STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 16, 2022

Goodro Shellfish
Attn: Joseph Schrieber
PO Box 12551
Olympia, WA 98508

RE: Water Quality Certification Order No. **21017** for Corps Reference No. **200900801,** Goodro Shellfish Merriman Shellfish Farm, Mason County, Washington

Dear Joseph Schreiber:

On January 10, 2022, Goodro Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Merriman Shellfish Farm located on tidelands within Hammersley Inlet, near Shelton, Mason 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 Jennifer Riedmayer by e-mail at Jennifer.Riedmayer@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: F. Kelly Finn, U.S. Army Corps of Engineers
Stephanie Jones, Pearl Environmental Consulting
Loree' Randall, Ecology
Jennifer Riedmayer, Ecology
ecyrefedpermits@ecy.wa.gov
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING A	**)**	**ORDER No. 21017**
WATER QUALITY CERTIFICATION TO	**)**	**Corps Reference No. 200900801**
Goodro Shellfish	**)**	Merriman Shellfish Farm,
pursuant to 33 U.S.C. 1341	**)**	located on tidelands within Hammersley
(FWPCA § 401), RCW 90.48.120, RCW	**)**	Inlet, near Shelton, Mason County,
90.48.260 and Chapter 173-201A WAC	**)**	Washington

Goodro Shellfish
Attn: Joseph Schrieber
PO Box 12551
Olympia, WA 98508

On January 10, 2022, Goodro Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Merriman Shellfish Farm, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on January 13, 2022.

This project proposes to commercially cultivate up to 13 acres of Pacific oysters (*Crassostrea gigas*), Manila clams (*Venerupis philippinarum*), and Geoduck clams (*Panoepa abrupta*) between +7.0 feet (ft.) and -4.0 ft. Mean Lower Low Water (MLLW) tidal elevation on parcels 220302081620 and 22032080620. Access to tidelands is by boat.

Below is the cultivation and harvesting methods for this site location:

Manila Clams:

Juvenile seed will be dispersed onto the intertidal sediment once every couple of years and allowed to grow under clam nets. The clam harvest and seeding area is approximately 50 ft. in width and 900 ft. in length. Within this area, clam nets will be used to protect freshly seeded areas. The clam nets are 50 ft. by 15 ft. and will be placed in two rows that equals to 30 ft. width total where seed are planted. The nets will be secured along the perimeter with rebar hooks that do not protrude the sediment surface. The subsequent adults will be harvested by hand and placed in plastic mesh bags, which are carried by hand to the boat for removal to Goodro Shellfish's upland shop in Shelton, WA.

Naturally occurring manila clams will be harvested by hand using clam forks and placed in plastic mesh bags so they can be carried by hand to the boat for removal to Goodro Shellfish's upland shop in Shelton, WA.

Pacific Oysters (Ground Culture Method):

Juvenile seed will be dispersed onto the intertidal sediment and allowed to grow. The subsequent adults will be harvested by hand and placed in plastic mesh bags, which are then carried by hand to the boat for removal to Goodro Shellfish's upland shop in Shelton, WA.

Pacific Oysters (Pillow Bag Culture Method):

Oyster seed are placed into a black plastic mesh bag offsite. The seeded bags are then transported by boat to the property and are laid flat onto the beach. The bags are then secured by wires to ropes already laid on the beach. Ropes are secured to metal fence posts already on beach. When the oysters are ready to be harvested, the bags are untied from the rope, and oysters are unbagged onto the beach. Oysters are hand counted and loaded onto the boat, along with the used mesh bags. The boat then transports materials to Goodro Shellfish's upland shop in Shelton, WA.

Pacific Oysters (Rope Oyster Bag Culture Method):

Juvenile seed are placed into black plastic mesh pillow bags and are attached to rope by wire. This rope is attached to T posts approximately 1 ½ inches wide by 5 ft. long driven into sediment with 2 feet exposed and approximately 50 feet between posts. When the subsequent adults are ready for harvest, the bags are untied from the rope by hand and oysters are dumped onto the beach and are counted by hand. Product is then bagged and loaded onto the boat, along with the used mesh bags, to Goodro Shellfish's upland shop in Shelton, WA.

Geoduck Clams:

Prior to seeding activities, 4" gray PVC pipe will be depressed into the substrate by foot, approximately 1 pipe per square foot. The end above the substrate is covered with a black plastic mesh secured with a UV resistant band. Seeding activities occur either one of two ways:

Scenario 1—juvenile geoduck clams are placed into the PVC pipes during high tide by divers, or
Scenario 2—juvenile geoduck clams are placed into the PVC pipes during low tide by hand.

After juveniles are placed into the sediment, about 1 year later, the secured plastic mesh is removed by hand. PVC pipes are removed approximately 1 to 2 years after seeding, and a sprinkler system is utilized during warm summertime low tide events. Harvesting occurs between 5 to 8 years after seeding, where they are either harvested at low tide by hand or by diver at high tide. In both scenarios, a stinger (PVC pipe with holes) is attached to a hose and gas powered pump to loosen the substrate around the clam for harvesting. Clams are then bagged and removed by boat to Goodro Shellfish's upland shop in Shelton, WA.

The project site is located on tidelands within Hammersley Inlet, on parcels 220302081620 and 22032080620, adjacent to 123 SE Earsley Lane, near Shelton, Mason County, Washington; Section 30, Township 20 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Goodro Shellfish's request for a Section 401 Water Quality Certification for the Merriman Shellfish Farm project, provided that the activity is conducted in

accordance with the Section 401 Water Quality Certification request and attachments Ecology received on January 10, 2022, and the following supporting documentation:

1. E-mail letter to Ecology dated January 10, 2022, 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 01EWFW00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Goodro Shellfish water quality monitoring plan, and Goodro Shellfish 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, Goodro Shellfish 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 Goodro Shellfish 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 Goodro Shellfish, Merriman Shellfish 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. **21017** will remain valid for the duration of the associated DA permit. Goodro Shellfish should send a copy of the final DA 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:

Jennifer Riedmayer
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Jennifer.Riedmayer@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

February 16, 2022
Date