



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 30, 2021

Northern Oyster Company, Inc.  
Attn: Brian Sheldon  
PO Box 1039  
Ocean Park, WA 98640

RE: Coastal Zone Consistency for Corps Reference No. **200701471**,  
Northern Oyster Co. Middle Sands, Pacific County, Washington

Dear Brian Sheldon:

On May 11, 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 a continuation of an ongoing existing unchanged commercial shellfish farming operation that may cultivate up to 50 acres of on bottom and suspended cultivation of Pacific oysters (*Crassostrea gigas*) and Manila clam (*Venerupis philippinarum*), the following species may also be cultivated on oyster beds as a secondary crop: Horse Clams (*Tresus nuttallii* and *Tresus capax*), Cockles (*Cerastoderma edule*), Butter Clams (*Saxidomus*), Little Neck Clams (*Protothaca staminea*), Eastern Softshell Clams (*Mya arenaria*), Mussels (*Mytilus edulis*), or even Manila Clams (*Venerupis philippinarum*). On a Manila Clam bed secondary crops may include Eastern Softshell Clams (*Mya arenaria*), Oyster seed, Cockles (*Cerastoderma edule*), or Mussels (*Mytilus edulis*) in Willapa Bay between the -5.0' to +4' Mean Lower Low Water (MLLW) tidal elevations.

Oyster farming activities:

- Bottom culture: Oysters within an area up to approximately 35 acres at any one time are grown directly on the beach substrate. Prior to planting, shellfish beds may be prepared by removing debris either by hand or mechanically by dragging a chain or net bag. Seeding occurs primarily from the deck of a barge. For bottom culture harvest, mechanical harvest bags are lowered from a barge or boat by boom crane or hydraulic winch at high tide and pulled along the bottom to scoop up the oysters. Workers may also hand-pick oysters at low tide. Crop cycle ranges between 2 and 6 years.
- Rack and bag culture: Oysters may be grown in bags or on wire strings supported by a rack to keep them off the bottom in an area of up to 1 acre. Plastic mesh bags are approximately 3' x 2' x 6" and are filled with juvenile shellfish to protect them from

predators and allow them to grow to harvest size. Seed may be planted directly on the beds to “Beach Harden” them prior to harvest. Racks may be up to 16” above the substrate and are metal or wood and anchored to the bottom with metal legs, or poles pushed into the substrate. Bags are secured to the racks using heavy clips. The rows of bags will range from 50’ to 100’ long. There are approximately 40 bags per row, with rows spaced 6’ apart, and 15’ between groups of 4 rows. If oysters are placed on the ground to “Beach Harden”, they are then hand harvested into baskets and later retrieved by a boat after the tide comes in. Harvest cycle for this type of crop is approximately 1 to 2 years. The operation is checked regularly during low tides to ensure that the bags remain secure, and to remove fouling organisms.

- **Suspended culture:** Within a 10-acre area, 150’ long suspended Culture rows may be placed in groups of 25 rows with a spacing of 6’ between groups of rows. Groups of 25 rows are spaced at least 50 feet apart. The Lines are anchored at the ends using either metal rebar staples, or a small flat piece of plastic driven into the substrate. Lines are supported off the bottom between the anchors using 1.25” PVC pipe pushed into the ground and extending 1’ to 4’ above the ground. Oysters may be grown directly on the shells woven into the lines, or in mesh Vexar bags suspended from the lines using zip ties and/or clips. Lines are made of ¼” high-tensile rope. Bags are approximately 3’ x 2’ in size with a float attached to rotate the bag as the tide rises. 10” diameter SEPA type bags approximately 3’ long may also hang on the lines. The area is visited regularly to monitor the crop and gear for security. Harvest of suspended bags is done by removing the bags as the shellfish mature into a harvestable condition. For suspended culture of oysters woven into the lines, harvest occurs either at low tide by hand, or at high tide using a barge. Harvest cycle is normally between 1 to 2 years. Harvest may occur during low or high tide.
- **Seed Cultivation:** Oyster seed is cultivated either through natural set or remote set methods. For natural seeding, shells are placed on the seed bed during a natural larva recruitment event each 3 to 5 years over 15 acres and are set upon by larva during the event. Live oysters from remote set may also be placed directly on the bed for grow out.

#### Clam farming activities:

- **Frosting methods:** Clams are grown as a direct bottom culture crop in a 4-acre area. Clam beds are prepared by applying a thin 1” layer of washed gravel mixed with shell fragments directly to the substrate over an approximate 4-acre area. This activity occurs after a crop is harvested normally every 3 to 6 years when the tide is high enough to float a barge carrying the frosting material.
- **Culture methods:** 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, ¼” mesh predator exclusion nets may be used to cover the clam bed, with edges anchored using rebar or buried in the substrate. Nets may be up to 10’ x 50’ in size but may also be rolls of 4’ x 100’ mesh. Nets remain in place until harvest. Nets are regularly

monitored to assure they remain in place and are in good condition. Damaged nets are removed and replaced as needed during the crop cycle.

- Harvest methods: Clams are normally harvested by hand, but mechanical harvesting may occur using equipment that excavates the substrate to a depth of about 4-6 inches to extract the clams. The applicant has requested a permit to be issued for 20 years to ensure three full crop cycles.

The project site is located on tidelands within Willapa Bay, on parcel number 79004000094, near Nahcotta, Pacific County, Washington; WRIA 24, Willapa Watershed.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Northern 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 Marco Pinchot at [marco.pinchot@ecy.wa.gov](mailto:marco.pinchot@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  
Mary Romero, Corps of Engineers  
Chris Czesla, Confluence Environmental Company  
Laura Hendricks, Coalition To Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
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