



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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April 6, 2021

Skookum Swan Seafoods
Attn: James Oakes & Buck Clark
PO Box 2079
Shelton, WA 98584

RE: Water Quality Certification Order No. **19787** for Corps Reference No. **201800204**,
Cesnik-Clark and Oaks Geoduck Aquaculture, Thurston County, Washington

Dear James Oakes & Buck Clark:

On March 10, 2021, Skookum Swan Seafoods submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Cesnik-Clark and Oaks Geoduck Aquaculture located on tidelands within Dana Passage, 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,

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

Skookum Swan Seafoods
Corps No. 201800204, Aquatics No. 136425
April 6, 2021
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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
Teresa Pucylowski, Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 136425

IN THE MATTER OF GRANTING A)	ORDER No. 19787
WATER QUALITY)	Corps Reference No. 201800204
CERTIFICATION TO)	Cesnik-Clark and Oaks Geoduck Aquaculture
Skookum Swan Seafoods)	located on tidelands within Dana Passage, near
pursuant to 33 U.S.C. 1341 (FWPCA)	Olympia, Thurston County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Skookum Swan Seafoods
 Attn: James Oakes & Buck Clark
 PO Box 2079
 Shelton, WA 98584

On March 10, 2021, Skookum Swan Seafoods submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Cesnik-Clark and Oaks Geoduck Aquaculture, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on March 12, 2021.

This project will continue to cultivate up to 0.58 acres of geoduck clams within a 1.04-acre farm site. The planting area for geoduck lies between +3.6ft Mean Lower Low Water (MLLW) to -4.5ft MLLW. Sand land spawning areas have been documented at the site, and therefore farming activities will not occur above +5.0ft MLLW. The beach requires no site preparation prior to planting and no native materials will be removed the farm site. There will be no redirection of beach seepage of upland runoff. Access to the farm site can occur by boat or by upland.

Geoduck seed are planted in either PVC or Vexar mesh tubes to protect them from predators. These tubes are 4" in diameter and 12-16" in length and are pushed vertically into the substrate. Tubes density shall not exceed one per square foot and about 3-5" of the tube will be exposed above the substrate. Each tube will be identified with the company name and telephone number. PVC tubes will be capped with individual mesh netting and secured with specialized rubber bands designed to withstand UV light and saltwater; mesh tubes will be secured using zip-ties or hog rings. Area nets with 3" stretched mesh may be placed over the tubes and weighed down with rebar stakes. Tubes and nets will be removed after about 1-2 years after planting.

Geoduck are harvested either via dive harvest or beach harvest, although both will use a motorized, low pressure water pump mounted on a vessel offshore. Water will be delivered to the harvester at 20-30 gallons per minute, and is similar to a garden hose at full volume. The end of the hose is equipped with a nozzle which will be inserted into the substrate, softening the sand adjacent to the geoduck and allowing the clams to be removed by hand. Harvest will occur about 4-5 years after planting.

The project site is located on tidelands within Dana Passage, on parcel number 12903210300, adjacent to 9340 Maple Beach Lane NW, near Olympia, Thurston County, Washington; Section 3, Township 19 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Skookum Swan Seafoods' request for a Section 401 Water Quality Certification for the Cesnik-Clark and Oaks Geoduck Aquaculture project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on March 10, 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, Skookum Swan Seafoods 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 Skookum Swan Seafoods 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 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 Skookum Swan Seafoods, Cesnik-Clark and Oaks Geoduck Aquaculture 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. **19787** will remain valid for the duration of the associated DA permit. Skookum Swan Seafoods should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

¹ RCW 90.48

² WAC 173-303-145

³ 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
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:

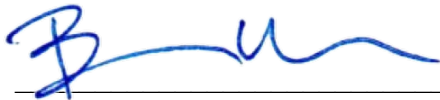
Teressa Pucylowski
Department of Ecology
PO Box 4760
Olympia, WA 98504-7600
teressa.pucylowski@ecy.wa.gov

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