



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 5, 2021

Skokomish Dabob Lease  
Attn: Joseph Pavel  
Skokomish Indian Tribe  
80 North Tribal Center Road  
Skokomish Nation, WA 98584

RE: Water Quality Certification Order No. **19696**, Corps Reference No. **202001012**  
Skokomish Dabob Lease located on tidelands within Dabob Bay, Hood Canal,  
near Quilcene, Jefferson County, Washington

Dear Joseph Pavel:

On January 20, 2021, the Skokomish Indian Tribe submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Skokomish Dabob Lease, Jefferson 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 Adam Sant by e-mail at [adam.sant@ecy.wa.gov](mailto:adam.sant@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: Kirsten Brown, Corps of Engineers  
Laura Hendricks, Coalition To Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
Adam Sant, Ecology  
Loree' Randall, Ecology  
ecyrefedpermits@ecy.wa.gov – Aquatics No. 139572

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER No. 19696</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. 202001012</b>
<b>CERTIFICATION TO</b>	)	Skokomish Dabob Lease located on tidelands
Skokomish Indian Tribe	)	within Dabob Bay, Hood Canal, near Quilcene,
pursuant to 33 U.S.C. 1341 (FWPCA	)	Jefferson County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260	)	
and Chapter 173-201A WAC	)	

Skokomish Dabob Lease  
 Attn: Joseph Pavel  
 Skokomish Indian Tribe  
 80 North Tribal Center Road  
 Skokomish Nation, WA 98584

On January 20, 2021, the Skokomish Indian Tribe submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Skokomish Dabob Lease, Jefferson County, Washington. The Department of Ecology (Ecology) issued a public notice on March 5, 2021.

This project proposes to lease this 50.3 acre property to protect and enhance cultural and subsistence resources as well as pursue commercial shellfish aquaculture. Plans include 6.4 acres on-bottom oyster culture, 1.3 acre bottom-attached bag culture for single oysters together on the same 1.3 acre Pacific oyster spat collecting bags, 3.3 acres Manila clam culture (netting) and gravelling to enhance the clam habitat, and a portion of the 6.4 acres for Olympia oyster restoration and enhancement. The Tribe also plans to use 1.3 acre of the parcel for wild oyster (Pacific oyster) catch seasonally to support enhancement of oysters on other beaches of Hood Canal.

The project site is located on tidelands within Dabob Bay, Hood Canal, on parcel number 701271001, near Quilcene, Jefferson County, Washington; Section 27, Township 27 North, Range 1 West; WRIA 17, Quilcene-Snow Watershed.

With this Order, Ecology is granting the Skokomish Indian Tribe request for a Section 401 Water Quality Certification for the Skokomish Dabob Lease project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on January 20, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated February 19, 2021, regarding the project's water quality monitoring plan, and the Tribes commitment to follow the 2019 Puget Sound Shellfish Growers Association Environmental Codes of Practice for Shellfish Aquaculture at the Skokomish Dabob Lease project.

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, the Skokomish Indian Tribe 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 the Skokomish Indian Tribe 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 Skokomish Indian Tribe, Skokomish Dabob Lease 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. **19696** will remain in effect for the duration of the associated DA permit. The Skokomish Indian Tribe 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.
- 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.

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<sup>1</sup> RCW 90.48

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

<sup>3</sup> RCW 90.56.280

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

#### CONTACT INFORMATION

Please direct all questions about this Order to:

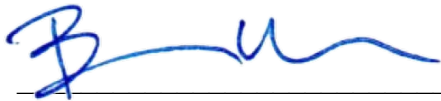
Adam Sant  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
adam.sant@ecy.wa.gov

#### 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**



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

April 5, 2021

Date