



Island County Planning and Community Development

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*Director*

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<https://www.islandcountywa.gov/Planning/Pages/Home.aspx>

### **Notice of Application - Optional DNS Process**

**Date of issuance:** 03/05/2025

Island County has received a permit application for the following project.

**Date of notice of application** 02/25/2025 **Comment due date:** 03/18/2025

**Staff Contact:** Austin Hoofnagle **email:** a.hoofnagle@islandcountywa.gov **phone:** 360-678-7814

**File Number:** 023/25 SHE-II

**Applicant:** Stillaguamish Tribe of Indians

**Location:** 283 Barnum Rd Camano Island, WA 98282 (R33107-469-3200)

**Proposal** - Non-commercial oyster and clam aquaculture including open oysters on bottom, bag oyster culture on bottom, predator exclusion netting and seeded Olympia oyster cultch. Total square area expected to be covered with aquaculture gear is less than ¼ acre with work occurring in various locations in a 14.9-acre section of 221-acre tideland parcel.

Island County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process established by WAC 197-11-355 is being used. The determination is based on the following findings and conclusions in the BSA from February 21, 2025:

**BSA Conclusions:** The fundamental purpose of the proposed project is to cultivate clams and oysters for tribal subsistence and to rebuild intertidal habitat degraded by excess sedimentation. Given that clams and oysters are benthic, aquatic animals, the project is water and substrate dependent. This project will occur on tribally owned tideflats away from any cultural sites, eelgrass, or forage fish spawning areas. Project activities will occur at low tides when fish are not onsite. On ground oysters and temporary oyster bags add vertical habitat structure on which grow seasonal macroalgae and invertebrates. Clams and oysters improve water quality through filtration. Given small scale and low risk elements of this project, it is determined that it is Not to Adversely Affect Listed Species and associated Critical Habitat. The project as described is authorized and provisionally permitted by the USACE.

Island County regulations under ICC 17.02B (Critical Areas), Title XI (Land Development Standards) & other applicable regulations are used to review and condition development to protect critical areas affected by this proposal. The proposal may include mitigation & the project review process may incorporate or require mitigation measures regardless of whether an EIS is required.

**Public, Agency, and Tribal Comments:** Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Public comments must be received by 4:30 pm on **March 18, 2025**; mail to Island County Planning Department 1 NE 7<sup>th</sup> St., Coupeville, WA 98239; deliver to 1 NE 6<sup>th</sup> St, Coupeville, WA 98239; or 121 N. East Camano Drive, Camano Island; or Fax (360) 679-7306. This may be the only opportunity to comment on the environmental impacts of the proposal.

To request notice of hearings, to receive a copy of the decision, or for information on appeals, contact us at the above address.

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

Best Management Practices and Protective Measures For this project, the tribe will follow relevant Conservation Measures suggested by the Army Corps of Engineers in Section 3.5 of the 2014 USACE Programmatic Biological Assessment of Regulatory Program Shellfish Activities summarized below:

- There is no eelgrass present in the vicinity of the growing area, therefore no work will occur near or in eelgrass beds.
- All cultivation of shellfish will be by hand tools, shovels, rakes, etc.
- Access will be via a parcel of land owned by the Tribe adjacent to the growing area. Access to the project area will be by 12' aluminum boat or wading across the main channel.
- No more than 1" a year of gravel or shell will be applied annually to improve and firm the substrate. Any substrate addition will be washed and/or dried according to Corps requirements to avoid turbidity and the spread of invasive species. (there is no planned substrate addition at this time as the tidelands are too high)
- Transport of materials, tools, and shellfish will be by boat or carried by hand with buckets and wagons.
- All shellfish gear not in immediate use will be stored offsite and landward of the high tide line.
- All oyster gear will be marked with a tag to identify the permittee.
- All gear will be routinely inspected.
- All aquaculture gear is temporary and will require no dredging of the tidelands. Rebar bent into U shapes deployed flush with the substrate to hold oyster bags and predator exclusion gear to the ground.
- All predator exclusion gear will be secured to the extent practicable. Any resulting fish or wildlife entanglement will be reported appropriately.
- Beaches in the project vicinity will be patrolled at least every three months to retrieve loose gear and debris. A record shall be maintained with the following information: date of patrol, location of areas patrolled, description of the type and amount of retrieved debris, and any other pertinent information.

This project will not use power equipment or powered vehicles. To reduce or avoid negative project impacts staff will conduct all activities according to Conservation Measures (Section 3.5) from the 2014 USACE Programmatic Biological Assessment of Regulatory Program Shellfish Activities. This includes but is not limited to the following:

- 1) Work will not occur above the 5+ tidal elevation.
- 2) Work will not occur within 16' of eelgrass.
- 3) Gear will not be stored below the MHHW.
- 4) Staff will patrol for debris at least once every three months.

5) Native salt marsh vegetation will not be disturbed.

If approval granted standard conditions shall be applied including those to help maintain/preserve ecological functions including best management practices (BMPs).

**Required Permits:** JARPA, CZMA Cert, 401c Cert

**Required Studies:** Biological Site Assessment