



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*

October 7, 2021

Zimmerman Shellfish
Attn: Steve Zimmerman
6308 Boardman Road NW
Olympia, WA 98502

RE: Water Quality Certification Order No. **20754** for Corps Reference No. **201200164**,
Zimmerman Shellfish Beach 2, Thurston County, Washington

Dear Steve Zimmerman:

On September 7, 2021, Zimmerman Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Zimmerman Shellfish Beach 2 located on tidelands within Eld Inlet, near Olympia, Thurston 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,

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

Zimmerman Shellfish Beach 2
Order No. 20754, Corps No. 201200164
October 7, 2021
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e-cc: Loree' Randall, Ecology
Teressa Pucylowski, Ecology
Aquaculture-Reinforcement-Team@usace.army.mil
ecyrefedpermits@ecy.wa.gov – Aquatics No. 140107

IN THE MATTER OF GRANTING A) ORDER No. 20754
WATER QUALITY) Corps Reference No. 201200164
CERTIFICATION TO) Zimmerman Shellfish Beach 2 located on
Zimmerman Shellfish) tidelands within Eld Inlet, near Olympia,
pursuant to 33 U.S.C. 1341 (FWPCA) Thurston County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

Zimmerman Shellfish
Attn: Steve Zimmerman
6308 Boardman Road NW
Olympia, WA 98502

On September 7, 2021, Zimmerman Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Zimmerman Shellfish Beach 2, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on September 9, 2021.

This project proposes to continue commercially cultivating 0.15 acres of geoduck clams while expanding geoduck cultivation on 0.2 acres (up to 0.4 acres of geoduck total), all within 0.6 acres of private tidelands between -2.5ft to +2.0ft Mean Lower Low Water tidal elevations. Access to the project area occurs by foot or by boat. No nursery structures exist on the project site and all geoduck seed is planted immediately. The only prep work is to clear the beach of sticks and large shells with a rake.

Geoduck seed are planted in 4"-wide by 10"-long PVC tubes, which are then pushed into the substrate about 12" apart, with 3 or 4 geoduck seed planted per tube. Each tube will have a 2-mm mesh cap, for predator hindrance, that will be secured with a rubber band. No predator exclusion area netting will be used at the site. The individual nets and bands are removed after 6-12 months, and tubes are removed after 12-18 months. Upon removal, tubes and netting are immediately evacuated from the site by foot and placed in storage inland.

Geoduck clams are harvested 5-7 years after planting, with the aid of Chelsea Farms. Harvesting will be done using low-pressure, vessel mounted, water pumps with a "stinger/wand" nozzle that has an inside diameter of 5/8-inch or less. Water intake lines on the pumps will be fitted with mesh screens that meet or exceed National Marine Fisheries Service (NMFS) screening criteria to prevent sucking up any small aquatic organisms. The water hose wand will be placed into sediment adjacent to the geoduck and loosens the sediment around the clam, allowing it to be easily removed by hand.

Maintenance of the site will include routine inspection to clean debris and ensure no materials leave the project site. Any live entangled fish or wildlife when encountered will be documented, photographed, and released, and any loose nets, tubing, or aquaculture related debris discovered during inspections will be removed from the site. Site visits will also occur after any major storm event. All materials are kept in long-term storage inland on the property when not in use.

The project site is located on tidelands within Eld Inlet, on parcel number 60880001500, adjacent to 6320 Boardman Road NW, near Olympia, Thurston County, Washington; Section 20, Township 19 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Zimmerman Shellfish's request for a Section 401 Water Quality Certification for the Zimmerman Shellfish Beach 2 project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on September 7, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated September 8, 2021, regarding the project's compliance with the conservation measures associated with the "Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters" (U.S. Fish and Wildlife Service (USFWS) Reference Number 01EWF00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Zimmerman Shellfish's water quality monitoring plan, and Zimmerman Shellfish's commitment to follow the 2019 Puget Sound Shellfish Growers Association Environmental Codes of Practice for Shellfish Aquaculture.

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, Zimmerman Shellfish 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 Zimmerman Shellfish 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

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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 Zimmerman Shellfish, Zimmerman Shellfish Beach 2 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. **20754** will remain valid for the duration of the associated DA permit. Zimmerman Shellfish should send a copy of the final DA 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.

Address and location information.

Filing an appeal with the PCHB:

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 30
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

CONTACT INFORMATION

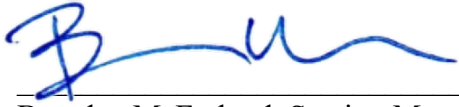
Please direct all questions about this Order to:

Teresa 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

October 7, 2021

Date