



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

June 14, 2022

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

Re: Water Quality Certification Order No. **21147** for Corps Reference No. **202101068**,
Windy Point, Reed, and Carls Areas, 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 Windy Point, Reed, and Carls Areas 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 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

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Enclosure

E-cc: Danette Guy, U.S. Army Corps of Engineers
Loree' Randall, Ecology
Teresa Pucylowski, Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 141464
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING A WATER) ORDER No. 21147
QUALITY CERTIFICATION TO) Corps Reference No. 202101068
Little Skookum Shellfish Growers, Inc.) Windy Point, Reed, and Carls Areas located on
pursuant to 33 U.S.C. 1341 (FWPCA) tidelands within Totten Inlet, near Shelton,
§401), RCW 90.48.120, RCW 90.48.260) 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 Windy Point, Reed, and Carls Areas, Mason County, Washington. The U.S. Army Corps of Engineers (Corps) issued a joint public notice on April 8, 2022.

The project proposes to continue to commercially cultivate shellfish on 0.81 acres of privately owned tideland between +7.0 Feet Mean Lower Low Water (MLLW) and -0.0 feet MLLW. Little Skookum Shellfish Growers farms 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 geoduck (*Panopea generosa*) within the cultivation area.

Oyster would be grown both as singles on the beach and 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 at nine months, 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. Individual 20'x 50' anti-predator nets secured with bent rebar would be spread over juvenile clams for 2-3 months as needed. The grow-out period for clams would be 18 months to two years. Harvest would take place manually by hand at low tide, at nine months, using rakes to loosen the sediment for collection and carried to marine vessel for removal.

Geoduck would be grown within flexible mesh tubes, which protect juvenile geoducks for up to 2 years of age, and then tubes would be removed from the beach. The tubes measure 8-12 inches long by 4-6 inches wide, are spaced one foot apart, and protrude 2-4 inches above the beach. An average of three geoduck (or seed) would be planted in each tube. After seed planting, the opening of each individual tube would be closed with write-on zip ties. Mesh tubes and netting would be removed after two years of individual geoduck age. Hand harvest would occur at 5 to 7 years of age.

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Up to 15 cubic yards of a blend of 7/8" and 3/8" washed gravel may be applied annually as needed to the cultivation area (+5 feet MLLW and lower) to improve the substrate for oyster and clam 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 220325000030, 220325000913, 220325000914, 220325000916, near Shelton, Mason County, Washington; Section 32, Township 28 North, Range 2 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 Windy Point, Reed, and Carls Areas 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.

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 prohibited¹. 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 actual spills to water only. This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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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 Little Skookum Shellfish Growers, Inc., Windy Point, Reed, and Carls Areas 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. **21147** 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:

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

June 14, 2022
Date