



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*PO Box 47600 • Olympia, Washington 98504-7600 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

April 29, 2021

Taylor Shellfish Farms  
Attn: Erin Ewald  
130 SE Lynch Road  
Shelton, WA 98584

RE: Water Quality Certification Order No. **20004** for Corps Reference No. **202001085**,  
Willapa DNR Lease, Pacific County, Washington

Dear Erin Ewald:

On February 2, 2021, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Willapa DNR Lease located on tidelands within Willapa Bay, near Nemah, Pacific 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 Jennifer Riedmayer by e-mail at [jennifer.riedmayer@ecy.wa.gov](mailto:jennifer.riedmayer@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

Taylor Shellfish Farms  
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e-cc: Aquaculture-Reinforcement-Team@usace.army.mil  
Megan Biljan, Corps of Engineers (Corps)  
Kathlee Sayce  
Laura Hendricks, Coalition to Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
Loree' Randall, Ecology  
Jennifer Riedmayer, Ecology  
ecyrefedpermits@ecy.wa.gov – Aquatics No. 139883

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER No. 20004</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. 202001085</b>
<b>CERTIFICATION TO</b>	)	Willapa DNR Lease located on tidelands within
Taylor Shellfish Farms	)	Samish Bay, near Nemah, Pacific County,
pursuant to 33 U.S.C. 1341 (FWPCA	)	Washington
§ 401), RCW 90.48.120, RCW 90.48.260	)	
and Chapter 173-201A WAC	)	

Taylor Shellfish Farms  
Attn: Erin Ewald  
130 SE Lynch Road  
Shelton, WA 98584

On February 2, 2021, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Willapa DNR Lease, Pacific County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on April 1, 2021.

This project proposes to commercially cultivate up to 31 acres of oysters and 196 acres of oyster seed catch between +5.0 foot (ft.) and -4.0 ft. Mean Lower Low Water (MLLW) tidal elevation on parcel numbers 20-B09450, 20-B09534, 20-B12373, 20-B12374, 20-B12375, 20-B12381, 20-B12546, and 20-B12709. Access to tidelands is by boat.

The northern parcels of this site are used for bottom culture oysters. The cultivation of oysters for commercial production are grown on-bottom as both singles and clusters. The oysters are dredged harvested and are loaded into tubs on to the boat and then conveyed to trucks for processing at Taylor facilities.

The southern parcels of this location are used as catch areas to collect Pacific oyster seeds for transfer and grow out onto other tidelands managed by Taylor Shellfish Farms. Approximately 1200- 5500 yards of aged and washed oyster shell is placed into the Naselle channel of the Willapa Bay annually. The shell will be placed in an area where even at low tide, it remains underwater at a depth of 8 to 10 feet. Once it is determined that oyster seed has set onto the shell, the shell is mechanically removed from the channel and taken to other tidelands for grow out.

The project site is located on tidelands within Willapa Bay, on parcel number 20-B09450, 20-B09534, 20-B12373, 20-B12374, 20-B12375, 20-B12381, 20-B12546, and 20-B12709, near Nemah, Pacific County, Washington; Section 9, 10, 11, 15, and 16, Township 11 and 12 North, Range 10 and 11 West; WRIA 24, Willapa Watershed.

With this Order, Ecology is granting Taylor Shellfish Farms's request for a Section 401 Water Quality Certification for the Willapa DNR Lease project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 2, 2021, and the following supporting documentation:

1. February 2, 2021 - Memo from Taylor Shellfish – Taylor Shellfish Water Quality Monitoring Protection Plan for this project. 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 Taylor Shellfish Farms water quality monitoring plan.

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, Taylor Shellfish Farms 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 Taylor Shellfish Farms 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.

**Special Condition:**

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 Taylor Shellfish Farms, Willapa DNR 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. **20004** will remain

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<sup>1</sup> RCW 90.48

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

<sup>3</sup> RCW 90.56.280

valid for the duration of the associated permit. Taylor Shellfish Farms 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.

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

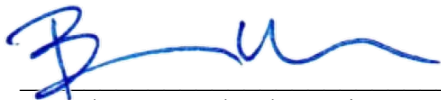
Please direct all questions about this Order to:

Jennifer Riedmayer  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
[Jennifer.Riedmayer@ecy.wa.gov](mailto:Jennifer.Riedmayer@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 29, 2021  
Date