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 Teressa 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
Enclosure

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

Teressa 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  

- 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  

- Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington  

- 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