



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 8, 2022

Michael Glaser
1450 E. Ballow Road
Shelton, WA 98584

Re: Water Quality Certification Order No. **21230** for Corps Reference No. **201900388**, Glaser Aquatic Farm ATF, Mason County, Washington

Dear Michael Glaser:

On May 26, 2022, Michael Glaser submitted a request for a Section 401 Water Quality Certification (WQC) under the Federal Clean Water Act for Glaser Aquatic Farm ATF located on tidelands within Case 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 Teresa.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: Kylie Webb, U.S. Army Corps of Engineers
Michael Glaser, Applicant
Tristan Carlson, Agent
Loree' Randall, Ecology-HQ
Teresa Pucylowski, Ecology-HQ
ecyrefedpermits@ecy.wa.gov
Aquaculture-Reinforcement-Team@usace.army.mil

IN THE MATTER OF GRANTING A WATER) ORDER No. 21230
QUALITY CERTIFICATION TO) Corps Reference No. 201900388
Michael Glaser) Glaser Aquatic Farm ATF
pursuant to 33 U.S.C. 1341 (FWPCA) located on tidelands within Case Inlet,
§ 401), RCW 90.48.120, RCW 90.48.260) near Shelton, Mason County, Washington
and Chapter 173-201A WAC)

Michael Glaser
1450 E. Ballow Road
Shelton, WA 98584

On May 26, 2022, Michael Glaser submitted a request for a Section 401 Water Quality Certification (WQC) under the Federal Clean Water Act for the Glaser Aquatic Farm ATF, Mason County, Washington. The U.S. Army Corps of Engineers (Corps) issued a joint public notice on June 3, 2022.

This project will receive after the fact (ATF) authorizations to cultivate Manila clams and Pacific, Kumamoto, Olympia Virginia, and Belon oysters on approximately 0.63 acres between +7ft and -4.5ft Mean Lower Low Water (MLLW). Manila clams are be cultivated on 0.19 acres between +2ft and +7ft MLWW and oysters are cultivated on 0.44 acres between +4ft and -4.5ft MLLW. Access to the project area occurs through the upland legal easements or by boat. No eel grass or other attached vegetation is found on this site including Ulva spp, Porphyra spp., Mastocarpus Papillatus and other miscellaneous common algae.

Oyster seed are placed into 2ft x 3ft plastic mesh bags placed on the substrate in what is known as “on-bottom bag culture”. The bags are secured to a line anchored to the substrate using rebar stakes. There would be approximately 10-ft between each row of oyster bags. The bags would be turned on a predetermined schedule. After 14-15 months, once oysters are market size, the bags would be manually removed from the site at low tide and transported to the upland facility for sorting. Small oysters would be placed into bags again and returned to the cultivation area for further maturation.

Using a small boat when necessary, Manila clam seed are broadcast by hand at low or higher tides at a density of about 120 clam seed per square foot over the culture area. The area is then covered with predator control nets which are rebar staked on about 5’ centers for security. After approximately 2 years, market size clams would be harvested by hand using rakes and buckets at low tide. In the spring following harvest, plots are available for seeding again.

In 2019, prior to receipt of an authorization from the USACE, 180 cubic yards of a local pea gravel mix was applied to an area of approximately 8200 square feet between the elevations of +4 MLLW to +7ft MLLW. During the life of the permit, the applicant also proposes placing up to 1-inch (25 cubic yards) of locally procured pea gravel “in the dry” every 2- to 3 years in the upper intertidal clam bed. The applicant may use rakes, a chute extending from the uplands, a double-wheeled barrow, and a wide-tired tractor to distribute the gravel.

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Subsequent to the fill in 2019, 63 concrete parking curbs 8"x6"x72" were placed around the perimeter to keep the new gravel in place. The placement of the concrete curbing has been determined to be in violation and the project includes the rectification of the violation. The applicant is requesting to retain the gravel and concrete curbing.

The project site is located on tidelands within Case Inlet, on parcel number 22012-12-90114, adjacent to 1450 E. Ballow Road, near Shelton, Mason County, Washington; Section 12, Township 20 North, Range 2 West; WRIA 14, Kennedy-Goldborough Watershed.

With this Order, Ecology is granting Michael Glaser's request for a Section 401 Water Quality Certification for the Glaser Aquatic Farm ATF project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on May 26, 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, Michael Glaser 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 Michael Glaser 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 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

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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 Michael Glaser, Glaser Aquatic Farm ATF 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. **21230** will remain valid for the duration of the associated DA permit. Michael Glaser 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

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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

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Date