



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

April 2, 2021

Geoducks Unlimited LLC
Attn: Greg & Anne Reub
5039 78th Ave NW
Olympia, WA 98502

RE: Water Quality Certification Order No. **19748** for Corps Reference No. **200701332**,
Geoducks Unlimited – 10205 & 10209 Steamboat Island Road, Thurston County,
Washington

Dear Greg & Anne Reub:

On November 24, 2020, Geoducks Unlimited submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Geoducks Unlimited – 10205 & 10209 Steamboat Island Road located on tidelands within Totten 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 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

Geoducks Unlimited LLC
Order No. 19748, Corps No. 200701332
April 2, 2021
Page 2

Enclosure

e-cc: Benjamin Sherman, Corps of Engineers
Loree' Randall, Ecology
Teresa Pucylowski, Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 139531

IN THE MATTER OF GRANTING A) ORDER No. 19748
WATER QUALITY) Corps Reference No. 200701332
CERTIFICATION TO) Geoducks Unlimited – 10205 & 10209
Geoducks Unlimited LLC) Steamboat Island Road located on tidelands
pursuant to 33 U.S.C. 1341 (FWPCA) within Totten Inlet, near Olympia, Thurston
§ 401), RCW 90.48.120, RCW 90.48.260) County, Washington
and Chapter 173-201A WAC)

Geoducks Unlimited LLC
Attn: Greg & Anne Reub
5039 78th Ave NW
Olympia, WA 98502

On November 24, 2020, Geoducks Unlimited submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Geoducks Unlimited – 10205 & 10209 Steamboat Island Road, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on January 26, 2021.

This project proposes to commercially cultivate geoduck clams on approximately 0.98 acres. The proposed geoduck farm (culture area) would be located in the intertidal portion of the tidelands between -4.5ft and +2.0ft Mean Lower Low Water (MLLW). No work or storage of materials would occur between ordinary high water mark (OHWM) and +2.0ft MLLW. The proposed action includes the following main activities: (1) planting and grow-out, (2) harvesting, and (3) support. No permanent construction would be implemented and there would be no disturbance to soils, revegetation, fill, or spoil disposal as part of the project. The farm site would be accessed by water or upland.

Planting will occur over a 1-year period, and the site will be planted with geoduck seed in 4”-wide PVC culture tubes, with predator exclusion netting over each tube and a cover net over all the tubes. Tubes will be pushed into the substrate by hand or foot. The cover net will be installed to allow fishing nets (e.g. seines or drift nets) to go over the tubes without getting caught. This would involve “tucking” the margins into the substrate and securing without obstruction.

Tubes and nets will be removed after 1-2 years, once the young clams can evade predation. Harvest will occur using a hydraulic wand during low tide or at high tide by divers. The pressure at the nozzle is approximately 40 pounds per square inch and the volume is approximately 20 gallons per minute (approximately the pressure of a garden hose). Harvested geoduck will be placed in containers and transported by boat to an upland facility.

The project site is located on tidelands within Totten Inlet, on parcel numbers 39000005700, 39000005501, and 39000005502, adjacent to 10139 & 10213 Steamboat Island Rd., near Olympia, Thurston County, Washington; Section 33, Township 20 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Geoducks Unlimited's request for a Section 401 Water Quality Certification for the Geoducks Unlimited – 10205 & 10209 Steamboat Island Road project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on November 24, 2020, and the following supporting documentation:

1. E-mail letter to Ecology dated February 15, 2021, regarding the project's compliance with the conservation measures associated with the "Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters" (U.S. Fish and Wildlife Service (USFWS) Reference Number 01EWF00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Geoducks Unlimited's water quality monitoring plan, and Geoducks Unlimited's commitment to follow the 2019 Puget Sound Shellfish Growers Association Environmental Codes of Practice for Shellfish Aquaculture.

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, Geoducks Unlimited 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 Geoducks Unlimited 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.

¹ RCW 90.48

² Chapter 173-303-145

³ RCW 90.56.280

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 Geoducks Unlimited, Geoducks Unlimited – 10205 & 10209 Steamboat Island Road 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. **19748** will remain valid for the duration of the associated permit. Geoducks Unlimited 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

April 2, 2021
Date