



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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February 16, 2022

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

Re: Water Quality Certification Order No. **21016** for Corps Reference No. **202200055**, Eld Inlet Evergreen Shellfish Farm, Thurston 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 Eld Inlet Evergreen Shellfish Farm located on tidelands within Eld Inlet, near Olympia, Thurston 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](mailto: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

*Goodro Shellfish Eld Inlet Evergreen Shellfish Farm*

*Order No. 21016, Corps No. 202200055*

*Aquatics No. 141108*

*February 16, 2022*

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E-cc: Kylie Webb, 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. 21016**  
**WATER QUALITY CERTIFICATION TO ) Corps Reference No. 202200055**  
Goodro Shellfish ) Eld Inlet Evergreen Shellfish Farm,  
Pursuant to 33 U.S.C. 1341 ) located on tidelands within Eld Inlet,  
(FWPCA § 401), RCW 90.48.120, RCW ) near Olympia, Thurston County, Washington  
90.48.260 and Chapter 173-201A WAC )

Goodro Shellfish  
Attn: Joseph Schreiber  
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 Eld Inlet Evergreen Shellfish Farm, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on January 13, 2022.

This project is a new shellfish farm that proposes to commercially cultivate up to 7 acres of Pacific oysters (*Crassostrea gigas*) and Manila clams (*Venerupis philipparum*) between +7.0 feet (ft.) and -4.0 ft. Mean Lower Low Water (MLLW) tidal elevation on parcel numbers 60920000600, 60920000700, 60920000800, 60920000900, 60920001000, 60920001100, and 60920001200. 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 equal 30 ft. width total where seed is 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 at 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:**

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.

**Sink Float:**

A sink float will be anchored at the deepest part of the beach. It will be constructed of a wood frame with walkway surrounding a submerged mesh cage for holding picked and bagged shellfish.

Gravelling is also proposed at this location. Washed pea gravel will be added to enhance setting substrate on the upper parts of the beach between 5.0 ft. and 1.0 ft. as well as to some soft areas on the beach to improve oyster ground between 1.0 ft. and -4.0 ft. This will be done in sections approximately 900 ft. by 50 ft. at a gravel depth of one inch, which is approximately 140 yards of gravel. Additionally, this area may have gravel added piecemeal over the course of a few years and small sections may have gravel added more than once, but not more than 1 inch per year.

The project site is located on tidelands within Eld Inlet, on parcel numbers 60920000600, 60920000700, 60920000800, 60920000900, 60920001000, 60920001100, and 60920001200, near Olympia, Thurston County, Washington; Section 06, Township 18 North, Range 2 West; WRIA 13, Deschutes Watershed.

With this Order, Ecology is granting Goodro Shellfish's request for a Section 401 Water Quality Certification for the Eld Inlet Evergreen 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 October 13, 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 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, Eld Inlet Evergreen 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. **21016** 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](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:**

<b>Mailing Address:</b> Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903	Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501
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**Street Address:**

**Serving a copy of the appeal on Ecology:**

<b>Mailing Address:</b> Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608	<b>Street Address:</b> 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:

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>

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- **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 16, 2022

Date