STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

December 20, 2022

Penn Cove Shellfish LLC
Attn: Ian Jefferds
PO Box 148
Coupeville, WA 98239

Re: Coastal Zone Consistency for Corps Reference No. **200701137**, Blau Shellfish Farm, Skagit County, Washington

Dear Ian Jefferds:

On October 19, 2022, the Department of Ecology received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project.

This determination is for the continued cultivation of Manila clams and Pacific and Kumamoto oysters on privately-owned tidelands between approximately +1ft and -3ft Mean Lower Low Water (MLLW) tidal elevations, and within the surveyed property boundaries. The operation would occur on two separate parcels that total 67.5 acres; however, commercial shellfish aquaculture would occur on 54 acres. The project consists of up to 37 acres of Manila clam cultivation, and up to 17 acres of oyster cultivation. Site access is by boat at high tide and worked during low tides. Eelgrass is present within the project area.

Oysters will be grown on longlines, which involve SEAPA oyster baskets and/or oyster flip bags suspended off bottom from 100 ft. long intertidal longlines spaced 10 ft. apart. Oysters are planted as 2,380 to 12,000-micron seed in seed baskets, sorted monthly or bimonthly, restocked as needed in larger mesh SEAPA baskets or flip bags and re-suspended from the longlines. Oysters are graded as they grow and are harvested 18-24 months after planting once they reach market size. Oysters are harvested by hand from the baskets into totes after 2-3 years of growth. Baskets, bags and longlines are monitored on each series of low tides to check for storm damage and conduct any needed repairs.

Clams would be seeded directly onto the substrate. Clams are grown under 4’ wide x 100’ long clam nets with 3/8” mesh, spaced approximately 3 ft. apart. All edges are buried, and nets are secured with rebar staples every 20’ for the length of the nets. Nets are monitored on each series of low tides to check for storm damage and conduct any needed repairs. Clam seed will

be planted as 2,380 to 6,000-micron seed onto the nets in spring and summer and clams are then harvestable 18-24 months later. Manila clams would be harvested using mechanical harvesting methods. The nets would be removed by a mechanical harvester that rolls up the netting and excavates the substrate up to 6-inches to harvest the clams.

Certain portions of Samish Bay are occupied by invasive bamboo worms, which burrow into intertidal sand and mud flats and continuously pump mud as they filter feed. If left unchecked, this invasive species pumps loose mud sediment piles around its burrow, creating loose unstable sediment. An agricultural coil compacter is used to offset these effects. The coil compactor is comprised of a 2 in. square steel bar wound as a 2 ft. x 6 ft. long coil, weighing about 600 lbs. It has a center axle which allows it to be pulled across broken or loose mud ground. The weight of the rolling steel coil causes a collapse of the loose burrows created by the bamboo worms. The compacter would only be used before planting a bed that has the invasive species present. Use will be limited to a couple of days and will not need to be used again for a planted site unless that site is fallowed for several years prior to replanting. The use of the coil compactor to control invasive bamboo worms is approved for use as approved by the Corps of Engineers for this project.

The project site is located on tidelands within Samish Bay, on parcel numbers P61561 and P61562, near Bow, Skagit County, Washington; Section 25, Township 36 North, Range 2 East; WRIA 3, Lower Skagit Samish Watershed.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Penn Cove Shellfish LLC's determination that the proposed work is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency determination, please contact Teressa Pucylowski at teressa.pucylowski@ecy.wa.gov.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt. The appeal process is governed RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2). More information is available at https://eluho.wa.gov/content/11.

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.

- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
https://eluho.wa.gov/content/11

Filing by mail
Mailing Address:
Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing in person (or by certified mail/courier)
Street Address:
Pollution Control Hearings Board
1111 Israel RD SW, STE 301
Tumwater, WA 98501

Filing Electronically
E-mail Address:
Pchb-shbappeals@eluho.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail
Mailing Address:
Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)
Street Address:
Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Sent via e-mail: ian@penncoveshellfish.com

E-cc: Aquaculture-Reinforcement-Team@usace.army.mil
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