



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

July 28, 2021

Aquaduck Shellfish LLC
Attn: Paul Williams & Margaret Murphy
2515 East Calhoun Street
Seattle, WA 98112

RE: Water Quality Certification Order No. **20342** for Corps Reference No. **200701211**,
Aquaduck LLC Geoduck Farm, Pierce County, Washington

Dear Paul Williams & Margaret Murphy:

On June 24, 2021, Aquaduck Shellfish LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Aquaduck LLC Geoduck Farm located on tidelands within Drayton Passage, near Longbranch, Pierce County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice 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 Teresa 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

Aquaduck LLC Geoduck Farm
Order No. 20342, Corps No. 200701211
July 28, 2021
Page 2 of 2

e-cc: Megan Biljan, Corps of Engineers (Corps)
Loree' Randall, Ecology
Teresa Pucylowski, Ecology
Aquaculture-Reinforcement-Team@usace.army.mil
ecyrefedpermits@ecy.wa.gov – Aquatics No. 140606

IN THE MATTER OF GRANTING A) ORDER No. 20342
WATER QUALITY) Corps Reference No. 200701211
CERTIFICATION TO) Aquaduck LLC Geoduck Farm located on
Aquaduck Shellfish LLC) tidelands within Drayton Passage, near
pursuant to 33 U.S.C. 1341 (FWPCA) Longbranch, Pierce County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

Aquaduck Shellfish LLC
Attn: Paul Williams & Margaret Murphy
2515 East Calhoun Street
Seattle, WA 98112

On June 24, 2021, Aquaduck Shellfish LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Aquaduck LLC Geoduck Farm, Pierce County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on June 29, 2021.

This project will continue to commercially cultivate 3 acres of geoduck in a 9.9-acre project area between -3ft and +3ft Mean Lower Low Water (MLLW) tidal elevations. Access to the project area occurs by foot or by boat launched at the public boat launch at the end of 72nd St SW. There is no eelgrass present in the project site.

Juvenile geoduck seed are purchased in the late spring or early summer and planted on the beach during the daytime low tides over the summer. Planting typically occurs each year to allow for an annual harvest. Geoduck seed are planted in 4"-wide by 10"-long PVC tubes or in plastic mesh tubes of similar length, which are pushed into the sediment about halfway. Each tube contains three juvenile geoduck seed, and the tubes are spaced about a foot apart, with about 10,000 square feet planted each year. Tubes are either covered with individual net coverings (secured with a weather-proof rubber band) or canopy nets (secured to the substrate with rebar stakes).

After approximately 18-24 months, the tubes are removed and, if predation becomes a problem, the area is re-netted with canopy netting. The net is removed once it has been determined the geoduck are able to evade predation and the beach is left undisturbed until harvest. The area is typically checked monthly for loose or damaged gear. Geoduck are harvested about 6 years after planting. Harvest either takes place during low tide or during high tide via divers. Harvest occurs by hand using a low-pressure water pump with an attached wand that loosens the sediment around the geoducks for removal by hand. Harvest holes fill in after one or two tidal cycles, or about 2-3 weeks.

The project site is located on tidelands within Drayton Passage, on parcel number 0020253017, adjacent to 157th Avenue Court and Yeazell Road, near Longbranch, Pierce County, Washington; Section 25, Township 20 North, Range 1 West; WRIA 15, Kitsap Watershed.

With this Order, Ecology is granting Aquaduck Shellfish LLC's request for a Section 401 Water Quality Certification for the Aquaduck LLC Geoduck Farm project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 24, 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, Aquaduck Shellfish LLC 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 Aquaduck Shellfish LLC 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 prohibited¹. If such work, conditions, or discharges occur, immediately notify² 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 Division³ 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 Aquaduck Shellfish LLC, Aquaduck LLC Geoduck Farm project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues an individual Department of the Army (DA) permit for this project. Order No. **20342** will remain valid for the duration of the associated DA permit. Aquaduck Shellfish LLC should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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.

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 Road SW, Suite 301 Tumwater, WA 98501	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



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

July 28, 2021
Date