



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 3, 2022

Little Skookum Shellfish Growers, Inc.
Attn: Lisa Bishop
PO Box 1157
Shelton, WA 98584-0940

Re: Water Quality Certification Order No. **21087** for Corps Reference No. **200701281**,
Walike Lease, Mason County, Washington

Dear Lisa Bishop:

On February 17, 2022, Little Skookum Shellfish Growers Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Walike Lease 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 Marco Pinchot by e-mail at Marco.Pinchot@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

Little Skookum Shellfish Growers Inc.
WQC Order No. 21087, Corps No. 200701281
Aquatics No. 141460
May 3, 2022
Page 2 of 2

E-cc: Danette Guy, U.S. Army Corps of Engineers (Corps)
Loree' Randall, Ecology
Marco Pinchot, Ecology
ecyrefedpermits@ecy.wa.gov
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING A) WQC ORDER No. 21087
WATER QUALITY CERTIFICATION TO) Corps Reference No. 200701281
Little Skookum Shellfish Growers, Inc.) Walike Lease located on tidelands within Totten
pursuant to 33 U.S.C. 1341 (FWPCA) Inlet, near Shelton, Mason County, Washington
§401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

Little Skookum Shellfish Growers, Inc.
Attn: Lisa Bishop
PO Box 1157
Shelton, WA 98584-0940

On February 17, 2022, Little Skookum Shellfish Growers, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Walike Lease, Mason County, Washington. The U.S. Army Corps of Engineers (Corps) issued a joint public notice on March 11, 2022.

The project proposes to continue to commercially cultivate shellfish on 3.3 acres of privately owned tideland between +7.0 Feet Mean Lower Low Water (MLLW) and -4.0 feet MLLW. Little Skookum Shellfish Growers farms 1.1 acres of Pacific littleneck clams (*Leukoma staminea*), Manila clams (*Venerupis philippinarum*), butter clams (*Saxidomus gigantea*), and 2.2 acres of Pacific oysters (*Crassostrea gigas*) within the 3.3-acre cultivation area.

Oyster would be grown using a rack and bag system. The racks used to secure the bags would not be higher than three feet above the substrate. Oyster bags would be 2-feet by 3-feet in size. Oysters would be harvested manually by hand at low tide, and carried to marine vessel for removal.

Clam seed would be spread directly onto beach substrate and covered with area nets to prevent predation. Nets would be secured with bent rebar. Harvest would take place manually by hand at low tide using rakes to loosen the sediment for collection and carried to marine vessel for removal. Up to 10 cubic yards of a blend of 7/8" and 3/8" washed gravel may be applied annually as needed to the cultivation area to improve the substrate for clam and oyster cultivation. Gravel would be placed using a barge at high tide and dispersed onto the tidelands to a depth no greater than one inch. Access to the site would be by marine vessel with no upland access.

The project site is located on tidelands within Totten Inlet, on parcel numbers 319013100150 and 319013180720, near Shelton, Mason County, Washington; Section 1 and 32, Township 19 and 28 North, Range 2 and 3 West; WRIA 14, Kennedy/Goldsborough Watershed.

With this Order, Ecology is granting Little Skookum Shellfish Growers, Inc.'s request for a Section 401 Water Quality Certification for the Walike Lease project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and

attachments Ecology received on February 17, 2022 and March 3, 2022, and the following supporting documentation:

1. E-mail letter to Ecology dated February 17, 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 Little Skookum Shellfish Growers Inc.'s water quality monitoring plan, and Little Skookum Shellfish Growers Inc.'s 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, Little Skookum Shellfish Growers, 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 Little Skookum Shellfish Growers, 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 Little Skookum Shellfish Growers, Inc. 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. **21087** will remain valid for the duration of the associated DA permit. Little Skookum Shellfish Growers, 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 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:

Marco Pinchot
Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503
marco.pinchot@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