



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 12, 2021

Perkins Family Farms LLC
ATTN: William Perkins
8624 Libby Road NE
Olympia, WA 98506

RE: Amendment to 401 Water Quality Certification Order No. **19692** for U.S. Army Corps of Engineers Reference **200900940**, De Bakker Geoduck Aquaculture, Henderson Inlet, Olympia, Thurston County, Washington

Dear William Perkins:

Enclosed is an amendment to Water Quality Certification Order No. 19692, issued on March 11, 2021, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 19692 remain in effect.

The purpose of this amendment is to make changes to the acreage of geoduck cultivation and to include the addition of Pacific oyster and Manila clam cultivation.

If you have any questions, please contact Teresa Pucylowski at (360) 764-0546. 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

e-cc: Megan Biljan, U.S. Army Corps of Engineers
Laura Hendricks, Coalition to Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Teresa Pucylowski, Project Manager
Loree' Randall – HQ
ecyrefedpermits@ecy.wa.gov
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING) **ORDER No. 19692**
A WATER QUALITY) **First Amendment**
CERTIFICATION TO) **Corps Reference No. 200900940**
Perkins Family Farms LLC)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: William Perkins
8624 Libby Road NE
Olympia, WA 98506

On March 11, 2021, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Perkins Family Farms LLC for the De Bakker Geoduck Aquaculture project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

On July 28, 2021, Ecology received notification from the Corps stating that Perkins Family intended to modify their farming practices. Ecology notified the grower on October 4, 2021 that a modification to the Section 401 Water Quality Certification was required to include changes to the acreage of geoduck cultivation and the addition of Pacific oyster and Manila clam cultivation.

Order No. 19692 dated March 11, 2021 is hereby amended as follows:

I. The first sentence of the second paragraph, which reads:

This project proposes to continue a commercial geoduck operation, with approximately 1 acre of cultivation on private tidelands site between +3.0ft Mean Lower Low Water (MLLW) to the extremely low tide -4.0ft tidal elevation.

Is replaced with:

This project will continue cultivating approximately 0.5 acres of geoduck, and proposes to begin cultivation of Manila clams and Pacific oysters on approximately 0.5 acres. Geoduck and oysters will be cultivated between +1.0ft and -3.5ft Mean Lower Low Water (MLLW); Manila clams will be cultivated between +1.5ft and +3.0ft.

II. The following paragraph is inserted after the fourth paragraph:

Oysters are cultivated using a flip-bag system. Oyster seed is placed in mesh bags which are then attached to 3/8" crab lines supported by steel fence posts. There are 9" x 9" concrete blocks that lie on the substrate and are used to secure the fence posts. Manila clams are cultivated in on-bottom mesh bags, which are also secured to the beach with concrete blocks. Both oysters and Manila clams are harvested by hand about 2-3 years after planting.

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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 Hearings 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 all 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 301
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

Street Address:

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

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CONTACT INFORMATION

Please direct all questions about this Order to:

Teressa Pucylowski
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
360-764-0546
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>



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

October 12, 2021

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

IN THE MATTER OF GRANTING A)	ORDER No. 19692 – 1st Amendment
WATER QUALITY)	Corps Reference No. 200900940
CERTIFICATION TO)	De Bakker Geoduck Aquaculture located on
Net Venture Farms, Inc. Perkins Family)	tidelands within Henderson Inlet, near Olympia,
Farms LLC)	Thurston County, Washington
pursuant to 33 U.S.C. 1341 (FWPCA)	
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

~~Net Venture Farms, Inc.~~ Perkins Family Farms LLC
~~Hui Xia~~ William Perkins
~~8822~~ 8624 Libby Road NE
Olympia, WA 98506

On February 2, 2021, ~~Net Venture Farms~~ Perkins Family Farms LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for De Bakker Geoduck Aquaculture, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project February 11, 2021.

~~This project proposes to continue a commercial geoduck operation, with approximately 1 acre of cultivation on private tidelands site between +3.0ft Mean Lower Low Water (MLLW) to the extremely low tide -4.0ft tidal elevation. This project will continue cultivating approximately 0.5 acres of geoduck, and proposes to begin cultivation of manila clams and Pacific oysters on approximately 0.5 acres. Geoduck and oysters will be cultivated between +1.0ft and -3.5ft Mean Lower Low Water (MLLW); Manila clams will be cultivated between +1.5ft and +3.0ft. There is no eelgrass present at this site. Regular maintenance activities occur biweekly or after a stormy event and include: 1) checking growth rate, 2) removing any marine debris, and 3) assuring there are no significant damages to the farm.~~

Geoduck will be planted in PVC tubes that are then covered with large area netting, which is secured to the substrate with rebar stakes. The tubes measure 8 to 12-in long by 6-in wide, are spaced 1-ft apart, and protrude 2 to 4-in above the beach. The tubes and nets protect the baby geoducks until they reach adequate depth and size to avoid predators. The tubes and nettings are removed two years after planting, with no materials on the tidelands for four years, until they are ready for harvest. About 43,000 tubes would be installed in 2021.

Harvest will take place at both low (“dry harvest”) and high tides (“wet harvest”). During the harvest process, a 30-ft long by 12-ft wide wooden barge with no propulsion will be moored at the site in three or four-point anchorages near +1 MLLW of the project site for a maximum of seven days. Water pumps used for harvest will be run by a small engine mounted to the barge. The engine and the pump would be fitted with a muffler and kept inside an insulated box to reduce noise when harvesting. The water pump is connected to a hand-held water jet which is

inserted into the beach next to the geoduck. The jet liquefies the substrate so that the geoduck may be removed.

Oysters are cultivated using a flip-bag system. Oyster seed is placed in mesh bags which are then attached to 3/8" crab lines supported by steel fence posts. There are 9" x 9" concrete blocks that lie on the substrate and are used to secure the fence posts. Manila clams are cultivated in on-bottom mesh bags, which are also secured to the beach with concrete blocks. Both oysters and Manila clams are harvested by hand about 2-3 years after planting.

The project site is located on tidelands within Henderson Inlet, on parcel number 11905330600, adjacent to 8642 Libby Road NE, near Olympia, Thurston County, Washington; Section 5, Township 19 North, Range 2 West; WRIA 13, Deschutes Watershed.

With this Order, Ecology is granting ~~Net Venture Farms~~'s Perkins Family Farms LLC's request for a Section 401 Water Quality Certification for the De Bakker Geoduck Aquaculture project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 2, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated February 3, 2021, regarding ~~Net Venture Farms~~' Perkins Family Farms LLC' water quality monitoring plan, and ~~Net Venture Farms~~' Perkins Family Farms LLC' 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, ~~Net Venture Farms Perkins Family Farms 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 ~~Net Venture Farms Perkins Family Farms 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.

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,

¹ RCW 90.48

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 ~~Net Venture Farms Perkins Family Farms LLC~~, De Bakker Geoduck Aquaculture 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. **19692** will remain valid for the duration of the associated DA permit. ~~Net Venture Farms Perkins Family Farms LLC~~ should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

CONTACT INFORMATION

Please direct all questions about this Order to:

Teresa Pucylowski
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
teressa.pucylowski@ecy.wa.gov

² WAC 173-303-145

³ RCW 90.56.280