



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
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March 24, 2021

Northwest Shellfish Company, Inc  
Attn: Linda Schaffel  
6812 Munson Rd SW  
Olympia, WA 98512

RE: Water Quality Certification Order No. **19767** for Corps Reference No. **201600990**,  
Northwest Shellfish Old Arcadia, Hammersley Inlet, Mason County, Washington

Dear Linda Schaffel:

On February 2, 2021, Northwest Shellfish Company, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Northwest Shellfish Old Arcadia located on tidelands within Hammersley Inlet, 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 Loree' Randall by e-mail at [loreer.randall@ecy.wa.gov](mailto:loreer.randall@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

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

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Enclosure

e-cc: Benjamin Sherman, Corps of Engineers  
Laura Hendricks, Coalition To Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
Loree' Randall, Ecology  
[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov) – Aquatics No. 135447

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER No. 19767</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. 201600990</b>
<b>CERTIFICATION TO</b>	)	Northwest Shellfish Old Arcadia located on
Northwest Shellfish Company, Inc.	)	tidelands within Hammersley Inlet, 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	)	

Northwest Shellfish Company, Inc.  
Attn: Linda Schaffel  
6812 Munson Rd SW  
Olympia, WA 98512

On February 2, 2021, Northwest Shellfish Company, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Northwest Shellfish Old Arcadia, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 17, 2021.

Northwest Shellfish proposes to continue 11,500 sq. ft. of existing geoduck cultivation. The culture area will be from -2.5 Mean Lower Low Water (MLLW) to +3 ft MLLW. Geoducks will be planted in 4" tubes at approximately one tube per square foot with netting tops secured by rubberbands. Once the geoduck seed is big enough to survive unguarded, the tubes are removed. The geoducks will be harvested between 5-8 years after planting or when deemed of a mature size. When the geoducks reach the target market size, they will be harvested by both divers and intertidal beach harvesters. Harvest will be hydraulically using a high volume, low pressure water hose. Following harvest, the area will be replanted with geoducks for another cycle.

Manila clams grow there as natural set in approx. 8,000 sq. ft. Northwest Shellfish harvests about 50% of the mature stock approximately every three years, with the other 50% harvested by the Squaxin Tribe. No cultivation or nets are used in this portion of the project. All harvesting is done by hand.

The project site is located on tidelands within Hammersley Inlet, adjacent to 130 SE Fernwood Lane, Shelton, Mason County, Washington. The approximate project coordinates are 47.20465, -123.04037.

With this Order, Ecology is granting Northwest Shellfish Company, Inc.'s request for a Section 401 Water Quality Certification for the Northwest Shellfish Old Arcadia project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 2, 2021, and the supporting documentation.

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, Northwest Shellfish Company, Inc. 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 Northwest Shellfish Company, Inc. 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 prohibited<sup>1</sup>. If such work, conditions, or discharges occur, immediately notify<sup>2</sup> 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 Division<sup>3</sup> 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 and to ensure compliance with water quality requirements. 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 Northwest Shellfish Company, Inc., Northwest Shellfish Old Arcadia project.

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. **19767** will remain valid for the duration of the associated DA permit. Northwest Shellfish Company, Inc. should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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.

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<sup>1</sup> RCW 90.48

<sup>2</sup> WAC 173-303-145

<sup>3</sup> RCW 90.56.280

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

#### CONTACT INFORMATION

Please direct all questions about this Order to:

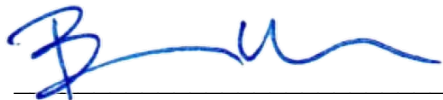
Loree' Randall  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
Loree.randall@ecy.wa.gov

#### 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 24, 2021

Date