



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 15, 2021

J.J. Brenner Oyster Company  
Bruce Harlan Brenner  
402 S 333rd St, Suite 106  
Federal Way, WA 98003

RE: Coastal Zone Consistency for Corps Reference No. **202100255**,  
Brenner Oyster Company Shellfish Aquaculture: Little Skookum Inlet,  
Mason County, Washington

Dear Bruce Harlan Brenner:

On April 20, 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 to commercially cultivate Manila clams and Pacific and Olympia oysters on 47.22 acres of both private and state-owned tidelands between the +5.0' Extreme Low Water and -4.5' Mean Lower Low Water line. Other primary and secondary commercial shellfish species may be naturally present and then harvested such as Manila clams, butter clams, littleneck clams, cockles, mussels, etc. There is no eelgrass present and all farm areas are accessed by boat or by land via private or public access. J.J. Brenner Oyster Company has been cultivating shellfish on these leases since the late 1800s.

Most oysters are grown directly on the beach substrate. Prior to planting, shellfish beds may be prepared by removing debris by hand. Seeding occurs either by hand or by using oyster cultch – setting out and securing bags of washed, aged oyster shell to collect natural set on-site. After seeding, predator exclusion nets may be used to cover the oyster bed, with edges anchored using rebar or buried in the substrate. Netting is monitored and removed seasonally. Oysters may also be grown using racks and bags. PVC or metal stakes may be installed vertically on the bed to secure the bags. Racks may also be used to elevate bags above the beach. Seed is placed in reusable plastic net bags secured to the stakes or racks. All oysters are harvested by hand, including hand picking and raking.

Manila clam beds are prepared by applying a thin layer (up to 0.5") of washed pea gravel mixed with shell fragments directly to the substrate. This activity occurs up to twice annually. Clams are seeded by hand directly onto the frosted beach substrate. Natural spawning and setting of

clams also occur at some locations on the farm. After seeding, predator exclusion nets may be used to cover the clam bed, with edges anchored using rebar or buried in the substrate. Netting is monitored and removed seasonally. Clams are harvested by hand, e.g. rake picking.

The project site is located on tidelands within Little Skookum Inlet, on Mason County parcel number 31909-00-83730 and DNR parcel number 31909-14-80010, near Shelton, Mason County, Washington; Section 9, Township 19 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with J.J. Brenner Oyster Company's determination that the proposed work is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency decision, please contact Teresa Pucylowski at [teressa.pucylowski@ecy.wa.gov](mailto:teressa.pucylowski@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:

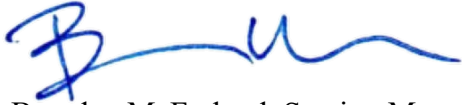
- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

## **ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<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 RD SW, STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Sincerely,



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

e-cc: Aquaculture-Reinforcement-Team@usace.army.mil  
Brielle Cummings, Corps of Engineers (Corps)  
Laura Hendricks, Coalition To Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
Steve Ness, Citizen  
Teresa Pucylowski, Ecology  
Loreé Randall, Ecology  
ecyrefedpermits@ecy.wa.gov – Aquatics No. 139886