



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*

June 15, 2021

Upper Skagit Indian Tribe Samish Bay Shellfish Farm
Attn: David Hawkins
25944 Community Plaza Way
Sedro Woolley, WA 98284

RE: Coastal Zone Consistency for Corps Reference No. **201300220**,
Upper Skagit Indian Tribe Samish Bay Shellfish Farm, Skagit County, Washington

Dear David Hawkins:

On April 12, 2021, the Department of Ecology received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project.

This determination is for the proposed project to continue clam and oyster cultivation that was previously permitted by the Army Corps of Engineers under NWS 2013-0220 using the same cultivation methods as previously approved. However, the Tribe proposes to revise the acreage dedicated to each cultivation method as follows:

- 22 subunits (approximately 10.2 acres) will be used for combined clam and oyster cultivation, using clam nets and oyster longlines
- 9 subunits (approximately 4.2 acres) will be used for clam cultivation using clam nets
- 5.5 subunits (approximately 2.5 acres) contain native eelgrass and are currently fallow
- 2 subunits (approximately 0.8 acre) will be designated as a staging area with an anchor and mooring buoy
- 1/2 subunit (approximately 0.3 acre) will be designated for subsistence oyster longlines and clams

The Tribe is reducing the amount of oyster longline cultivation and replacing that area with additional combined clam and oyster cultivation and separate clam cultivation. The Tribe is also seeking approval for use of a coil compacter. Certain portions of Samish Bay are occupied by invasive bamboo worms, which burrow into intertidal sand and mud flats and continuously pump mud as they filter feed. If left unchecked, this invasive species pumps loose mud sediment piles around its burrow, creating loose unstable sediment incapable of supporting demersal fish, shellfish, crustacean species, and eelgrass.

The project site is located on tidelands within Samish Bay, on parcel number P61576, near Bow, Skagit County, Washington; Section 30, Township 36 North, Range 3 East; WRIA 3, Lower Skagit-Samish Watershed.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Upper Skagit Indian Tribe Samish Bay Shellfish Farm's determination that the proposed work is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency decision, please contact Adam Sant at adam.sant@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision 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 decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

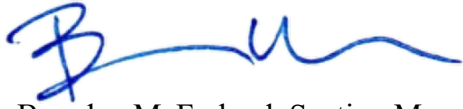
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Upper Skagit Indian Tribe Samish Bay Shellfish Farm
Corps No. 201300220, Aquatics No. 137233
June 15, 2021
Page 3 of 3

Sincerely,



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

e-cc: Aquaculture-Reinforcement-Team@usace.army.mil
Kirsten Brown, Corps of Engineers
Adam Sant, Ecology
Loreé Randall, Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 137233