



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

September 29, 2021

Ken Wiegardt
Wiegardt and Sons, Inc.
PO Box 309
Ocean Parks, WA 98640

RE: First Amendment to 401 Water Quality Certification Order **19736** for U.S. Army Corps of Engineers Reference **202000560**, Wiegardt Shellfish Farm - Stackpole, Willapa Bay, near Ocean Park, Pacific, Washington

Dear Ken Wiegardt:

Enclosed is an amendment to Water Quality Certification Order No. 19736, issued on March 17, 2021, for the above project. All other conditions of Water Quality Certification No. 19736 remain in effect.

The purpose of this amendment is to make minor changes to the acreage of farmed Manila Clams and flip bag Pacific Oysters on their Section 401 Water Quality Certification.

If you have any questions, please contact Marco Pinchot by e-mail at marco.pinchot@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenden", is written over a horizontal line.

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

Enclosure

e-cc: Benjamin Reile, U.S. Army Corps of Engineers
Robert M. Smith, K&L Gates LLP
Laura Hendricks, Coalition To Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Loree' Randall, Ecology
Marco Pinchot, Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 138941
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING) **ORDER # 19736**
A WATER QUALITY) **First Amendment**
CERTIFICATION TO) **Corps Reference No. 202000560**
Wiegardt and Sons, Inc.) Wiegardt Shellfish Farm – Stackpole
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: Ken Wiegardt
Wiegardt and Sons, Inc.
PO Box 309
Ocean Park, WA 98640

On March 17, 2021, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Wiegardt and Sons, Inc. for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on September 17, 2021, to make minor changes to the acreage of farmed Manila Clams and flip bag Pacific Oysters on their Section 401 Water Quality Certification.

Order No. **19736** dated March 17, 2021 is hereby amended as follows:

I. Paragraph 2, sentence 1, which reads:

This project proposes to continue operation on 359 acres of bottom Manila clam culture, 218 acres of on bottom oyster culture, and 20 acres suspended oyster flip bag culture.

Is replaced with:

This project proposes to continue operation on 369 acres of bottom Manila clam culture, 218 acres of on bottom oyster culture, and 10 acres suspended oyster flip bag culture.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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 STE 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:

Marco Pinchot
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
marco.pinchot@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>



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

September 29, 2021

DATE