



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 14, 2022

Station House Oyster Company
Attn: James J. Kemmer
450 Chinook Valley Rd.
Chinook, WA 98614

RE: Water Quality Certification Order No. **20968** for Corps Reference No. **200701505**,
Station House Oyster Company Project 9, Pacific County, Washington

Dear James J. Kemmer:

Station House Oyster Company notified the Department of Ecology (Ecology) that they have requested a Nationwide Permit (NWP) 48 authorization from the US Army Corps of Engineers (Corps) for Station House Oyster Company Project 9 located on tidelands within Willapa Bay, near Long Beach, Pacific County, Washington. Because the Corps Seattle District has notified Ecology that individual Section 401 Water Quality Certifications (WQC) are required for all NWP 48's, Station House Oyster Company submitted a request for a WQC on December 30, 2021.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the WQC request 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 Marco Pinchot by e-mail at marco.pinchot@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

e-cc: Estrella F. Campellone, Corps of Engineers (Corps)
Laura Hendricks, Coalition To Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Marlene Meaders, Confluence Environmental Company
Loree' Randall, Ecology
Marco Pinchot, Ecology
ecyrefedpermits@ecy.wa.gov
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING A) ORDER No. 20968
WATER QUALITY) Corps Reference No. 200701505 (NWP 48)
CERTIFICATION TO) Station House Oyster Company Project 9 located
Station House Oyster Company) on tidelands within Willapa Bay, near Long
pursuant to 33 U.S.C. 1341 (FWPCA) Beach, Pacific County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

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This project proposes to continue to cultivate Manila clam (*Venerupis philippinarum*) and Pacific oysters (*Crassostrea gigas*) on 10 acres of private intertidal land, at a -1.0ft Mean Lower Low Water (MLLW) tidal elevation. Manila clams are typically located along the west edge of the property. The entire parcel has been actively cultured for over ten years. Clams and oysters are ground-cultured without any structures. Both native and non-native eelgrass are present within the project site, although areas with native eelgrass are avoided during the seeding process to the extent practical.

Pacific oyster cultivation:

Pacific oysters are grown directly on the beach substrate. Prior to planting, shellfish beds will be prepared by removing debris by hand. Seeding will occur by using oyster cultch or hatchery oyster seed. Oysters are put on the seed bed as small seed and left to grow for 2 years. They are then moved to a fattening bed by hand, which is used on a rotational basis.

Oysters are harvested by hand. During hand harvest, workers use hand tools or hand-pick oysters and place them into various sized containers placed on the bed, which are later retrieved at high tide or are carried off the beach at low tide. Depth of substrate disturbance is approximately 1 to 2 inches.

Manila clam cultivation:

Hatchery-grown clams are seeded by hand directly onto the beach substrate. Natural spawning and setting of clams will also occur.

Prior to planting, clam beds are prepared by applying a thin layer of washed gravel mixed with shell fragments directly to the substrate (also called “frosting”). Typically, only a portion of the bed is frosted at a time. This activity occurs every 2 years or so, when the tide is high enough to float a barge carrying the frosting material. Material will be distributed evenly across the bed from a barge or skiff to a depth of less than 0.5 inches when the tide is high enough to float a barge. Several thin layers of material may be placed over a period of days. To place a single 0.5-inch layer requires about 70 cubic yards of washed gravel or shell per acre. An individual site (or portion of the clam bed) would not be frosted more frequently than once every 2 years.

Clams are hand-harvested every 2-3 years during low tide, using a clam rake, shovel or other hand-operated tool. Market-size clams are selectively harvested, placed in buckets, bagged, tagged, and removed. Undersized clams are returned to beds for future harvests. Since a given clam bed may contain multiple year classes of clams, it may be harvested on a regular schedule to harvest individual year classes of clams.

The project site is located on tidelands within Willapa Bay, on parcel number 79004000011 (OB-D011), near Long Beach, Pacific County, Washington; Section 22 and 23, Township 11 North, Range 11 West; WRIA 24, Willapa Watershed.

With this Order, Ecology is granting Station House Oyster Company’s request for a Section 401 Water Quality Certification for the Station House Oyster Company Project 9 project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on December 30, 2021.

1. E-mail letter to Ecology dated December 30, 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 Station House Oyster Company’s water quality monitoring plan.

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, Station House Oyster Company 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 Station House Oyster Company 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 prohibited. If such work, conditions, or discharges occur, immediately notify 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 Division 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 Station House Oyster Company, Station House Oyster Company Project 9 project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Nationwide Permit 48 authorization for this project. Order No. **20968** will remain valid for the duration of the associated Nationwide permit. Station House Oyster Company should send a copy of the final Nationwide 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 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

CONTACT INFORMATION

Please direct all questions about this Order to:

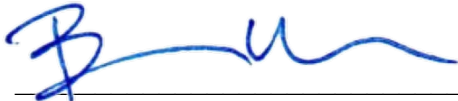
Marco Pinchot
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
marco.pinchot@ecy.wa.gov

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>
- **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

January 14, 2022

Date