STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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July 6, 2021

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

RE: Water Quality Certification Order No. **20196** for Corps Reference No. **200701194** Nationwide Permit 48, Goose Point Oyster Bay Center / Stony Point, Pacific County, Washington

Dear Kathleen Nisbet Moncy:

Goose Point Oyster Company notified the Department of Ecology (Ecology) that they have requested a 2021 Nationwide Permit (NWP) 48 authorization from the US Army Corps of Engineers (Corps) for the Goose Point Oyster Bay Center / Stony Point located on tidelands within Willapa Bay, near Bay Center, Pacific County, Washington. Because the Corps Seattle District has notified Ecology that individual Section 401 Water Quality Certifications (WQC) are required for all NWP 48's, Goose Point Oyster Company submitted a request for a WQC on June 14, 2021.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the WQC request 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
Loree' Randall, Ecology
Teressa Pucylowski, Ecology
Aquaculture-Reinforcement-Team@usace.army.mil
ecyrefedpermits@ecy.wa.gov – Aquatics No. 140469

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. 20196** **Corps Reference No. 200701194 (NWP 48)** Goose Point Oyster Bay Center / Stony Point located on tidelands within Willapa Bay, near Bay Center, Pacific County, Washington Removed acres, see correction below.

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This project will continue to commercially cultivate ~~up to 10 acres of~~ on-bottom Pacific oysters on privately-owned tidelands from -1.5 feet to +2.0 feet Mean Lower Low Water (MLLW) tidal elevations and spans a total of 453.5 acres. 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. This project area is comprised of eelgrass cover ranging from dense to dense patches to sparse to bare. Both Z. marina and Z. japonica are present.

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. The 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.

Oyster seed is store in nursery modules that are constructed of 3.25' diameter x 4' tall 2" ridged mesh baskets specialized for upland setting and overwintering seed in the North Willapa Bay estuary. Larvae are set onto cultch shell in the modules between the months of March and October. Following the one-two week upland setting period, the modules are rotated out of the upland setting system via crane, then transferred on to a crane scow at the Tokeland Marina. The crane scow then distributes the covered modules upright onto the tide flats spaced approximately 10-15' apart. Modules are distributed over 3 acres of the central section of the beds, which is a designated nursery area. The modules rest on the sediment for approximately one year before

they are individually retrieved by a crane scow. The modules and seed are regularly surveyed to assess health and function. The nursery module design minimizes the use of single-use plastics in the estuary and eliminates the need for crews to break the seed out by hand, therefore reducing the amount of activity on the benthic substrate and habitat in the nursery area.

Dredge harvest of oysters takes place on a periodic basis of about every 3 years. Annual dredge acres do not exceed 151.1 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.

The project site is located on tidelands within Willapa Bay, on parcel numbers 79001000323, 79001000098, 79001000099, 79001000193, 79001000290, 79001000046, 79001000242, 79001002319, 79001000050, 79001000053, 79001000060, 79001000166, 79001000076, 79001000304, and 79001000342, near Bay Center, Pacific County, Washington; 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 Bay Center / Stony Point project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on April 26, 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

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

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 Bay Center / Stony Point project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Nationwide Permit 48 authorization for this project. Order No. **20196** will remain valid for the duration of the associated the Nationwide permit. Goose Point Oyster Company should send a copy of the final Nationwide 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.

[3] RCW 90.56.280

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:

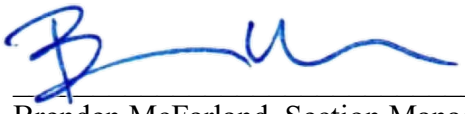
Teressa Pucylowski
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
teressa.pucylowski@ecy.wa.gov

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



July 6, 2021
Date

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