



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 15, 2023

2/22/2023 - minor edits were
made below and in the WQC.

GR Clam & Oyster Farm
Attn: Glen Rau
PO Box 1011
Shelton, WA 98584

Re: Water Quality Certification Order No. **21525** for Corps Reference No. **202100891-19**, GR
Clam & Oyster Farm, Mason County, Washington

Dear Glen Rau:

On November 27, 2022, GR Clam & Oyster Farm submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the GR Clam & Oyster Clam, 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 (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

WQ Order No. 21525, Corps No. 202100891~~19~~

Aquatics ID No. 140103

February 15, 2023

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By certified mail 9489 0090 0027 6383 9289 82

Sent via e-mail: twogr8clams@aol.com

Enclosure

E-cc: Rory Lee, U.S. Army Corps of Engineers (Corps)
Racheal Villa, Soundview Consultants
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. 21525**
QUALITY CERTIFICATION TO) **Corps Reference No. 20210089119**
GR Clam & Oyster Farm) *GR Clam & Oyster Farm located on tidelands*
pursuant to 33 U.S.C. 1341 (FWPCA) *within Little Skookum Inlet, near Shelton, Mason*
§ 401), RCW 90.48.120, RCW 90.48.260) *County, Washington*
and Chapter 173-201A WAC)

GR Clam & Oyster Farm
Attn: Glen Rau
PO Box 1011
Shelton, WA 98584

2/22/2023 - minor edits were
made, see below in Red.

On November 27, 2022, GR Clam & Oyster Farm submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the GR Clam & Oyster Farm, Mason County, Washington. The U.S. Army Corps of Engineers (Corps) issued a joint public notice on December 7, 2022.

This project requests after-the-fact permitting for a 2.9-acre existing shellfish farm within an 11-acre project area. Manila clams are cultivated between +9.0ft and -4.0ft Mean Lower Low Water (MLLW). There is no eelgrass present within the project area. Access to the project area occurs by boat and by foot from the upland. This farm has been in existence for several decades.

Manila clams are cultivated using on-bottom culture and are seeded by hand. From mid-May to mid-September, Manila clam seeds would be placed on a thin layer of sand on wooden seed floats (moored on parcel 31910-12-80153). The seeds would remain on the floats for approximately two months, then be removed from the float and placed by hand on the intertidal sediment. Approximately three years after seeding, the clams would be harvested by hand with rakes and placed into mesh bags which would be removed from the site via boat.

Graveling occurs some years on the 2.9-acre cultivated portion of the project area, in which gravel is spread to a depth of up to one inch. Each spring, a scow and metal frame with chains may be pulled across the high and low dike (berms) portion of the site by two boats to dislodge fine sediments that accumulated from winter runoff. The dikes (berms) were constructed in the 1920's or earlier and are not maintained. In the summer or as needed, 1- to 4-inch-deep swales (ditches) draining tide flats and adjacent shoreline areas are re-established with hand rakes to prevent fresh and brackish water accumulating in tideland depressions. Also, during the summer, accumulated rapidly growing seaweed algae is gathered from clam beds, placed on scows for transport, and discharged on uncultivable portions of the site shown on the drawings. Annually and as needed, about 0.5 acres of accumulated mostly dead oyster shell is removed from reef bars that outgoing tidal currents deposit on a portion of tax parcel 31910-12-80150. The material is excavated by hand with shovels, placed on scows, and discharged on uncultivated portions (about 1.25 acres) of the project area.

The project site is located on tidelands within Little Skookum Inlet, on parcel numbers 31910-12-80150, 31910-11-80010, 31910-12-80522, and 31910-12-80153, adjacent to 270 SE Nelson Road, near Shelton, Mason County, Washington; Section 10, Township 19 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting GR Clam & Oyster Farm's request for a Section 401 Water Quality Certification for the GR Clam & Oyster Farm project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on November 27, 2022, and the following supporting documentation:

1. E-mail letter to Ecology dated November 30, 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, GR Clam & Oyster Farm 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 GR Clam & Oyster Farm 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 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

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 GR Clam & Oyster Farm, GR Clam & Oyster Farm 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. **21525** will remain valid for the duration of the associated DA permit. GR Clam & Oyster Farm 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 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://eluh.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://eluh.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@eluh.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC371-08-305(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:

Teressa 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>

Signature



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

February 15, 2023

Date