STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 13, 2021

Goose Point Oyster Company
Attn: Kathleen Nisbet Moncy
7081 Niawiakum State Hwy 101
Bay Center, WA 98527

RE: Water Quality Certification Order No. **20027** for Corps Reference No. **201701065**, Goose Point Oyster Hawks Point, Pacific County, Washington

Dear Kathleen Nisbet Moncy:

On April 9, 2021, Goose Point Oyster Co. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Goose Point Oyster Hawks Point located on tidelands within Willapa Bay, near Bay Center, 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 Teressa 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

Enclosure

e-cc: Kirsten Brown, Corps of Engineers (Corps)
Laura Hendricks, Coalition to Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Kathryn Sayce, Citizen
Loree' Randall, Ecology
Teressa Pucylowski, Ecology
Aquaculture-Reinforcement-Team@usace.army.mil
ecyrefedpermits@ecy.wa.gov – Aquatics No. 136025

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Goose Point Oyster Company pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER No. 20027** **Corps Reference No. 201701065** Goose Point Oyster Hawks Point located on tidelands within Willapa Bay, near Bay Center, Pacific County, Washington

Goose Point Oyster Company
Attn: Kathleen Nisbet Moncy
7081 Niawiakum State Hwy 101
Bay Center, WA 98527

On April 9, 2021, Goose Point Oyster Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Goose Point Oyster Hawks Point, Pacific County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on April 13, 2021.

This project will continue to commercially cultivate up to 148.5 acres of on-bottom Pacific oysters from -2.0 feet to +4.0 feet Mean Lower Low Water (MLLW) tidal elevations. The proposed project is located 985 feet waterward from the approximate Mean High Water (MHW) shoreline and extends a maximum of 4,815 feet waterward of the approximate MHW shoreline. No permanent corner markers will be used. Access to the site will be by boat from the Tokeland Marina or the Bay Center Processing Facility vessel staging area.

The planting, maintenance and cultivation of on-bottom Pacific Oysters will include the following: on-bottom oysters will be evenly scattered onto the substrate at high tide from the deck of an oyster scow. After the oysters are planted they will require very little maintenance, but will be regularly surveyed by the farm manager to ensure survival following extreme weather events. Grow out period of the oysters is 2-3 years. Harvest takes place during daylight tide hours over a period of 4-8 weeks. Oysters are harvested by hand at low tide into tubs by crews of 7-10 people. Tubs are then retrieved by dredge at high tide the same day. The duration of low tide harvest is up to 4 hours. To complete harvest on high tide is an additional 2-3 hours.

Dredge harvest of oysters takes place on a periodic basis of about every 3 years. Annual dredge acres do not exceed 49.5 acres. Dredging occurs on high-mid tide and is done by skimming the surface of the substrate to minimize turbidity. Dredge harvest lasts approximately 4 hours at a time and occurs intermittently for harvest of mature oysters. Hawks Point is comprised eelgrass cover ranging from dense to dense patches to sparse to bare. Both Z. marina and Z. japonica are present.

The project site is located on tidelands within Willapa Bay, on parcel numbers 79000000059, 79000000064, 79000000069, 79000001098, 79000002066, 79000000067, 79000000082,

79000000064, and 79000000073 near Bay Center, Pacific County, Washington; Section 4, Township 14 North, Range 10 West; WRIA 24, Willapa Watershed.

With this Order, Ecology is granting Goose Point Oyster Company's request for a Section 401 Water Quality Certification for the Goose Point Oyster Hawks Point project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on April 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, Goose Point Oyster Company 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 Goose Point Oyster Company 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[1]. If such work, conditions, or discharges occur, immediately notify[2] 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[3] 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 Goose Point Oyster Company, Goose Point Oyster Hawks Point 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. **20027** will remain

[1] RCW 90.48
[2] WAC 173-303-145
[3] RCW 90.56.280

valid for the duration of the associated DA permit. Goose Point Oyster Company 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 **Pollution Control Hearings Board** 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

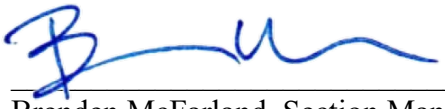
Please direct all questions about this Order to:

Teressa Pucylowski
Department of Ecology
PO Box 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

May 13, 2021
Date