



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. **202001233**,
J.J. Brenner Oyster Company Shellfish Aquaculture: Eld Inlet North,
Thurston County, Washington

Dear Bruce Harlan Brenner:

On April 14, 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, Pacific oysters, and geoduck clams on a total of 10.24 acres. The project area includes the shellfish growing areas within parcel 93035300000, between +3' and Extreme Low Water (-2') Mean Lower Low Water line, and growing areas within parcel 93035400000, between +2' and Extreme Low Water (-3') Mean Lower Low Water line. The tidelands have a mix of mud, sand, and gravel, with occasional floating patches of seaweed (e.g., *Ulva* spp). The company has been farming these tidelands for over 100 years and there has never been any eelgrass on the parcel. All farm areas are accessed by boat.

The 7.5-acre project area contained within parcel 93035300000 consists of 1.86 acres of on-bottom Pacific oysters and Manila clams, 0.25 acres of rack-and-bag culture Pacific oysters, and replacement of 0.8 acres of previous clam/oyster acreage with Pacific geoduck; there is a total of 2.91 acres of cultivation. The 2.74-acre project area contained within parcel 93035400000 consists of on-bottom culture of 0.17 acres Pacific oysters and Manila clams. Additionally, secondary crops from natural set of Manila clams, butter clams, cockles, littleneck clams, mussels, etc. occur across cultivated area of the Project area.

Most oysters are grown directly on the beach substrate, seasonally covered in predator exclusion netting. 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 are also 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 clams are seeded by hand directly onto the 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. Manila clams are harvested manually, including via hand-picking and raking.

Geoduck seed is placed within PVC tubes which are pushed into the substrate in the lower intertidal and covered with predator exclusion mesh. Predator exclusion nets are sometimes placed over the tubes and tube mesh for containment and larger predator exclusion. The individual nets are usually removed in 12-18 months. The tubes are generally removed in 24-30 months. Harvest of geoduck occurs using water jets on the beach at low tide.

The project site is located on tidelands within Eld Inlet, on parcel numbers 93035400000 and 93035300000, near Olympia, Thurston County, Washington; Section 32, Township 19 North, Range 2 West; WRIA 13, Deschutes 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.

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:

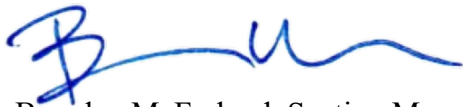
- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

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)
Amy Groesbeck, Confluence Environmental Company
Laura Hendricks, Coalition To Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Teresa Pucylowski, Ecology
Loreé Randall, Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 140385