STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
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March 29, 2021

Arcadia Point Seafood
Attn: Steve & Vicki Wilson
240 SE Arcadia Point Road
Shelton, WA 98584

RE: Water Quality Certification Order No. **19690** for Corps Reference No. **200900881**, Talaber Intertidal Shellfish Farm, Thurston County, Washington

Dear Steve & Vicki Wilson:

On February 3, 2021, Arcadia Point Seafood submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Talaber Intertidal Shellfish Farm located on tidelands within Henderson Inlet, near Olympia, Thurston 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 Teressa 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,

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program

Enclosure

e-cc: Shawn Blohm, Corps of Engineers
Loree' Randall, Ecology
Laura Hendricks, Coalition to Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Teressa Pucylowski, Ecology
ECYREFEDPERMITS@ecy.wa.gov – Aquatics# 139201

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Arcadia Point Seafood pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER No. 19690** **Corps Reference No. 200900881** Talaber Intertidal Shellfish Farm located on tidelands within Henderson Inlet, near Olympia, County, Washington

Arcadia Point Seafood
Attn: Steve & Vicki Wilson
240 SE Arcadia Point Road
Shelton, WA 98584

On February 3, 2021, Arcadia Point Seafood submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Talaber Intertidal Shellfish Farm, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 9, 2021.

This project will continue to commercially cultivate up to 0.65 acres of geoduck clams sited between +2.0ft and extreme low water at -4.5ft Mean Low Low Water (MLLW) tidal elevations. In general, there is minimal-to-no site preparation. No rooted aquatic vegetation is removed, no fill or grading occurs, and no chemical controls are used. All access to the farm site is by boat, and no motorized machinery operates on the beach.

Geoduck will be planted (primarily via diving) in 4-inch diameter by 10-inch long PVC tubes with individual mesh caps that have been pushed into the substrate at low tide, with tubes extending 4-6 inches above the substrate. These tubes may be covered with area netting (40ft x 40ft, with no more than 3" stretched mesh) and secured to the substrate with 24-inch hairpin-shaped rebar, which are spaced every 5ft around the perimeter. Caps are removed 6-12 months after planting, and tubes and netting are removed 18-24 months after planting.

Geoduck are harvested 5-7 years after planting. Harvest occurs both at low tide (beach harvest) and at high tide (dive harvest). Geoducks are extracted from the sediment using a diesel powered, low pressure, high volume water pump which is mounted on a vessel moored offshore. Water is delivered to the harvester from the pump through a hose ending in a 3'-long, 5/8"-diameter probe that has a valve to control rate of flow. The probe is inserted into the sediment adjacent to the geoduck; as the water softens the geoduck is removed by hand.

The project site is located on tidelands within Henderson Inlet, on parcel number 11908220103, adjacent to 8440 Libby Road NE, near Olympia, Thurston County, Washington; Section 8, Township 19 North, Range 1 West; WRIA13, Deschutes Watershed.

With this Order, Ecology is granting Arcadia Point Seafood's request for a Section 401 Water Quality Certification for the Talaber Intertidal Shellfish Farm project, provided that the activity is

conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 3, 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, Arcadia Point Seafood 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 Arcadia Point Seafood 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[1]. If such work, conditions, or discharges occur, immediately notify[2] 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[3] 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 Arcadia Point Seafood, Talaber Intertidal Shellfish Farm project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a permit for this project. Order No. **19690** will remain valid for the duration of the associated Corps permit. Arcadia Point Seafood 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).

[1] RCW 90.48
[2] Chapter 173-303-145
[3] RCW 90.56.280

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 **Pollution Control Hearings Board** 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **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
PO 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



March 29, 2021

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

Date