



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. **21082** for Corps Reference No. **202001203**, Little Skookum Shellfish Growers, 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 Little Skookum Shellfish Growers located on tidelands within Little Skookum 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](mailto: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 21082, Corps No. 202001203*  
*Aquatics No. 141462*  
*May 3, 2022*  
*Page 2 of 2*

E-cc: Jordan A. Bunch, 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. 21082**  
**WATER QUALITY CERTIFICATION TO ) Corps Reference No. 202001203**  
Little Skookum Shellfish Growers, Inc. ) Little Skookum Shellfish Growers  
pursuant to 33 U.S.C. 1341 (FWPCA ) located on tidelands within Little Skookum Inlet,  
§401), RCW 90.48.120, RCW 90.48.260 ) near Shelton, Mason County, Washington  
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 Little Skookum Shellfish Growers, Mason County, Washington. The U.S. Army Corps of Engineers (Corps) issued a joint public notice on March 2, 2022.

The project proposes to continue to commercially cultivate shellfish on 71-acres of privately owned tideland between +7.0 Feet Mean Lower Low Water (MLLW) and -4.0 feet MLLW. The applicant has used the project area for shellfish cultivation since 1883. Little Skookum Shellfish Growers currently cultivates pacific littleneck clams (*Leukoma staminea*), manila clams (*Venerupis philippinarum*), butter clams (*Saxidomus gigantea*), Pacific oysters (*Crassostrea gigas*), Kumamoto oysters (*Crassostrea sikamea*), European flat oysters (*Ostrea edulis*), and Olympia oysters (*Ostrea lurida*).

Hatchery produced oyster seed is grown in a floating upweller system (FLUPSY) for up to three months. Oysters are subsequently grown directly on the substrate or in mesh oyster grow bags. Oysters are harvested by hand. No dredge harvest will occur.

Hatchery produced manila clam seed is grown in a FLUPSY until six months of age and then spread directly onto beach substrate and covered with area nets for two to three months to prevent predation. Natural set manila clams, pacific littleneck clams and butter clams will also be harvested by hand. Clams are harvested by hand using rakes. Up to 400 cubic yards of a blend of 7/8" and 3/8" washed gravel will be applied to an area of 28.5 acres (+5 feet MLLW and lower) to improve the substrate for clam and oyster cultivation. Gravel is applied using a barge at high tide and dispersed onto the tidelands to a depth no greater than one inch.

The project site is located on tidelands within Little Skookum Inlet, on parcel numbers 319101170220, 319101180011, 319101280150, 319101280152, 319101280521, 319102170310, 319102180000, 319102270010, 319102380320, 319090073380, 319090083810, near Shelton, Mason County, Washington; Section 9, 10, 11, 16, Township 19 North, Range 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 Little Skookum Shellfish Growers 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, February 22, 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.<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 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.

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<sup>1</sup> RCW 90.48

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

<sup>3</sup> 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. **21082** 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](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:

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