

From: [BrownScott, Jennifer](#)
To: [Ament, Shelly M \(DFW\)](#)
Subject: Fwd: SEPA & Notice of Application for SHR 2017-11 Jamestown S'Klallam Tribes Oyster Farm off Dungeness Spit
Date: Wednesday, March 21, 2018 1:26:05 PM
Attachments: [NOA SHR 2017-11 JST Oyster Farm.pdf](#)
[DNS & SEPA SHR 2017-11 JST Oyster Farm.pdf](#)

Great to see you today.

Here's the Shoreline Permit information you requested.

-jennifer

Jennifer Brown-Scott
Refuge Manager
Washington Maritime NWRC
715 Holgerson Rd
Sequim, WA 98382
office: (360) 457-8451 ext.22
fax: (360) 457-9778

~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~
~~Copolis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

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

From: **Ballard, Greg** <gballard@co.clallam.wa.us>
Date: Fri, Feb 23, 2018 at 2:09 PM
Subject: SEPA & Notice of Application for SHR 2017-11 Jamestown S'Klallam Tribes Oyster Farm off Dungeness Spit
To: sepaunit@ecy.wa.gov
Cc: Paul.C.Jenkins@usace.army.mil, "Bennett, Matthew J CIV USARMY CENWS (US)" <Matthew.J.Bennett@usace.army.mil>, David Brownell <dbrownell@jamestowntribe.org>, richard.mraz@ecy.wa.gov, "BrownScott, Jennifer" <jennifer_brownscoth@fws.gov>, Ralph Riccio <rriccio@jamestowntribe.org>, mike.mchenry@elwha.nsn.us, "Bradford, Ray" <RBradford@co.clallam.wa.us>

Attached is the Notice of Application for a proposal by the Jamestown Tribe to re-establish an Oyster Farm operation off Dungeness Spit in Dungeness Bay.

Also attached is a DNS issue February 23, 2018. The comments on the SEPA are due by the date of the Hearing Examiner Hearing Scheduled for April 5, 2018 at 1 p.m. in Room 160 of the Clallam County Courthouse.

Documents for this case are available at the link below

Docs for SHR 2017-11 JST Oyster Farm

The DCD staff report will be available at the link above March 29, 2018.

Documents related to this case:

[**B1. DNS & SEPA Checklist for Oyster Farm \(DNS & SEPA SHR 2017-11 JST OYSTER FARM\)**](#)

[**C.2 Application \(SHR17-11 APP.PDF\)**](#)

[**C.3 Site Maps \(SHR17-11 MAPS\)**](#)

[**C.4 Environmental Checklist \(SHR17-11 ECL\)**](#)

[**C.5 Eelgrass Habitat Survey \(SHR17-11 EELGRASS\)**](#)

[**C.6 Cultural Resources Report \(SHR17-11 CULTURAL\)**](#)

[**Notice of Application, Applic., & Site Plans for Oyster Farm \(NOA SHR 2017-11 JST OYSTER FARM\)**](#)

Please contact me if you have any questions or comments.

Greg Ballard

Senior Planner

Clallam County Department of Community Development

[223 E. 4th Street, Suite 5, Port Angeles, WA 98362](#)

Direct Phone# (360) 565-2616 Fax# (360) 417-2443

Email: gballard@co.clallam.wa.us

From: BrownScott, Jennifer [mailto:jennifer_brownscott@fws.gov]

Sent: Tuesday, December 05, 2017 4:39 PM

To: Ralph Riccio

Cc: Paul.C.Jenkins@usace.army.mil; Bennett, Matthew J CIV USARMY CENWS (US); David Brownell; Sean (DNR) (Sean.Carlson@dnr.wa.gov) <Sean.Carlson@dnr.wa.gov>, richard.mraz@ecy.wa.gov; Ballard, Greg

Subject: RE: FW: Aquaculture Proposal NWS 2007-1213 (External Email: USE Caution)

Ralph,

Thank you for bringing your concern to our attention. Please see the responses to your questions related to Dungeness NWR and the Refuge's role in the permit process in [blue](#) below.

A few questions the Jamestown S'Klallam Tribe would appreciate answered:

-How can the ACOE be reviewing the archeological survey in May 2017 and be waiting for it to be submitted several months later in December 2017?

-How long for the archeological survey to be reviewed? (Please find it attached)

-Am I mistaken to understand that the ACOE is the federal lead on this state-owned aquaculture lease? It is also our understanding that ACOE is the federal lead on this project.

-Does the Refuge believe they are the lead? The US Fish and Wildlife Service is not the Federal Lead on the ACOE permitting process for the Jamestown S'Klallam aquaculture project.

-What is the ACOE process for permitting the DNR State-owned aquaculture lease within the managed boundaries of the Dungeness Bay Wildlife Refuge?

-What is the Refuge process for permitting the DNR State-owned aquaculture lease within the managed boundaries of the Dungeness Bay Wildlife Refuge? We do not have the authority to issue any permits for aquaculture activities within the DNR state-owned aquaculture lease within the boundary of Dungeness National Wildlife Refuge. The Refuge does, however, hold a use easement for refuge purposes. In the past, DNR has provided the Refuge the opportunity to review proposed leases so that the Refuge can confirm that the proposed lease would not be inconsistent with the use easement.

-How does the Refuge's process overlap with the County's? Washington Maritime NWRC would provide site specific information to the County as needed for them to complete their process, and may provide comment during the SEPA process.

After all County and Federal permits are received, Washington Maritime NWRC will provide feedback to DNR on any portions of the project that may impact the ability of the Use Easement area to be managed as a Refuge. We will work with DNR to find identify potential solutions to any issues, as requested.

I hope you find this information helpful.

Jennifer

Jennifer Brown-Scott

Refuge Manager

Washington Maritime NWRC

[715 Holgerson Rd](#)

[Sequim, WA 98382](#)

[office: \(360\) 457-8451 ext.22](#)

fax: (360) 457-9778

~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~

~~Copolis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

-----Original Message-----

From: Bennett, Matthew J CIV USARMY CENWS (US) [mailto:Matthew.J.Bennett@usace.army.mil]

Sent: Wednesday, May 24, 2017 2:10 PM

To: Ralph Riccio <rriccio@jamestowntribe.org>; BrownScott, Jennifer <jennifer_brownscott@fws.gov>

Cc: Carlson, Sean (DNR) (Sean.Carlson@dnr.wa.gov) <Sean.Carlson@dnr.wa.gov>; gballard@co.Clallam.wa.us

Subject: RE: Aquaculture Proposal NWS 2007-1213

Hello,

The corps has a complete application for the above referenced. Additional information may be required as we proceed w/ making a permit decision. Should any changes to your proposal occur as a result of state or local review, please provide us updated drawings. The drawings in the administrative record are dated January 26, 2017. Currently, the application is in NHPA 106 review. Thank you.

Matthew J. Bennett, Section Chief
Corps of Engineers Regulatory Branch
206.764.3428
matthew.j.bennett@usace.army.mil

-----Original Message-----

From: Ralph Riccio [mailto:rriccio@jamestowntribe.org]

Sent: Thursday, May 18, 2017 4:09 PM

To: BrownScott, Jennifer <jennifer_brownscott@fws.gov>

Cc: Bennett, Matthew J CIV USARMY CENWS (US) <Matthew.J.Bennett@usace.army.mil>; Carlson, Sean (DNR) (Sean.Carlson@dnr.wa.gov) <Sean.Carlson@dnr.wa.gov>; gballard@co.Clallam.wa.us

Subject: [Non-DoD Source] RE: Aquaculture Proposal

Jennifer,

I appreciate you reaching out for an update on our aquaculture proposal in Dungeness Bay. I will defer to Matt Bennett at the Army Corps to let us know how our application is progressing. Once I receive confirmation that we have a complete application from the

Corps I will be sending you and the County a copy immediately.

As for our DNR lease visit, I look forward to meeting with Lorenz. We are planning to take our skiff out to the lease, but if weather is poor can we hitch a ATV ride with Lorenz?

Enjoy the record tides next week!

Ralph

From: BrownScott, Jennifer [mailto:jennifer_brownscott@fws.gov]
Sent: Thursday, May 18, 2017 12:21 PM
To: Ralph Riccio
Subject: Aquaculture Proposal

Hey Ralph!

We haven't talked in a long time and I was just wondering how your proposal was shaping up. Have you received your Army Corps permit yet? Have you started the Shoreline Permit process? Just trying to get a handle on process timing.

Unfortunately, I won't be able to join you for the site visit in June, but Lorenz will be able to attend.

Hope your spring is going well.

-jennifer

Jennifer Brown-Scott

Refuge Manager

Washington Maritime NWRC

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MEMORANDUM

Clallam County Department of Community Development Planning Division

DATE: February 23, 2018
TO: Interested Parties
FROM: Greg Ballard, Senior Planner (360) 565-2616 
RE: The Jamestown S'Klallam Tribe (JST) is proposing to re-establish oyster aquaculture in Dungeness Bay. This would entail the placement of on-bottom mesh bags containing oyster seed and growing oysters on the natural substrate. This activity would occur 25 feet from where eelgrass has determined through an eelgrass survey. This proposal requires a Shoreline Substantial Development and Conditional Use Permit (SHR 2017-00011). A 50 acre area is being leased from DNR at the northwest corner of Dungeness Bay near the Dungeness Spit.

NOTICE IS HEREBY GIVEN that the Clallam County Planning Division received an application for a Shoreline Conditional Use and Substantial Development application on December 29, 2017, and determined that the application was deemed complete on January 27, 2018. Shoreline Substantial Development and Conditional Use Permits are a Type III permit per Section 26.10.220(2) CCC. This proposal is subject to the criteria for a Shoreline Substantial Development found in WAC 173-27-150 and Conditional Use found in WAC 173-27-160.

*A public hearing has been scheduled for this application before the Clallam County Hearing Examiner at 1 p.m. on Thursday, **April 5, 2018** in room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362.*

Location of the Proposal: The 50 acre leased area is located approximately 5.5 miles northwest of the City of Sequim. The leased area is 731 feet wide by 2,977 feet long starts at the approximate mean lower low water (MLLW) and extends approximately 731 feet (waterward) into Dungeness Bay (Latitude 48.024N, Longitude -123.004W). This proposal is located at the northwest corner of Dungeness Bay south of the Dungeness Spit and the Dungeness National Wildlife Refuge.

History: (from Page 12 of JARPA)

- Prior to 1953: Oyster farming in Dungeness Bay occurred through a succession of private owners.
- 1953: The first lease of tidelands for oyster farming was granted. Oyster seed was brought from Japan since Olympia Oysters had been harvested out of Washington Waters.
- 1968: Oysters were grown as bottom culture using seed naturally spawned and set on oysters in Quilcene and Dabob Bay. Mature oysters (2 to 3 years) were harvested by hand or by an oyster "dredge", sometimes called a shallow dredge, on a barge like boat.
- 1972: Long line oyster cultivation occurred. This entailed lines being strung 2 feet off the substrate with oyster seed on shell hung from it. They strung 100,000 oyster seed on shells and continued bottom cultivation.
- 1990: Jamestown S'Klallam Tribe (JST) purchased the oyster operation and continued bottom culture and shucking operation. The company was called JKT Oyster Company, Dungeness Oyster House.
- 1995: WA State Department of Health (DOH) warned about deteriorating water quality in Dungeness Bay.
- 1997, 1999, and 2003: Portions of Dungeness Bay were closed mostly due to fecal coliform.

- 2001: The Sequim Dungeness Clean Water District (SDCWD) was formed by Clallam County Environmental Health, DOH, WA State Department of Ecology, Clallam Conservation District, and the Jamestown Tribe to improve water quality for shellfish areas. This was accomplished through the Pollution Identification and Correction (PIC) Plan.
- 2005: Oyster Operation closed and PVC and ropes removed, but JST continue their lease of the 50 acre area, where this proposal is located.
- 2005 to 2011: The SDCWD worked to improve the fecal coliform issue in Dungeness Bay. This included monthly monitoring of the water quality of the Dungeness Bay.
- 2011: DOH upgraded 500 acres of Dungeness Bay from Prohibited to Conditionally Approved.
- 2015 to Present: DOH upgraded 688 acres were upgraded from Conditionally Approved to Approved. This includes the proposed site.

Description of Proposal: The JST are leasing 50 acres. An eelgrass survey was conducted by personnel from U.S. Fish and Wildlife Services, Washington State Department Fish and Wildlife, Clallam County Marine Resource Committee, and the Jamestown S'Klallam Tribe. This survey was conducted in July 2017 (during the peak season of above ground biomass), and marked all areas where three or more shoots of native eel grass (*Zostera marina*) was observed. The Non-native *Zostera japonica* was not observed during the survey. For all areas where eelgrass was observed a 25 foot conservation buffer was provided. This eliminated 16 acres from being utilized for oyster production.

For the 34 acres remaining the applicant would use the on-bottom bag culture method by anchoring lines of black mesh oyster bags containing Pacific oyster seed to the substrate. The applicant may spread mature oysters onto the natural substrate to achieve desired characteristics. The on-bottom bags would be approximately 2 ft. wide by 3 ft. long by 0.5 ft. high. There would be an approximate 6 feet of separation between each row of bags (based on visual representation). The applicant estimates that the bags would be located between a +3 and the -3 tidal elevation, and would only be visible from a close proximity (<100 yards) during minus tides. The on-bottom bag density is estimated to be approximately 6,000 bags per acre with a maximum number of bags ranging from 75,000 to 150,000 throughout the 34 acre farming area. Each bag would contain from 100 to 200 single oyster seed (not placed on oyster shell). These single oyster seed is intended for the fresh shucked oyster market, and would grow out for approximately 14 months in bags. The mature oysters may be spread onto the natural substrate to achieve desired characteristics. The applicant has estimated that the proposal would have 4 to 15 employees that would access the site by a small (~30 ft) marine vessel 50 to 90 days per year.

This proposed Oyster Farming Area is located waterward of the Ordinary High Water Mark (OHWM) of Dungeness Bay, which is regulated by the Clallam County Shoreline Master Plan (SMP). Dungeness Spit and Graveyard Spit are designated Natural by the SMP.

The placement of oyster bags (structures) for the oyster farm is an aquaculture use and is subject to the Aquaculture Policies and Regulations found in Section 5.02 of the SMP. Because this proposal does not meet the criteria for a Shoreline Exemption found in WAC 173-27-040, this proposal is subject to a Shoreline Substantial Development Permit. Because the use of subtidal oyster bags is not a specific use addressed in the Natural section of the SMP (Section 5.02(C)(4)(a) of the SMP) this activity requires a Shoreline Conditional Use (per WAC 173-27-160(3)). This proposal is subject to the criteria for a Shoreline Substantial Development Permit found in WAC 173-27-150 and a Shoreline Conditional Use found in WAC 173-27-160.

Studies: A Critical Eelgrass Habitat Survey Report was prepared by the Jamestown S'Klallam Tribe dated November 13, 2017. An Archaeological Survey was prepared by Gary Wessen dated January 2017.

Required Permits: A 2017 Nationwide Permit 48 (NWP) verification letter or individual Section 10/404 permit will be required from the U.S. Army Corp of Engineers. The Corps will ensure compliance with the Endangered Species Act, and Section 106 of the National Historic Preservation Act (NHPA) for the regulated activities and area within Corps jurisdiction. An Aquatic Lease is required from the WA State Department of Natural Resources. An Aquatic Farm Registration and Shellfish Import and Transfer Permit will be required from the WA State Department of Fish & Wildlife. A Shellfish Operation License will be required from the WA State Department of Health.

State Environmental Policy Act (SEPA): This proposal entails the placement of oyster bags waterward of the Ordinary High Water Mark (OHWM). This proposal is not Categorically Exempt from the State Environmental Policy Act (SEPA), and a SEPA environmental checklist (ECL 2017-27) has been submitted for the proposal.

Clallam County is the lead agency and has issued a Determination of Non-Significance (DNS) on February 23, 2018 (under WAC 197-11-340(2)) for this proposal. An environmental impact statement is not required under RCW 43.21.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency and existing regulations applicable to the proposal. This information is available to the public upon request during normal business hours (and can be found on the Clallam County Online Permit website at www.clallam.net/Permits).

Comments on this DNS and the environmental impacts of this proposal must be submitted prior to the close of the public hearing before the Clallam County Hearing Examiner.

Public hearing and comment deadlines:

The open record public hearing before the Clallam County Hearing Examiner is scheduled for **April 5, 2018 at 1:00 p.m.**, where public testimony will be taken.

Any interested person may submit written or oral comments on the proposal prior to the close of the open record hearing. The staff report will be available seven days before the hearing. The decision on the application will be made by the Hearing Examiner within 10 working days after the record closes. Any person may also submit a written request to DCD to receive a notice of the decision once it is made.

The application and above referenced material is available at the County's website under DCD On-Line Permit System or at our office at 223 E. 4th St., Suite 5, Port Angeles, WA 98362, Monday through Friday, between 8:00 a.m. - 4:30 p.m. Please contact me at the above number, or by email at gballard@co.clallam.wa.us if you have any questions or comments.

Appeals: The Clallam County Hearing Examiner Decision will be forwarded to the WA State Department of Ecology (Ecology) for review. Within 21 days of Ecology's Final Action determination of the matter, the Shoreline Permit and SEPA Threshold Determination may be appealed to the WA State Shorelines Hearing Board.



Clallam County
Department of Community Development
 223 East 4th Street, Suite 5, Port Angeles, WA 98362
 (v) 360-417-2420 ⇄ (f) 360-417-2443
 email: dcdplan@co.clallam.wa.us



SHORELINE APPLICATION

SHR 2017 - 00011

APPLICANT INFORMATION

Name Jamestown S'Klallam Tribe

Mailing Address 1033 Old Blyn Hwy

City Sequim St. WA Zip 98382

Phone Number 360-460-3240 Business Phone 360-681-4630

AGENT INFORMATION (If applicable)

I, Ron Allen, (applicant) do hereby authorize Ralph Riccio (agent) to act on my behalf for this land division pursuant to Title 29, CCC.

Mailing Address 1033 Old Blyn Hwy

City Sequim St. WA Zip 98382

Phone Number 360-460-3240 Contact Person Ralph Riccio

Applicant Signature _____

PROJECT INFORMATION

Tax Parcel Number 20-A013012 Size of Parcel 50 acres Zoning Not applicable

Directions to site Take US-101 W into Sequim, WA 98382. Take the Sequim-Dungeness Way to Clark Rd. Follow Clark Rd to Cline Spit Rd which dead ends at Dungeness Bay.

Current Land Use Aquaculture Existing Improvements Aquaculture

Brief Description of Request Reestablish oyster aquaculture subsequent to resolution of water quality impairments in Dungeness Bay.

Environmental designation according to County Shoreline Master Program _____

Is the property or project located within a floodplain? No Estimated fair market value of project \$70,000-450,000

Amount and type of fill material None

By making this application, you are hereby granting consent to the Clallam County Director of Community Development and his/her designee to enter and inspect the property, structure(s) or geophysical feature related thereto which is the subject of this application, in order that the County may verify actual physical site issues, as well as compliance with proposed conditions or conditions imposed pursuant to the application. Unless otherwise further granted, the consent to enter established by this application is terminated upon the final action on the application or resulting permit.

I certify, under penalty of perjury of the Laws of the State of Washington, that I am the owner or authorized agent* of the property that is the subject of this application.

Ron Allen 12/28/2017 Ralph U. Riccio 12/28/2017

Applicant Date Agent Date

For additional information regarding the shoreline permit process, refer to the Clallam County Shoreline Master Program and Shoreline Permit Ordinance CCC 35.



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TYPES OF PERMITS (Check all that apply)

SHORELINE SUBSTANTIAL DEVELOPMENT

Substantial Development Permits are needed when the proposal is not exempt and involves all construction, dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, pile driving, placing of obstructions; with a total cost or fair market value exceeding \$7047 or any development that materially interferes with the normal public use of water or shorelines.

SHORELINE CONDITIONAL USE

The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Clallam County Master Program in a manner consistent with the policies of RCW 90.58.020: PROVIDED, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policies enumerated in RCW 90.58.020 and the Clallam County Shoreline Master Program. The applicant must address the approval criteria contained in WAC 173-27-160 (including a discussion of the cumulative impact of the proposed project) and demonstrate consistency with other relevant Clallam County Code sections (Critical Area, Zoning, etc.). A conditional use cannot be granted for a prohibited use under the relevant shoreline designation. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use. Permits for a conditional use must be submitted to the Department of Ecology for approval or disapproval.

SHORELINE VARIANCE

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. The applicant must address the approval criteria contained in WAC 173-27-170 (including a discussion of the cumulative impact of the proposed project) and demonstrate consistency with other relevant Clallam County Code sections (Critical Area, Zoning, etc.). A variance cannot be granted for a prohibited use under the relevant shoreline designation. In authorizing a variance, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed variance. Permits for a variance must be submitted to the Department of Ecology for approval or disapproval.

REVISION TO AN APPROVED SHORELINE PERMIT

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.



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SHORELINE SUBSTANTIAL DEVELOPMENT CRITERIA AND JUSTIFICATION

(REQUIRED SUPPLEMENTAL INFORMATION *Shoreline Substantial Development: WAC 173-27-150*)

Please submit an electronic copy as well.

(1) How does your proposal comply with the policies and regulations of Chapter 5 of the Clallam County Shoreline Master Program?

The Jamestown S'Klallam Tribe's proposal is "aquaculture" as defined in Chapter 5.02 of the Clallam County Shoreline Master Program (SMP). The proposed oyster farming operation is in compliance with the policies (section B) and regulations (section C) as follows.

Chapter 5.02 B.2 encourages cautious approaches to "experimentation" and "new aquaculture methods." This project will produce oysters by employing the on-bottom bag culture method, which is commonly employed by shellfish growers in Washington State. There will not be any "experimentation" in production methods. On-bottom bags will be firmly secured to the substrate within the intertidal zone and have low vertical relief of (< 1 ft.), and therefore, will not restrict vessel navigation within Dungeness Bay.

The project is located on a DNR-managed tideland parcel that has historically been leased for aquaculture. The Jamestown Tribe previously engaged in oyster cultivation at this site but had to cease operations due to the water quality impairments in Dungeness Bay. Consistent with Chap. 5.02 B.4 and 6, the Tribe is focused on retaining the water quality standards and furthering the goals of the Clean Water District in Dungeness Bay, and to that extent, the Tribe has and will continue to invest significant resources and effort to assist in improving the water quality standards. Jamestown supports Washington's Department of Health (DOH) monthly marine water quality sampling of Dungeness Bay stations. In April 2011, the DOH upgraded approximately 500 acres of the Dungeness Bay growing area from Prohibited to Conditionally Approved for commercial shellfish harvest. In 2015 DOH upgraded approximately 688 acres of the Dungeness Bay Shellfish Growing Area from Conditionally Approved to Approved and 40 acres from Prohibited to Conditionally Approved. This project seeks to practice oyster cultivation in that updated area within Dungeness Bay.

Further, the SMP states that projects "should be designed to not significantly degrade unique scenic aspects of the area" Chap. 5.02 B.7. This project is located on DNR aquatic lands within the boundaries of USFWS Dungeness Wildlife Refuge. The Tribe recognizes that this area is particularly scenic because of those related restraints on development. The Tribe will employ the on-bottom culture method of cultivation in an effort to minimize the effect on the scenic aspects of the Refuge. The Tribe also recognizes the critical ecosystem services provided by eelgrass and the goals of the Dungeness Wildlife Refuge in protecting critical habitat of migratory birds in Dungeness Bay. It is with conservation in mind that farming will not take place within 25 feet of eelgrass observed within the project site. In addition, this project is employing an alternate method of cultivation than what the Tribe employed before the water quality impairments required the Tribe to cease its production efforts at this site. During that period, there were no obvious concerns regarding the scenic aspect or impacts to critical habitat of both the Refuge and Dungeness Bay.

This project will be the cultivation of naturally occurring stocks, in accordance with Chap. 5.02 C.4.a.1. All requisite shoreline permits will be acquired.



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SHORELINE CONDITIONAL USE CRITERIA AND JUSTIFICATION

(REQUIRED SUPPLEMENTAL INFORMATION)

Shoreline Conditional Use: WAC 173-27-160

Please submit an electronic copy as well.

(1) How is your proposal reasonable and an appropriate use on the shoreline?

The proposed project in Dungeness Bay is a reasonable and appropriate use of the shoreline because the project site has been leased from DNR by the Jamestown S’Klallam Tribe for cultivating oysters for 27 years and has historically be used for oyster aquaculture for over 60 years. Hence, this proposal is consistent with prior use of the shoreline that successfully co-existed with the USFWS Wildlife Refuge since the 1950’s.

With recent improvement in water quality in Dungeness Bay, the Tribe will continue oyster cultivation at the project site, but has proposed to use an alternate cultivation method - the “on-bottom bag” cultivation method – from what was used before water quality impairments throughout Bay required the Tribe to cease operations at this site in 2005. This alternate “on-bottom bag” method has commonly been employed by shellfish growers in Washington State, has low visual impact (vertical relief of < 1ft.) and the dark-colored mesh bags blend in with the substrate (see project drawings). Therefore, the proposed oyster cultivation activities will not result in functional or aesthetic impacts to the shoreline.

(2) Will the proposal limit or reduce the rights of the public in the navigable water and will it promote public interest?

This project will not limit or reduce the rights of the public. On-bottom bag oyster cultivation activities will occur within the lower elevations of the leased parcel. Given the shallow, intertidal location of the site, and low profile of the “on-bottom bag” method, the proposed farming activities will not limit or reduce the right of the public in the navigable waters of Dungeness Bay.

This project will promote public interest given that shellfish aquaculture is a designated “preferred use” of Washington State waters as part of Gov. Inslee’s Shellfish Initiative. Cultivation of oysters on the lease site also has the potential to enhance recruitment, and hence growth, of oysters for recreational harvest within the Wildlife Refuge which will also serve public interest.

(3) How does the proposal protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life while protecting public rights?

This project explicitly protects against adverse effects by buffering eelgrass from farming activities, employing a low profile, on-bottom bag cultivation method and non-interference with the USFWS Refuge functions related to migratory birds (see details under “compliance with the policies and regulations of Chapter 5 of Clallam County SNP” section). Further, oysters are “filters feeders” and known to have remarkable water filtration capabilities, clearing the water of sediment, nutrient pollution, etc. Therefore, cultivation of oysters at this site has the potential to benefit water quality in Dungeness Bay.



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- (4) How is the proposal consistent with the Clallam County Master Program?

The Tribe recognizes the importance of managing Clallam County's shorelines in a way that maximizes public interest and preserves the scenic, aesthetic and ecological qualities of shorelines in Clallam County. To balance the Tribe's right to lease this parcel of DNR aquatic land for shellfish cultivation and the interests of the Clallam County Master Program, low profile, on-bottom culture methods will be employed so as not to disrupt public access to, the ecological health, or scenic nature of Dungeness Bay (see details provided under "compliance with the policies and regulations of Chapter 5 of Clallam County SNP" section).

- (5) Does the proposal interfere with the normal public use of a public shoreline?

The proposed project activities are restricted to the intertidal DNR-leased parcel and will not interfere with normal public use of the shoreline (see site map). The public will still have full access to all recreational activities provided by the Refuge, along Dungeness Spit and in the Bay.

- (6) Is the proposed use and design on the project compatible with other authorized uses within the area and with uses planned for under the comprehensive plan and shoreline master program?

Yes. As discussed prior, the Jamestown S'Klallam Tribe has cultivated oysters at this site for 27 years. Hence this proposal is compatible with authorized uses within this area. Oyster aquaculture at this site has successfully co-existed with the USFWS Wildlife Refuge since the 1950's and has worked closely with the refuge to survey the project site for critical eelgrass habitat. The compatibility of this proposal and the shoreline master program was discussed in detail under "compliance with the policies and regulations of Chapter 5 of the SNP."

- (7) Will the proposal cause significant adverse effects to the shoreline environment?

The proposal will not cause significant adverse effects to the shoreline environment. All critical eelgrass habitat has been mapped and will be protected from all shellfish farming activities by a ≥ 25 ft. buffer. The impact of proposed shellfish farming activities on the site will be minimal and temporary (structures are removable). The on-bottom bag density is estimated to be approximately 6000 bags per acre with a maximum number of bags ranging from 75,000 – 150,000 throughout the 34 acres of farming area. Given their low profile and dark mesh material, the on-bottom bags will only be visible from a close proximity (< 100 yards) during negative low tides. Access to the site will occur by small marine vessel (~ 30 ft), and the number of on-site workers (4-15 individuals) will be limited to around low tides series and anticipated to range between 50-90 days per year.

Also see detailed responses provided in the SEPA Environmental Checklist for this proposal.



Clallam County

Department of Community Development

223 East 4th Street, Suite 5, Port Angeles, WA 98362

(v) 360-417-2420 ✦ (f) 360-417-2443

email: dcdplan@co.clallam.wa.us

- (8) Will the public interest suffer substantial detrimental effect?

No the public interest will not suffer any detrimental effect. Please see responses above regarding the advancement of the public interest due to "prefer use" of Washington waters, ecosystem water filtration services provided by oysters, low profile culture methods, limited personnel and marine vessel activity on project site, and unrestricted access of the public to the surrounding Dungeness Wildlife Refuge. Also see detailed responses provided in the SEPA Environmental Checklist sections for this proposal.

- (9) Are there other conditional uses granted for other developments that are similar to your circumstances? Will the accumulation of these developments cause adverse effects?

No other developments similar to the circumstances of this proposal are located in Clallam County.

REFERENCE: NWS- 2007-1213

APPLICANT: Jamestown S'Klallam Tribe

ADJACENT PROPERTY OWNERS:

1. DNR
2. USFWS

LOCATION: Dungeness Spit
Parcel No. 20-A013012

LAT/LONG: 48.02465N 123.004031W

PAGE # __ OF # 5 DATE: 12/28/2017

PROPOSED PROJECT:
Jamestown S'Klallam Tribe Dungeness Bay
Oyster Farm

IN: Dungeness Bay

NEAR/AT: Sequim

COUNTY: Clallam

STATE: WA

Project Drawings for Shellfish Aquaculture Location and Methods in Dungeness Bay



REFERENCE: NWS- 2007-1213

APPLICANT: Jamestown S'Klallam Tribe

ADJACENT PROPERTY OWNERS:

1. DNR
2. USFWS

LOCATION: Dungeness Spit
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- 2. USFWS

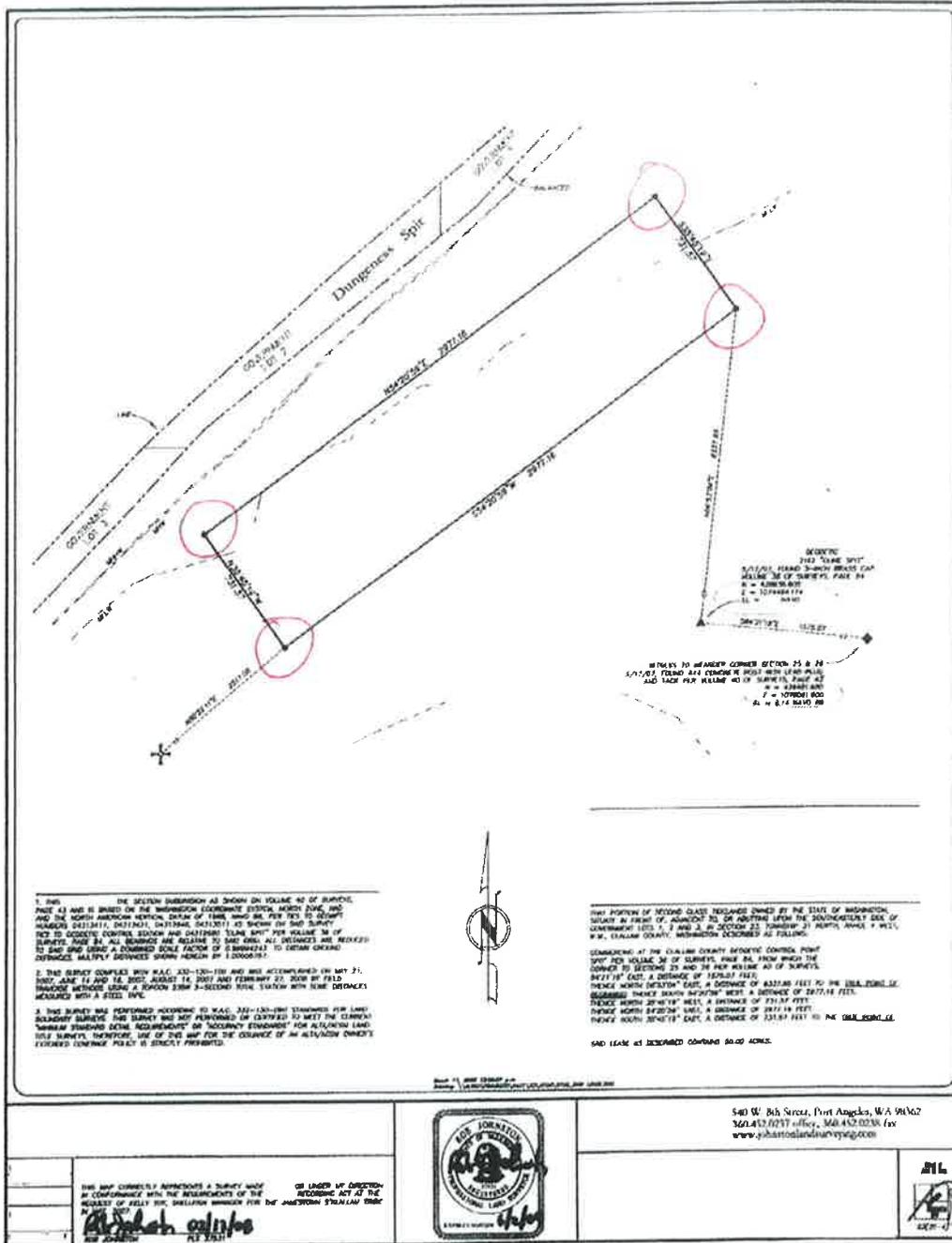
LOCATION: Dungeness Spit
Parcel No. 20-A013012

LAT/LONG: 48.02465N 123.004031W

PAGE # __ OF # 5 DATE: 12/28/2017

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Oyster Farm

IN: Dungeness Bay
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REFERENCE: NWS- 2007-1213

LOCATION: Dungeness Spit
Parcel No. 20-A013012

PROPOSED PROJECT:
Jamestown S'Klallam Tribe Dungeness Bay
Oyster Farm

APPLICANT: Jamestown S'Klallam Tribe

LAT/LONG: 48.02465N 123.004031W

IN: Dungeness Bay

ADJACENT PROPERTY OWNERS:

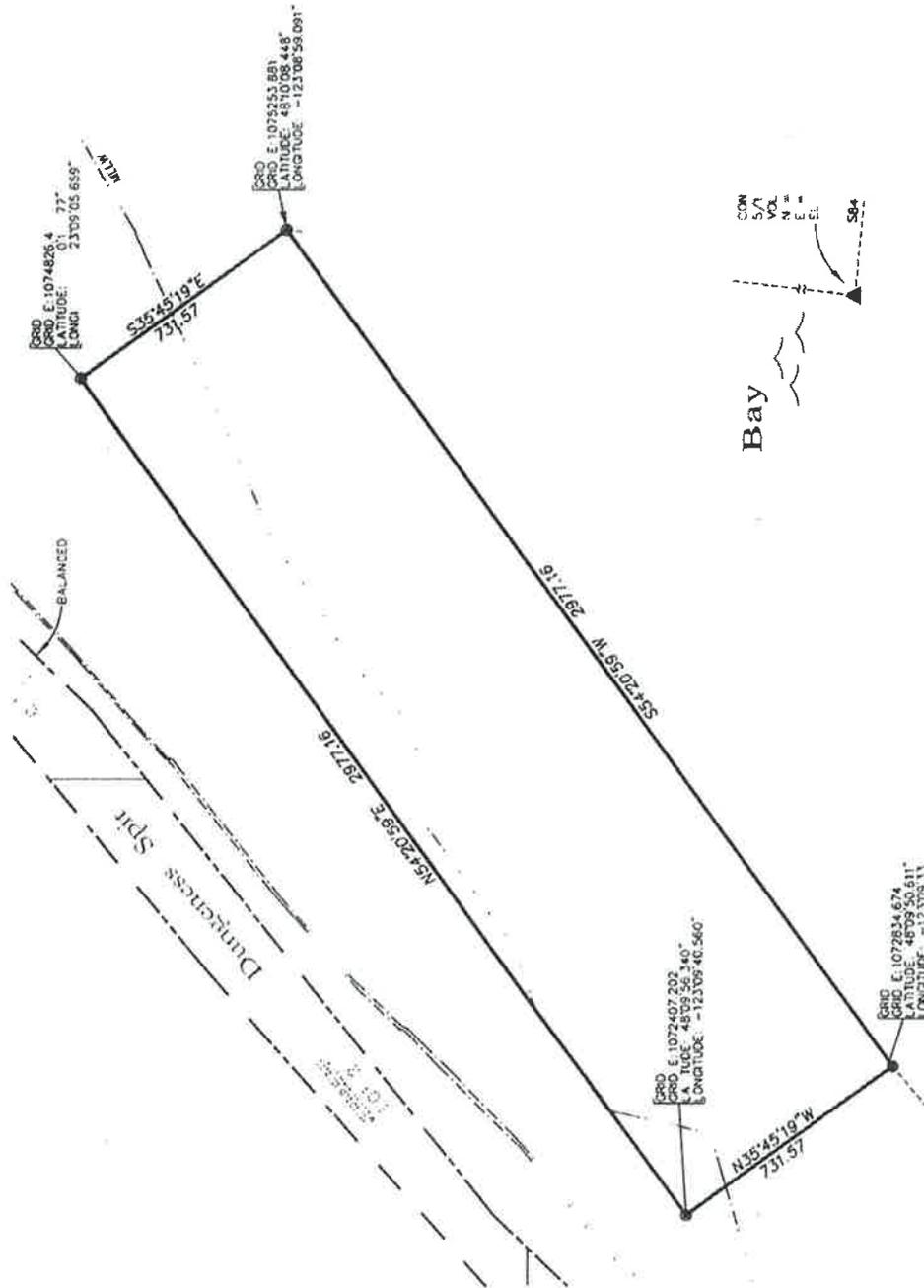
- 1. DNR
- 2. USFWS

PAGE # __ OF # 5 DATE: 12/28/2017

NEAR/AT: Sequim

COUNTY: Clallam

STATE: WA



REFERENCE: NWS- 2007-1213

APPLICANT: Jamestown S'Klallam Tribe

ADJACENT PROPERTY OWNERS:

1. DNR
2. USFWS

LOCATION: Dungeness Spit
Parcel No. 20-A013012

LAT/LONG: 48.02465N 123.004031W

PAGE # __ OF # 5 DATE: 12/28/2017

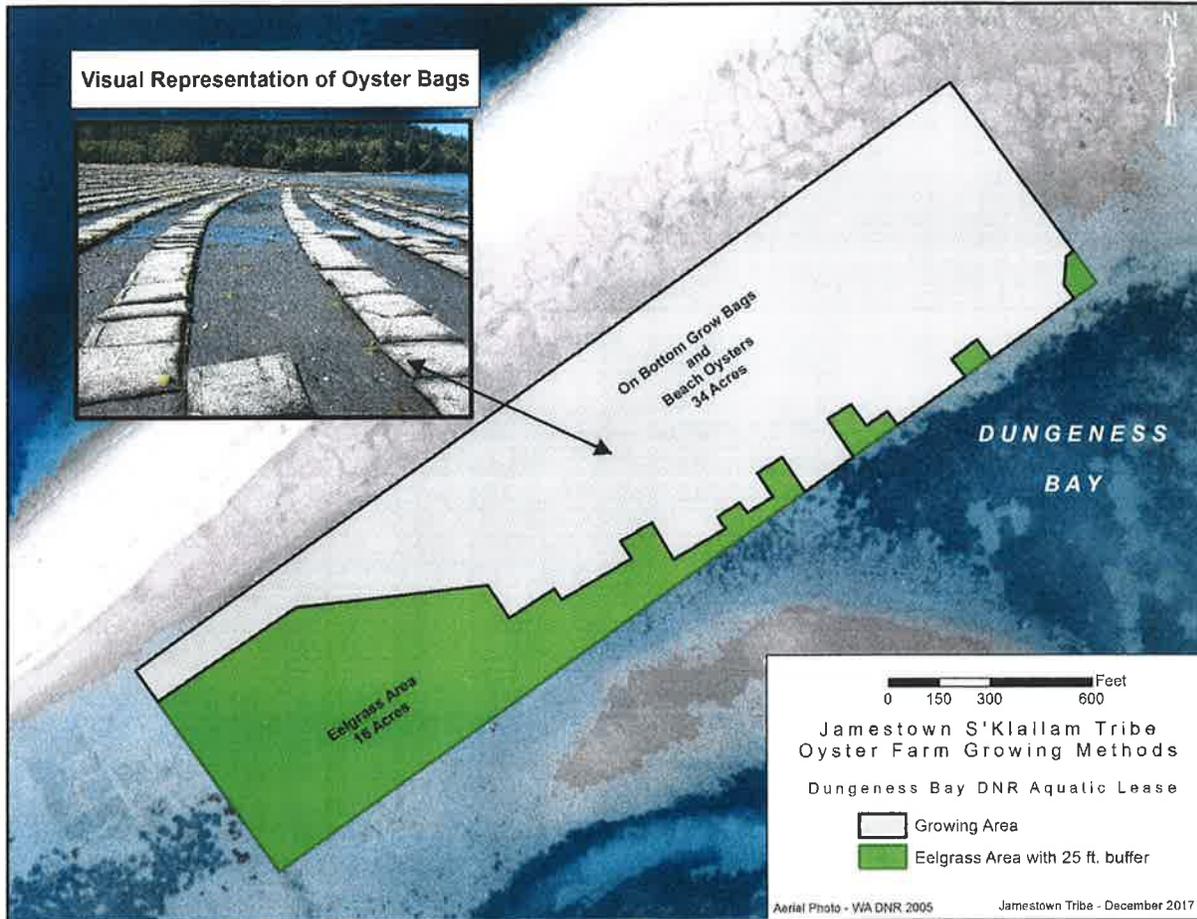
PROPOSED PROJECT:
Jamestown S'Klallam Tribe Dungeness Bay
Oyster Farm

IN: Dungeness Bay

NEAR/AT: Sequim

COUNTY: Clallam

STATE: WA





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



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: NWS-2007-1213 _____

Tax Parcel #(s): _____

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



Part 1—Project Identification

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

Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm

Part 2—Applicant

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

2a. Name (Last, First, Middle)

Allen, Ron

2b. Organization (If applicable)

Jamestown S'Klallam Tribe

2c. Mailing Address (Street or PO Box)

1033 Old Blyn Hwy

2d. City, State, Zip

Sequim, WA 98382

2e. Phone (1)

(360)681-4630

2f. Phone (2)

(360)460-3240

2g. Fax

()

2h. E-mail

rriccio@jamestowntribe.org

¹Additional forms may be required for the following permits:

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

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

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

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

Part 3–Authorized Agent or Contact

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

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

Part 4–Property Owner(s)

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

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

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

Part 5–Project Location(s)

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

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

5a. Indicate the type of ownership of the property. (Check all that apply.) [\[help\]](#)

- 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.) [\[help\]](#)

Dungeness Spit

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

Sequim, WA 98382

5d. County [\[help\]](#)

Clallam

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

¼ Section	Section	Township	Range
	23	31 North	4 West

5f. Provide the latitude and longitude of the project location. [\[help\]](#)

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

48.02465 N / 123.004031 W - NAD83

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

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

Parcel No. 20-A013012

5h. Contact information for all adjoining property owners. (If you need more space, use [JARPA Attachment C.](#)) [\[help\]](#)

Name	Mailing Address	Tax Parcel # (if known)
Dungeness Wildlife Refuge-USFWS	715 Holgerson Road, Sequim, WA 98382	NA

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

NA

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

Dungeness Bay

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

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The project site is in the intertidal zone with sparse vegetation present (See eelgrass survey attached). Eelgrass is concentrated in the southwest, and sparsely observed along the southeast, lowest elevations of the parcel. The substrate is mostly sand and shell rubble from pre-existing oyster production. There are also mature oysters covering the substrate throughout the parcel.

5m. Describe how the property is currently used. [\[help\]](#)

The oyster farm has not been in full production since poor water quality caused the Tribe to shrink operations in 2005. Some remnant equipment and many mature oysters ready for harvest still remain on the property. The USFWS Dungeness Wildlife Refuge holds a use easement on the parcel.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

The adjacent properties are currently used by the USFWS Dungeness Wildlife Refuge by visitors and various species of birds and other animals.

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

There are remnant metal and PVC posts sticking up out of the mud from past shellfish farming. They are not in use at this time.

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

See Project Drawings

Part 6–Project Description

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

Continue farming oysters using on-bottom culture methods on 34 acres of the 50 acre parcel. Sixteen acres will be avoided due to eelgrass presence. The Tribe recognizes and values the ecosystem services provided by eelgrass and the goals of the Dungeness Wildlife Refuge in protecting habitat to promote migrating water fowl. It is with conservation in mind that farming will not take place within 25 feet of eelgrass observed during the eelgrass survey completed in July 2016 by USFWS.

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

Purpose: Produce shellfish to sell for human consumption. The Tribe must grow shellfish because many shellfish growing areas where the Tribe is accustomed to harvesting wild shellfish are either over harvested or are suffering from poor water quality. The Tribe must farm shellfish in order to exercise their treaty rights, and Dungeness Bay is the location that the Tribe has been growing oysters and leasing this tideland parcel from DNR for 27 years. With recent improvements in water quality, the Tribe will harvest existing product and culture new product on identified areas within the parcel. The following oyster culture method will be used:

On-Bottom Bag Culture: Up to 34 acres will be used to grow oysters in mesh bags that are attached to a line and anchored to the substrate. Oysters will grow out for either 14 months in the bags, or be spread onto the beach after reaching a larger size.

On-Bottom Beach Oysters are oysters which are grown to maturity on tidal beaches with muddy, sandy or rocky bottoms. On-bottom beach oysters grow freely on the substrate with no need for equipment. They are harvested by hand and placed into oyster harvest bags. Oyster harvest bags are containers that can be easily lifted onto a marine vessel.

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) [\[help\]](#)

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

Minimal construction is required for the aquaculture project. The equipment needed for the on-bottom bag culture described in section 6b will be brought to the property via Dungeness Bay by boat, assembled by hand and securely anchored to the substrate during low tide. The mesh bags are fastened to a line and the line is secured to the bottom using screw anchors.

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: March/2018 End date: On going See JARPA Attachment D

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

\$50-70,000

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 Not applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not applicable

Adverse impacts are not anticipated because on-bottom shellfish culture will occur in areas that have been farmed for over 60 years. Fallow areas with eelgrass will be avoided by establishing a 25ft buffer for all farming activities. Gear will be clearly labeled and patrolling will happen twice a month to locate and remove any derelict gear.

All conditions of the 2016 Programmatic Biological Opinions will be followed.

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

Yes No

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

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

Yes No Not applicable

We do not believe project activities will have any adverse impacts to the adjacent waterbody (Dungeness Bay). Because oysters are filter feeders, there will perhaps be a positive effect to water quality in Dungeness Bay.

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
On-Bottom Culture Bags	Dungeness Bay	In waterbody	Temporary: duration of project	75,000 – 150,000 culture bags	34 acres ≈ 1,481,040 sq ft

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. [\[help\]](#)

Not applicable. No fill material will be used in this project.

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. [\[help\]](#)

Not applicable. No dredging or excavating activities will occur as part of this project.

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
DNR	Sean Carlson	(360)732-7411	November 28 th 2017
Army Corps	Matthew Bennette	(206)764-3428	December 12 th 2017
		()	

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

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

Yes No

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

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

17110020

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

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

18

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

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

Yes No Not applicable

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

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

Rural Urban Natural Aquatic Conservancy Other _____

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

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

Shoreline Fish Non-Fish Perennial Non-Fish Seasonal

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

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

Yes No Not applicable.

Name of manual:

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

- If Yes, please describe below.

Yes No

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

Oyster Farming in Dungeness Bay

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

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

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

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

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

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

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

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

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

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

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

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

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

2003: The DOH closed shellfish harvest in the inner Bay from November through January, based on analysis that those months were the ones contributing to the failing fecal coliform levels.

2005: The oyster farm was closed, and remnant PVC pipe and rope were removed from the inner Bay tidelands. However, the Tribe continued to cultivate a low number of oysters and lease the 50 acre parcel on the main Dungeness Spit while concurrently contributing their efforts to improve water quality in Dungeness Bay.

2015 to present: Improvements in water quality in recent years led to DOH upgrades for shellfish growing in the bay. These upgrades motivated the Tribe to utilize their current DNR lease agreement to increase oyster cultivation on the parcel. The Tribe has been working with the appropriate regulatory agencies to acquire growing permits to utilize the DNR lease they have held and renewed since 1990.

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. [\[help\]](#)

Murrelet, marbled - only a single sighting
Salmon, Chinook Puget Sound ESU
Steelhead Puget Sound DPS
Trout, bull U.S.A.
Whale, killer Southern Resident DPS

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. [\[help\]](#)

See Biological Opinion:

http://www.nws.usace.army.mil/Portals/27/docs/regulatory/160907/USFWS_Final%20BIOp_AQ%2020160826.pdf

Part 10–SEPA Compliance and Permits

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

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

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

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

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

A SEPA determination is pending with Clallam County (lead agency). The expected decision date is March 2018.

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](#)

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

Check the appropriate boxes:

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

Washington Department of Natural Resources:

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

Washington Department of Ecology:

- Section 401 Water Quality Certification

FEDERAL GOVERNMENT

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

- Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)
 Other:

United States Coast Guard permits:

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

Part 11—Authorizing Signatures

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

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

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

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

Ron Allen

Applicant Printed Name



Applicant Signature

12/27/17

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.

Ralph Riccio

Authorized Agent Printed Name



Authorized Agent Signature

12/27/2017

Date

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

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

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

See Attachment E

Property Owner Printed Name

Property Owner Signature

Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

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



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



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

AGENCY USE ONLY

Date received: 12/27/17 _____; Town
 Application Fee Received; Fee N/A
 New Application; Renewal Application
Type/Prefix #: 20; Nature Use Code: _____
LM Initials & BP#: S. Carlson
RE Assets Finance BP#: _____
New Application Number: 20-B13012
Trust(s): _____; County: _____
AQR Plate #(s): _____
Gov Lot #(s): _____
Tax Parcel #(s): _____

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)	
Ron, Allen	
2. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]	
Jamestown S'Klallam Tribe	
3. Phone Number and Email	
360-681-4630, riccio@jamestowntribe.org	
4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]	
<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Liability Company Home State of Registration: _____	<input type="checkbox"/> Individual <input type="checkbox"/> Marital Community (Identify spouse): _____ <input checked="" type="checkbox"/> Government Agency <input type="checkbox"/> Other (Please Explain): _____

5. Washington UBI (Unified Business Identifier) number, if applicable: [\[help\]](#)

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): 20-A13012

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. [\[help\]](#)

Not applicable.

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.

<u>Dennis Clark</u>	<u>Dennis Clark</u>	<u>12/27/17</u>
Printed Name	Signature	Date
Dept. of Natural Resources	Dept. of Natural Resources	
District Manager or Assistant Division Manager	District Manager or Assistant Division Manager	

Note: replaces previous Attachment E signed 1/31/17.



STATE ENVIRONMENTAL POLICY ACT (SEPA), CHAPTER 43.21C RCW DETERMINATION OF NON-SIGNIFICANCE (DNS)

Applicant: The Jamestown S'Klallam Tribe (JST)

SEPA Project #: SEP 2017-00027

Land Use Permit Case #: SHR 2017-00011 Shoreline Conditional Use and Substantial Development Permit

Lead Agency: Clallam County Department of Community Development.

Description of Proposal: The JST has a 50 acre Aquatic Lease from the DNR. A 25 foot buffer was provided from eel grass determined through an eel grass survey. This eliminated 16 acres from being utilized for oyster production.

For the 34 acres remaining the applicant would use the on-bottom bag culture method by anchoring lines of black mesh oyster bags containing Pacific oyster seed to the substrate. The applicant may then spread the mature oysters onto the natural substrate to achieve desired characteristics. The on-bottom bags would be approximately 2 ft. wide by 3 ft. long by 0.5 ft. high. There would be an approximate 6 feet of separation between each row of bags (based on visual representation). The applicant estimates that the bags would be located between a +3 and the -3 tidal elevation, and would only be visible from a close proximity (<100 yards) during minus tides. The on-bottom bag density is estimated to be approximately 6,000 bags per acre with a maximum number of bags ranging from 75,000 to 150,000 throughout the 34 acre farming area. Each bag would contain from 100 to 200 single oyster seed (not placed on oyster shell). These single oyster seed is intended for the fresh shucked oyster market, and would grow out for 14 months in bags. The applicant may then spread the mature oysters onto the natural substrate to achieve desired characteristics. The applicant has estimated that the proposal would have 4 to 15 employees that would access the site by a small (~30 ft) marine vessel 50 to 90 days per year.

Location of Proposal: The 50 acre leased area is located approximately 5.5 miles northwest of the City of Sequim. The leased area is 731 feet wide by 2,977 feet long starts at the approximate mean lower low water (MLLW) and extends approximately 731 feet (waterward) into Dungeness Bay (Latitude 48.024N, Longitude -123.004W). This proposal is located at the northwest corner of Dungeness Bay south of the Dungeness Spit and the Dungeness National Wildlife Refuge.

Required Permits/Approvals: A 2017 Nationwide Permit 48 (NWP) verification letter or individual Section 10/404 permit will be required from the U.S. Army Corp of Engineers. The Corps will ensure compliance with the Endangered Species Act, and Section 106 of the National Historic Preservation Act (NHPA) for the regulated activities and area within Corps jurisdiction. An Aquatic Lease is required from the WA State Department of Natural Resources. An Aquatic Farm Registration and Shellfish Import/Transfer Permit will be required from the WA State Department of Fish & Wildlife. A Shellfish Operation License will be required from the WA State Department of Health.



**STATE ENVIRONMENTAL POLICY ACT (SEPA), CHAPTER 43.21C RCW
DETERMINATION OF NON-SIGNIFICANCE (DNS)**

SEPA Threshold Determination: The lead agency has determined that this proposal will not result in probable significant adverse impacts to the environment and has issued a Determination of Non-Significance (DNS) under WAC 197-11-340(2). An environmental impact statement is not required under RCW 43.21.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency and existing regulations applicable to the proposal. This information is available to the public upon request during normal business hours (and can be found on the Clallam County Online Permit website at www.clallam.net/Permits).

Comment Period: The proposal is subject to approval by the Clallam County Hearing Examiner. **A public hearing on the proposal has been scheduled at 1 p.m. on April 5, 2018** before the Hearing Examiner in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362. Comments on this DNS and the environmental impacts of this proposal must be submitted by the close of the public hearing.

Staff Contact: For additional information, contact Greg Ballard, Senior Planner at the address below or at (360) 565-2616.

Responsible Official: Steve Gray, Deputy Director/Planning Manager

Address: Clallam County Department of Community Development
RE: SEPA COMMENTS
223 E. 4th Street, Suite 5
Port Angeles, WA 98362

Issuance Date: 2/23/2018

Signature: 
Steve Gray, Deputy Director/Planning Manager

Appeals: The Clallam County Hearing Examiner Decision will be forwarded to the WA State Department of Ecology (Ecology) for review. Within 21 days of Ecology's Final Action determination of the matter, the Shoreline Permit and SEPA Threshold Determination may be appealed to the WA State Shorelines Hearing Board.



Clallam County Department of Community Development

223 East 4th Street, Suite 5, Port Angeles, WA 98362

(v) 360-417-2420 ♦ (f) 360-417-2443

email: dcdplan@co.clallam.wa.us

ENVIRONMENTAL CHECKLIST APPLICATION

ECL 2017 - 00027

APPLICANT INFORMATION

Name Jamestown S'Klallam Tribe

Mailing Address 1033 Old Blyn Hwy

City Sequim St. WA Zip 98382

Phone Number 360-460-3240 Business Phone 360-681-4630

AGENT INFORMATION (If applicable)

I, Ron Allen, (applicant) do hereby authorize Ralph Riccio (agent) to act on my behalf for this land division pursuant to Title 29, CCC.

Mailing Address 1033 Old Blyn Hwy

City Sequim St. WA Zip 98382

Phone Number 360-460-3240 Contact Person Ralph Riccio

Applicant Signature _____

PROJECT INFORMATION

Tax Parcel Number 20-A013012 Size of Parcel 50 acres Zoning Not applicable

Existing Land Use Aquaculture Proposed Land Use Aquaculture

Description of proposal Re-establish oyster aquaculture subsequent to resolution of water quality impairments in Dungeness Bay.

Associated Permits JARPA

Directions to site Take US-101 W into Sequim, WA 98382. Take the Sequim-Dungeness Way to Clark Rd. Follow Clark Rd to Cline Spit Rd which dead ends at Dungeness Bay.

Nearest Public Street Cline Spit Rd.

Proposed Water Supply N/A Proposed Sewage Disposal N/A

Is property within 200-feet of surface water? Yes If so, which water body or type? Dungeness Bay

Is the property located within an Irrigation District? No Which one? _____

Has the property been logged within the past six years? No Forest Practices Permit # _____

By making this application, you are hereby granting consent to the Clallam County Director of Community Development and his/her designee to enter and inspect the property, structure(s) or geophysical feature related thereto which is the subject of this application, in order that the County may verify actual physical site issues, as well as compliance with proposed conditions or conditions imposed pursuant to the application.

Unless otherwise further granted, the consent to enter established by this application is terminated upon the final action on the application or resulting permit.

I certify, under penalty of perjury of the Laws of the State of Washington, that I am the owner or authorized agent* of the property that is the subject of this application.

Ron Allen 12/28/2017 Ralph Riccio 12/28/2017
Applicant Date Agent Date

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

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 your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm

2. Name of applicant: [\[help\]](#)

Ron Allen

3. Address and phone number of applicant and contact person: [\[help\]](#)
Ralph Riccio (contact): 1033 Old Blyn Hwy, Sequim WA 98382
360-460-3240, rriccio@jamestowntribe.org
4. Date checklist prepared: [\[help\]](#)
12/20/17
5. Agency requesting checklist: [\[help\]](#)
Clallam County Department of Community Development
6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)
Project start date: March 1st 2018 (on-bottom culture set-up)
Project end date: On-going oyster cultivation and harvest
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)
No.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)
US Fish and Wildlife Biological Opinion
http://www.nws.usace.army.mil/Portals/27/docs/regulatory/160907/USFWS_Final%20BiOp_AQ%2020160826.pdf
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. [\[help\]](#)
No
10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)
Washington State Joint Aquatic Resources Permit Application (JARPA): Aquatic Use Authorization (DNR), Army Corps of Engineers Section 404 & 10, and Substantial Development & Conditional Use (Clallam County).
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 agencies may modify this form to include additional specific information on project description.) [\[help\]](#)
The purpose of this proposal is to continue aquaculture operations, specifically oyster farming, on 34 acres of a 50 acre leased DNR tideland parcel in Dungeness Bay. Oyster farming methods will use on-bottom bag culture. Beach harvest of mature oysters will also occur on higher elevations of the parcel.

12. Location of the 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 topographic 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 permit applications related to this checklist. [\[help\]](#)

The proposed project is located on 50 acres of Department of Natural Resources managed aquatic land at Dungeness Spit in Sequim, WA 98382 (County: Clallam, Section: 23, Township: 31 North, Range: 4 West). Project coordinates: 48.02465 N, 123.004031 W - NAD83.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

Tideland

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

1%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Mud, sand and shell rubble from pre-existing oyster production, as well as, adult oysters ready for harvest.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

No

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

Not applicable. No fill will be used on the site.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

No. Proposed use will not cause erosion.

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

Zero percent.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Not applicable. Erosion control measures are not needed.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Exhaust from small marine vessel (30 ft.) during transport of materials, farm maintenance and harvest (~50-90 days/year) of on-bottom bag culture and beach oysters.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

No

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

We do not believe mitigation measures are needed since emissions from boat operation will be restricted to meet the basic needs of farm maintenance and harvest. Emissions produced by farm boat use would be minimal compared to emissions produced by other commercial marine activities in the area (e.g., crab fishing boats).

3. Water [\[help\]](#)

- a. Surface Water:

- 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. [\[help\]](#)

Yes, the project site is located in Dungeness 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. [\[help\]](#)

Yes, all oyster farming operations will occur on the tideland parcel that is located within the Bay. See attached project site map.

- 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 fill material. [\[help\]](#)

Not applicable. This proposal does not include any fill or dredge activities.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No, the project will not require any surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

No, this is an aquatic site.

- 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. [\[help\]](#)

No waste materials will be discharged to surface waters.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No groundwater will be withdrawn for this project.

- 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 of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

Not applicable. This project will not generate any waste material that will be discharged into groundwater.

c. Water runoff (including stormwater):

- 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. [\[help\]](#)

Not applicable. This project will not generate any runoff water.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

No, this project will not generate any waste material.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

No. The proposal will not alter or affect drainage patterns in the vicinity of the site.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

Not applicable. This project will not generate any runoff water or impact water drainage.

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)
No vegetation will be removed or altered.
- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)
Not applicable. No threatened or endangered vegetation is known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)
Fallow areas with eelgrass (*Zoostera marina*) will be avoided and preserved by establishing a 25ft buffer for all farming activities. See attached site plan.
- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)
No noxious weeds or invasive plants are known to be on or near the site.

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)
Birds: waterfowl, shorebirds, seabirds, eagle, owl
Mammals: harbor seal, elephant seal, orca whale
Fish: salmon, trout, herring, shellfish
- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)
Murrelet, marbled (a single sighting)
Salmon, Chinook Puget Sound ESU
Steelhead Puget Sound DPS
Trout, bull U.S.A.
Whale, killer Southern Resident DPS
- c. Is the site part of a migration route? If so, explain. [\[help\]](#)
The project site, located at Dungeness Spit, is located within the migration route of the marbled Murrelet. Migration routes of anadromous Chinook, Steelhead and Bull Trout populations occur within the Dungeness river watershed, however, the site is not directly part of the migration route of these anadromous fish species (see vicinity map).
- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)
Not applicable. This project will not have adverse effects to animals.
- e. List any invasive animal species known to be on or near the site. [\[help\]](#)
European Green Crab
Japanese Oyster Drill

6. Energy and Natural Resources [\[help\]](#)

- c. What kinds of energy (electric, 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. [\[help\]](#)

The completed project will not require energy to operate. Fuel will be required to gain access to the farm site by motor vehicle and boat.

- d. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

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: [\[help\]](#)

Not applicable.

7. Environmental Health [\[help\]](#)

- 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. [\[help\]](#)

No. This project does not pose any environmental health hazards.

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

No known contamination has occurred at this site.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

Not applicable. There are no known existing hazards at or near this site.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

Not applicable. No toxic or hazardous chemicals will be stored, used or produced at any time during the life of this project.

- 4) Describe special emergency services that might be required. [\[help\]](#)

Not applicable. No hazardous materials will be used during the life of this project.

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

Not applicable. This project will not produce any environmental health hazards.

- b. Noise [\[help\]](#)

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

None.

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

Noise from 1-2 small marine vessels (30 ft.) and occasional use of a hydraulic winch would be associated with set-up, maintenance and harvest activities associated with this project. Noise levels would be low (150 HP, 4-stroke engine) and primarily occur around harvest during low tide series a 50-90 times per year.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Not applicable. Noise impacts from this project will be minimal to non-existent, We do not expect that the limited boat and hauling activity associated with this project would largely contribute to noise levels in Dungeness Bay, particularly compared to noise production from other commercial marine vessels in the bay (e.g., crab fishery).

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The DNR aquatic lease site is not currently in use since poor water quality caused the Tribe to stop historic oyster farming at this site in 2005. Improvements in water quality in recent years led to DOH upgrades for shellfish growing in the bay and motivated the Tribe to utilize their DNR lease agreement for on-bottom oyster culture and beach harvest. The USFWS Dungeness Wildlife Refuge holds a use easement on the parcel. The proposed project will not affect current land uses on nearby properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

No.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

No.

c. Describe any structures on the site. [\[help\]](#)

No structures are on the site. Some remnant metal and PVC posts still remain from past shellfish farming.

d. Will any structures be demolished? If so, what? [\[help\]](#)

Not applicable. Some of the remnant posts may be removed.

e. What is the current zoning classification of the site? [\[help\]](#)

Not applicable. Aquatic lands do not have a zoning classification.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)
Existing land use designations at the proposed site are: DNR-managed aquatic lands and US Fish and Wildlife use easement. Proposed changes to current site designations include an aquatic use authorization for shellfish aquaculture.
- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
Not applicable.
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#) No.
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
4-15 employees per day, up to 90 days per year, would work at the farm site.
- j. Approximately how many people would the completed project displace? [\[help\]](#)
Zero
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
Not applicable. This project will not result in any displacement.
- m. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
The Tribe has continually leased this tideland parcel from DNR for 27 years for oyster aquaculture. With the recent upgrade in classification for shellfish growing in the bay, the Tribe would like to utilize their current DNR lease agreement and resume historic oyster cultivation. The proposal will not affect the existing USFWS use easement on the parcel.
- n. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)
Not applicable.

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
Not applicable.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
Not applicable.
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)
Not applicable.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
The height of the on-bottom culture bags will not exceed 2 ft. Culture bags are made of black, polypropylene mesh.
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
None.
- i. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)
On-bottom oyster culture methods, which utilize low profile, black colored mesh bags that blend in with the muddy substrate, are only visible during negative tides. This culture method was, in part, selected to minimize any aesthetic impacts.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)
The propose project will not produce any light or glare.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
Not applicable.
- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
None.
- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)
Not applicable.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
Wildlife viewing and photography
Boating
Hiking Dungeness Spit
Fishing and Shellfishing
Lighthouse Tours
- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
No. This proposal would potentially enhance recreational shellfish harvest activities by contributing to recruitment of natural oyster populations.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)
Not applicable. The project will not impact any existing recreational opportunities.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

Yes, the New Dungeness Light Station. The proposal will have no impact on this structure.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

Yes. Dungeness Bay has a rich history of use and cultural importance to the Salish Klallam people. Areas of cultural importance have been documented in chapter 5 of the Dungeness National Wildlife Refuge's Comprehensive Conservation Plan:

<https://www.fws.gov/pacific/planning/main/docs/wa/docsdungeness.htm#proj>

A cultural resources report for Dungenes Bay was also prepared by the Jamestown S'Klallam Tribe (see attached report)

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

The Jamestown S'Klallam Tribe has continually leased this parcel from DNR for oyster cultivation for 27 years. The proposal will have no impact to culture and historic resources near the project site.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

Not applicable.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

Not applicable. The project site is not located on an existing street system and must be accessed by boat.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

Not applicable.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

Not applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

No

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

Yes. The project site must be accessed by boat. All materials needed for on-bottom culture methods can be easily transported by small boat and assembled by hand on site.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

Less than one boat trip per day would be generated by the set-up, maintenance and harvest activities associated with this proposal. Trips to the oyster farm would be limited to initial set-up, and periodic farm maintenance and harvest days based on a weather and tides, as well as, environmental and biological conditions.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

No.

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

Not applicable.

15. Public Services [\[help\]](#)

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

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

Not applicable.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

Not applicable. The site is aquatic tideland with no utilities.

- 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. [\[help\]](#)

No utilities are needed for set-up, maintenance or harvest activities on the farm.

C. Signature [\[help\]](#)

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: _____

R W Ricci

Name of signee _____

Ralph W. Ricci

Position and Agency/Organization _____

Shellfish Biologist / Jamestown S'Klallam Tribe

Date Submitted: _____

12/29/2017

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks,

wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.