



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 15, 2023

Taylor Shellfish Farms
Attn: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

Re: Water Quality Certification Order No. **21573** for Corps Reference No. **201100131**, TSF Lease – Second Growth Investors LLC, Mason County, Washington

Dear Erin Ewald:

On December 16, 2022, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the TSF Lease – Second Growth Investors LLC 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 (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Teresa Pucylowski by e-mail at teressa.pucylowski@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within the WQC Order.

Sincerely,

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

By certified mail 9489 0090 0027 6383 9289 99

WQC Order No. 21573, Corps No. 201100131

Aquatics ID No. 125665

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Sent via e-mail: erine@taylorshellfish.com

Enclosure

E-cc: Rory Lee, U.S. Army Corps of Engineers
Loree' Randall, Ecology
Teresa Pucylowski, Ecology
Aquaculture-Reinforcement-Team@usace.army.mil
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A WATER)	WQC ORDER No. 21573
QUALITY CERTIFICATION TO)	Corps Reference No. 201100131
Taylor Shellfish Farms)	<i>TSF Lease – Second Growth Investors LLC located</i>
pursuant to 33 U.S.C. 1341 (FWPCA)	<i>on tidelands within Case Inlet, near Shelton,</i>
§ 401), RCW 90.48.120, RCW 90.48.260)	<i>Mason County, Washington</i>
and Chapter 173-201A WAC)	

Taylor Shellfish Farms
Attn: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

On December 16, 2022, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the TSF Lease – Second Growth Investors LLC, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on January 4, 2023.

This project proposes to continue cultivating geoduck on approximately 3 acres of privately-owned tidelands between 0.0ft and -4.5ft Mean Lower Low Water. There is no eelgrass present at the site. Access to the project areas occurs primarily by boat. Managers may occasionally access the farm from the adjacent upland State Park access point in order to check on crew and crop or following storm events to ensure gear is secure.

PVC or HDPE mesh nursery tubes, approximately 9” in length, are manually inserted into lower intertidal substrate by hand at a density of approximately one tube per square foot. Three to four juvenile geoduck are then placed in each tube. Area netting may be placed over the tubes and is secured to the substrate with rebar stakes every 25ft. After approximately 12-15 months, the tubes are removed, and the area may be covered with area netting. The net is removed once it has been determined the geoduck are able to evade predation (after about 3 to 6 months) and the beach is left undisturbed until harvest.

Harvest occurs approximately 5-7 years after planting. The geoducks are harvested in the intertidal zone at low tide or by divers at high tide. This harvest method allows the hand extraction of geoducks, which burrow as deep as 3 feet. The harvester inserts the probe in the substrate next to an exposed geoduck siphon or the hole left when the siphon is retracted. By discharging pressurized water around the geoduck, the sediment is loosened, and the clam is removed by hand. Geoduck harvesting occurs year-round.

The project site is located on tidelands within Case Inlet, on parcel number 120073470030, near Shelton, Mason County, Washington; Section 7, Township 20 North, Range 1 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Taylor Shellfish Farm’s request for a Section 401 Water Quality Certification for the TSF Lease – Second Growth Investors LLC project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request

and attachments Ecology received on December 16, 2022, and the following supporting documentation:

1. E-mail letter to Ecology dated December 21, 2022, providing proof that the pre-filing meeting request was sent in 30 days prior to the submittal of the Section 401 Water Quality Certification request.

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, Taylor Shellfish Farms 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 Taylor Shellfish Farms 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.

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 Taylor Shellfish, TSF Lease – Second Growth Investors LLC 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. **21573** will remain valid for the duration of the associated DA permit. Taylor Shellfish should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

Your right to appeal

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

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

- 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://eluhoh.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@eluhoh.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

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/content/11>
- **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>

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Signature



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
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Date