



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

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March 15, 2022

Heckes Clams Inc.
Attn: John Heckes
PO Box 131
Chinook, WA 98614

Re: Coastal Zone Consistency for Corps Reference No. **200701138**,
Heckes Shellfish Aquaculture within Samish Bay, Skagit County, Washington

Dear John Heckes:

On January 18, 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 continue commercial cultivation of up to 4.25 acres of Geoduck clam (*Panopea generosa*) and/or Manila clams (*Venerupis philippinarum*). The Site is located on privately owned tidelands between the -2.0-foot to -1.0-foot Mean Lower Low Water (MLLW) tidal elevations.

Geoduck clam:

The project would involve cultivation of up to 4.25 acres of Geoduck clams. These clam cultivation areas would overlap with the manila clam cultivation areas. PVC tubes would be used to grow Geoduck clam. The PVC tubes would be 4-inches in diameter and 9-inches in length and would be pushed 2/3 of the way into the substrate by hand at low tide and at an approximate density of 1 tube per square foot. Three to four juvenile geoduck clams would be placed in each tube. Individual nets with a mesh size of ¼ inch would be attached to the top of the tubes and secured with a UV resistant rubber band or the tube field would be covered with heavy gauge area netting with a mesh size of ¼ inch. Area netting would be secured to the substrate with rebar stakes. This work would be performed manually.

The PVC tubes and netting would be present on the Site for approximately 2 years. Upon removal, all tubes and netting would be removed from the Site and transported by boat to an upland site for later use.

After approximately 5 to 6 years, market-sized geoduck clams would be harvested using a hand-operated, high volume/low pressure water wand to liquify the substrate whereupon geoduck clams can be removed by hand. Harvest would occur during low tide or by divers at high tide.

The cultivation area would be accessed by boat with no overland access occurring. Maintenance and monitoring would occur as needed, dependent on weather conditions and could occur weekly or up to once every three months. Damaged materials, including tubes and netting, would be repaired as necessary.

Manila clam:

The project would involve cultivation of up to 4.25 acres of manila clams. These clam cultivation areas would overlap with the Geoduck clam cultivation areas. Harrowing of the substrate may be conducted to prepare the beds and enhance the substrate. The clams would be seeded by hand or from a vessel. After seeding, the clam beds would be covered with predator exclusion netting that has a mesh size of ¼ inch. The nets would be installed by hand and the edges of the nets would be buried in sediment and secured to the substrate with rebar. A rotary brush sweeper would be used to de-foul the predator nets. Clams would be harvested by hand and with a clam rake with 4-inch to 12-inch tines during low tide every 2 to 3 years. Clam beds may contain multiple year classes of clams and clam harvest may occur on an annual basis. Harvested clams would be placed in a container and transferred to an ATV or a tractor for transport to shore.

The project site is located on tidelands within Samish Bay, on parcel number P47937, near Bow, Skagit County, Washington; Section 20, Township 36 North, Range 3 West; WRIA 3, Lower Skagit/Samish Watershed.

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

If you have any questions regarding Ecology's consistency determination, please contact Marco Pinchot by e-mail at marco.pinchot@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
Ronnie Smith, U.S. Army Corps of Engineers
Timothy Long, U.S. Army Corps of Engineers
Marco Pinchot, Ecology
Loreé Randall, Ecology
ecyrefedpermits@ecy.wa.gov