



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 23, 2021

Carol Farms, LLC
Attn: Howard Jones
381 E Benson Loop Rd.
Shelton, WA 98584

RE: Water Quality Certification Order No. **19769** for Corps Reference No. **201700449**, Carol Farms Shellfish Aquaculture, Mason County, Washington

Dear Howard Jones:

On February 4, 2021, Carol Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Carol Farms Shellfish Aquaculture located on tidelands within Pickering Passage, near Shelton, Mason County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Teresa Pucylowski by e-mail at teressa.pucylowski@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenden", is written over a horizontal line.

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure

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e-cc: Jessica Miller, Corps of Engineers
Loree' Randall, Ecology
Laura Hendricks, Coalition to Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Teresa Pucylowski, Ecology
ECYREFEDPERMITS@ecy.wa.gov – Aquatics No. 139434

IN THE MATTER OF GRANTING A) ORDER No. 19769
WATER QUALITY) Corps Reference No. 201700449
CERTIFICATION TO) Carol Farms Shellfish Aquaculture located on
Carol Farms, LLC) tidelands within Pickering Passage, near Shelton,
pursuant to 33 U.S.C. 1341 (FWPCA) Mason County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

Carol Farms, LLC
Attn: Howard Jones
381 E Benson Loop Rd.
Shelton, WA 98584

On February 4, 2021, Carol Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Carol Farms Shellfish Aquaculture, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 12, 2021.

This project will continue to cultivate geoduck, Manila clams, and Kumamoto and Pacific oysters on privately-owned tidelands. The total farm area is 4.15 acres with 3.68 acres of cultivation, and is within an area defined by +2.0ft Mean Lower Low Water (MLLW) tidal elevation and the outer boundary at approximately -4.5ft elevation on parcel 22016-43-70000, and the upper boundary being +6.0ft MLLW and outer boundary of -4.5ft MLLW on parcel 22021-50-00039 and within the surveyed property boundaries. The farm has been in operation since 1982 and has tribal immunity on parcel 22021-50-00039.

Manila clams are seeded by hand with no netting or additional materials used. Clams are harvested after 1-3 years by small hand-held rakes. Oyster seed is placed in grow out bags that are approximately 18" x 36", with 3/8" perforations. These bags are attached to a line that is anchored at each end by rebar. The grow-out bags are flipped every major tide. Oysters are harvested by hand after approximately 18 months, but can vary with market conditions.

Juvenile geoducks are planted in either PVC or flexible mesh tubes, ranging from 1-6" in diameter and 5-13" in length. The nursery tubes are inserted into the substrate such that only the top section (approximately 1/3) of the tube protrudes above the beach. Two to four seed clams are placed in each tube where they burrow into the substrate. Tubes are typically installed at a density of about 1 tube per square foot or about 42,000 tubes per acre. PVC tubes may be covered by individual and/or area netting. Individual netting consists of a small, plastic mesh net secured to the tube by a UV-resistant rubber band. Area netting is secured with rebar stakes placed vertically into the substrate, and may also be used to cover the mesh tubes.

Geoduck nursery tubes are removed after about two years, and about 5-8 years after planting geoduck are harvested at low tide or by divers at high tide using hand-operated water wands. The wand is a pipe about 18 to 24 inches long with a nozzle on the end that releases surface-supplied

seawater from a hose at a pressure of approximately 40 pounds per square inch (about the same pressure as that from a standard garden hose) and a flow of 20-30 gallons per minute. Multiple divers may work in an area at one time.

The project site is located on tidelands within Pickering Passage, on parcel numbers 220164370000 and 220215000039, adjacent to 381 E Benson Loop Rd., near Shelton, Mason County, Washington; Section 16, Township 20 North, Range 2 West; WRIA 13, Deschutes Watershed.

With this Order, Ecology is granting Carol Farms' request for a Section 401 Water Quality Certification for the Carol Farms Shellfish Aquaculture project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 4, 2021.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Carol Farms must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Carol Farms to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited¹. If such work, conditions, or discharges occur, immediately notify² Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division³ at 1-800-258-5990, for actual spills to water only. This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the Carol Farms, Carol Farms Shellfish Aquaculture project.

¹ RCW 90.48

² Chapter 173-303-145

³ RCW 90.56.280

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues an individual Department of the Army (DA) permit for this project. Order No. **19769** will remain valid for the duration of the associated permit. Carol Farms should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

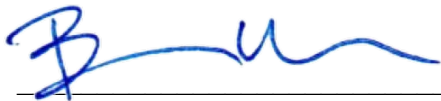
Please direct all questions about this Order to:

Teressa Pucylowski
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
teressa.pucylowski@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

SIGNATURE



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program
Department of Ecology

March 23, 2021
Date