish and Wildlife as well as the Squaxin Island Tribe in February of 2024 as a part of this permitting process.

(I) Conditional use permits shall include monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are in compliance with permit limits and conditions set forth in conditional use permits and to support cumulative impacts analysis. The county shall consider the reporting and monitoring conditions of other permitting agencies, if available, before adding additional conditions to a permit.

Applicants must obtain permits from the Army Corps of Engineers (USACE) to meet the requirements in Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA). As a part of this permitting process the proposed development is subject to Conservation Measures (CM) listed in the Programmatic Biological Assessment for Shellfish Activities in Washington State Island Marine Waters (PBA), Exhibit 4.

Conservation Measures 16, 22, and 23 from the PBA (exhibit 4) include monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are following permit limits and conditions and to support cumulative impacts analysis. These monitoring and reporting requirements of the PBA exceed what is called for by this regulation.

(J) Conditional use permits shall be reviewed using the best scientific and technical information available. This requirement may be met through review and approval of habitat management plans equivalent reports (e.g. biological assessment or biological evaluation) prepared by a qualified fish and wildlife professional, or through use of information provided under federal agency biological reviews conducted through the U.S. Army Corps of Engineers permitting process.

See the project PBA (exhibit 4).

(K) Applicants shall apply best management practices to accomplish the intent of permit limits and conditions.

BMP's listed in the PBA are required to be employed throughout the life of the project.

(L) To avoid or limit impacts from geoduck aquaculture siting and operations and achieve no net loss of ecological functions, permits shall consider the following and place conditions where applicable and not redundant with other permit agency conditions:

(i) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.

This is not a part of the proposed project.

(ii) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.

Site is to be accessed by water only.

(iii) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site.

The PBA includes work windows and protocols for protecting priority habitats and associated endangered species during planting and harvesting activities.

(iv) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments.

The PBA includes protocols regarding preparation and alteration of shellfish beds that are adequate and do not require supplementation.

(v) Installation of property corner markers that are visible at low tide during planting and harvesting.

Property corner markers visible at low tide are not addressed throughout the application materials except in the SEPA DNS (exhibit 6), where it is stated that:

> The property has been professionally surveyed and recorded with the Mason County auditor's office. The leasehold boundaries are marked by survey markers. The lease contract defines the lease area. The tenant is required to stay within the leasehold boundary and the requirement is an enforceable part of the contract.

Mason County recommends adding a condition to this permit requiring the installation of markers visible at low tide during planting and harvesting activities. This will ensure that harvest and planting activities adhere to the boundaries of the lease.

(vi) Mitigation measures such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions.

There are no Fish and Wildlife Habitat Conservation Areas (streams) areas near the proposed project.

(vii) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed as soon as they are no longer needed for predator exclusion.

According to page 2 of the SEPA checklist (exhibit 5):

> After the geoduck have matured for approximately 2 years, the tubes are removed and grow out continues for another 3-5 years. During this period, area net may be temporarily installed to protect the crop from predation. Net is secured every 25' with bent rebar inserted flush with the surrounding sediment. Net is removed once predation pressure has reduced and geoduck can evade predators successfully.

(SEPA Checklist, page 2)

(viii) Use of the best available methods to minimize turbid runoff from the water jets used to harvest geoducks.

According to the project JARPA this project will comply with the State of Washington Water Quality Standards for Turbidity (JARPA, page 11).

(ix) Number of barges or vessels that can be moored or beached at the site as well as duration limits.

No public comment was received from nearby homeowners or other agencies reporting concerns related to mooring or beaching of vessels. Therefore no conditions are proposed regarding number or duration limits for barges and vessels.

(x) Public rights to navigation over the surface of the water.

The public will retain their right to use the surface waters throughout the life of this project. The only barriers to accessing the surface waters over the planted shellfish will be when there is a barge present for harvest. In response to public comment received by the DNR during the SEPA comment period for this project:

The nursery tubes used can lay flat against the substrate. Nets are not required to be installed on top of the tubes. If nets are necessary for predation, they will be secured by rebar and will not float or pose an entanglement risk to users of the water.

(SEPA DNS, page 3)

(xi) Good housekeeping practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.

According to the project JARPA, employees will receive training to ensure compliance of conservation measures (JARPA, page 8).

(xii) Where the site contains existing public access to publicly owned lands, consider recommendations from the Washington Department of Natural Resources or other landowning agencies regarding protection of the existing public access.

This site is leased from the Department of Natural Resources. If the DNR would like to add conditions to that lease so this site remains publicly accessible they have the power to do so.

CONCLUSION

The Mason County Planning Department concludes that this Conditional Use Permit application aligns with the aquaculture policies and regulations outlined in the Shoreline Master Program of the Mason County Code. To ensure compliance, the applicant may agree to the following condition(s):

1. Property corner markers that are visible at low tide shall be installed during any planting or harvesting activities

RECCOMENDATION

Mason County Planning recommends that the proposed development be permitted by the Hearings Examiner of Mason County under the same conditions listed above.

RECEIVED:

MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
615 W. Alder St. – Bldg. 8, Shelton, Wa 98584
Phone: (360) 427-9670 ext. 352 ♦ Fax: (360) 427-7798

PERMIT NO.: _____

SHORELINE PERMIT APPLICATION

SHORELINE PERMITS			
CONDITIONAL USE*	☑	SUBSTANTIAL DEVELOPMENT	☑
VARIANCE*	☐	EXEMPTION	☐
ACCESSORY DWELLING UNIT*	☐		

The Washington State Shoreline Management Act (RCW 90.58) requires that substantial developments within designated shorelines of the state comply with its administrative procedures (WAC 173-14) and the provisions of the Mason County Shoreline Management Master Program. The purpose of this Act and local program is to protect the state's shoreline resources. The program requires that substantial development (any development of which the total cost or fair market value exceeds $7,047.00 or materially interferes with the normal public use of the water or shorelines of the State be reviewed with the goals, polices, and performance standards established in the Master Program.

Answer all questions completely. Attach any additional information that may further describe the proposed development. Incomplete applications will be returned.

***Shoreline Variances and Conditional uses require public hearings and have additional pages that shall be attached to this application.**

APPLICANT: Taylor Shellfish Farms

ADDRESS: 130 SE Lynch Rd
(street)
Shelton (city) WA (state) 98584 (zip)

TELEPHONE: 360-432-3348 (home) 360-432-3348 (business)

AUTHORIZED REPRESENTATIVE: Erin Ewald

ADDRESS: 130 SE Lynch Rd
(street)
Shelton (city) WA (state) 98584 (zip)

TELEPHONE: 360-432-3348

PROPERTY DESCRIPTION:

General location (include property address, water body and associated wetlands—identify the name of the shoreline):

Lower intertidal lands in Pickering Passage near town of Grapeview, WA

Include all parcel numbers: Projects located in open water areas, away from land shall provide latitude/longitude.

DNR Subtidal Lease # 20-096483

OWNERSHIP:

Applicant [ ] Owner [ ] Lessee [ ] Contract Purchaser [ ] (Identify) [ ] Other [✓]

Owner: Washington State, Department of Natural Resources

Nat. Resources Bldg, PO Box 47000	Olympia	WA	98504
(street)	(city)	(state)	(zip)

DEVELOPMENT DESCRIPTON:

Development proposal (identify and describe the proposed project, including the type of materials to be used, construction methods, principle dimensions, and other pertinent information):

Approximately 1.9 acres of lower intertidal (+0' to -4.5') will be manually installed with flexible mesh HDPE nursery tubes every 15" oc. Four geoduck seed will be inserted into the sediment within each tube. No area net is installed over nursery gear. After approximately 2 years, the tubes will be removed. Area net may be installed temporarily to protect the crop, and removed once geoduck can evade predation. Harvest will occur after approximately 5 -7 years after planting using low pressure hydraulic wands to loosen up sand and gently remove geoduck from substrate. The farm is then replanted.

Existing Use (identify current use of property with exist improvements):

The property is currently vacant. No improvements are present. The property is located in lower intertidal of Pickering Passage. Occasional use observed for fishing, beach combing and boating.

Reason for requesting development:

The purpose of the project is to grow geoduck clams for human consumption.

Estimated Fair Market Value of Project to Closest $1,000: $150,000, installed

The Applicant shall provide, at a minimum, the following information:

a. SITE PLAN - drawn to scale and including:

i. The boundary of the parcel(s) of land upon which the development is proposed;

ii. The ordinary high water mark (OHWM). This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline;

iii. Where appropriate, the proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of OHWM, if development involves grading, cutting, filling, or other alteration of land contours;

iv. The dimensions and location of existing structures which will be maintained;

v. The dimensions and locations of proposed structures; parking and landscaping;

vi. The location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas and electricity;

vii. The location, source, composition, and volume of fill material;

viii. The location, composition and volume of any extracted materials, and proposed disposal area;

b. CROSS SECTION, drawn to scale including:

i. The existing ground elevations;

ii. The proposed ground elevations;

iii. The location and height of existing structures;

iv. The location and height of proposed structures;

v. The OHWM.

c. VICINITY MAP, including:

i. The location of subject parcel using natural points of reference (roads, state highways, prominent landmarks, etc.).

ii. If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to nearest city or town.

iii. On the map, or separately, give a brief narrative description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

d. ADJACENT LANDOWNERS. Provide names and mailing addresses of all real property owners within 300 feet of property line boundaries where development is proposed as mailing labels or pre-addressed envelopes.

ACKOWLEDGEMENT:

I hereby declare, to the best of my knowledge and belief, the forgoing information and all attached information is true and correct.

_____ _____

(Applicant or Authorized Representative) (date)

Publication Cost Agreement

Publication cost is the responsibility of the applicant. Final permit processing will **not** occur until advertising fees have been paid to the newspaper by the applicant. The Shelton-Mason County Journal will bill the applicant directly.

Billing Address:

Taylor Shellfish
130 SE Lynch Rd
Shelton, WA 98584

Email: ErinE@TaylorShellfish.com

Phone: 360-432-3348

I / WE understand that I / WE must sign and date the attached acknowledgment indicating and that I / WE understand that is MY / OUR responsibility. I / WE must submit the signed page as part of application in order for it to be considered as complete.

Signature of Property Owner | Date | Print Name

OR

Erin Gould | 11/30/2023 | Erin Gould

Signature of Applicant | Date | Print Name

MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
615 W. Alder St. – Bldg. 8, Shelton, Wa 98584
Phone: (360) 427-9670 ext. 352 ♦ Fax: (360) 427-7798

ADDITIONAL INFORMATION FOR SHORELINE CONDITIONAL USE

The purpose of Conditional Use Permit is to allow greater flexibility in varying the new application of the Use Regulations of the Master Program. Conditional Use Permits should also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in R.C.W. 90.58. In authorizing a Conditional Use, special conditions may be attached to the permit by local government or the Department of Ecology to prevent undesirable effects of the proposed use.

Uses that are classified, or set forth in the Master Program as conditional uses, may be authorized provided the applicant can demonstrate all of the following:

1. Show that the proposed use will be consistent with the policies of R.C.W. 90.58. and the policies of the Master Program.

The project is consistent with the policies and procedures of the SMA. The policy of the SMA is "to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." RCW 95.58.020. To achieve this policy, the SMA expresses a preference for uses that "are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines." Id. The project satisfies both of these components. Because it is for the cultivation of shellfish that depends on nutrient-rich marine waters for food, the project "cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation." WAC 173-26-020.

The project is also consistent with the policies of the SMP, which recognize aquaculture is a preferred use of statewide interest that can provide long-term benefits and protect shoreline ecology; give priority to aquaculture uses in areas well suited to this use; encourage aquaculture for the economic benefits it provides; and provide that aquaculture activities should limit potential negative aesthetic, ecological, and use impacts. MCC 17.50.210(a).

2. Show that the proposed use will not interfere with the normal public use of the shoreline.

This project will be installed in the lower intertidal of Pickering Passage, which is only accessible at very low tides. There is a community beach dedicated for the neighboring community located adjacent west. An aquaculture farm on the upper intertidal and also leased and managed by Taylor has not had negative interactions, nor have there been conflicts on use. The flexible mesh nursery tubes can lay flat on the substrate and will not impact walking or beaching of boats.

3. Show that the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

This proposed farm is situated near other private tidelands currently used for clam production. The landowner for that farm lives on the uplands associated with those tidelands. The farm will not interfere with the occasional recreational use of the beach and water. The flexible mesh nursery tubes can lay flat on the substrate and will not impact walking or beaching of boats.

4. Show that the proposed use will cause no unreasonable adverse effects to the shoreline environment in which it is to be located.

As set forth in the supporting application materials, the project is designed to minimize potential damage to the ecology and environment of the shoreline area consistent with the policies of the SMA and the provisions of the SMP. RCW 90.58.020; MCC 17.50.210. The project will also comply with terms, conditions, and conservation measures of the 2016 programmatic ESA & EFH consultation, ensuring it will avoid and minimize potential impacts to listed species, critical habitat, and essential fish habitat.

5. Show that the public interest suffers no substantial detrimental effect.

The project will benefit the public interest. As recognized in state law and the SMP, properly-designed aquaculture projects advance the statewide interest, protect the resources and ecology of the shoreline, and have important economic benefits. WAC 173-26-241(3)(b); WAC 173-26-176(3)(a); MCC 17.50.210(a). This project will help strengthen the local economy, and it is located and designed to avoid substantial detrimental effects. The surrounding area is characterized by low density residential development. Rent from the lease of this operation will go into State funds used for local restoration and public access projects.

Other uses, which are not classified or set forth in the Master Program, may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the Use Regulations of the Master Program.

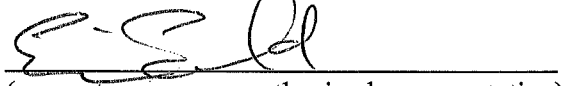
Uses, which are specifically prohibited by the Master Program, may not be authorized.

In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should remain consistent with the policies of the Master Program and should not produce substantial adverse effects to the shoreline environment.

Please attach any additional information, as needed.

ACKOWLEDGEMENT

I hereby declare, to the best of my knowledge and belief, the forgoing information and all attached information is true and correct.



(property owner or authorized representative)

11/30/2023

(date)

Project Area: 1.9 Acres
Cultivation: Approx. 1.9 Acres

Extent based on 11/2023 Survey

Draft DNR Pickering 2023

E RAUSCHERT RD

E WINTERWOOD DR

E CREST LN

E MOUNTAIN DR

E RAUSCHERT RD

Pickering Passage

Pickering Passage

N

0 240 480 960 Feet

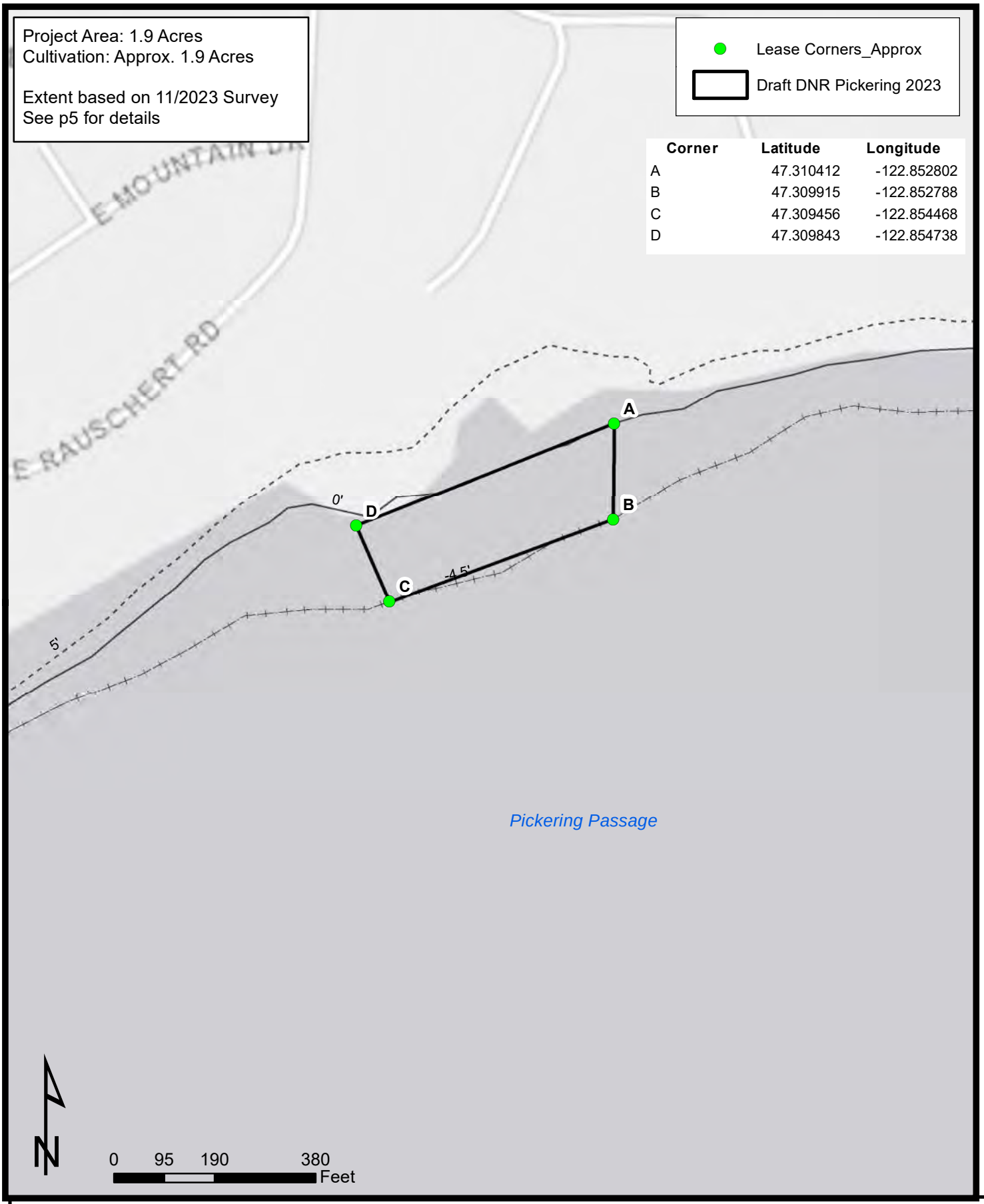
Document Path: M:\Working\Erin_Working\Map_Projects\DNR_Pickering\DNR_Pickering_Extent.mxd

REFERENCE:
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
Please refer to JARPA

Location: T21N, R01W, S18
Lat/Long: 47.309936 / -122.853672

Page: 1 of 5 Date: 11/30/2023

PROPOSED PROJECT: DNR Lease 20-096483
IN: Pickering Passage
Near/At: Grapeview
County: Mason
State: WA



Document Path: M:\Working\Erin_Working\Map_Projects\DNR_Pickering\DNR_Pickering_Detail.mxd

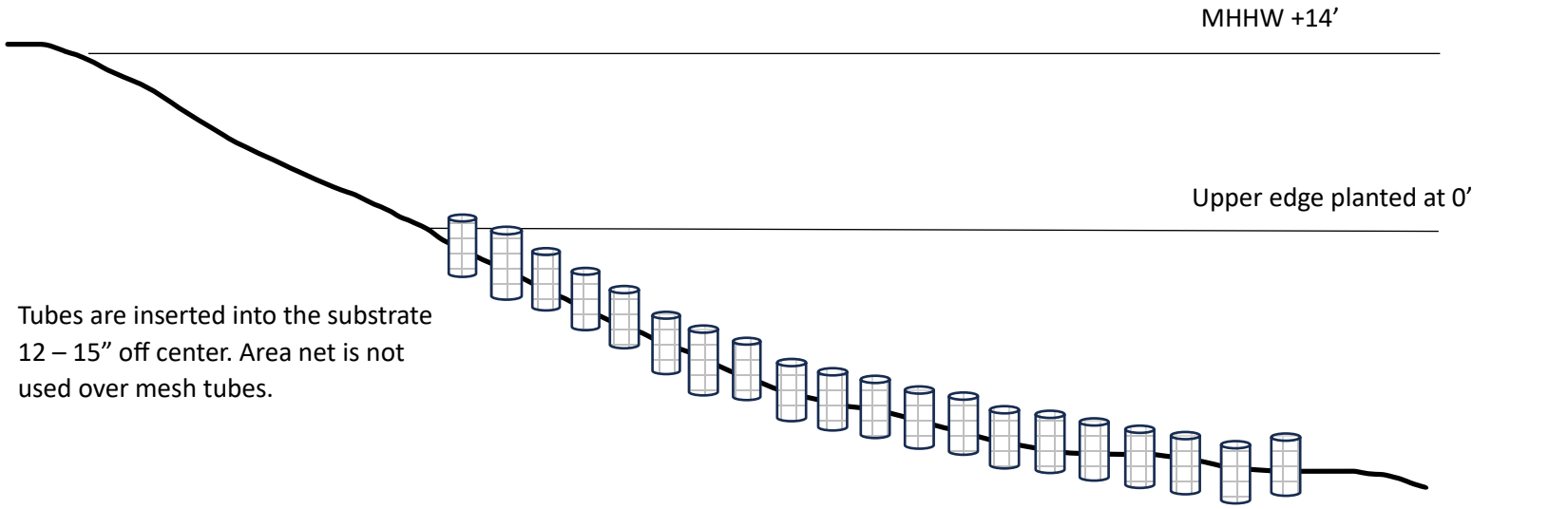
REFERENCE:
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
Please refer to JARPA

Location: T21N, R01W, S18
Lat/Long: 47.309936 / -122.853672

Page: 2 of 5 Date: 11/30/2023

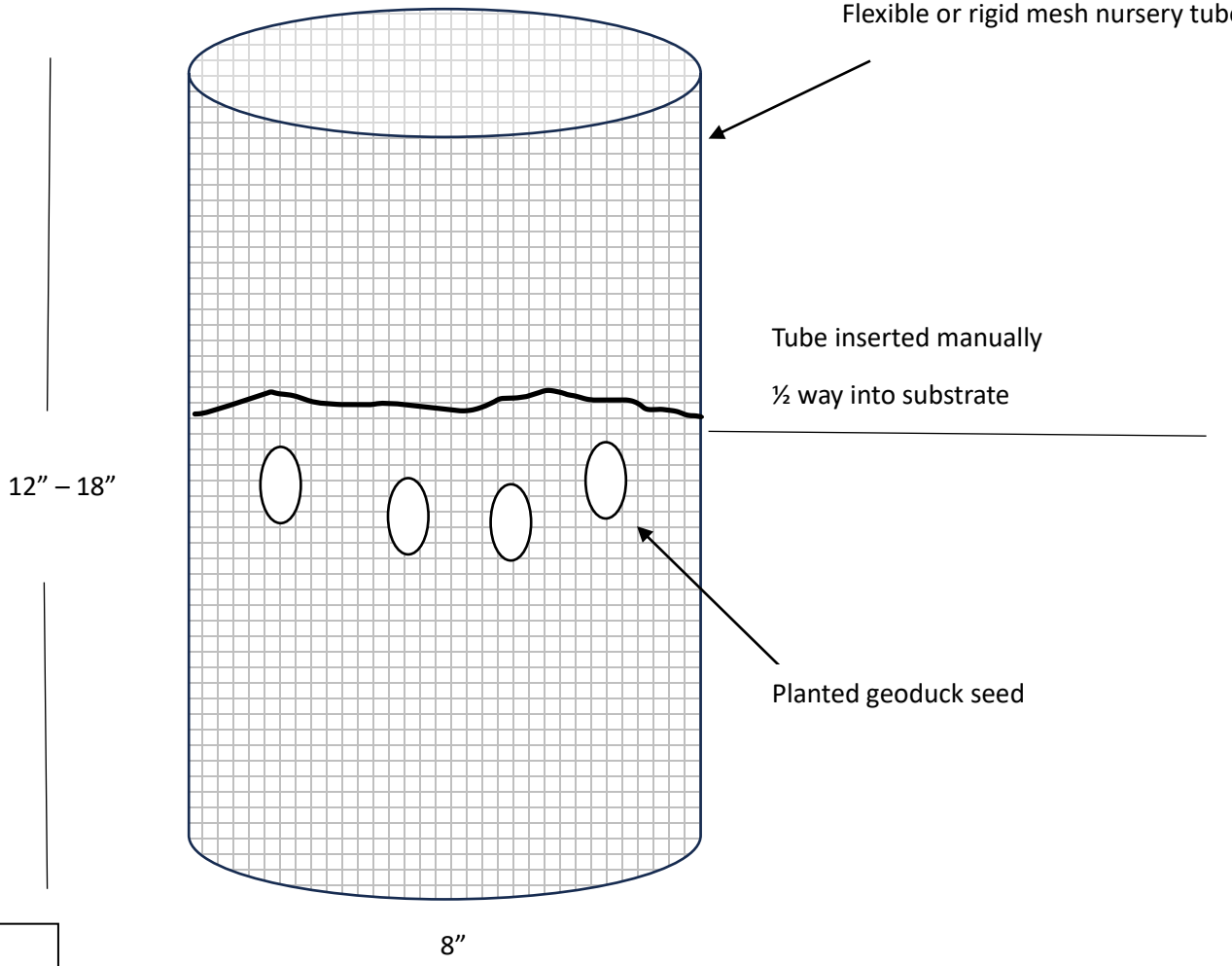
PROPOSED PROJECT: DNR Lease 20-096483
IN: Pickering Passage
Near/At: Grapeview
County: Mason
State: WA

Typical Cross Section of Geoduck Planting with Mesh Tubes



Reference:
Applicant Name: Taylor Shellfish
Project: DNR Lease 20-096483
Location: Pickering Passage
Sheet 3 of 5 Date: 11/30/2023

Taylor Shellfish Farms Geoduck Culture
Cross-Section of HDPE mesh nursery tube



Reference:
Applicant Name: Taylor Shellfish
Project: DNR Lease 20-096483
Location: Pickering Passage
Sheet 4 of 5 Date: 11/30/2023

DNR AQUATIC LANDS SURVEY LEASE NO. 20-096483

100 0 100 200 300
GRAPHIC SCALE – FEET

N

WSP: 4601
N:731686.98
E:1056320.13

FOUND HEXAGON MON. N1/4 CORNER.
SECTION 18-21-1W.
DATE VISITED: 14 SEP 2023

FOUND 1-3/4" IRON PIPE.
DATE VISITED: 14 SEP 2023.
SECTION 18-21-1W.

WSP: 4601
N:731603.85
E:1059112.55

S 88°17'41" E 2793.66'

1105.32'

S 72°12'57" E 761.36' (SEE ROS AFN 2099897 & 1993917)

498.40'

GL 2

GL 1

GL 4

RANGE 2 WEST
RANGE 1 WEST

S 62°01'47" W 3046.27'

WSP: 4601
N:730258.23
E:1053629.69

MC 13/18 FOUND 1" SQUARE HEAD BOLT ON BEACH 24 SEPT 2023

E RAUSCHERT RD
N 01°40'48" E 2018.15'

S 00°27'13" E 2155.69'

FD 1" IP PER AFN 1730372

FD 1" IP PER AFN 1730372

FD 5/8" REBAR & CAP LS # 15859, PER AFN 1730372

222.75'

10.00'

30.21'

S 01°44'16" W 947.93'

S 50°23'29" W 2987.76'

S 26°17'20" W 375.08'

S 05°58'41" W 502.73'

S 21°32'17" W 494.69' (CALC)

S 04°00'07" W 228.82'

FD 5/8" REBAR & CAP LS # 15859, PER AFN 1730372

20.60'

13.16' (OHW)

121.70'

N 87°26'16" E

79.67'

FD 5/8" REBAR & CAP LS # 15859, PER AFN 1730372

3.02' (MLT)

77.46'

S 01°36'05" W

181.16'

4.5' (ELT)

GL 3

PLAT OF MOUNTAIN SHORES V. 6, PGS 83 & 84

FOUND 3/4" IP SE CORNER LOT 41 (COMMUNITY BEACH)

475.68'

N 63°38'33" E

BALANCED MEANDER LINE

PRIVATE TIDELANDS DEED VOL 11, PG 294, 3-27-1912

43.85'

13.16' (OHW)

MEAN BEARING OF LINE OF MLT

N 69°44'41" E 521.17' (MEAN LINE) 589.54' (M)

157.96'

114.11'

3.02' (MLT)

S 28°51'11" E

165.65'

POB

LEASE AREA*
83954.1 SQ. FT
1.9 AC.

384.42' (MEAN LINE) 447.56' (M)

N 74°05'29" E

51.95' (MEAN LINE)

N 41°14'53" E

-4.5' (ELT)

MEAN BEARING OF LINE OF ELT

STATEMENTS OF CLARIFICATION
PER WAC 332-130-145

-THE INTENDED USE OF THIS MAP IS FOR SHELLFISH CULTIVATION LEASE:
-ELEVATIONS DERIVED FROM 3 SOURCES:
1. RTK GPS (SEE DATUM);
2. FIELD LOCATES USING TOTAL STATION.
3. 2019 OLYMPICS SOUTH 3DEP LIDAR
4. SONARMITE ECHO SOUNDER

-CONTOUR ACCURACY IS 0.25' (95% CI);
-THIS MAP SHOULD NOT BE USED FOR ANY PURPOSE BEYOND THE ORIGINAL INTENT OF THE OWNER AS STATED ABOVE;
-NO UTILITIES WERE SPECIFICALLY CONTRACTED TO BE LOCATED AND NONE WERE FOR THIS SURVEY.

LEASE AREA DESCRIPTION:

THAT PORTION OF THE SECOND CLASS TIDELANDS IN PICKERING PASSAGE LYING BETWEEN THE LINES OF MEAN LOW AND EXTREME LOW TIDES ABUTTING GOVERNMENT LOT 2 IN THE NORTHWEST ONE QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 1 WEST, W.M., IN MASON COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18;
THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER NORTH 88°17'41" WEST 2793.66 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER;
THENCE SOUTH 01°40'48" WEST 2018.15 FEET TO THE SOUTHEAST CORNER OF LOT 41 OF THE PLAT OF MOUNTAIN SHORES, PER PLAT THEREOF RECORDED IN VOLUME 6, PAGES 83 AND 84, RECORDS OF MASON COUNTY;
THENCE SOUTH 28°51'11" EAST 157.96 FEET TO THE LINE OF MEAN LOW TIDE AND THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 28°51'11" EAST 165.65 FEET TO THE LINE OF EXTREME LOW TIDE;
THENCE ALONG THE EXTREME LOW TIDE LINE NORTH 74°05'29" EAST 384.42 FEET;
THENCE CONTINUING ALONG SAID EXTREME LOW TIDE LINE NORTH 41°14'53" EAST 51.95 FEET;
THENCE NORTH 01°36'05" EAST 181.16 FEET TO THE LINE OF MEAN LOW TIDE;
THENCE ALONG THE LINE OF MEAN LOW TIDE SOUTH 69°44'41" WEST 521.17 FEET TO THE POINT OF BEGINNING.

VERTICAL DATUM

NORTH AMERICAN VERTICAL DATUM (NAVD88) ADJUSTED TO TIDAL DATUM
TIDAL DATUMS AT ALLYN, CASE INLET CONTROL TIDE STATION 9446281
FIELD TIE TO BENCH MARK 1917 NO. 3 20.14 MLLW (PRIMARY)
FIELD TIE TO BENCH MARK 6281 J 1977 19.22 MLLW (SECONDARY)

DATUMS:
MEAN LOWER-LOW WATER = 0.00
MEAN HIGH WATER = 13.16
MEAN LOW WATER = 3.02
ELT = -4.5'
EXTREME LOW TIDE IS SET BY THE STATE OF WASHINGTON

MHW, MLW AND ELT CONTOURS ARE PER FIELD DATA

HORIZONTAL DATUM:

BEARINGS SHOWN HEREON ARE RELATED TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AS DERIVED FROM RTK GPS AND CONTROL USING WSRN NTRIP PNPRSNVRSCMR, LA-47.200034969181, ,LN-122.351793306930, EL-11.8138 (NAD 83 (CORS 2011-10) GRS-80 ELLIPSOID, GEOID 12B) DISTANCES ARE GRID UNLESS NOTED.
SCALE FACTOR: 0.99999604 (PER NCAT)

MEANDER CORNER 18/17
SEARCHED FOR. NOT FOUND.
POSITIONED FROM GLO NOTES WITH PRORATED DISTANCE BASED ON MEASURED AND GLO DISTANCE ALONG THE NORTH LINE OF THE NE QUARTER OF SECTION 18.

BASIS OF BEARINGS

SEE HORIZONTAL DATUM NOTE

SURVEY STANDARDS

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND 332-130 WAC.

EQUIPMENT / PROCEDURE

SOKKIA SET 330R TOTAL STATION AND/OR NIKON DTM520 TOTAL STATION WITH A CALIBRATED STEEL TAPE.
FIELD TRAVERSE AND LOT STAKING

A PORTION OF GOVERNMENT LOT TWO IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION EIGHTEEN, TOWNSHIP TWENTY-ONE NORTH, RANGE ONE WEST, OF THE WILLAMETTE MERIDIAN, IN MASON COUNTY, STATE OF WASHINGTON.

SRA RECORDING INDEX INFO

LEGEND

- SET THORNTON LAND SURVEYING 5/8" REBAR & YELLOW CAP. LS. 35980
- FOUND AS NOTED
- (OHW) ORDINARY HIGH WATER
- (MLT) MEAN LOW TIDE
- (ELT) EXTREME LOW TIDE

* LEASE AREA IS BETWEEN FIELD LOCATED MLT AND ELT. THE MEAN BEARING ARE FOR DESCRIPTIVE PURPOSES.

23.07.10 PICKERING PRELIM MLLW.DWG 11-02-2023 Super-Drafter

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____ ,2023,
AT _____ O'CLOCK ____ .M, UNDER AUDITOR'S FEE NUMBER:

BY: _____ DEPUTY
BY: _____ COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF:

GARY A. PROCTOR, REGISTERED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NUMBER 35980 DATE: _____

GARY A. PROCTOR STATE OF WASHINGTON 35980 REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY

Thornton Land Surveying
P.O. BOX 249
GIG HARBOR, WASHINGTON 98335
TELEPHONE (253) 858-8106 / FAX 858-7466

RECORD OF SURVEY FOR & REQUESTED BY

TAYLOR SHELLFISH

DRAWN	DATE	FIELD BOOK
GAP	23.10.03	
CHECKED	SCALE	JOB NUMBER
GAP	1" = 100'	23.07.10

Enclosure 1: Conservation Measures and applicable terms and conditions from the Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters (U.S. Fish and Wildlife Service (USFWS) Reference Number 01EWFW00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502).

1. Gravel and shell shall be washed prior to use for substrate enhancement (e.g., frosting, shellfish bed restoration) and applied in minimal amounts using methods which result in **less than 1 inch** depth on the substrate annually. Shell material shall be procured from clean sources that do not deplete the existing supply of shell bottom. Shells shall be cleaned or left on dry land for a minimum of one month, or both, before placement in the marine environment. Shells from the local area shall be used whenever possible. Shell or gravel material shall not be placed so that it creates piles on the substrate. Use of a split-hull (e.g., hopper-type) barge to place material is prohibited.

2. The placement of gravel or shell directly into the water column (i.e., graveling or frosting) shall not be conducted between February 1 and March 15 in designated critical habitat for Hood Canal summer chum salmon.

3. For 'new[1] ' activities only, gravel or shell material shall not be applied to enhance substrate for shellfish activities where native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*) is present.

4. Turbidity resulting from oyster dredge harvest shall be minimized by adjusting dredge bags to "skim" the surface of the substrate during harvest.

5. Unsuitable material (e.g., trash, debris, car bodies, asphalt, tires) shall not be discharged or used as fill (e.g., used to secure nets, create nurseries, etc.).

6. For 'new' activities only, shellfish activities (e.g., racks, stakes, tubes, nets, bags, long-lines, on bottom cultivation) shall not occur within 16 horizontal feet of native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*). If eelgrass is present in the vicinity of an area new to shellfish activities, the eelgrass shall be delineated[2] and a map or sketch prepared and submitted to the Corps. Surveys to determine presence and location of eelgrass shall be done during times of peak above-ground biomass: June 1 – September 30. The following information must be included to scale: parcel boundaries, eelgrass locations and on-site dimensions, shellfish activity locations and dimensions.

7. For 'new' activities only, activities shall not occur above the tidal elevation of +7 feet (MLLW) if the area is listed as **documented** surf smelt (*Hypomesus pretiosus*) spawning habitat

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[1] 'New' activities are those activities that were initiated after 18 March 2007. Expansion of activities into a new geographic footprint that had not previously been in commercial aquaculture is treated as a new footprint for the purpose of this programmatic ESA.

[2] For guidance see Corps' Seattle District *Components of a Complete Eelgrass Delineation and Characterization Report (May 2016)*.

by WDFW. A map showing the location of documented surf smelt spawning habitat is available at the WDFW website.

8. For 'new' activities only, activities shall not occur above the tidal elevation of +5 feet (MLLW) if the area is **documented** as Pacific sand lance (*Ammodytes hexapterus*) spawning habitat by the WDFW. A map showing the location of documented Pacific sand lance spawning habitat is available at the WDFW website.

9. If conducting 1) mechanical dredge harvesting, 2) raking, 3) harrowing, 4) tilling, leveling or other bed preparation activities, 5) frosting or applying gravel or shell on beds, or 6) removing equipment or material (nets, tubes, bags) within a **documented or potential** spawning area for Pacific herring (*Clupea pallasi*) outside the approved work window[3], the work area shall be surveyed for the presence of herring spawn prior to the activity occurring. Vegetation, substrate, and materials (nets, tubes, etc.) shall be inspected. If herring spawn is present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and herring spawn is no longer present. A record shall be maintained of spawn surveys including the date and time of surveys; the area, materials, and equipment surveyed; results of the survey, etc. The Corps and the Services shall be notified if spawn is detected during a survey. The record of spawn surveys shall be made available upon request to the Corps and the Services.

10. For 'new' activities only, activities occurring in or adjacent to **potential** spawning habitat for sand lance, or surf smelt shall have a spawn survey completed in the work area by an approved biologist[4] prior to undertaking bed preparation, maintenance, and harvest activities if work will occur outside approved work windows for these species. If eggs are present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and spawn is no longer present. A record shall be maintained of spawn surveys including the date and time of surveys; the area, materials, and equipment surveyed; results of the survey, etc. The Corps and the Services shall be notified if spawn is detected during a survey. The record of spawn surveys shall be made available upon request to the Corps and the Services.

11. All shellfish gear (e.g., socks, bags, racks, marker stakes, rebar, nets, and tubes) that is not immediately needed or is not firmly secured to the substrate will be moved to a storage area landward of MHHW prior to the next high tide. Gear that is firmly secured to the substrate may remain on the tidelands for a consecutive period of time up to 7 days. Note: This is not meant to apply to the wet storage of harvested shellfish.

12. All pump intakes (e.g., for washing down gear) that use seawater shall be screened in accordance with NMFS and WDFW criteria. Note: This does not apply to work boat motor intakes (jet pumps) or through-hull intakes.

13. Land vehicles (e.g., all-terrain, trucks) shall be washed in an upland area such that wash water is not allowed to enter any stream, waterbody, or wetland. Wash water shall be disposed of upland in a location where all water is infiltrated into the ground (i.e., no flow into a waterbody or wetland).

---

[3] See Seattle District website for work window http://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/

[4] For information on how to become an "approved biologist" for conducting forage fish surveys contact WDFW

14. Land vehicles shall be stored, fueled, and maintained in a vehicle staging area located 150 feet or more from any stream, waterbody, or wetland. Where this is not possible, documentation must be provided to the Corps as to why compliance is not possible, written approval from the Corps must be obtained, and the operators shall have a spill prevention plan and maintain a readily-available spill prevention and clean-up kit.

15. For boats and other gas-powered vehicles or power equipment that cannot be fueled in a staging area 150 feet away from a waterbody or at a fuel dock, fuels shall be transferred in Environmental Protection Agency (EPA)-compliant portable fuel containers 5 gallons or smaller at a time during refilling. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout shall be used when refueling to prevent possible contamination of waters. A spill kit shall be available and used in the event of a spill. All spills shall be reported to the Washington Emergency Management Office at (800) 258-5990. All waste oil or other clean-up materials contaminated with petroleum products will be properly disposed of off-site.

16. All vehicles operated within 150 feet of any stream, waterbody, or wetland shall be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected shall be repaired in the vehicle staging area before the vehicle resumes operation and the leak and repair documented in a record that is available for review on request by the Corps and Services.

17. The direct or indirect contact of toxic compounds including creosote, wood preservatives, paint, etc. within the marine environment shall be prevented. [This does not apply to boats]

18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net.

19. All equipment and gear including anti-predator nets, stakes, and tubes shall be tightly secured to prevent them from breaking free.

20. All foam material (whether used for floatation of for any other purpose) must be encapsulated within a shell that prevents breakup or loss of foam material into the water and is not readily subject to damage by ultraviolet radiation or abrasion. Un-encapsulated foam material used for current on-going activities shall be removed or replaced with the encapsulated type.

21. Tires shall not be used as part of above and below structures or where tires could potentially come in contact with the water (e.g., floatation, fenders, hinges). Tires used for floatation currently shall be replaced with inert or encapsulated materials, such as plastic or encased foam, during maintenance or repair of the structure.

22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be

patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

23. When performing other activities on-site, the grower shall routinely inspect for and document any fish or wildlife found entangled in nets or other shellfish equipment. In the event that fish, bird, or mammal is found entangled, the grower shall: 1) provide immediate notice (within 24 hours) to WDFW (all species), USFWS/NMFS (all species) or Marine Mammal Stranding Network (marine mammals), 2) attempt to release the individual(s) without harm, and 3) provide a written and photographic record of the event, including dates, species identification, number of individuals, and final disposition, to the Corps and Services. Contact the U.S. Fish and Wildlife Service Law Enforcement Office at (425) 883-8122 with any questions about the preservation of specimens.

25. Vehicles (e.g., ATVs, tractors) shall not be used within native eelgrass (*Zostera marina*). If there is no other alternative for site access, a plan will be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass from vehicle operation. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum vehicles needed to conduct the work and a description of the minimum number of vehicles needed at each visit, and (c) consistency in anchoring/grounding in the same location and/or traveling on the same path to restrict eelgrass disturbance to a very small footprint.

26. Vessels shall not ground or anchor in native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*) and paths through native eelgrass or kelp shall not be established. If there is no other access to the site or the special condition cannot be met due to human safety considerations, a site-specific plan shall be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass and kelp from vessel operation and accessing the shellfish areas. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum number of boats and/or crew members needed to conduct the work and a description of the minimum number of boats and crewmembers needed at each visit, and (c) consistency in disturbance to a very small footprint.

27. Unless prohibited by substrate or other specific site conditions, floats and rafts shall use embedded anchors and midline floats to prevent dragging of anchors or lines. Floats and rafts that are not in compliance with this standard shall be updated to meet this standard during scheduled maintenance, repair, or replacement or before the end of the term of the next renewed authorization. [Any alternative to using an embedded anchor must be approved by the NMFS.]

28. Activities that are directly associated with shellfish activities (e.g., access roads, wet storage) shall not result in removal of native riparian vegetation extending landward 150 feet horizontally from MHHW (includes both wetland and upland vegetation) and disturbance shall be limited to the minimum necessary to access or engage in shellfish activities.

29. Native salt marsh vegetation shall not be removed and disturbance shall be limited to the minimum necessary to access or engage in shellfish activities.

30. Mechanical dredge harvest/harrowing shall not be conducted in **North Puget Sound** between April 1 and August 31.

31. Ensure clam and other shellfish cover nets are secured to the extent practicable. If fish are entangled, record and report species, time, and location of entanglement. Collected specimens of fish entangled shall be preserved in a freezer, and reporting shall be to the NMFS' Lacey Office in order to determine appropriate steps to ascertain the entangled species. Contact the NMFS Central Puget Sound Branch Chief by telephone or email.

32. Only oyster long lines (with flip bags ok) spaced laterally at 10 feet intervals shall be used in **fallow**[5] areas that have been colonized by eelgrass in greater **Puget Sound and Hood Canal**. Flip bags must be suspended above the substrate so they do not rest on substrate at low tide. No other culture methods shall be used in fallow areas colonized by eelgrass. Further, with the exception of mechanical longline harvest, no mechanized activities shall occur in fallow areas colonized by eelgrass. This Term and Condition does not apply to fallow areas in Willapa Bay or Grays Harbor.

33. In **Hood Canal** summer-run chum salmon designated critical habitat[6]: Between February 1 and April 30, shellfish planting and harvesting shall not occur within 15 feet waterward of the waterline (tideline) to protect juvenile chum salmon. In addition, shellfish activities which increase turbidity in the nearshore water (e.g., geoduck harvest) shall not occur at all during this timeframe

[5] Fallow refers to areas that are periodically allowed to lie fallow as part of normal operations.
[6] Critical habitat for Hood Canal summer-run chum salmon occur in Hood Canal and the Strait of Juan de Fuca marine areas in Clallam, Jefferson, Kitsap, and Mason Counties. Exact locations and excluded areas are described at: http://www.westcoast.fisheries.noaa.gov/publications/frn/2005/70fr52739.pdf

/

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring the preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the question from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe the your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or to provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: **Pickering Passage WADNR Lease 20-096483**

2. Name of applicant: **Taylor Shellfish Company**

3. Address and phone number of applicant and contact person:
   Erin Ewald
   Taylor Shellfish
   SE 130 Lynch Road
   Shelton, Washington 9858
   (360) 432-3348

4. Date checklist prepared: **November 2023**

5. Agency requesting checklist: **Washington Department of Natural Resources**

6. Proposed timing or schedule (including phasing, if applicable):

   The culture of geoduck clams on an on-going rotational basis.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

   No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

   Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015. Programmatic Biological Opinion, National Marine Fisheries Service, September 2015. Programmatic Biological opinion for Shellfish Activities in Washington State Marine inland Waters, U.S. Fish and Wildlife Service, August 2016.

   Taylor Shellfish Environmental Codes of Practice

   While these documents were not compiled specifically for this site, the environmental information gathered is relevant to the activities proposed at this site.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

   No.

10. List any government approvals or permits that will be needed for your proposal, if known.

    Tribal Notification
    Aquatic Lands Use Authorization – Department of Natural Resources
    Aquatic Farm Registration – Department of Fish and Wildlife
    Commercial Shellfish License and Harvest Site Certification – Department of Health
    Department of Ecology Coastal Zone Management Act Consistency Statement
    Army Corps of Engineers Individual Permit Authorization (includes State 401 Review)
    Department of Ecology 401 Water Quality Certification
    Mason County – Conditional Use Permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agency may modify this form to include additional specific information on project description.)

This project is for the commercial production of shellfish on approximately 1.9 acres of intertidal land in Pickering Passage. Geoduck clam culture activities will be considered under this review. For geoduck production, mesh HDPE nursery tubes will be inserted into the substrate on approximately 15" centers. The tubes extend from the substrate approximately 9", but can lay flat against the substrate. Four geoduck seed are planted by hand in each tube. After the geoduck have matured for approximately 2 years, the tubes are removed and grow out continues for another 3-5 years. During this period, area net may be temporarily installed to protect the crop from predation. Net is secured every 25' with bent rebar inserted flush with the surrounding sediment. Net is removed once predation pressure has reduced and geoduck can evade predators successfully. Harvest occurs when the geoduck s reach marketable size (approximately 2 pounds). Harvest is done using a hydraulic wand inserted into the substrate directly adjacent to individual geoduck. The animals are gently removed from the substrate by hand and placed in baskets for transport by boat to the processing plant in Shelton, WA.

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographical map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any applications related to this ehecklist.

The activity will take place on tidelands located in parts of Section 18, Township 21 North, Range 1 West, W.M. in Pickering Passage, Mason County.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other _____.

Gently sloping lower intertidal marine tidelands.

b. What is the steepest slope on the site (approximate percent slope)?

<2%.

c. What general types of soils (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Marine substrate consisting of gravel and sand

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable. Nearby uplands are low bank and listed as feeder bluffs on the WA DOE coastal landforms database. Sediment drift flows left to right.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

None.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable.

2. Air

a. What types of emissions to the air would result from this proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

There are short-term increases in generator or boat engine exhaust during portions of the operation. There are

no long-term, permanent increases of air emissions as a result of this proposal.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

All equipment will have approved exhaust systems. Operations may be incorporated into existing work schedules for other activities in the area to minimize potential impacts.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.+

Yes. These activities take place in the intertidal zone of marine waters located in Pickering Passage.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes. This project directly involves marine waters. These are shellfish beds located on tidelands and are subject to ebb and flow of tides.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of the fill material.

None.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100 year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge

The activities associated with shellfish culture do not involve the discharge of additional materials into surface waters.

b. Ground:

1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the

general size of the system, the number such systems, the number of houses to be served (if applicable), or the number animals or humans the system(s) are expected to serve.

None.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

2) Could waste material enter ground or surface waters? If so, generally describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Not applicable.

4. Plants

a. Check or circle types of vegetation found on the site:
__ deciduous tree: alder, maple, aspen, other
__ evergreen tree: fir, cedar, pine, other
__ shrubs
__ grass
__ pasture
__ crop or grain
__ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
__ water plants: water lily, eelgrass, milfoil, other
X other types of vegetation – **marine algae**

b. What kind and amount of vegetation will be removed or altered?

Bivalves consume marine algae for nutrition.

c. List threatened or endangered species known to be on or near the site.

None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: marine birds
mammals: deer, bear, elk, beaver, other: marine mammals
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None known to be on the site, but there may be salmonid species that migrate through at high water.

c. Is the site part of a migration route? If so, explain.

Salmonids may migrate through some of the site. Some migrating marine birds may pass through this area. Forage fish (smelt) are mapped (WDFW) to utilize the beaches in the upper intertidal for spawning.

d. Proposed measures to preserve or enhance wildlife, if any:

There is evidence that shellfish culture, including geoduck farming, enhance habitat values and functions and serve to mitigate impacts resulting from other activities that may occur in the vicinity. Conservation measures are proposed and will be implemented as detailed in Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015.

6. Energy and Natural Resources

a. What kinds of energy (electrical, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Minimal exposure to environmental health hazards from vehicle and boat operations and work being conducted in marine waters.

1) Describe any emergency services that might be required.

Fire and ambulance services may be required in the event of worker accidents. Oil booms may be required for broken lines or aecidental spills.

2) Propose measures to reduce or control environmental health hazards, if any:

Risk of diesel or oil spill or accident is minimal and all precautions will be used for prevention. Additionally, biodegradable oil will be used in the hydraulic systems. Taylor Shellfish has both a Central Safety and Environmental Codes of Practice to guide managers and workers in safe and environmentally sound operations.

Portable "Lug-a-loo" containers are used for human waste disposal while crews are working on tidelands.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be no long-term, permanent increase in noise associated with these activities. Short-term noise will increase in some areas at some times due to mechanical operations. However, harvest pumps have been modified and housed to ensure minimum noise is emitted. Employees are trained to minimize disruptive noise, especially during nighttime operations. Shellfish beds are managed according to tidal fluctuations and can occur day or night.

3) Proposed measures to reduce or control noise impacts, if any:

Motors and pumps are muffled by approved exhaust systems, employees are trained to minimize unnecessary noise, and all operations are conducted consistent with Taylor Shellfish Environmental Codes of Practice.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

The adjacent shoreward tidelands are used for shellfish culture and are privately owned. Some of the uplands are developed for single-family residences. There is some open space in the upland area.

b. Has the site been used for agriculture? If so, describe.

No.

c. Describe any structures on the site.

None.

d. Will any structures be demolished? if so, what?

No.

e. What is the current zoning classification of the site?

Rural residential, Shoreline Conservancy

f. What is the current comprehensive plan designation of the site?

Rural residential, Shoreline Conservancy

g. If applicable, what is the current shoreline master program designation of the site?

Conservancy.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

Three to five workers will be needed to conduct planting and harvest activities. Monitoring is done by 2 person crews.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Aquaculture is a water-dependent use and encouraged under the Washington State's Shoreline Management Act and Mason County's Shoreline Master Program. No permanent development will occur.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structures are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. Light and Glare

a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?

Some activities will take place both in the daytime and the nighttime due to tides. When activities occur at night, workers use headlamps and boats or barges use only lights necessary for safe operations. No permanent lights will be necessary.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation

a. What designated and informal recreation opportunities are in the immediate vicinity?

There is very informal recreational boating and fishing in the area. Use of the adjacent tidelands is limited for public use because they are privately owned.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:

None.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site? If so, generally describe.

None.

c. Proposed measures to reduce or control impacts, if any:

None.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans if any.

Access to the site will be from a boat.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No.

c. How many parking spaces would the completed project have? How many would the project eliminate?

None.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Yes. The project site is accessed by boat.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None.

g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

In the event of an accident, emergency services may be required. Taylor Shellfish employees are well-trained and adhere to all worker safety requirements.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Taylor's conduct quarterly Central Safety Committee meetings to ensure employee compliance with all safety and emergency policies.

16. Utilities

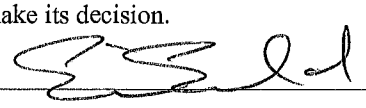
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Reviewed by (optional): _____

Title: Dir. Regulatory Affairs

Date: 11/30/2023

February 14, 2024

Notice of Final Determination
DNR Geoduck Lease No. 20-096483 – Pickering Passage
SEPA File No. 24-011703

The Department of Natural Resources issued a Determination of Non-significance (DNS), on **January 17, 2024** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

[x] Retained.

[ ] Modified. Modifications to this threshold determination include the following:

[ ] Withdrawn. This threshold determination has been withdrawn due to the following:

[ ] Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable): **Please refer to the attachment.**

Responsible Official: Thomas Gorman

Position/title: Aquatic Resources Division Manager Phone: 360-701-7692

Address:
Washington Department of Natural Resources
PO BOX 47000
Olympia, WA 98504

Date: _____ Signature: _____

There is no DNR administrative SEPA appeal.

DEPARTMENT OF
NATURAL RESOURCES

AQUATIC RESOURCES DIVISION
1111 Washington St SE
Olympia, WA 98504

360-902-1100
ARD@DNR.WA.GOV
WWW.DNR.WA.GOV

Public Comment Summary
Pickering Passage Aquaculture Lease Proposal (20-096483)
SEPA File No. 24-011703

During the public comment period, DNR received six comment submittals. The table below presents a summary of the issues raised and the corresponding agency response.

Topic	Comment Summary	Agency Response
Impacts to species	It is unknown if the project will impact aquatic species.	The applicant will be required follow all DNR habitat stewardship requirements in the lease. The applicant will fully comply with the programmatic Endangered Species Act and Essential Fish Habitat consultation for shellfish activities in Washington State's inland marine waters ("Programmatic Consultation"). The Programmatic Consultation analyzes potential adverse impacts to sensitive species and includes measures to address and minimize any impacts. No eelgrass or canopy forming kelp is mapped to occur in this area. The applicant will complete a survey prior to farm installation to confirm absence. If any native eelgrass or kelp is present, then a delineation will occur and the tenant will comply with the Programmatic Consultation guidelines to operate outside of a 16' horizontal setback. There will be no clearing of plants and animals on top of the substrate before installation of the farm.

Harvest payments to adjacent landowners	A quota of geoduck shall go to landowners neighboring the proposed site.	RCW 79.105.030 directs DNR to manage SOAL in a manner that provides a balance of public benefits. The tenant will pay annual minimum base rent and a production-based rent fee. These payments will go directly to DNR to support aquatic land management.
Marine debris	Debris from the operations on the leasehold is not maintained and will cause litter in the area.	The lease language does not allow the tenant to commit or allow waste on the leasehold. The aquaculture gear used is analyzed by the Programmatic Consultation. The proposed flexible HDPE mesh tubes are effective in remaining secure in the substrate. This operation does not require nets to be installed over the top of the tubes. Nets may be installed temporarily if predation is high. If nets are used, the applicant will properly secure nets with U-shaped rebar at 50-foot intervals and will regularly monitor the nets to ensure they remain secured. The tenant will monitor for debris and log any results in an online database quarterly, and patrols organized by the Pacific Coast Shellfish Industry will occur two times a year.
Emergency access	Access to over the land emergency response has not been addressed.	Those who access state-owned aquatic lands may meet emergency responders in the closest location possible or emergency responders may meet remote accident victims at the accident site.
Leasehold boundaries	It won't be possible to tell if workers and equipment stays inside the lease boundaries and the presence of workers and activities has the	The property has been professionally surveyed and recorded with the Mason County auditor's office. The leasehold boundaries are marked by survey markers. The lease contract defines the lease area. The tenant is

	possibility of limiting the landowners' use of tidelands.	required to stay within the leasehold boundary and the requirement is an enforceable part of the contract.
Noise and light impacts	Light and noise will disrupt landowners.	The tenant would be required to comply with all conditions and terms of any permits, licenses, certificates, regulations, ordinances, statutes, and other government rules and regulations regarding its use or occupancy of the property. The tenant must comply with Mason County's noise ordinance, Chapter 9.36 MCC. There is no lighting being installed on the leasehold area.
Aesthetics	Nursery tubes, plastic, netting, and other equipment used in the operation are unsightly.	The applicant will use flexible mesh HDPE nursery tubes, which can lay flay against the intertidal substrate and reduce impacts to aesthetics and recreation. The geoduck tubes are installed below the +1' tidal elevation and are only exposed for a small percentage of time.
Recreation	The operations will represent a hazard to waders and swimmers.	The nursery tubes used can lay flat against the substrate. Nets are not required to be installed on top of the tubes. If nets are necessary for predation, they will be secured by rebar and will not float or pose an entanglement risk to users of the water.
Water quality	It is unknown if there are impacts to water quality.	The addition of geoduck farming on the leasehold will not cause water quality impacts.
Cultural resources	It is unknown if archaeological or cultural resources will be uncovered during implementation.	If any archaeological or cultural resources are uncovered during implementation, the tenant will follow the inadvertent discovery protocol, stop operations, and notify the Squaxin Island Tribe, WA DNR, and DAHP.
Substrate changes	The harvesting process is changes sediment conditions.	The lease includes DNR's habitat stewardship measures to address hydraulic harvest methods. The lease

		requires the Tenant to surrender the leasehold property in the same or better condition than the commencement date of the lease with reasonable wear and tear excepted, as defined by the lease.

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

US Army Corps of Engineers
Seattle District

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

AGENCY USE ONLY

Date received:

Agency reference #: _____

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]
Pickering Passage State WA DNR Lease 20-096483

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Taylor Shellfish Farms			
2b. Organization (If applicable)			
Taylor Shellfish Farms			
2c. Mailing Address (Street or PO Box)			
130 SE Lynch Rd			
2d. City, State, Zip			
Shelton, WA 98584			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
360-426-6178	360-432-3348		ErinE@TaylorShellfish.com

[1]Additional 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.
- 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.

[2]To 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)			
Ewald, Erin			
3b. Organization (If applicable)			
Taylor Shellfish Farms			
3c. Mailing Address (Street or PO Box)			
130 SE Lynch Rd			
3d. City, State, Zip			
Shelton, WA 98584			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
360-432-3348	360-426-6178		ErinE@TaylorShellfish.com

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)			
State of Washington			
4b. Organization (If applicable)			
WA Dept. of Natural Resources			
4c. Mailing Address (Street or PO Box)			
PO Box 47000			
4d. City, State, Zip			
Olympia, WA 98504			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
360-902-1100			

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]

☐ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☒ 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]

Marine tidelands in Pickering Passage, near the town of Shelton

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Shelton, WA

5d. County [help]

Mason

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	18	21 North	1 West, W.M.

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)

47.309936 / -122.853672

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

State owned aquatic lands identified as 20-096483

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)
Tyrone Rauschert	5830 SE Arcadia Rd Shelton, WA 98584	121181130010
Lissak Family Trust	3297 S 366th St Auburn, WA 98001	121181300012
Michael & Linda Fish	P.O. Box 220 Grapeview, WA 98546	121181300011
Mountain Shores Community Club, Inc	641 E Rauschert Rd Grapeview, WA 98546	121185000041

Marjorie Doremus	81 2nd St Clifton, NJ 07011-3345	121181200000

5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Pickering Passage, Puget Sound

5k. Is any part of the project area within a 100-year floodplain? [help]

☐ Yes ☐ No ☐ Don't know X These are intertidal lands

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The property is a sandy beach with minimal structure. There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site, nor are there other priority habitat features. Uplands are low bank on the other side of a state highway. Uplands are classified as rural residential.

5m. Describe how the property is currently used. [help]

The subject property is managed by the State of Washington aquatics program.

5n. Describe how the adjacent properties are currently used. [help]

The tidelands to the north are privately owned and leased for commercial shellfish production. Other nearby parcels support recreational shellfish farming and passive recreation including boating, fishing, and beach combing. The surrounding uplands are used for single family residential.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

There are no structures on the property.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

Crews will access the farm by boat. Upland access would cross over private property.

Part 6–Project Description

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

This project is proposed for the commercial intertidal culture of geoduck clams. Hatchery raised juvenile geoduck clams will be planted in the substrate by hand. Mesh HDPE tubes are inserted into the substrate and planted by hand with geoduck seed. Tubes are removed after approximately 18-24 months. Cover net may or may not be installed temporarily after tubes are removed if predation is observed. Nets are secured every 25' with bent rebar inserted flush to the surrounding substrate. Harvest occurs after 5 – 7 years of planting.

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

The purpose of this project is to cultivate shellfish seed to grow out for human consumption.

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

☒ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

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

☒ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☐ 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.

HDPE mesh nursery tubes, approximately 18", will be manually installed in the lower intertidal substrate at a density of approximately 1 tube per 15" center. Four geoduck seed are planted in each tube. The tubes are flexible and once inserted to a depth of approximately 9", can lay flat against the substrate. After approximately 2 years, the tubes are removed. The area may be netted temporarily if predation is observed, but then removed once it can be determined that the geoduck can evade predators. The beach is then left undisturbed until harvest at 5 – 7 years after planting. The area is then replanted.

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: Upon Permit End Date: On Going ☐ See JARPA Attachment D

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

Approximately $150,000

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 ☐ Don't know

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

This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

Additionally, Taylor Shellfish employs Environmental Codes of Practice to ensure all activities meet environmental standards. These measures include:

1. Routine mapping, or documentation of critical areas
2. Documentation of farm ECOP site visits
3. Employee training to ensure compliance of conservation measures

Finally, the cultivated shellfish at this farm are expected to provide important environmental benefits. The cultivated shellfish and associated gear will provide three-dimensional structure, water quality enhancement, eutrophication moderation, and facilitation of benthic-pelagic coupling of nutrients. Shellfish culture requires a healthy marine ecosystem to be successful, and the farm will be operated and monitored to ensure the health of the local ecosystem.

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

☒ Yes ☐ No Minimal and localized impacts may occur, including positive impacts.

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 ☐ Don't know

This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

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
Minimal and localized effects from activities may occur. Positive effects may also occur.	Pickering Passage	Marine tidelands	Temporary effects during short periods	None	Approx 1.9 acres

[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

8h. Have you prepared a Water Quality Monitoring Plan (WQMP) for all in-water work (below ordinary high water), over water work or discharges to waters of the state?

☒ Yes ☐ No

If NO describe the monitoring that you will be conducting including parameters, equipment and locations, or explain why monitoring will not be necessary. [help]

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
WA DNR	Kirsten Miller	Kirsten.Miller@dnr.wa.gov	11/6/2023
U.S. Army Corps	Kelsey Blubaugh	Kelsey.N.Blubaugh@usace.army.mil	October 2023
WA DOE	Teressa Pucylowski	tpuc461@ecy.wa.gov	October 2023

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: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☒ Yes ☐ No

DO, Fecal Coliform, Temp, pH

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

- Go to https://water.usgs.gov/GIS/huc.html to help identify the HUC.

17110019

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

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

14

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

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria 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: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☐ 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 X 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]

The property has historically supported passive recreation and likely tribal fish and shellfish harvest.

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

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

☐ Yes ☒ No

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]

https://www.fisheries.noaa.gov/species-directory/threatened-endangered
Bocaccio
Chinook Salmon
Orca Whale
Steelhead Trout
Stellar Sea Lion

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]

http://apps.wdfw.wa.gov/phsontheweb/
Winter Steelhead
Residential Coastal Cutthroat Trout
Coho
Steelhead
Summer Chum

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 https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.

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

☒ A SEPA determination is pending with WADNR (lead agency). The expected decision date is Spring 2024.

☐ 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: _____

☐ 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

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

☐ Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

FEDERAL AND TRIBAL GOVERNMENT

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

☐ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

☐ Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil

☐ Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil

United States Environmental Protection Agency:

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☒ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

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. EE (initial)

Erin Ewald	[signature]	11/30/2023
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.

Erin Ewald	[signature]	11/30/2023
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 (provide copy of easement with JARPA).

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.

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: ORIA-16-011 rev. 09/2018

RECEIVED
OCT 27 2017
DNR - TITLE OFFICE

US Army Corps of Engineers - Seattle District

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) [help]

AGENCY USE ONLY
Date received: 8/10/17; ☐ Town
☒ Application Fee Received; ☐ Fee N/A
☒ New Application; ☐ Renewal Application
Type/Prefix #: 20; NaturE Use Code: 2877
LM Initials & BP#: BHL 1047736 BLA 490
RE Assets Finance BP#: 1044354
New Application Number: 20-096483
Trust(s): 21; County: 23
AQR Plate #(s): T523-009 (Note 15)
Gov Lot #(s): 2
Tax Parcel #(s): /

Attachment E:
Aquatic Use Authorization on Department of Natural Resources (DNR)-managed aquatic lands [help]

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map. [help]
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a $25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources." (Contact your Land Manager to determine if and when you are required to pay this fee.) [help]

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [help]

Use black or blue ink to enter answers in white spaces below.

1. Applicant Name (Last, First, Middle)

Taylor Shellfish Company

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

Rauschert State Lease

3. Phone Number and Email

(360) 432-3340, DianeC@taylorshellfish.com

4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]

☒ Corporation	☐ Individual
☐ Limited Partnership	☐ Marital Community (Identify spouse):
☐ General Partnership	
☐ Limited Liability Company	☐ Government Agency
Home State of Registration:	☐ Other (Please Explain):
_____	_____

5. Washington UBI (Unified Business Identifier) number, if applicable: [help]
91-17025787
6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?
☒ Yes ☐ No ☐ Don't know If Yes, Authorization number(s): **23-086298 Right of Entry Agreement**
7. Do you intend to sublease the property to someone else?
☐ Yes ☒ No If Yes, contact your Land Manager to discuss subleasing.
8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]
NA

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

Blain Reeves	Blain Reeves	10/26/17
Printed Name Dept. of Natural Resources District Manager or Assistant Division Manager	**Signature** Dept. of Natural Resources District Manager or Assistant Division Manager	**Date**

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 ORIA-16-016 rev. 10/2016

MASON COUNTY
COMMUNITY DEVELOPMENT
Permit Assistance Center, Building, Planning

PLANNING DEPARTMENT
615 W Alder St.
Shelton, WA 98584
(360) 427-9670 ext. 236

TO: Phil Olbrechts, Mason County Hearings Examiner
FROM: Gavin Scouten, Associate Planner
RE: Conditional Use Permit Application
Pickering Passage State WA DNR Lease 20-096484
Case No. SHR2023-00025

STAFF REPORT

INTRODUCTION

PURPOSE

This report will compile, evaluate, and analyze information provided by **Taylor Shellfish** as a part of the Mason County Shoreline conditional use permitting process. The report will finish with a recommendation of action for the Mason County Hearings Examiner.

APPLICANT

The applicant for this permit is Taylor Shellfish, represented by Erin Ewald.

PROPERTY LOCATION

Project is to be located on state owned aquatic lands identified by WA DNR Lease 20-096484 in North Bay, roughly one mile South of Victor, in the Case Inlet. The nearest identified tax parcel is 12228-88-88888 on the Mason County GIS (https://gis.masoncountywa.gov/mason/).

LEGAL DESCRIPTION

State owned aquatic lands identified by WA DNR Lease 20-096484. No applicable legal description.

EXHIBITS

1. Staff Report
2. Conditional Use Permit (CUP) Application
3. Site Plans
4. Habitat Management Plan (HMP)
5. State Environmental Policy Act (SEPA) Checklist
6. SEPA Determination of Non-Significance (DNS)
7. Joint Aquatic Resources Permit Application (JARPA)

PROPOSAL

Project is to be located on 5.2 acres of lower intertidal (+0' to -4.5') land. The farm will be manually installed with flexible mesh HDPE nursery tubes every 15" oc. Four geoduck seed will be inserted into the sediment within each tube. No area net is installed over nursery gear. After approximately 2 years,

the tubes will be removed. Area net may be installed temporarily to protect the crop, and removed once geoduck can evade predation. Harvest will occur after approximately 5 -7 years after planting using low pressure hydraulic wands to loosen up sand and gently remove geoduck from substrate. The farm is then replanted.

SITE CHARACTERISTICS

Public tidelands in the Case Inlet within the South Puget Sound. Located in the Kennedy/Goldsborough Water Resource Inventory Area (WRIA 14).

The property is a sandy beach with minimal structure. There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site, nor are there other priority habitat features. Uplands are high bank on the other side of a state highway. (JARPA, page 4)

To the East of the project area is some residential development.

COMPREHENSIVE PLAN DESIGNATION

Project area is identified as *Water* in the Mason County Comprehensive Plan. Uplands are *Rural* designation.

ZONING DESIGNATION

Project area is zoned *Aquatic*.

SEPA COMPLIANCE

A Determination of Non-Significance (DNS) was issued for this project by Thomas Gorman at WA DNR on February 14th, 2024.

OTHER PERMITS REQUIRED

1. Aquatic Use Authorization from the Washington Department Natural Resources
2. Section 401 Water Quality Certification from Washington Department of Ecology
3. Section 10 Permit from US Army Corps of Engineers
4. Section 401 Water Quality Certification (discharges into waters of the U.S.) where the Tribe has Treatment as a State (TAS).

ANALYSIS

Type III Review for permit applications require that the Hearings Examiner evaluate the proposal for consistency with the County's Development Code, adopted plans and regulations. The Hearing Examiner shall review the proposal according to the criteria laid out in section 15.09.050(c):

1. The development does not conflict with the Comprehensive Plan and meets the requirements and intent of the Mason County Code, especially Title 6, 8 and 16.
2. The development does not impact the public health, safety and welfare and is in the public interest.
3. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan.

Policies and regulations are shown in orange text.
Responses are shown in black text.

AQUACULTURE POLICIES

This section of the report will lay out the policies enumerated in Mason County Code (MCC) 17.50.210(a) and provide responses using information supplied to the County by the applicant.

(1) Aquaculture is of statewide interest. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline.
(2) Potential locations for aquaculture practices are relatively restricted due to specific biophysical requirements such as water quality, temperature, substrate, dissolved oxygen, and salinity. Priority should be given to aquaculture uses in areas having a high potential for such uses.
(3) The county should strengthen and diversify the local economy by encouraging aquaculture uses. Aquaculture operations should be protected against encroachment from incompatible, competing uses.
(4) Flexibility to experiment with new aquaculture techniques should be allowed.

Policies 1 through 4 are all statements that support shellfish aquaculture – recognizing its potential value, evolving practices, challenges to finding suitable locations, and the need to protect the environment in which it can survive, including clean water. This proposal for a combination geoduck and oyster commercial aquaculture operation aligns well with these policies.

(5) The county should minimize redundancy of aquaculture permit application requirements required by this program and other county, state and federal standards.

The SEPA, JARPA and CUP applications often request similar information, albeit with nuanced differences and parsed in different ways. The applicants believe that if not individually, at least collectively, their answers across the three applications address all relevant issues including consistency with state and county polies and regulations. In the spirit of limiting redundancy, they often refer to these documents for answers that demonstrate this consistency.

(6) The county should support community restoration projects associated with aquaculture when they are consistent with this program.

Proposed project is not a community restoration project.

(7) Shoreline and upland development in productive aquaculture areas or those areas with a high potential for aquaculture uses should be reviewed for detrimental impacts on aquaculture.

Proposed project is aquaculture, not upland development.

(8) Maximum effort to protect water quality should be made in areas with high potential for aquaculture and current aquaculture areas that have been identified as sensitive areas.

Water quality will be protected through required Water Quality Certifications from WA Department of Ecology and from a Tribe with Treatment as a State (TAS). It is also in the applicant's self-interest to protect water quality to avoid contamination of shellfish beds. Water quality protections are also provided in the PBA, exhibit 4.

The county should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions. Aquaculture should not be permitted in areas where it would result in a net loss

of ecological functions or adversely impact eelgrass and macro-algae. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts. Unavoidable impacts to ecological functions shall be mitigated.

According to the JARPA:

> There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site, nor are there other priority habitat features…
>
> The tidelands to the north and west are privately owned and leased for commercial shellfish production. Other nearby parcels support recreational shellfish farming and passive recreation including boating, fishing, and beach combing. The uplands immediate adjacent to the bedlands are used for a state highway. Beyond that, parcels are used for forestry and rural residential.

(JARPA, page 4)

The applicant is not proposing to grow any non-native species of shellfish. The proposed project is in conformance with the PBA, and as such, will not result in a net loss of shoreline ecological function.

(9) Recognition should be given to the possible impacts that aquacultural activities might have on the aesthetic quality of the shoreline area.

The project area is surrounded by existing aquaculture projects. Further, at the proposed tidal elevations, tubes will be submerged for a majority of the time that they are on the beach. Once the tubes are removed area nets are the only aesthetic impact, and will also be submerged for the majority of the time they are present.

(10) Structures or activities associated with aquaculture should be located landward of shoreline buffers unless clearly shoreline dependent.

No structures are proposed as a part of this project.

(11) Aquacultural activities should be operated in a manner that allows navigational access to shoreline owners and commercial traffic.

When the tubes are submerged by water they can be boated over. The tidelands are not privately owned, so the navigational access of shoreline owners is irrelevant to the project. Also it is possible to navigate between the growing tubes and to walk over the planted geoduck after tubes and area nets are removed.

(12) Floating aquaculture should be reviewed for conflicts with other water dependent uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Such surface installation shall incorporate features to reduce use conflicts.

The proposed project is not a floating aquaculture.

GENERAL AQUACULTURE REGULATIONS

(A) Shoreline developments adjacent to areas suitable for aquaculture shall practice strict pollution control procedures. As required by MCC 8.52.170(g), design and siting of all new construction and major new development shall not adversely impact water quality.

No new construction or major new development is proposed with this project. Water pollution prevention will be strictly practiced as required by the Washington Department of Ecology as a part of their 401 Water Quality Certification and by following the conservation measures listed in the PBA, exhibit 4.

(B) Proposed residential subdivisions and other land uses and developments which may impact aquaculture operations shall provide facilities to prevent any adverse water quality impacts to such operations. As required by MCC 8.52.170(g), all projects shall meet or exceed any storm water design requirements to avoid any risk of decertification of shellfish beds.

No residential subdivision or development is proposed with this project.

(C) Site preparation and construction in the vicinity of aquaculture operations shall not result in off-site erosion, siltation, or other reductions in water quality. Land uses on erosion hazard areas shall meet the requirements of MCC 8.52.160.

Site preparation is not addressed in the application materials. However, satisfactory erosion and siltation protection measures are located in the Conservation Measures listed in the PBA (exhibit 4), which the applicant has agreed to adhere to:

> This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

(JARPA, page 9)

(D) Existing aquaculture activities include areas that are actively cultivated and/or dormant. It is presumed that the following areas are dormant and hence existing: areas acquired under the Bush Act of 1895; areas undergoing crop rotation; and areas dormant due to market conditions, seed or juvenile availability, past and current pest infestations or control issues, water quality issues, and other cultivation factors beyond the control of the operator. A presumptively dormant area may, on a case-by-case basis as determined by the administrator, be deemed abandoned provided clear and affirmative information evidencing intent to abandon the area for shellfish farming is provided. Existing or permitted aquaculture operations are not subject to Section 17.50.120, Existing Structures and Uses, and shall not be considered nonconforming or abandoned. Ongoing maintenance, harvest, replanting, restocking or changing the culture technique or species cultivated for any existing or permitted aquaculture activity shall not require shoreline review or a new permit, unless or until:

(i) The operation changes the scope and intent of the original permit as defined in 17.50.400; or

(ii) The facility proposes to cultivate non-native species not previously cultivated in the State of Washington.

These regulations are only applicable to existing aquaculture projects. The applicant is proposing a new aquaculture project.

(E) Consistent with mitigation sequencing, aquacultural uses and developments may be required to provide mitigation where necessary to offset significant adverse impacts to normal public use of surface waters.

This project will not cause adverse impacts to normal public use of surface waters as detailed in the Attorney General's 2007 Opinion No.1 (https://www.atg.wa.gov/ago-opinions/extent-which-hydraulic-project-approval-permits-or-shoreline-substantial-development).

(F) Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelines.

The conservation measures listed in the PBA (exhibit #4) are satisfactory in preventing erosion and accretion along adjacent shorelines.

(G) Aquaculture structures and activities that are not shoreline dependent or do not have a functional relationship to the water shall be located landward of shoreline buffers required by this program to minimize the detrimental impact to the shoreline.

Only structures and activities that are shoreline dependent are proposed for this project.

(H) Proposed aquaculture processing plants shall provide adequate buffers to screen potential impacts of operations (e.g., visual, odor, and noise impacts) from adjacent residential uses.

A processing plant is not proposed.

(I) Aquaculture activities shall, to the greatest extent feasible with regard to the economic viability of the operation and protection of the environment be located, designed and operated so that native plant and animal populations, their respective habitats and the local ecological balance are maintained.

(i) New or expanded aquaculture shall be located, designed and maintained to assure no net loss of ecological functions, as demonstrated in a habitat management plan or equivalent report (e.g. biological assessment or biological evaluation).

According to the project JARPA (exhibit 7):

> This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

(JARPA, page 9)

(ii) Aquaculture use and development shall minimize shading and other adverse impacts to macro-algae and eelgrass beds. If eelgrass or macro-algae is known or suspected, an aquatic vegetation survey is required. Unavoidable impacts shall be addressed in a habitat management plan or equivalent report (e.g. biological assessment or biological evaluation) that presents an acceptable mitigation plan. Note: regulatory protections do not apply to eelgrass or macro-algae that colonize a shellfish farm.

The project area was chosen for its lack of Eelgrass and macroalgae (JARPA, page 4).

(iii) Floating aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, or other methods that minimize disturbance to substrate. Potential adverse impacts shall be mitigated.

Proposed project is not a floating aquaculture.

(iv) Disease and pest control may be authorized, provided methods are allowed by federal and state regulations and follow best management practices. To the maximum extent practicable, aquaculture use and development shall employ the least harmful best management practices to control birds and mammals.

Disease control is not addressed or proposed in the application materials. Pest control is achieved with predator-exclusion devices, specifically HDPE tubes and area nets used to cover juvenile geoduck until it is large enough to avoid predation.

(J) To the maximum extent practicable, floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices.

The proposed project is not a floating aquaculture.

(K) Aquacultural structures shall be placed in such a manner, and be suitably sized and marked, so as to minimize interference with navigation.

No structures are proposed.

(L) Aquaculture development shall be designed and constructed with best management practices to minimize visual impacts and shall be maintained in a neat and orderly manner. Aquaculture facilities, except navigation aids, shall use colors and materials that blend into the surrounding environment where practicable.

No structures are proposed and the project will apply the Best Management Practices listed in the PBA (exhibit #4).

(M) Proposed aquacultural developments shall make adequate provisions to control nuisance factors such as excessive noise and odor and excessive lighting. Permits shall include allowance for work at night or on weekends but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses.

Noise

Noise is addressed on pages 6 and 7 the SEPA Checklist (exhibit 5):

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

> There will be no long-term, permanent increase in noise associated with these activities. Short-term noise will increase in some areas at some times due to mechanical operations. However, harvest pumps have been modified and housed to ensure minimum noise is emitted. Employees are trained to minimize disruptive noise, especially during nighttime operations. Shellfish beds are managed according to tidal fluctuations and can occur day or night.

3) Proposed measures to reduce or control noise impacts, if any:

> Motors and pumps are muffled by approved exhaust systems, employees are trained to minimize unnecessary noise, and all operations are conducted consistent with Taylor Shellfish Environmental Codes of Practice.

(SEPA Checklist, pages 6-7)

Odor

Odor is not addressed in the application materials.

Lighting

Lighting and glare are addressed on pages 8 and 9 of Exhibit 5, the SEPA Checklist (exhibit 5):

a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?

> Some activities will take place both in the daytime and the nighttime due to tides. When activities occur at night, workers use headlamps and boats or barges use only lights necessary for safe operations. No permanent lights will be necessary.

(SEPA Checklist, pages 8-9)

(N) Aquacultural discards shall be disposed of in a manner that will not degrade associated uplands, wetlands, shorelines, or aquatic environments. Discards shall not be disposed of in a manner which results in offensive odors or increases the vector population. All waste-materials and discards shall be disposed of in strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

From the Conservation Measures listed in the PBA (exhibit 4):

> 18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net…
>
> 22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

(PBA, pages 3-4)

(O) Equipment, structures and materials shall not be abandoned in the shoreline or wetland area.

From the Conservation Measures listed in the PBA (exhibit 4):

> 18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net…
>
> 22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

(PBA, pages 3-4)

(P) Precautionary measures shall be taken to minimize the risk of oil or other toxic materials from entering the water or shoreline area.

From the Conservation Measures listed in the PBA (exhibit 4):

> 15. For boats and other gas-powered vehicles or power equipment that cannot be fueled in a staging area 150 feet away from a waterbody or at a fuel dock, fuels shall be transferred in Environmental Protection Agency (EPA)-compliant portable fuel containers 5 gallons or smaller at a time during refilling. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout shall be used when refueling to prevent possible contamination of waters. A spill kit shall be available and used in the event of a spill. All spills shall be reported to the Washington Emergency Management Office at (800) 258-5990. All waste oil or other clean-up materials contaminated with petroleum products will be properly disposed of off-site.

(PBA, page 3)

(Q) Gravel enhancement projects necessary to maintain existing shellfish beds are allowed. New projects that are not maintenance of existing beds and involve greater than one thousand cubic yards of material may be considered as a conditional use.

According to the SEPA checklist (exhibit 5):

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

> None.

(SEPA Checklist, page 3)

(R) To minimize redundancy between federal, state and local aquaculture requirements, the county should use permit applications that mirror federal or state permit applications, and accept documentation that has been submitted to other permitting agencies wherever possible.

The only unique permit application submitted to the County was the Conditional Use Permit application. All other application materials are used in additional permitting processes.

(S) A written statement of exemption is required for new aquaculture activities that do not constitute substantial development or otherwise require a shoreline permit. A written statement of exemption constitutes a valid authorization to conduct new or expanding aquaculture activities. A written statement of exemption shall provide a summary of the consistency of the aquaculture activities with this SMP and the Shoreline Management Act.

Because this project requires a Shoreline Conditional Use Permit the Shoreline Exemption Permit is not necessary.

COMMERCIAL GEODUCK AQUACULTURE

(A) In addition to the siting considerations in the general aquaculture regulations, commercial geoduck aquaculture shall only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

No clearing or grading is proposed as a part of this project so the sediments, topography, land, and water must be preferable for geoduck cultivation.

(B) As determined by Attorney General Opinion 2007 No. 1, the planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific project

or practice causes substantial interference with normal public use of the surface waters, but not otherwise.

The proposed project will not cause substantial interference with normal public use of the surface waters and therefore does not require a shoreline substantial development permit.

(C) Conditional use permits are required for new commercial geoduck aquaculture. Conversions from existing non-geoduck aquaculture to geoduck aquaculture within existing farm boundaries do not require a conditional use permit.

The proposed project is a new commercial geoduck aquaculture.

(D) All subsequent cycles of planting and harvest shall not require a new conditional use permit.

The County shall not seek new conditional use permits for subsequent cycles of planting and harvest.

(E) Conditional use permits must take into account that commercial geoduck operators have a right to harvest geoduck once planted.

The operator of this aquaculture, Taylor Shellfish LLC, shall have a right to harvest geoduck at this location once it is planted.

(F) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within county shoreline jurisdiction.

Taylor Shellfish is not proposing a second farm anywhere in Pickering Passage that could be permitted with this one.

(G) Unless already addressed in other applications, such as shoreline permit applications or habitat management plans or equivalent reports (e.g. biological assessment or biological evaluation), applications for new commercial geoduck aquaculture shall contain:

(i) A narrative description and timeline for all anticipated geoduck planting and harvesting activities if not already contained in the federal or state permit application or comparable information mentioned above.

According to the Conditional Use Permit application (exhibit 2):

> Project is to be located on 5.2 acres of lower intertidal (+0' to -4.5') land. The farm will be manually installed with flexible mesh HDPE nursery tubes every 15" oc. Four geoduck seed will be inserted into the sediment within each tube. No area net is installed over nursery gear. After approximately 2 years, the tubes will be removed. Area net may be installed temporarily to protect the crop, and removed once geoduck can evade predation. Harvest will occur after approximately 5 -7 years after planting using low pressure hydraulic wands to loosen up sand and gently remove geoduck from substrate.

(Conditional Use Permit Application, page 2)

(ii) A baseline ecological survey of the proposed site to allow consideration of the ecological effects if not already contained in the federal or state permit application or comparable information mentioned above.

From the SEPA Checklist (exhibit 5):

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

> Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015. Programmatic

Biological Opinion, National Marine Fisheries Service, September 2015. Programmatic Biological opinion for Shellfish Activities in Washington State Marine inland Waters, U.S. Fish and Wildlife Service, August 2016

Taylor Shellfish Environmental Codes of Practice

*While these documents were not compiled specifically for this site, the environmental information gathered is relevant to the activities proposed at this site.

(SEPA Checklist, page 2)

(iii) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in 17.50.110.

If the Conservation Measures listed in the PBA (exhibit 4) are adhered to then there will be no net loss of shoreline ecological function. This is the purpose of the Programmatic Biological Opinions from the US Army Corps, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service.

(iv) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.

Mooring

From page 4 of the PBA (exhibit 4):

25. Vehicles (e.g., ATVs, tractors) shall not be used within native eelgrass (Zoster a marina). If there is no other alternative for site access, a plan will be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass from vehicle operation. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum vehicles needed to conduct the work and a description of the minimum number of vehicles needed at each visit, and (c) consistency in anchoring/grounding in the same location and/or traveling on the same path to restrict eelgrass disturbance to a very small footprint.

26. Vessels shall not ground or anchor in native eelgrass (Zostera marina) or kelp (rooted/attached brown algae in the order Laminariales) and paths through native eelgrass or kelp shall not be established. If there is no other access to the site or the special condition cannot be met due to human safety considerations, a site-specific plan shall be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass and kelp from vessel operation and accessing the shellfish areas. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum number of boats and/or crew members needed to conduct the work and a description of the minimum number of boats and crewmembers needed at each visit, and (c) consistency in disturbance to a very small footprint.

(PBA, page 4)

Parking

Employees may park at the public parking area off of SR 302 near the project, mentioned on page 4 of the JARPA, and use a steep trail to access the project location without crossing over private property. The

number of cars parked in this area should remain low enough that there is no interference with traffic on SR 302.

Noise

Noise is addressed on pages 6 and 7 of the SEPA Checklist (exhibit 5):

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

> There will be no long-term, permanent increase in noise associated with these activities. Short-term noise will increase in some areas at sometimes due to mechanical operations. However, harvest pumps have been modified and housed to ensure minimum noise is emitted. Employees are trained to minimize disruptive noise, especially during nighttime operations. Shellfish beds are managed according to tidal fluctuations and can occur day or night.

3) Proposed measures to reduce or control noise impacts, if any:

> Motors and pumps are muffled by approved exhaust systems, employees are trained to minimize unnecessary noise, and all operations are conducted consistent with Taylor Shellfish Environmental Codes of Practice.

(SEPA Checklist, pages 6-7)

Lighting

Lighting and glare are addressed on pages 8 and 9 of the SEPA Checklist (exhibit 5):

a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?

> Some activities will take place both in the daytime and the nighttime due to tides. When activities occur at night, workers use headlamps and boats or barges use only lights necessary for safe operations. No permanent lights will be necessary.

(SEPA Checklist, pages 8-9)

Litter

From the Conservation Measures listed in the PBA (exhibit 4):

> 18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net…
>
> 22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

(PBA, pages 3-4)

(H) As required by Title 15 procedural regulations, Mason County will provide public notice to all property owners within three hundred feet of the proposed project boundary. The county will also provide notice to tribes with usual and accustomed fishing rights to the area. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribe(s).

Notice was sent to property owners within 300 feet of the project area and to the Department of Fish and Wildlife as well as the Squaxin Island Tribe in February of 2024 as a part of this permitting process.

(I) Conditional use permits shall include monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are in compliance with permit limits and conditions set forth in conditional use permits and to support cumulative impacts analysis. The county shall consider the reporting and monitoring conditions of other permitting agencies, if available, before adding additional conditions to a permit.

Applicants must obtain permits from the Army Corps of Engineers (USACE) to meet the requirements in Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA). As a part of this permitting process the proposed development is subject to Conservation Measures (CM) listed in the Programmatic Biological Assessment for Shellfish Activities in Washington State Island Marine Waters (PBA), Exhibit 4.

Conservation Measures 16, 22, and 23 from the PBA (exhibit 4) include monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are following permit limits and conditions and to support cumulative impacts analysis. These monitoring and reporting requirements of the PBA exceed what is called for by this regulation.

(J) Conditional use permits shall be reviewed using the best scientific and technical information available. This requirement may be met through review and approval of habitat management plans equivalent reports (e.g. biological assessment or biological evaluation) prepared by a qualified fish and wildlife professional, or through use of information provided under federal agency biological reviews conducted through the U.S. Army Corps of Engineers permitting process.

See the project PBA (exhibit 4).

(K) Applicants shall apply best management practices to accomplish the intent of permit limits and conditions.

BMP's listed in the PBA are required to be employed throughout the life of the project.

(L) To avoid or limit impacts from geoduck aquaculture siting and operations and achieve no net loss of ecological functions, permits shall consider the following and place conditions where applicable and not redundant with other permit agency conditions:

(i) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.

This is not a part of the proposed project.

(ii) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.

Site is to be accessed by water only.

(iii) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site.

The PBA includes work windows and protocols for protecting priority habitats and associated endangered species during planting and harvesting activities.

(iv) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments.

The PBA includes protocols regarding preparation and alteration of shellfish beds that are adequate and do not require supplementation.

(v) Installation of property corner markers that are visible at low tide during planting and harvesting.

Property corner markers visible at low tide are not addressed throughout the application materials except in the SEPA DNS (exhibit 6), where it is stated that:

> The property has been professionally surveyed and recorded with the Mason County auditor's office. The leasehold boundaries are marked by survey markers. The lease contract defines the lease area. The tenant is required to stay within the leasehold boundary and the requirement is an enforceable part of the contract.

Mason County recommends adding a condition to this permit requiring the installation of markers visible at low tide during planting and harvesting activities. This will ensure that harvest and planting activities adhere to the boundaries of the lease.

(vi) Mitigation measures such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions.

There are no Fish and Wildlife Habitat Conservation Areas (streams) areas near the proposed project.

(vii) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed as soon as they are no longer needed for predator exclusion.

According to page 2 of the SEPA checklist (exhibit 5):

> After the geoduck have matured for approximately 2 years, the tubes are removed and grow out continues for another 3-5 years. During this period, area net may be temporarily installed to protect the crop from predation. Net is secured every 25' with bent rebar inserted flush with the surrounding sediment. Net is removed once predation pressure has reduced and geoduck can evade predators successfully.

(SEPA Checklist, page 2)

(viii) Use of the best available methods to minimize turbid runoff from the water jets used to harvest geoducks.

According to the project JARPA this project will comply with the State of Washington Water Quality Standards for Turbidity (JARPA, page 11).

(ix) Number of barges or vessels that can be moored or beached at the site as well as duration limits.

No public comment was received from nearby homeowners or other agencies reporting concerns related to mooring or beaching of vessels. Therefore no conditions are proposed regarding number or duration limits for barges and vessels.

(x) Public rights to navigation over the surface of the water.

The public will retain their right to use the surface waters throughout the life of this project. The only barriers to accessing the surface waters over the planted shellfish will be when there is a barge present for harvest. In response to public comment received by the DNR during the SEPA comment period for this project:

> The nursery tubes used can lay flat against the substrate. Nets are not required to be installed on top of the tubes. If nets are necessary for predation, they will be secured by rebar and will not float or pose an entanglement risk to users of the water.

(SEPA DNS, page 3)

(xi) Good housekeeping practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.

According to the project JARPA, employees will receive training to ensure compliance of conservation measures (JARPA, page 8).

(xii) Where the site contains existing public access to publicly owned lands, consider recommendations from the Washington Department of Natural Resources or other landowning agencies regarding protection of the existing public access.

This site is leased from the Department of Natural Resources. If the DNR would like to add conditions to that lease so this site remains publicly accessible they have the power to do so.

CONCLUSION

The Mason County Planning Department concludes that this Conditional Use Permit application aligns with the aquaculture policies and regulations outlined in the Shoreline Master Program of the Mason County Code. To ensure compliance, the applicant may agree to the following condition(s):

1. Property corner markers that are visible at low tide shall be installed during any planting or harvesting activities

RECCOMENDATION

Mason County Planning recommends that the proposed development be permitted by the Hearings Examiner of Mason County under the same conditions listed above.

RECEIVED:

MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
615 W. Alder St. – Bldg. 8, Shelton, Wa 98584
Phone: (360) 427-9670 ext. 352 ♦ Fax: (360) 427-7798

PERMIT NO.: _____

SHORELINE PERMIT APPLICATION

SHORELINE PERMITS			
CONDITIONAL USE*	☑	SUBSTANTIAL DEVELOPMENT	☑
VARIANCE*	☐	EXEMPTION	☐
ACCESSORY DWELLING UNIT*	☐		

The Washington State Shoreline Management Act (RCW 90.58) requires that substantial developments within designated shorelines of the state comply with its administrative procedures (WAC 173-14) and the provisions of the Mason County Shoreline Management Master Program. The purpose of this Act and local program is to protect the state's shoreline resources. The program requires that substantial development (any development of which the total cost or fair market value exceeds $7,047.00 or materially interferes with the normal public use of the water or shorelines of the State be reviewed with the goals, polices, and performance standards established in the Master Program.

Answer all questions completely. Attach any additional information that may further describe the proposed development. Incomplete applications will be returned.

***Shoreline Variances and Conditional uses require public hearings and have additional pages that shall be attached to this application.**

APPLICANT: Taylor Shellfish Farms

ADDRESS: 130 SE Lynch Rd
(street)
Shelton (city) WA (state) 98584 (zip)

TELEPHONE: 360-432-3348 (home) 360-432-3348 (business)

AUTHORIZED REPRESENTATIVE: Erin Ewald

ADDRESS: 130 SE Lynch Rd
(street)
Shelton (city) WA (state) 98584 (zip)

TELEPHONE: 360-432-3348

PROPERTY DESCRIPTION:

General location (include property address, water body and associated wetlands—identify the name of the shoreline):

Lower intertidal lands in North Bay, Case inlet near town of Victor, WA

Include all parcel numbers: Projects located in open water areas, away from land shall provide latitude/longitude.

DNR Subtidal Lease # 20-096484

OWNERSHIP:

Applicant [ ] Owner [ ] Lessee [ ] Contract Purchaser [ ] (Identify) [ ] Other [✓]

Owner: Washington State, Department of Natural Resources

Nat. Resources Bldg, PO Box 47000	Olympia	WA	98504
(street)	(city)	(state)	(zip)

DEVELOPMENT DESCRIPTON:

Development proposal (identify and describe the proposed project, including the type of materials to be used, construction methods, principle dimensions, and other pertinent information):

Approximately 5.2 acres of lower intertidal (+0' to -4.5') will be manually installed with flexible mesh HDPE nursery tubes every 15" oc. Four geoduck seed will be inserted into the sediment within each tube. No area net is installed over nursery gear. After approximately 2 years, the tubes will be removed. Area net may be installed temporarily to protect the crop, and removed once geoduck can evade predation. Harvest will occur after approximately 5 -7 years after planting using low pressure hydraulic wands to loosen up sand and gently remove geoduck from substrate.

Existing Use (identify current use of property with exist improvements):

The property is currently vacant. No improvements are present. The property is located in lower intertidal of Case Inlet. Occasional use observed for fishing, beach combing and boating.

Reason for requesting development:

The purpose of the project is to grow geoduck clams for human consumption.

Estimated Fair Market Value of Project to Closest $1,000: $150,000, installed

The Applicant shall provide, at a minimum, the following information:

a. SITE PLAN - drawn to scale and including:

i. The boundary of the parcel(s) of land upon which the development is proposed;

ii. The ordinary high water mark (OHWM). This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline;

iii. Where appropriate, the proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of OHWM, if development involves grading, cutting, filling, or other alteration of land contours;

iv. The dimensions and location of existing structures which will be maintained;

v. The dimensions and locations of proposed structures; parking and landscaping;

vi. The location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas and electricity;

vii. The location, source, composition, and volume of fill material;

viii. The location, composition and volume of any extracted materials, and proposed disposal area;

b. CROSS SECTION, drawn to scale including:

i. The existing ground elevations;

ii. The proposed ground elevations;

iii. The location and height of existing structures;

iv. The location and height of proposed structures;

v. The OHWM.

c. VICINITY MAP, including:

i. The location of subject parcel using natural points of reference (roads, state highways, prominent landmarks, etc.).

ii. If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to nearest city or town.

iii. On the map, or separately, give a brief narrative description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

d. ADJACENT LANDOWNERS. Provide names and mailing addresses of all real property owners within 300 feet of property line boundaries where development is proposed as mailing labels or pre-addressed envelopes.

ACKOWLEDGEMENT:

I hereby declare, to the best of my knowledge and belief, the forgoing information and all attached information is true and correct.

(Applicant or Authorized Representative)

11/30/2023
(date)

Publication Cost Agreement

Publication cost is the responsibility of the applicant. Final permit processing will **not** occur until advertising fees have been paid to the newspaper by the applicant. The Shelton-Mason County Journal will bill the applicant directly.

Billing Address:

Taylor Shellfish — Email: ErinE@Taylorshellfish.com

130 SE Lynch Rd

Shelton, WA 98584 — Phone: 360-432-3348

I / WE understand that I / WE must sign and date the attached acknowledgment indicating and that I / WE understand that is MY / OUR responsibility. I / WE must submit the signed page as part of application in order for it to be considered as complete.

Signature of Property Owner	Date	Print Name

OR

Signature of Applicant	Date	Print Name
E E O	11/30/2023	Erin Ewald

MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
615 W. Alder St. – Bldg. 8, Shelton, Wa 98584
Phone: (360) 427-9670 ext. 352 ♦ Fax: (360) 427-7798

ADDITIONAL INFORMATION FOR SHORELINE CONDITIONAL USE

The purpose of Conditional Use Permit is to allow greater flexibility in varying the new application of the Use Regulations of the Master Program. Conditional Use Permits should also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in R.C.W. 90.58. In authorizing a Conditional Use, special conditions may be attached to the permit by local government or the Department of Ecology to prevent undesirable effects of the proposed use.

Uses that are classified, or set forth in the Master Program as conditional uses, may be authorized provided the applicant can demonstrate all of the following:

1. Show that the proposed use will be consistent with the policies of R.C.W. 90.58. and the policies of the Master Program.

The project is consistent with the policies and procedures of the SMA. The policy of the SMA is "to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." RCW 95.58.020. To achieve this policy, the SMA expresses a preference for uses that "are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines." Id. The project satisfies both of these components. Because it is for the cultivation of shellfish that depends on nutrient-rich marine waters for food, the project "cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation." WAC 173-26-020.

The project is also consistent with the policies of the SMP, which recognize aquaculture is a preferred use of statewide interest that can provide long-term benefits and protect shoreline ecology; give priority to aquaculture uses in areas well suited to this use; encourage aquaculture for the economic benefits it provides; and provide that aquaculture activities should limit potential negative aesthetic, ecological, and use impacts. MCC 17.50.210(a).

2. Show that the proposed use will not interfere with the normal public use of the shoreline.

This project will be installed in the lower intertidal of Case Inlet. Due to access constraints with steep and unstable trail down to the water, this beach is rarely used for recreation, other than fishing. There is a managed, State access parking and access, approximately 0.5 miles to the North of this beach for recreational shellfish harvest. A recreational boat launch and fishing pier is located in Allyn, approximately 10 minutes away.

3. Show that the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

This proposed farm is situated between other private tidelands, also used for clam, oyster bag on bottom and geoduck aquaculture. The nearest residential home is located over 400' from the property boundary. The tidelands owned and situated in front of this nearby residence are also used for geooduck cultivation. The farm will not interfere with the occasional recreational use of the beach and water. The flexible mesh nursery tubes can lay flat on the substrate and will not impact walking or beaching of boats.

4. Show that the proposed use will cause no unreasonable adverse effects to the shoreline environment in which it is to be located.

As set forth in the supporting application materials, the project is designed to minimize potential damage to the ecology and environment of the shoreline area consistent with the policies of the SMA and the provisions of the SMP. RCW 90.58.020; MCC 17.50.210. The project will also comply with terms, conditions, and conservation measures of the 2016 programmatic ESA & EFH consultation, ensuring it will avoid and minimize potential impacts to listed species, critical habitat, and essential fish habitat.

5. Show that the public interest suffers no substantial detrimental effect.

The project will benefit the public interest. As recognized in state law and the SMP, properly-designed aquaculture projects advance the statewide interest, protect the resources and ecology of the shoreline, and have important economic benefits. WAC 173-26-241(3)(b); WAC 173-26-176(3)(a); MCC 17.50.210(a). This project will help strengthen the local economy, and it is located and designed to avoid substantial detrimental effects. The surrounding area is characterized by low density residential development. Rent from the lease of this operation will go into State funds used for local restoration and public access projects.

Other uses, which are not classified or set forth in the Master Program, may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the Use Regulations of the Master Program.

Uses, which are specifically prohibited by the Master Program, may not be authorized.

In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should remain consistent with the policies of the Master Program and should not produce substantial adverse effects to the shoreline environment.

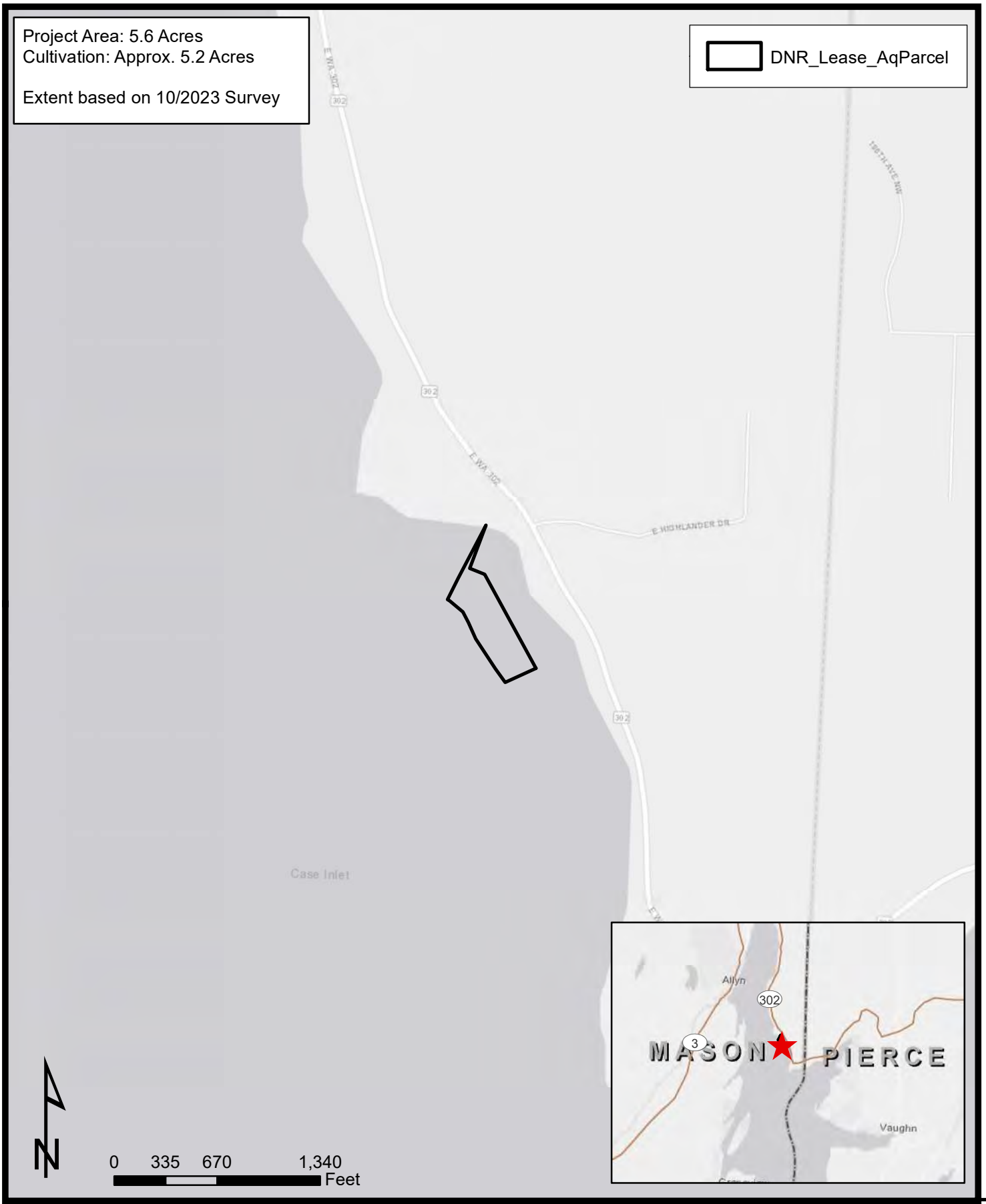
Please attach any additional information, as needed.

ACKOWLEDGEMENT

I hereby declare, to the best of my knowledge and belief, the forgoing information and all attached information is true and correct.

(property owner or authorized representative)

11/30/2023
(date)



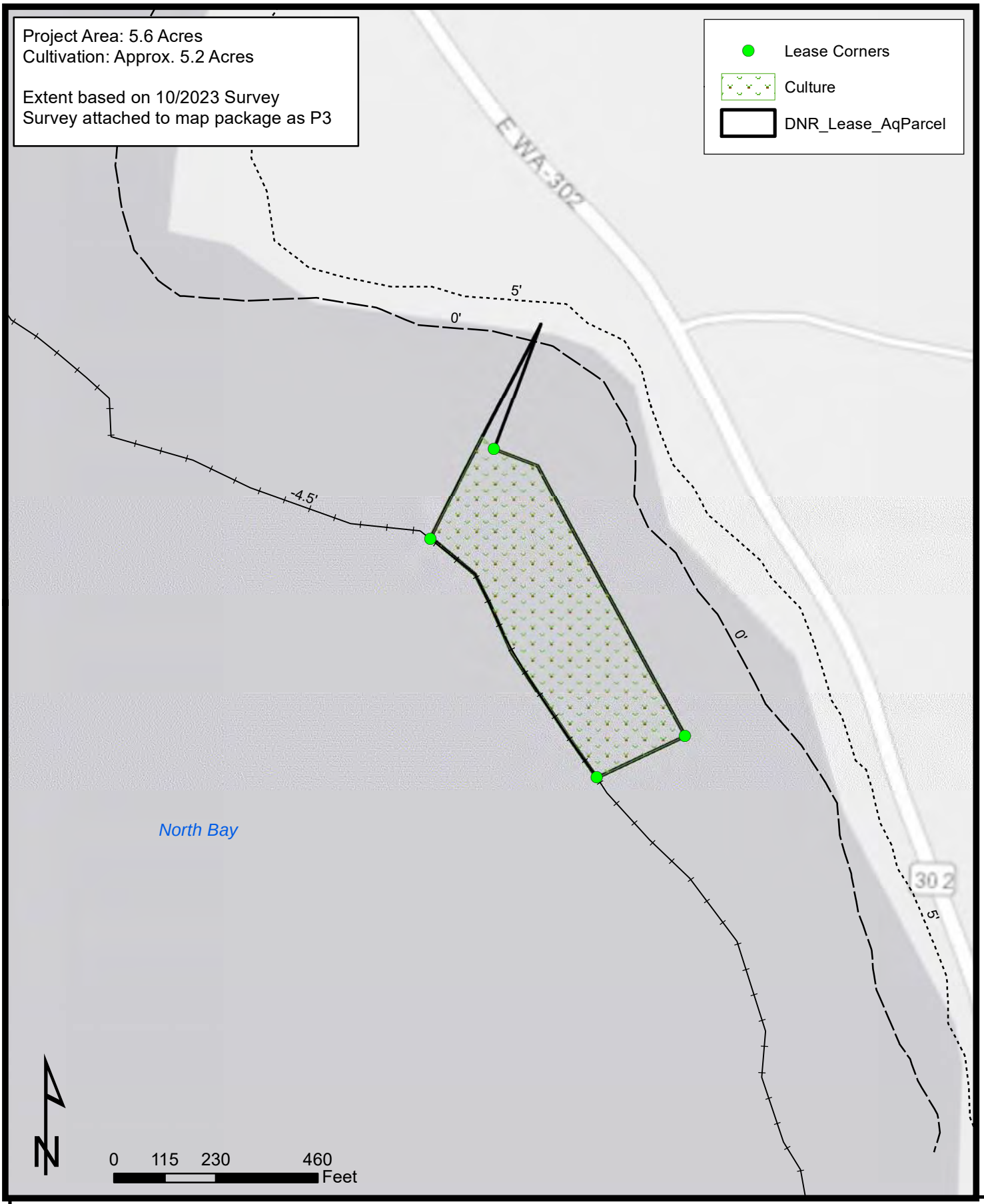
Document Path: M:\Working\Erin_Working\Map_Projects\DNR_NorthBay\DNR_NorthBay_Extent.mxd

REFERENCE:
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
Please refer to JARPA

Location: T22N, R01W, S28 Lat/ Long: 47.365476 / -122.810455

Page: 1 of 5 Date: 11/14/2023

PROPOSED PROJECT: DNR Lease 20-096484
IN: North Bay
Near/At: Victor
County: Mason
State: WA



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REFERENCE:
APPLICANT: Taylor Shellfish
ADJACENT PROPERTY OWNERS:
Please refer to JARPA

Location: T22N, R01W, S28 Lat/ Long: 47.365476 / -122.810455

Page: 2 of 5 Date: 11/14/2023

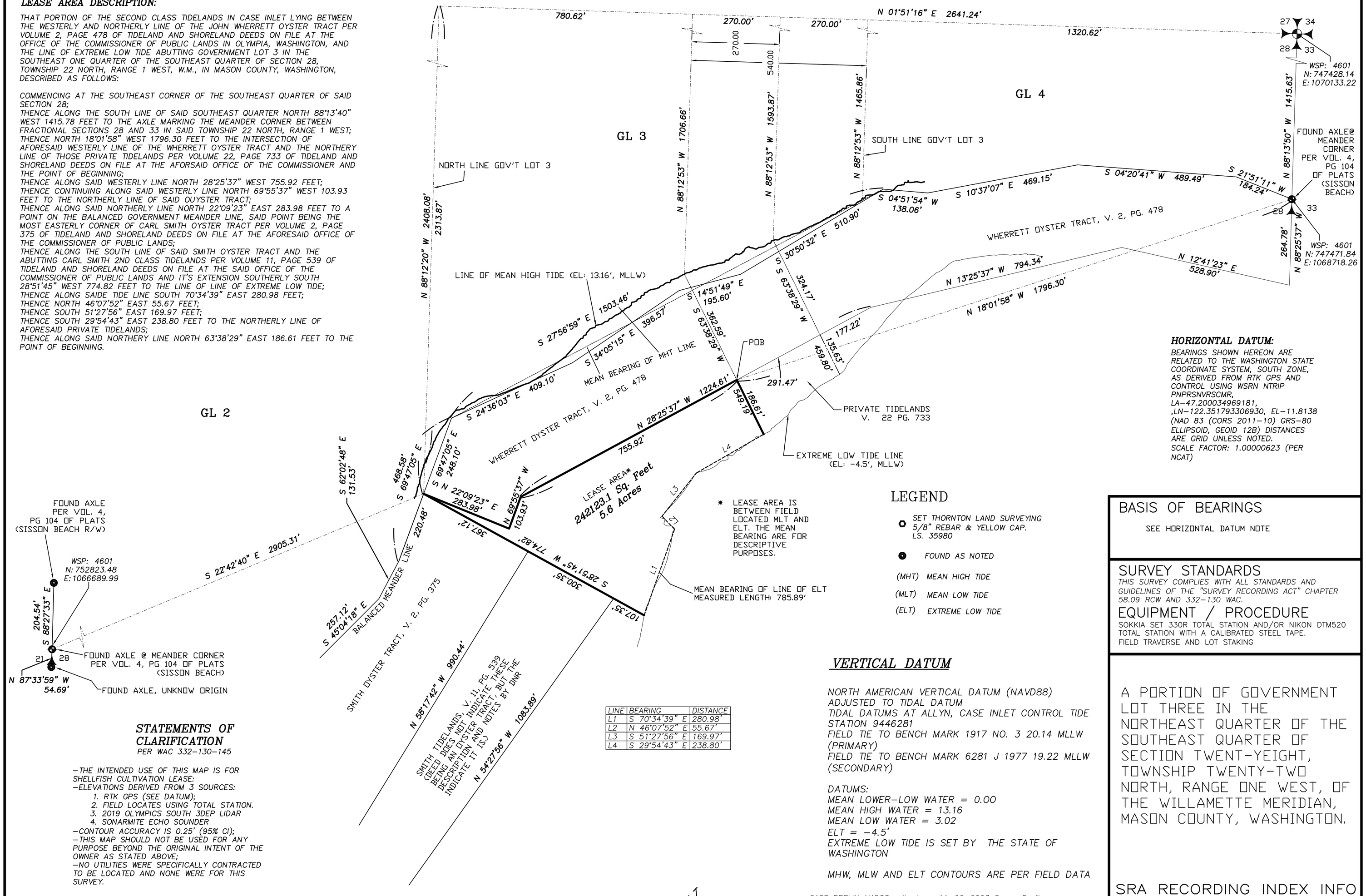
PROPOSED PROJECT: DNR Lease 20-096484
IN: North Bay
Near/At: Victor
County: Mason
State: WA

DNR AQUATIC LANDS SURVEY LEASE NO.

LEASE AREA DESCRIPTION:

THAT PORTION OF THE SECOND CLASS TIDELANDS IN CASE INLET LYING BETWEEN THE WESTERLY AND NORTHERLY LINE OF THE JOHN WHERRETT OYSTER TRACT PER VOLUME 2, PAGE 478 OF TIDELAND AND SHORELAND DEEDS ON FILE AT THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON, AND THE LINE OF EXTREME LOW TIDE ABUTTING GOVERNMENT LOT 3 IN THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 1 WEST, W.M., IN MASON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 28;
THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 88°13'40" WEST 1415.78 FEET TO THE AXLE MARKING THE MEANDER CORNER BETWEEN FRACTIONAL SECTIONS 28 AND 33 IN SAID TOWNSHIP 22 NORTH, RANGE 1 WEST;
THENCE NORTH 18°01'58" WEST 1796.30 FEET TO THE INTERSECTION OF AFORESAID WESTERLY LINE OF THE WHERRETT OYSTER TRACT AND THE NORTHERY LINE OF THOSE PRIVATE TIDELANDS PER VOLUME 22, PAGE 733 OF TIDELAND AND SHORELAND DEEDS ON FILE AT THE AFORSAID OFFICE OF THE COMMISSIONER AND THE POINT OF BEGINNING;
THENCE ALONG SAID WESTERLY LINE NORTH 28°25'37" WEST 755.92 FEET;
THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 69°55'37" WEST 103.93 FEET TO THE NORTHERLY LINE OF SAID OUYSTER TRACT;
THENCE ALONG SAID NORTHERLY LINE NORTH 22°09'23" EAST 283.98 FEET TO A POINT ON THE BALANCED GOVERNMENT MEANDER LINE, SAID POINT BEING THE MOST EASTERLY CORNER OF CARL SMITH OYSTER TRACT PER VOLUME 2, PAGE 375 OF TIDELAND AND SHORELAND DEEDS ON FILE AT THE AFORESAID OFFICE OF THE COMMISSIONER OF PUBLIC LANDS;
THENCE ALONG THE SOUTH LINE OF SAID SMITH OYSTER TRACT AND THE ABUTTING CARL SMITH 2ND CLASS TIDELANDS PER VOLUME 11, PAGE 539 OF TIDELAND AND SHORELAND DEEDS ON FILE AT THE SAID OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AND IT'S EXTENSION SOUTHERLY SOUTH 28°51'45" WEST 774.82 FEET TO THE LINE OF LINE OF EXTREME LOW TIDE;
THENCE ALONG SAIDE TIDE LINE SOUTH 70°34'39" EAST 280.98 FEET;
THENCE NORTH 46°07'52" EAST 55.67 FEET;
THENCE SOUTH 51°27'56" EAST 169.97 FEET;
THENCE SOUTH 29°54'43" EAST 238.80 FEET TO THE NORTHERLY LINE OF AFORESAID PRIVATE TIDELANDS;
THENCE ALONG SAID NORTHERY LINE NORTH 63°38'29" EAST 186.61 FEET TO THE POINT OF BEGINNING.



LINE	BEARING	DISTANCE
L1	S 70°34'39" E	280.98'
L2	N 46°07'52" E	55.67'
L3	S 51°27'56" E	169.97'
L4	S 29°54'43" E	238.80'

HORIZONTAL DATUM:

BEARINGS SHOWN HEREON ARE RELATED TO THE WASHINGTON STATE COORDINATE SYSTEM, SOUTH ZONE, AS DERIVED FROM RTK GPS AND CONTROL USING WSRN NTRIP PNPRSNVRSCMR, LA-47.200034969181, ,LN-122.351793306930, EL-11.8138 (NAD 83 (CORS 2011-10) GRS-80 ELLIPSOID, GEOID 12B) DISTANCES ARE GRID UNLESS NOTED.
SCALE FACTOR: 1.00000623 (PER NCAT)

* LEASE AREA IS BETWEEN FIELD LOCATED MLT AND ELT. THE MEAN BEARING ARE FOR DESCRIPTIVE PURPOSES.

LEGEND

- SET THORNTON LAND SURVEYING 5/8" REBAR & YELLOW CAP. LS. 35980
- FOUND AS NOTED
- (MHT) MEAN HIGH TIDE
- (MLT) MEAN LOW TIDE
- (ELT) EXTREME LOW TIDE

BASIS OF BEARINGS

SEE HORIZONTAL DATUM NOTE

SURVEY STANDARDS

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND 332-130 WAC.

EQUIPMENT / PROCEDURE

SOKKIA SET 330R TOTAL STATION AND/OR NIKON DTM520 TOTAL STATION WITH A CALIBRATED STEEL TAPE.
FIELD TRAVERSE AND LOT STAKING

VERTICAL DATUM

NORTH AMERICAN VERTICAL DATUM (NAVD88)
ADJUSTED TO TIDAL DATUM
TIDAL DATUMS AT ALLYN, CASE INLET CONTROL TIDE STATION 9446281
FIELD TIE TO BENCH MARK 1917 NO. 3 20.14 MLLW (PRIMARY)
FIELD TIE TO BENCH MARK 6281 J 1977 19.22 MLLW (SECONDARY)

DATUMS:
MEAN LOWER-LOW WATER = 0.00
MEAN HIGH WATER = 13.16
MEAN LOW WATER = 3.02
ELT = -4.5'
EXTREME LOW TIDE IS SET BY THE STATE OF WASHINGTON

MHW, MLW AND ELT CONTOURS ARE PER FIELD DATA

CASE PRELIM NAD83-mllw.dwg 11-02-2023 Super-Drafter

STATEMENTS OF CLARIFICATION
PER WAC 332-130-145

- THE INTENDED USE OF THIS MAP IS FOR SHELLFISH CULTIVATION LEASE:
- ELEVATIONS DERIVED FROM 3 SOURCES:
  1. RTK GPS (SEE DATUM);
  2. FIELD LOCATES USING TOTAL STATION.
  3. 2019 OLYMPICS SOUTH 3DEP LIDAR
  4. SONARMITE ECHO SOUNDER
- CONTOUR ACCURACY IS 0.25' (95% CI);
- THIS MAP SHOULD NOT BE USED FOR ANY PURPOSE BEYOND THE ORIGINAL INTENT OF THE OWNER AS STATED ABOVE;
- NO UTILITIES WERE SPECIFICALLY CONTRACTED TO BE LOCATED AND NONE WERE FOR THIS SURVEY.

A PORTION OF GOVERNMENT LOT THREE IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENT-YEIGHT, TOWNSHIP TWENTY-TWO NORTH, RANGE ONE WEST, OF THE WILLAMETTE MERIDIAN, MASON COUNTY, WASHINGTON.

SRA RECORDING INDEX INFO

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____ ,2023,
AT_____ O'CLOCK ____ .M, UNDER AUDITOR'S FEE NUMBER:

BY:_____ DEPUTY
BY:_____ COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF:

GARY A. PROCTOR, REGISTERED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NUMBER 35980 DATE:

GARY A. PROCTOR STATE OF WASHINGTON 35980 REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY

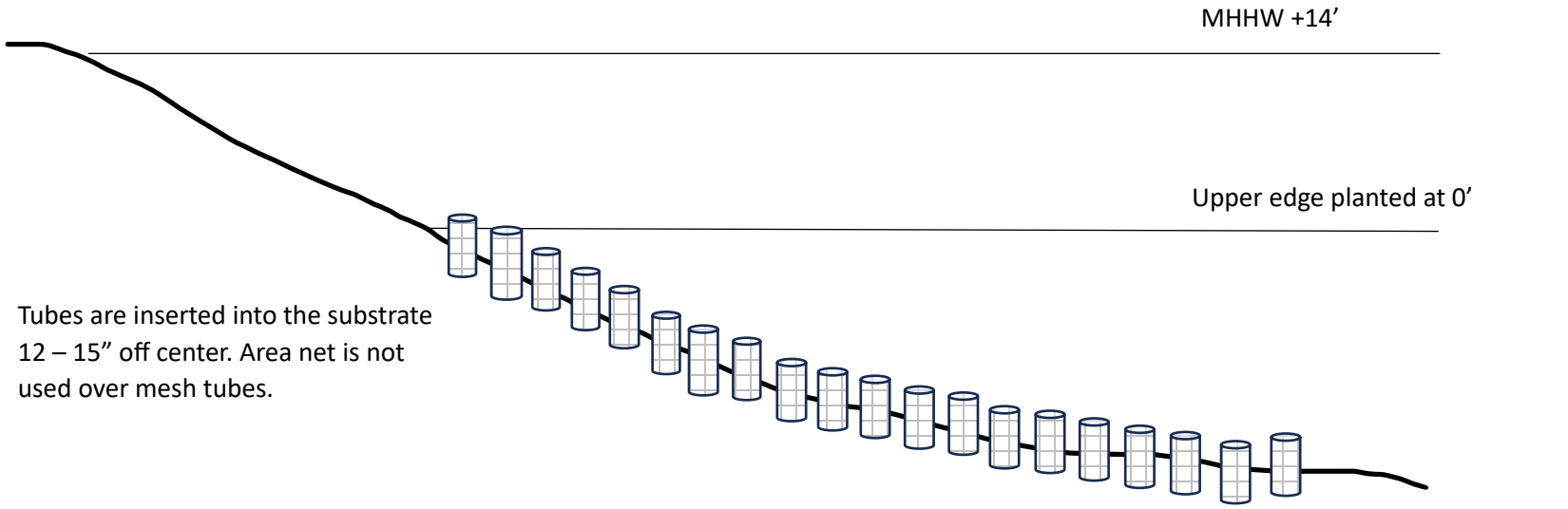
Thornton Land Surveying
P.O. BOX 249
GIG HARBOR, WASHINGTON 98335
TELEPHONE (253) 858-8106 / FAX 858-7466

RECORD OF SURVEY FOR & REQUESTED BY

TAYLOR SHELLFISH

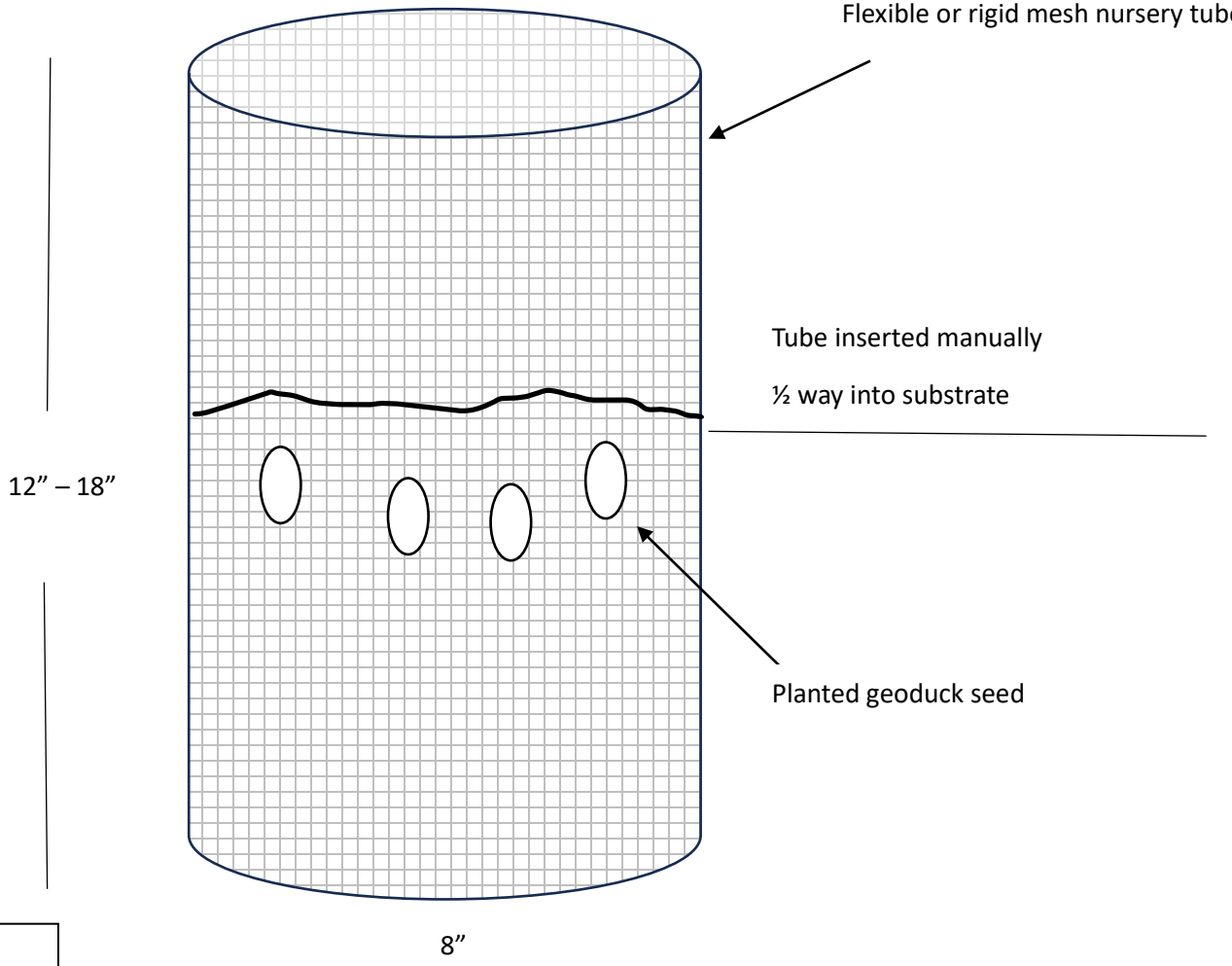
DRAWN	DATE	FIELD BOOK
GAP	23.10.31	
CHECKED	SCALE	JOB NUMBER
GAP	1" = 200'	23.07.10

Typical Cross Section of Geoduck Planting with Mesh Tubes



Reference:
Applicant Name: Taylor Shellfish
Project: DNR Lease 20-096484
Location: North Bay
Sheet 4 of 5 Date: 11/14/2023

Taylor Shellfish Farms Geoduck Culture
Cross-Section of HDPE mesh nursery tube



Reference:
Applicant Name: Taylor Shellfish
Project: DNR Lease 20-096484
Location: North Bay
Sheet 5 of 5 Date: 11/16/2023

Enclosure 1: Conservation Measures and applicable terms and conditions from the Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters (U.S. Fish and Wildlife Service (USFWS) Reference Number 01EWFW00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502).

1. Gravel and shell shall be washed prior to use for substrate enhancement (e.g., frosting, shellfish bed restoration) and applied in minimal amounts using methods which result in **less than 1 inch** depth on the substrate annually. Shell material shall be procured from clean sources that do not deplete the existing supply of shell bottom. Shells shall be cleaned or left on dry land for a minimum of one month, or both, before placement in the marine environment. Shells from the local area shall be used whenever possible. Shell or gravel material shall not be placed so that it creates piles on the substrate. Use of a split-hull (e.g., hopper-type) barge to place material is prohibited.

2. The placement of gravel or shell directly into the water column (i.e., graveling or frosting) shall not be conducted between February 1 and March 15 in designated critical habitat for Hood Canal summer chum salmon.

3. For 'new[1] ' activities only, gravel or shell material shall not be applied to enhance substrate for shellfish activities where native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*) is present.

4. Turbidity resulting from oyster dredge harvest shall be minimized by adjusting dredge bags to "skim" the surface of the substrate during harvest.

5. Unsuitable material (e.g., trash, debris, car bodies, asphalt, tires) shall not be discharged or used as fill (e.g., used to secure nets, create nurseries, etc.).

6. For 'new' activities only, shellfish activities (e.g., racks, stakes, tubes, nets, bags, long-lines, on bottom cultivation) shall not occur within 16 horizontal feet of native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*). If eelgrass is present in the vicinity of an area new to shellfish activities, the eelgrass shall be delineated[2] and a map or sketch prepared and submitted to the Corps. Surveys to determine presence and location of eelgrass shall be done during times of peak above-ground biomass: June 1 – September 30. The following information must be included to scale: parcel boundaries, eelgrass locations and on-site dimensions, shellfish activity locations and dimensions.

7. For 'new' activities only, activities shall not occur above the tidal elevation of +7 feet (MLLW) if the area is listed as **documented** surf smelt (*Hypomesus pretiosus*) spawning habitat

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[1] 'New' activities are those activities that were initiated after 18 March 2007. Expansion of activities into a new geographic footprint that had not previously been in commercial aquaculture is treated as a new footprint for the purpose of this programmatic ESA.

[2] For guidance see Corps' Seattle District *Components of a Complete Eelgrass Delineation and Characterization Report (May 2016)*.

by WDFW. A map showing the location of documented surf smelt spawning habitat is available at the WDFW website.

8. For 'new' activities only, activities shall not occur above the tidal elevation of +5 feet (MLLW) if the area is **documented** as Pacific sand lance (*Ammodytes hexapterus*) spawning habitat by the WDFW. A map showing the location of documented Pacific sand lance spawning habitat is available at the WDFW website.

9. If conducting 1) mechanical dredge harvesting, 2) raking, 3) harrowing, 4) tilling, leveling or other bed preparation activities, 5) frosting or applying gravel or shell on beds, or 6) removing equipment or material (nets, tubes, bags) within a **documented or potential** spawning area for Pacific herring (*Clupea pallasi*) outside the approved work window[3], the work area shall be surveyed for the presence of herring spawn prior to the activity occurring. Vegetation, substrate, and materials (nets, tubes, etc.) shall be inspected. If herring spawn is present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and herring spawn is no longer present. A record shall be maintained of spawn surveys including the date and time of surveys; the area, materials, and equipment surveyed; results of the survey, etc. The Corps and the Services shall be notified if spawn is detected during a survey. The record of spawn surveys shall be made available upon request to the Corps and the Services.

10. For 'new' activities only, activities occurring in or adjacent to **potential** spawning habitat for sand lance, or surf smelt shall have a spawn survey completed in the work area by an approved biologist[4] prior to undertaking bed preparation, maintenance, and harvest activities if work will occur outside approved work windows for these species. If eggs are present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and spawn is no longer present. A record shall be maintained of spawn surveys including the date and time of surveys; the area, materials, and equipment surveyed; results of the survey, etc. The Corps and the Services shall be notified if spawn is detected during a survey. The record of spawn surveys shall be made available upon request to the Corps and the Services.

11. All shellfish gear (e.g., socks, bags, racks, marker stakes, rebar, nets, and tubes) that is not immediately needed or is not firmly secured to the substrate will be moved to a storage area landward of MHHW prior to the next high tide. Gear that is firmly secured to the substrate may remain on the tidelands for a consecutive period of time up to 7 days. Note: This is not meant to apply to the wet storage of harvested shellfish.

12. All pump intakes (e.g., for washing down gear) that use seawater shall be screened in accordance with NMFS and WDFW criteria. Note: This does not apply to work boat motor intakes (jet pumps) or through-hull intakes.

13. Land vehicles (e.g., all-terrain, trucks) shall be washed in an upland area such that wash water is not allowed to enter any stream, waterbody, or wetland. Wash water shall be disposed of upland in a location where all water is infiltrated into the ground (i.e., no flow into a waterbody or wetland).

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[3] See Seattle District website for work window http://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/

[4] For information on how to become an "approved biologist" for conducting forage fish surveys contact WDFW

14. Land vehicles shall be stored, fueled, and maintained in a vehicle staging area located 150 feet or more from any stream, waterbody, or wetland. Where this is not possible, documentation must be provided to the Corps as to why compliance is not possible, written approval from the Corps must be obtained, and the operators shall have a spill prevention plan and maintain a readily-available spill prevention and clean-up kit.

15. For boats and other gas-powered vehicles or power equipment that cannot be fueled in a staging area 150 feet away from a waterbody or at a fuel dock, fuels shall be transferred in Environmental Protection Agency (EPA)-compliant portable fuel containers 5 gallons or smaller at a time during refilling. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout shall be used when refueling to prevent possible contamination of waters. A spill kit shall be available and used in the event of a spill. All spills shall be reported to the Washington Emergency Management Office at (800) 258-5990. All waste oil or other clean-up materials contaminated with petroleum products will be properly disposed of off-site.

16. All vehicles operated within 150 feet of any stream, waterbody, or wetland shall be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected shall be repaired in the vehicle staging area before the vehicle resumes operation and the leak and repair documented in a record that is available for review on request by the Corps and Services.

17. The direct or indirect contact of toxic compounds including creosote, wood preservatives, paint, etc. within the marine environment shall be prevented. [This does not apply to boats]

18. All tubes, mesh bags and area nets shall be clearly, indelibly, and permanently marked to identify the permittee name and contact information (e.g., telephone number, email address, mailing address). On the nets, identification markers shall be placed with a minimum of one identification marker for each 50 feet of net.

19. All equipment and gear including anti-predator nets, stakes, and tubes shall be tightly secured to prevent them from breaking free.

20. All foam material (whether used for floatation of for any other purpose) must be encapsulated within a shell that prevents breakup or loss of foam material into the water and is not readily subject to damage by ultraviolet radiation or abrasion. Un-encapsulated foam material used for current on-going activities shall be removed or replaced with the encapsulated type.

21. Tires shall not be used as part of above and below structures or where tires could potentially come in contact with the water (e.g., floatation, fenders, hinges). Tires used for floatation currently shall be replaced with inert or encapsulated materials, such as plastic or encased foam, during maintenance or repair of the structure.

22. At least once every three months, beaches in the project vicinity will be patrolled by crews who will retrieve debris (e.g., anti-predator nets, bags, stakes, disks, tubes) that escape from the project area. Within the project vicinity, locations will be identified where debris tends to accumulate due to wave, current, or wind action, and after weather events these locations shall be

patrolled by crews who will remove and dispose of shellfish related debris appropriately. A record shall be maintained with the following information and the record will be made available upon request to the Corps, NMFS, and USFWS: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, other pertinent information.

23. When performing other activities on-site, the grower shall routinely inspect for and document any fish or wildlife found entangled in nets or other shellfish equipment. In the event that fish, bird, or mammal is found entangled, the grower shall: 1) provide immediate notice (within 24 hours) to WDFW (all species), USFWS/NMFS (all species) or Marine Mammal Stranding Network (marine mammals), 2) attempt to release the individual(s) without harm, and 3) provide a written and photographic record of the event, including dates, species identification, number of individuals, and final disposition, to the Corps and Services. Contact the U.S. Fish and Wildlife Service Law Enforcement Office at (425) 883-8122 with any questions about the preservation of specimens.

25. Vehicles (e.g., ATVs, tractors) shall not be used within native eelgrass (*Zostera marina*). If there is no other alternative for site access, a plan will be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass from vehicle operation. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum vehicles needed to conduct the work and a description of the minimum number of vehicles needed at each visit, and (c) consistency in anchoring/grounding in the same location and/or traveling on the same path to restrict eelgrass disturbance to a very small footprint.

26. Vessels shall not ground or anchor in native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*) and paths through native eelgrass or kelp shall not be established. If there is no other access to the site or the special condition cannot be met due to human safety considerations, a site-specific plan shall be developed describing specific measures and/or best management practices that will be undertaken to minimize negative effects to eelgrass and kelp from vessel operation and accessing the shellfish areas. The access plan shall include the following components: (a) frequency of access at each location, (b) use of only the minimum number of boats and/or crew members needed to conduct the work and a description of the minimum number of boats and crewmembers needed at each visit, and (c) consistency in disturbance to a very small footprint.

27. Unless prohibited by substrate or other specific site conditions, floats and rafts shall use embedded anchors and midline floats to prevent dragging of anchors or lines. Floats and rafts that are not in compliance with this standard shall be updated to meet this standard during scheduled maintenance, repair, or replacement or before the end of the term of the next renewed authorization. [Any alternative to using an embedded anchor must be approved by the NMFS.]

28. Activities that are directly associated with shellfish activities (e.g., access roads, wet storage) shall not result in removal of native riparian vegetation extending landward 150 feet horizontally from MHHW (includes both wetland and upland vegetation) and disturbance shall be limited to the minimum necessary to access or engage in shellfish activities.

29. Native salt marsh vegetation shall not be removed and disturbance shall be limited to the minimum necessary to access or engage in shellfish activities.

30. Mechanical dredge harvest/harrowing shall not be conducted in **North Puget Sound** between April 1 and August 31.

31. Ensure clam and other shellfish cover nets are secured to the extent practicable. If fish are entangled, record and report species, time, and location of entanglement. Collected specimens of fish entangled shall be preserved in a freezer, and reporting shall be to the NMFS' Lacey Office in order to determine appropriate steps to ascertain the entangled species. Contact the NMFS Central Puget Sound Branch Chief by telephone or email.

32. Only oyster long lines (with flip bags ok) spaced laterally at 10 feet intervals shall be used in **fallow**[5] areas that have been colonized by eelgrass in greater **Puget Sound and Hood Canal**. Flip bags must be suspended above the substrate so they do not rest on substrate at low tide. No other culture methods shall be used in fallow areas colonized by eelgrass. Further, with the exception of mechanical longline harvest, no mechanized activities shall occur in fallow areas colonized by eelgrass. This Term and Condition does not apply to fallow areas in Willapa Bay or Grays Harbor.

33. In **Hood Canal** summer-run chum salmon designated critical habitat[6]: Between February 1 and April 30, shellfish planting and harvesting shall not occur within 15 feet waterward of the waterline (tideline) to protect juvenile chum salmon. In addition, shellfish activities which increase turbidity in the nearshore water (e.g., geoduck harvest) shall not occur at all during this timeframe

[5] Fallow refers to areas that are periodically allowed to lie fallow as part of normal operations.
[6] Critical habitat for Hood Canal summer-run chum salmon occur in Hood Canal and the Strait of Juan de Fuca marine areas in Clallam, Jefferson, Kitsap, and Mason Counties. Exact locations and excluded areas are described at: http://www.westcoast.fisheries.noaa.gov/publications/frn/2005/70fr52739.pdf

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ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring the preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the question from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe the your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or to provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: **North Bay WADNR Lease 20-096484**

2. Name of applicant: **Taylor Shellfish Company**

3. Address and phone number of applicant and contact person:
   Erin Ewald
   Taylor Shellfish
   SE 130 Lynch Road
   Shelton, Washington 9858
   (360) 432-3348

4. Date checklist prepared: **Revised November 2023**

5. Agency requesting checklist: **Washington Department of Natural Resources**

6. Proposed timing or schedule (including phasing, if applicable):

   The culture of geoduck clams on an on-going rotational basis.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

   No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

   Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015. Programmatic Biological Opinion, National Marine Fisheries Service, September 2015. Programmatic Biological opinion for Shellfish Activities in Washington State Marine inland Waters, U.S. Fish and Wildlife Service, August 2016.

   Taylor Shellfish Environmental Codes of Practice

   While these documents were not compiled specifically for this site, the environmental information gathered is relevant to the activities proposed at this site.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

   No.

10. List any government approvals or permits that will be needed for your proposal, if known.

    Tribal Notification
    Aquatic Lands Use Authorization – Department of Natural Resources
    Aquatic Farm Registration – Department of Fish and Wildlife
    Commercial Shellfish License and Harvest Site Certification – Department of Health
    Department of Ecology Coastal Zone Management Act Consistency Statement
    Army Corps of Engineers Individual Permit Authorization (includes State 401 Review)
    Department of Ecology 401 Water Quality Certification

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agency may modify this form to include additional specific information on project description.)

This project is for the commercial production of shellfish (see map for acreage). Geoduck clam culture activities will be considered under this review. For geoduck production, mesh HDSP nursery tubes will be inserted into the substrate on approximately 15" centers. The tubes extend from the substrate approximately 9", but can lay flat against the substrate. Four geoduck seed are planted by hand in each tube. After the geoduck have matured to approximately 2 years, the tubes are removed and grow out continues for another 3-5 years. During this period, area net may be temporarily installed to protect the crop from predation. Net is secured every 25' with bent rebar inserted flush with the surrounding sediment. Net is removed once predation pressure has reduced and geoduck can evade predators successfully. Harvest occurs when the geoduck s reach marketable size (approximately 2 pounds). Harvest is done using a hydraulic wand inserted into the substrate directly adjacent to individual geoduck. The animals are gently removed from the substrate by hand and blaced in basket for transport by boat to the processing plant in Shelton, WA.

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographical map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any applications related to this checklist.

The activity will take place on tidelands located in parts of Section 28, Township 22 North, Range 1 West, W.M. in North Bay, Mason County.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other _____.

Gently sloping lower intertidal marine tidelands.

b. What is the steepest slope on the site (approximate percent slope)?

<2%.

c. What general types of soils (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Marine substrate consisting of gravel, sand, and mud.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

None.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable.

2. Air

a. What types of emissions to the air would result from this proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

There are short-term increases in generator or boat engine exhaust during portions of the operation. There are no long-term, permanent increases of air emissions as a result of this proposal.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

All equipment will have approved exhaust systems. Operations may be incorporated into existing work schedules for other activities in the area to minimize potential impacts.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.+

Yes. These activities take place in the intertidal zone of marine waters located in North Bay.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes. This project directly involves marine waters. These are shellfish beds located on tidelands and are subject to ebb and flow of tides.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of the fill material.

None.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100 year floodplain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge

The activities associated with shellfish culture do not involve the discharge of additional materials into surface waters.

b. Ground:

1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the general size of the system, the number such systems, the number of houses to be served (if applicable), or the number animals or humans the system(s) are expected to serve.

None.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

2) Could waste material enter ground or surface waters? If so, generally describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Not applicable.

4. Plants

a. Check or circle types of vegetation found on the site:
__ deciduous tree: alder, maple, aspen, other
__ evergreen tree: fir, cedar, pine, other
__ shrubs
__ grass
__ pasture
__ crop or grain
__ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
__ water plants: water lily, eelgrass, milfoil, other
X other types of vegetation – **marine algae**

b. What kind and amount of vegetation will be removed or altered?

Bivalves consume marine algae for nutrition.

c. List threatened or endangered species known to be on or near the site.

None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: marine birds
mammals: deer, bear, elk, beaver, other: marine mammals
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None known to be on the site, but there may be salmonid species that migrate through at high water.

c. Is the site part of a migration route? If so, explain.

Salmonids may migrate through some of the site. Some migrating marine birds may pass through this area.

d. Proposed measures to preserve or enhance wildlife, if any:

There is evidence that shellfish culture, including geoduck farming, enhance habitat values and functions and serve to mitigate impacts resulting from other activities that may occur in the vicinity. Conservation measures are proposed and will be implemented as detailed in Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015.

6. Energy and Natural Resources

a. What kinds of energy (electrical, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Minimal exposure to environmental health hazards from vehicle and boat operations and work being conducted in marine waters.

1) Describe any emergency services that might be required.

Fire and ambulance services may be required in the event of worker accidents. Oil booms may be required for broken lines or accidental spills.

2) Propose measures to reduce or control environmental health hazards, if any:

Risk of diesel or oil spill or accident is minimal and all precautions will be used for prevention. Additionally, biodegradable oil will be used in the hydraulic systems. Taylor Shellfish has both a Central Safety and Environmental Codes of Practice to guide managers and workers in safe and environmentally sound operations.

Portable "Lug-a-loo" containers are used for human waste disposal while crews are working on tidelands.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

There will be no long-term, permanent increase in noise associated with these activities. Short-term

noise will increase in some areas at some times due to mechanical operations. However, harvest pumps have been modified and housed to ensure minimum noise is emitted. Employees are trained to minimize disruptive noise, especially during nighttime operations. Shellfish beds are managed according to tidal fluctuations and can occur day or night.

3) Proposed measures to reduce or control noise impacts, if any:

Motors are muffled by approved exhaust systems, employees are trained to minimize unnecessary noise, and all operations are conducted consistent with Taylor Shellfish Environmental Codes of Practice.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

The adjacent shoreward tidelands are used for shellfish culture and are privately owned. Some of the uplands are developed for single-family residences. There is some open space in the upland area.

b. Has the site been used for agriculture? If so, describe.

No.

c. Describe any structures on the site.

None.

d. Will any structures be demolished? if so, what?

No.

e. What is the current zoning classification of the site?

Rural residential, Shoreline Conservancy

f. What is the current comprehensive plan designation of the site?

Rural residential, Shoreline Conservnacy

g. If applicable, what is the current shoreline master program designation of the site?

Conservancy.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

Three to five workers will be needed to conduct planting and harvest activities. Monitoring is done by 2 person crews.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Aquaculture is a water-dependent use and encouraged under the Washington State's Shoreline Management Act and Mason County's Shoreline Master Program. No permanent development will occur.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structures are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. Light and Glare

a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?

Some activities will take place both in the daytime and the nighttime due to tides. When activities occur at night, workers use headlamps and boats or barges use only lights necessary for safe operations. No permanent lights will be necessary.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation

a. What designated and informal recreation opportunities are in the immediate vicinity?

There is very informal recreational boating and fishing in the area. Use of the adjacent tidelands is limited for public use because they are privately owned.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:

None.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No.

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site? If so, generally describe.

None.

c. Proposed measures to reduce or control impacts, if any:

None.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans if any.

Access to the site will be primarily from boat. Occasional monitoring and maintenance may be required following storm events and the site may be accessed via WA DOT pullout along SR 302 in Victor.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No.

c. How many parking spaces would the completed project have? How many would the project eliminate?

None.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Yes. The project site is accessed by boat or across private tidelands.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None.

g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

In the event of an accident, emergency services may be required. Taylor Shellfish employees are well-trained and adhere to all worker safety requirements.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Taylor's conduct quarterly Central Safety Committee meetings to ensure employee compliance with all safety and emergency policies.

16. Utilities

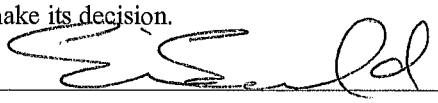
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Reviewed by (optional): _____

Title: Director Regulatory Affairs

Date: 11/6/2023

February 14, 2024

Notice of Final Determination
DNR Geoduck Lease No. 20-096484 – North Bay
SEPA File No. 24-011702

The Department of Natural Resources issued a Determination of Non-significance (DNS), on **January 17, 2024** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

[x] Retained.

[ ] Modified. Modifications to this threshold determination include the following:

[ ] Withdrawn. This threshold determination has been withdrawn due to the following:

[ ] Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable): **Please refer to the attachment.**

Responsible Official: Thomas Gorman

Position/title: Aquatic Resources Division Manager Phone: 360-701-7692

Address:
Washington Department of Natural Resources
PO BOX 47000
Olympia, WA 98504

Date: _____ Signature: _____

There is no DNR administrative SEPA appeal.

DEPARTMENT OF NATURAL RESOURCES

AQUATIC RESOURCES DIVISION
1111 Washington St SE
Olympia, WA 98504

360-902-1100
ARD@DNR.WA.GOV
WWW.DNR.WA.GOV

Public Comment Summary
Pickering Passage Aquaculture Lease Proposal (20-096484)
SEPA File No. 24-011702

During the public comment period, DNR received one comment submittal. The table below presents a summary of the issue raised and the corresponding agency response.

Topic	Comment Summary	Agency Response
Cultural resources	It is unknown if archaeological or cultural resources will be uncovered during implementation.	If any archaeological or cultural resources are uncovered during implementation, the tenant will follow the inadvertent discovery protocol, stop operations, and notify the Squaxin Island Tribe, WA DNR, and DAHP.

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

US Army Corps of Engineers
Seattle District

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

AGENCY USE ONLY

Date received:

Agency reference #: _____

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]
North Bay State WA DNR Lease 20-096484

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Taylor Shellfish Farms			
2b. Organization (If applicable)			
Taylor Shellfish Farms			
2c. Mailing Address (Street or PO Box)			
130 SE Lynch Rd			
2d. City, State, Zip			
Shelton, WA 98584			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
360-426-6178	360-432-3348		ErinE@TaylorShellfish.com

[1]Additional 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.
- 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.

[2]To 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)			
Ewald, Erin			
3b. Organization (If applicable)			
Taylor Shellfish Farms			
3c. Mailing Address (Street or PO Box)			
130 SE Lynch Rd			
3d. City, State, Zip			
Shelton, WA 98584			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
360-432-3348	360-426-6178		ErinE@TaylorShellfish.com

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)			
State of Washington			
4b. Organization (If applicable)			
WA Dept. of Natural Resources			
4c. Mailing Address (Street or PO Box)			
PO Box 47000			
4d. City, State, Zip			
Olympia, WA 98504			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
360-902-1100			

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]

☐ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☒ 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]

Marine tidelands in North Bay, near Victor

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Allyn, WA

5d. County [help]

Mason

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	28	22North	1 West, W.M.

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)

47.365512, -122.810680

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

State owned aquatic lands identified as 20-096484

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)
Danielle Young	14219 Holly Burn Ln NW Gig Harbor, WA 98329	122284280301
Victor Creek LLC	4021 47th Ave South	122281300050
Bertha Turnipseed	7550 68th Ave W	122284270740

5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

North Bay, Puget Sound

5k. Is any part of the project area within a 100-year floodplain? [help]

☐ Yes ☐ No ☐ Don't know X These are intertidal lands

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The property is a sandy beach with minimal structure. There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site, nor are there other priority habitat features. Uplands are high bank on the other side of a state highway. Uplands are classified as rural residential.

5m. Describe how the property is currently used. [help]

The subject property is managed by the State of Washington aquatics program.

5n. Describe how the adjacent properties are currently used. [help]

The tidelands to the north and west are privately owned and leased for commercial shellfish production. Other nearby parcels support recreational shellfish farming and passive recreation including boating, fishing and beach combing. The uplands immediate adjacent to the bedlands are used for a state highway. Beyond that, parcels are used for forestry and rural residential.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

There are no structures on the property.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

The farm may be accessed by boat. The farm may be accessed via an upland parking area off of SR 302 in Victor. However, the access pathway is very steep and uneven.

Part 6–Project Description

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

This project is proposed for the commercial intertidal culture of geoduck clams. Hatchery raised juvenile geoduck clams will be planted in the substrate by hand. Mesh HDPE tubes are inserted into the substrate and planted by hand with geoduck seed. Tubes are removed after approximately 18-24 months. Cover net may or may not be installed temporarily after tubes are removed if predation is observed. Nets are secured every 25' with bent rebar inserted flush to the surrounding substrate. Harvest occurs after 5 – 7 years of planting.

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

The purpose of this project is to cultivate shellfish seed to grow out for human consumption.

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

☒ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

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

☒ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☐ 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.

HDPE mesh nursery tubes, approximately 18", will be manually installed in the lower intertidal substrate at a density of approximately 1 tube per 15" center. Four geoduck seed are planted in each tube. The tubes are flexible and once inserted to a depth of approximately 9", can lay flat against the substrate. After approximately 2 years, the tubes are removed. The area may be netted temporarily if predation is observed, but then removed once it can be determined that the geoduck can evade predators. The beach is then left undisturbed until harvest at 5 – 7 years after planting.

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: Upon Permit End Date: On Going ☐ See JARPA Attachment D

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

Approximately $150,000

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 ☐ Don't know

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

This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

Additionally, Taylor Shellfish employs Environmental Codes of Practice to ensure all activities meet environmental standards. These measures include:

1. **Routine mapping, or documentation of critical areas**
2. **Documentation of farm ECOP site visits**
3. **Employee training to ensure compliance of conservation measures**

Finally, the cultivated shellfish at this farm are expected to provide important environmental benefits. The cultivated shellfish and associated gear will provide three-dimensional structure, water quality enhancement, eutrophication moderation, and facilitation of benthic-pelagic coupling of nutrients. Shellfish culture requires a healthy marine ecosystem to be successful, and the farm will be operated and monitored to ensure the health of the local ecosystem.

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

☒ Yes ☐ No Minimal and localized impacts may occur, including positive impacts.

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 ☐ Don't know

This project is designed to avoid and minimize potential adverse impacts to the environment by complying with all terms, conditions, and conservations associated with the programmatic consultation for shellfish farming activities in Washington State inland marine waters between the Seattle District Corps of Engineers and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. See Programmatic Biological Assessment, Shellfish Activities in Washington State Inland Marine Waters, U.S. Army Corps of Engineers Regulatory Program, October 2015; Programmatic Biological Opinion, National Marine Fisheries Service, September 2016. Programmatic Biological Opinion for Shellfish Activities in Washington State Marine Waters, U.S. Fish and Wildlife Service, August 2016.

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
Minimal and localized effects from activities may occur. Positive effects may also occur.	North Bay	Marine tidelands	Temporary effects during short periods	None	See map and description.

[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

8h. Have you prepared a Water Quality Monitoring Plan (WQMP) for all in-water work (below ordinary high water), over water work or discharges to waters of the state?

☒ Yes ☐ No

If NO describe the monitoring that you will be conducting including parameters, equipment and locations, or explain why monitoring will not be necessary. [help]

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
WA DNR	Kirsten Miller	Kirsten.Miller@dnr.wa.gov	11/6/2023
U.S. Army Corps	Kelsey Blubaugh	Kelsey.N.Blubaugh@usace.army.mil	October 2023
WA DOE	Teressa Pucylowski	tpuc461@ecy.wa.gov	October 2023

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: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☒ Yes ☐ No

Bacteria

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

- Go to https://water.usgs.gov/GIS/huc.html to help identify the HUC.

17110019

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

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

15

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

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria 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: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☐ Urban ☐ Natural ☐ Aquatic ☒ Conservancy ☒ Other: Residential

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 X 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]

The property has historically supported passive recreation and likely tribal fish and shellfish harvest.

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

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

☐ Yes ☒ No

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]
Bocaccio Chinook Salmon Orca Whale Steelhead Trout Stellar Sea Lion
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]
Winter Steelhead Residential Coastal Cutthroat Trout Coho Steelhead Summer Chum

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 https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.
☐ A copy of the SEPA determination or letter of exemption is included with this application.
☒ A SEPA determination is pending with Mason County (lead agency). The expected decision date is Spring 2024.
☐ 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: _____
☐ 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

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

☐ Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

FEDERAL AND TRIBAL GOVERNMENT

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

☐ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

☐ Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil

☐ Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil

United States Environmental Protection Agency:

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☒ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

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. EE (initial)

Erin Ewald	E Ewald	11/6/2023
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.

Erin Ewald	E Ewald	11/6/2023
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 (provide copy of easement with JARPA).

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 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: ORIA-16-011 rev. 09/2018

T 27 2017
DNR - TITLE OFFICE

US Army Corps of Engineers · Seattle District

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) [help]

AGENCY USE ONLY
Date received: 8/10/17 ; ☐ Town
☑ Application Fee Received; ☐ Fee N/A
☑ New Application; ☐ Renewal Application
Type/Prefix #: 20 ; NaturE Use Code: 287
LM Initials & BP#: BHL 1047756 1647490
RE Assets Finance BP#: 1044354
New Application Number: 20-[redacted]096484
Trust(s): 21 ; County: 23
AQR Plate #(s): TS23-013 (Note 19)
Gov Lot #(s): 3
Tax Parcel #(s): /

Attachment E:
Aquatic Use Authorization on Department of Natural Resources (DNR)-managed aquatic lands [help]

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map. [help]
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a $25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources." (Contact your Land Manager to determine if and when you are required to pay this fee.) [help]

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [help]

Use black or blue ink to enter answers in white spaces below.

1. Applicant Name (Last, First, Middle)

Taylor Shellfish Company

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

North Bay State Lease

3. Phone Number and Email

(360) 432-3340, DianeC@taylorshellfish.com

4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]

☒ Corporation	☐ Individual
☐ Limited Partnership	☐ Marital Community (Identify spouse):
☐ General Partnership	
☐ Limited Liability Company	☐ Government Agency
Home State of Registration:	☐ Other (Please Explain):

5. Washington UBI (Unified Business Identifier) number, if applicable: [help]
91-17025787
6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?
☒ Yes ☐ No ☐ Don't know If Yes, Authorization number(s): **23-085711 Right of Entry Agreement**
7. Do you intend to sublease the property to someone else?
☐ Yes ☒ No If Yes, contact your Land Manager to discuss subleasing.
8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]
NA

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

Printed Name	Signature	Date
Blair Reeves	Blair Reeves	10/26/17
Dept of Natural Resources District Manager or Assistant Division Manager	Dept. of Natural Resources District Manager or Assistant Division Manager	

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 ORIA-16-016 rev. 10/2016