



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

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March 18, 2022

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

Re: Amendment to Section 401 Water Quality Certification Order No. **21016** for Corps Reference No. **202200055**, Eld Inlet Evergreen Shellfish Farm, Thurston County, Washington

Dear Joseph Schrieber:

Enclosed is an amendment to Water Quality Certification Order No. 21016, issued on February 16, 2022, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 21016 remain in effect.

The purpose of this amendment is to remove the sink float from the project description.

If you have any questions about this decision, please contact Jennifer Riedmayer by e-mail at Jennifer.Riedmayer@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosure

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 - Aquatics No. 141108
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING A) **ORDER No. 21016**
WATER QUALITY CERTIFICATION TO) **First Amendment**
Goodro Shellfish) **Corps Reference No. 202200055**
In accordance with 33 U.S.C. 1341)
(FWPCA §401), RCW 90.48.120,)
RCW90.48.260 and Chapter 173-201A WAC)

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

On February 16, 2022, the Washington Department of Ecology (Ecology) issued a Section 401 Water Quality Certification to Goodro Shellfish for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on Month 14, 2022 to remove the use of a sink float at this location.

Order No. 21016 dated February 16, 2022 is hereby amended as follows:

I. The following paragraph is removed:

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.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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

March 18, 2022
Date

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

IN THE MATTER OF GRANTING A)	ORDER No. 21016 – 1ST Amendment
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:

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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

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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 within two weeks of receiving it.

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