STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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October 8, 2021

Seattle Shellfish, LLC
Attn: Derek Epps
2101 4th Ave E, STE 201
Olympia, WA 98506

RE: Coastal Zone Consistency for Corps Reference No. **200900686,**
Laybourn Lease, Thurston County, Washington

Dear Derek Epps:

On April 5, 2021, the Department of Ecology received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project. On August 30, 2021, Ecology and Seattle Shellfish agreed to stay the CZM request to allow time for Seattle Shellfish to obtain a Section 401 Water Quality Certification. The current stay expires on February 4, 2021.

This determination is for the proposed project to continue to commercially cultivate up to 0.8 acres of geoduck clams and various species of oysters (Pacific, Kumamoto, Eastern, Olympia, and European flat oysters) with no fallow ground. The entire project area lies between +5.0ft Mean Lower Low Water (MLLW) and -4.5ft MLLW, or other property boundary, and within the property boundaries. Both geoduck and oysters are cultivated on about 0.5 acres of the project area, with oyster-only cultivation occurring on about 0.3 acres of the project area closest to the +5.0ft MLLW boundary. There is no use of mechanical bed preparation equipment.

Single-set seed or oyster cultch are cultivated in mesh grow bags that are either secured directly to the substrate bottom or are suspended in a tide-tumbled/flip bag system. Bags are attached to the racks, stakes, or lines using reusable plastic or wire ties. Installation occurs during low tide. Oyster tumbling involves attaching a buoy and securing the bags to a horizontal crossbeam (stainless steel rod, polypropylene or nylon line, or plastic coated cable) for the hanging lines and held in place by rebar stakes or similar posts driven into the substrate. Oysters grow in the bags and are checked periodically during low tides to ensure that the bags remain secure and to remove fouling organisms and predators. Oysters are harvested by hand at low or high tide.

Juvenile geoducks are planted in PVC or flexible mesh tubes, up to 6 inches in diameter and up to 13 inches in length. The tubes are inserted into the substrate such that only the top section (approximately 1/3) of the tube protrudes above the beach. Two to four seed clams are placed in each tube and tubes are typically installed at a density of about 1 tube per square foot. PVC tubes

may be covered by individual and/or area netting. Individual netting consists of a small, plastic mesh net secured to the tube by a UV-resistant rubber band. Area netting is secured with rebar stakes placed vertically into the substrate and may be installed over the PVC or flexible mesh tubes.

About two years after planting, tubes are removed while area netting may be redeployed over the bed for several months for continued predator protection. Geoduck are then harvested as much as eight years after planting. Geoducks are harvested using a hand-operated water wand, which can occur at low (beach harvest) or high (dive harvest) tide. Typically, a wand is a pipe about 18 to 24 inches long with a nozzle on the end that releases surface-supplied seawater from a hose at a pressure of approximately 40 pounds per square inch (about the same pressure as that from a standard garden hose) and a flow of 20-30 gallons per minute. Multiple divers may work in an area at one time.

The project site is located on tidelands within Nisqually Reach, on parcel number 72100000701, near Olympia, Thurston County, Washington; Section 22, Township 19 North, Range 1 West; WRIA 13, Deschutes Watershed.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Seattle Shellfish's determination that the proposed work is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency decision, please contact Teressa Pucylowski at teressa.pucylowski@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

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel RD SW STE 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

Sincerely,

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

e-cc: Aquaculture-Reinforcement-Team@usace.army.mil
Lee Wolf, Corps of Engineers
Teressa Pucylowski, Ecology
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ecyrefedpermits@ecy.wa.gov – Aquatics No. 139073