



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 3, 2022

Schreiber Shellfish Inc.
Attn: Vicki Schreiber
PO Box 754
Shelton, WA 98584

Re: Water Quality Certification Order No. **21119** for Corps Reference No. **200701323**,
Schreiber Shellfish North Shore Property, Mason County, Washington

Dear Vicki Schreiber:

On February 20, 2022, Schreiber Shellfish Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Schreiber Shellfish North Shore Property 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 Teresa Pucylowski by e-mail at teressa.pucylowski@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

*Schreiber Shellfish North Shore Property
WQC Order No. 21119, Corps No. 200701323
Aquatics No. 139913
May 3, 2022
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Enclosure

E-cc: Aquaculture-Reinforcement-Team@usace.army.mil
Loree' Randall, Ecology
Teresa Pucylowski, Ecology
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) **WQC ORDER No. 21119**
WATER QUALITY CERTIFICATION TO) **Corps Reference No. 200701323**
Schreiber Shellfish Inc.) *Schreiber Shellfish North Shore Property located*
pursuant to 33 U.S.C. 1341 (FWPCA §401),) *within Hammersley Inlet, near Shelton, Mason*
RCW 90.48.120, RCW 90.48.260 and) *County, Washington*
Chapter 173-201A WAC)

Schreiber Shellfish Inc.
Attn: Vicki Schreiber
PO Box 754
Shelton, WA 98584

On February 20, 2022, Schreiber Shellfish Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Schreiber Shellfish North Shore Property, Mason County, Washington.

- On December 11, 2020 the Schreiber Shellfish Inc. submitted a pre-filing meeting request.
- On March 17, 2022 Ecology issued a public notice for the project.

This project proposes to continue to cultivate 3.5 acres of Pacific oysters and Manila clams on private tidelands. Ground culture of oysters occurs on 1.0 acre between -2.0ft and +1.0ft Mean Lower Low Water (MLLW), while 0.5 acres of oysters are cultivated between -4.0ft and -2.0ft MLLW using bag-on-bottom and rack-and-bag methods. Manila clams are cultivated on 2.0 acres between +1.0ft and +7.0ft MLWW. Naturally occurring manila clams will also be harvested. There is no eelgrass present at the site.

Juvenile clam seed will be dispersed onto the intertidal sediment once every couple of years. The subsequent adults, along with any naturally occurring Manila clams, will be harvested by hand and placed in plastic mesh bags, which are carried by hand to the boat for removal. Gravelling occurs once every 5 years, with a maximum of 100 cubic yards of washed pea gravel added to ensure stable sediments for shellfish cultivation. Gravel added will not exceed 1 inch in depth.

Oysters are cultivated either through ground culture, bag-on-bottom, or rack-and-bag methods. In ground culture, oyster seed will be dispersed onto the intertidal sediment and allowed to grow until they are harvested by hand. In the bag-on-bottom culture, or pillow bag culture, oyster seed are placed into a black plastic mesh bag (approx. ¼ mesh) which 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 un-bagged onto the beach. Oysters are hand counted and loaded onto the boat, along with the used mesh bags. In rack-and-bag culture, oyster seed is placed into mesh bags and attached to rope by wire. This rope is attached to T posts approximately 1 1/2" wide by 5ft long driven into sediment with 2ft exposed and approximately 50ft 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 the applicant's upland shop in Shelton, WA.

The project site is located on tidelands within Hammersley Inlet, on parcel numbers 32023-23-90010, 32023-23-80560, and 32023-23-90000, near Shelton, Mason County, Washington; Section 23, Township 20 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Schreiber Shellfish Inc.'s request for a Section 401 Water Quality Certification for the Schreiber Shellfish North Shore Property project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 20, 2022.

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, Schreiber Shellfish Inc. 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 Schreiber Shellfish Inc. 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.¹ If such work, conditions, or discharges occur, immediately notify² 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 Division³ at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other 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.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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 Schreiber Shellfish Inc. for the Schreiber Shellfish North Shore Property project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. **21119** will remain valid for the duration of the associated DA permit. Schreiber Shellfish Inc. 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 Hearings 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 all 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:

Teresa Pucylowski
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
teressa.pucylowski@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

May 3, 2022
Date