



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
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February 2, 2022

Patten Clam Farm  
Attn: Kim Patten  
18306 Sandridge Rd,  
Long Beach, WA 98631

RE: Water Quality Certification Order No. **20974** for Corps Reference No. **201601059**,  
Patten Clam Farm, Pacific County, Washington

Dear Kim Patten:

On December 17, 2021, Kim Patten submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Patten Clam Farm located on tidelands within Willapa Bay, near Long Beach, Pacific 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 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

Patten Clam Farm  
Order No. 20974 Corps No. 201601059  
Aquatics No. 139708  
February 2, 2022  
Page 2 of 2

e-cc: Ronnie Smith, Corps of Engineers (Corps)  
Loree' Randall, Ecology  
Marco Pinchot, Ecology  
ecyrefedpermits@ecy.wa.gov  
Aquaculture-Reinforcement-Team@usace.army.mil

**IN THE MATTER OF GRANTING A ) ORDER No. 20974**  
**WATER QUALITY ) Corps Reference No. 201601059**  
**CERTIFICATION TO ) Patten Clam Farm located on tidelands within**  
Patten Clam Farm ) Willapa Bay, near Long Beach, Pacific County,  
pursuant to 33 U.S.C. 1341 (FWPCA ) Washington  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

Patten Clam Farm  
Attn: Kim Patten  
18306 Sandridge Rd,  
Long Beach WA 98631

On December 17, 2021, Kim Patten submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Patten Clam Farm, Pacific County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on December 27, 2021.

This project proposes to continue to cultivate Manila clam (*Venerupis philippinarum*) for commercial purposes on 0.58 acres of intertidal ground between +4 and +5 feet MLLW. The total project area is one-acre, of which 0.58-acres is in Manila clam cultivation. This project will rely on natural sets of Manila clams. Ground culture Manila clams will continue to be cultivated and harvested by hand and by rake. The site was frosted with gravel in 2019 and spot frosting will occur, as needed, to a depth of no more than 0.5-inches deep. Harvest will be every three years. The purpose of the project is to provide shellfish for human consumption.

The project site is located on tidelands within Willapa Bay, on parcel number 111115553399, adjacent to 18306 Sandridge Road, Long Beach, Pacific County, Washington; Section 22, Township 11 North, Range 11 West; WRIA 24, Willapa Watershed.

With this Order, Ecology is granting Kim Patten’s request for a Section 401 Water Quality Certification for the Patten Clam Farm project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on December 17, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated December 17, 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 Kim Patten’s water quality monitoring plan, and Kim Patten’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, Kim Patten 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 Kim Patten 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 Kim Patten’s Patten Clam Farm 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. **20974** will remain valid for the duration of the associated DA permit. Kim Patten should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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**



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

February 2, 2022  
Date