



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 6, 2021

Carl Iverson  
PO Box 3531  
Lacey, WA 98509

RE: Water Quality Certification Order No. **19770** for Corps Reference No. **201600738**,  
Iverson Shellfish Farm, Thurston County, Washington

Dear Carl Iverson:

On February 9, 2021, Carl Iverson submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Iverson Shellfish Farm located on tidelands within Nisqually Reach, 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](mailto: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

Carl Iverson  
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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  
Teresa Pucylowski, Ecology  
ecyrefedpermits@ecy.wa.gov – Aquatics No. 136892

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER No. 19770</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. 201600738</b>
<b>CERTIFICATION TO</b>	)	Iverson Shellfish Farm located on tidelands
Carl Iverson	)	within Nisqually Reach, near Olympia, Thurston
pursuant to 33 U.S.C. 1341 (FWPCA	)	County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260	)	
and Chapter 173-201A WAC	)	

Carl Iverson  
PO Box 3531  
Lacey, WA 98509

On February 9, 2021, Carl Iverson submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Iverson Shellfish Farm, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 17, 2021.

The project will continue to cultivate up to 1.4 acres geoduck clams on privately owned tidelands within +3.0ft and -4.5ft Mean Low Low Tide (MLLW). There is no eelgrass present at the farm site and the property will be accessed by boat and by upland. There is a 2.12 acre Class III forested wetland was delineated on the central and northernmost parcels; this wetland has a buffer of 50ft and neither the wetland nor its buffer overlap with the project area. Maintenance activities include monitoring shellfish weight and health, picking up unnatural debris (if any), and any other general maintenance activity required.

Standard geoduck aquaculture methods will be used to protect geoduck from predators. Geoduck seed will be placed within PVC culture tubes which range from 4-6" in diameter and 8-10" in length. These PVC are pushed into the sediment approximately 12" apart and will remain on the beach for about 2 years. The PVC tubes are also covered with predator exclusion nets during this time and are left on about 6 months after the PVC tubes are removed.

Geoduck clams will be harvested using either dry or wet harvest (i.e., diving) methods. Both methods employ high volume, low pressure water that is pumped from offshore through a 1.0- to 2.0-inch diameter hand-operated hose and infused through a 0.5- to 0.6-inch diameter PVC probe. The probe is inserted into the sediment directly adjacent to the visible geoduck siphons of the clams to be harvested to loosen the sediment around the geoduck before extracting by hand. Dry or wet harvest would be accomplished by 2- to 4-person teams. Dry harvesting would occur during a minus tide series (typically lasting 3 to 4 hours), and wet harvesting would occur during a high tide series. Total growing time is approximately 4 to 7 years.

The project site is located on tidelands within Nisqually Reach, on parcel numbers 11910310101, 11910310102, and 11910310103, adjacent to 6526 79<sup>th</sup> Ave NE, near Olympia, Thurston County, Washington; Section 10, Township 19 North, Range 1 West; WRIA 13, Deschutes Watershed.

With this Order, Ecology is granting Carl Iverson's request for a Section 401 Water Quality Certification for the Iverson 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 9, 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, Carl Iverson 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 Carl Iverson 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 Carl Iverson's, Iverson Shellfish Farm 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. **19770** will remain valid for the duration of the associated DA permit. Carl Iverson 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.

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<sup>1</sup> RCW 90.48

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

<sup>3</sup> RCW 90.56.280

## 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
<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:

Teressa Pucylowski  
Department of Ecology  
PO Box 4760  
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 6, 2021  
Date