



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 8, 2022

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

Re: Water Quality Certification Order No. **21077** for Corps Reference No. **201201230**,  
Rau Property, Mason County, Washington

Dear Joseph Schrieber:

On March 3, 2022, Goodro Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Rau Property located on tidelands within Totten 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](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 Rau Property*  
*Order No. 21077, Corps No. 201201230*  
*Aquatics No. 140768*  
*April 8, 2022*  
*Page 2 of 2*

E-cc: Ronnie Smith, U.S. Army Corps of Engineers (Corps)  
Loree' Randall, Ecology  
Jennifer Riedmayer, Ecology  
ecyrefedpermits@ecy.wa.gov  
Aquaculture-Reinforcement-Team@usace.army.mil

**IN THE MATTER OF GRANTING A** )  
**WATER QUALITY CERTIFICATION TO** )  
Goodro Shellfish )  
Pursuant to 33 U.S.C. 1341 (FWPCA )  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

**ORDER No. 21077**  
**Corps Reference No. 201201230**  
Rau Property located on tidelands  
within Totten Inlet, near Shelton, Mason  
County, Washington

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

On March 3, 2022, Goodro Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Rau Property, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on March 8, 2022.

This project proposes to commercially cultivate up to 1 acre of geoducks clams (*Panopea abrupta*) between + 2.0 ft. and -4.0 ft. Mean Lower Low Water (MLLW) on parcel number 220325000025. Access to tidelands is by boat.

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

**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 1-2 years after seeding, and a sprinkler system is utilized during warm summertime low tide events. Harvesting occurs between 5-8 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 upland shop in Shelton.

The project site is located on tidelands within Totten Inlet, on parcel number 220325000025, adjacent to 753 SE Arcadia Shores Road, near Shelton, Mason County, Washington; Section 32, 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 Rau Property project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on March 2, 2022, and the following supporting documentation:

1. E-mail letter to Ecology dated March 3, 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 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<sup>1</sup>. If such work, conditions, or discharges occur, immediately notify<sup>2</sup> 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<sup>3</sup> 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, Rau Property project.

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<sup>1</sup> RCW 90.48

<sup>2</sup> WAC 173-303-145

<sup>3</sup> RCW 90.56.280

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. **21077** 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:**

**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

April 8, 2022  
Date