



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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January 24, 2022

Minterbrook Oyster Company
Attn: Kent Kingman
PO Box 432
Gig Harbor, WA 98335

RE: Coastal Zone Consistency for Corps Reference No. **201400589**,
Minterbrook Oyster Minter/Henderson Bay, Pierce County, Washington

Dear Kent Kingman:

On January 13, 2022, The Department of Ecology received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project.

This determination is for the proposed project to commercially cultivate up to 86 acres of Pacific oysters (*Crassostrea gigas*), Olympia oysters (*Ostrea lurida*) and Manila clams (*Venerupis philippinarium*) between 6.0 feet (ft.) and -4.5 ft. Mean Lower Low Water (MLLW) tidal elevation on parcel numbers 0122294002, 0122283004, 6030100025, 6030100090, 6030100100, 6300100110, 6030100121, 6030100122, 6030100130, 6030100140, 603010051, and 6030100161. Access to tidelands is by boat.

Oysters at this location will be grown in three ways for approximately two to three years:

- 1) On-bottom culture: Oyster seed will be placed directly on the tidelands substrate to mature for harvest by hand at low tide.
- 2) Bag-on-bottom-culture: Oyster seed would be placed in mesh bags attached to ropes on the bottom and secured with rebar stakes on the substrate until mature and harvested by hand at low tide.
- 3) Suspended culture: Oyster seed will be placed in AquaPurse containers attached to rope lines that are suspended 6-12 inches off the bottom and attached to steel posts. The oyster seed would be grown in the AquaPurse containers and then transferred directly onto the substrate when the oysters have reached a suitable size.

Clams cultivated at this location for two to three years. Clams will be seeded directly on the substrate and will be covered with poly 12mm – 8 mm area netting that is secured with rebar stakes for predator exclusion. Clams will be harvested by hand or mechanically using a clam digger. The clam digger is a modified tulip bulb harvester that is engine-propelled four-wheeled machine that mechanically removes market-sized clams from the substrate.

Gravelling or “frosting” is proposed at this location on approximately 20 acres of tidelands. Cleaned and washed gravel mixed with shell fragments will be discharged from the deck of a floating barge to a depth of less than one inch annually. Approximately 30 yards of pea gravel per acre will be applied when needed.

The project site is located on tidelands within Minter and Henderson Bays, on parcel numbers 0122294002, 0122283004, 6030100025, 6030100090, 6030100100, 6300100110, 6030100121, 6030100122, 6030100130, 6030100140, 603010051, and 6030100161, adjacent to 12002 114th Street Court NW, near Gig Harbor, Pierce County, Washington; Section 29, Township 22 North, Range 1 East; WRIA 15, Kitsap Watershed.

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

If you have any questions regarding Ecology’s consistency determination, please contact Jennifer Riedmayer at Jennifer.Riedmayer@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

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

Sincerely,



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

e-cc: Aquaculture-Reinforcement-Team@usace.army.mil
Thomas Sentner, Corps of Engineers
Jennifer Riedmayer, Ecology
Loreé Randall, Ecology
ecyrefedpermits@ecy.wa.gov