



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

March 23, 2023

Chelsea Farms  
Attn: Kyle Lentz  
6438 Young Road  
Olympia, WA 98502

Re: Water Quality Certification Order No. **21651** for Corps Reference No. **202000606**, 12  
Chelsea Farms Harstine, Mason County, Washington

Dear Kyle Lentz:

On February 6, 2023, Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for 12 Chelsea Farms Harstine 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](mailto: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, HQ  
Shorelands and Environmental Assistance Program

WQC Order No. 21651, Corps No. 202000606

Aquatics ID No. 138769

March 23, 2023

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By certified mail: 9489 0090 0027 6383 9288 69

Sent via e-mail: kyle@chelseafarms.net

Enclosure 1

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

<b>IN THE MATTER OF GRANTING A WATER</b>	)	<b>WQC ORDER No. 21651</b>
<b>QUALITY CERTIFICATION TO</b>	)	<b>Corps Reference No. 202000606</b>
Chelsea Farms	)	<i>12 Chelsea Farms Harstine located on tidelands</i>
pursuant to 33 U.S.C. 1341 (FWPCA	)	<i>within Case Inlet, near Shelton, Mason County,</i>
§ 401), RCW 90.48.120, RCW 90.48.260	)	<i>Washington</i>
and Chapter 173-201A WAC	)	

Chelsea Farms  
Attn: Kyle Lentz  
6438 Young Road  
Olympia, WA 98502

On February 6, 2023, Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for 12 Chelsea Farms Harstine, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 7, 2023.

This project proposes to continue to commercially cultivate up to 1.16 acres of geoduck clams between +2-ft Mean Lower Low Water and -4.5 ft tidal elevations within a 1.88-acre project area on privately owned tidelands within Case Inlet of South Puget Sound. Access occurs by boat.

Geoduck cultivation entails placing the geoduck seed within PVC anti-predator tubes (4-inch diameter by 10-inch length) at a density of one tube per square foot on the tidelands. Each tube will have a mesh cap secured with a rubber band resistant to UV light and salt water. The area will then be covered with netting composed of 40 ft. by 40 ft. squares (3-inch or smaller stretched mesh). The netting will be secured to the sand with 24-inch u-shaped rebar, spaced every 5 feet around the perimeter. Geoduck seed planting may occur at low tide in the “dry” or at high tide in the “wet.”

Between 6-12 months after planting, the caps and bands will be removed from the tubes; at 18-24 months, the tubes and netting will be removed from the site. The geoducks will be harvested at about 5-7 years using low-pressure water pumps with a “stinger/wand” with nozzle pressure to liquefy/loosen the sediment so that the geoducks can be removed by hand. Harvest will occur at low tide, or by divers at high tide.

No farming activities occur in the mid- or upper intertidal area, above +2.0 ft tidal elevation. All work activities are done by hand, access is typically by boat or by a privately owned boat ramp, no motorized machinery operates on the beach beyond the boat ramp, no refueling of engines or motors occurs on the beach, no equipment is stored on site, no rooted aquatic vegetation or benthic organisms are removed from the site, no fill or grading occurs at the site, no chemical or environmental contaminants are used, there is no redirection of beach seepage or seasonal upland runoffs, and farming activities create no substantial interference with normal public use of the surface waters.

The project site is located on tidelands within Case Inlet, on parcel numbers 220121400010, 220121400060, and 220121490070, adjacent to 1300 and 1142 E Ballow Road, near Shelton, Mason County, Washington; Section 12, Township 20 North, Range 2 West; within Water Resource Inventory Area (WRIA) 14, Kennedy-Goldsborough Watershed.

With this WQC Order, Ecology is granting Chelsea Farms' request for a Section 401 Water Quality Certification for 12 Chelsea Farms Harstine project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 6, 2023.

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, Chelsea 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 Chelsea 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 prohibited<sup>1</sup>. If such work, conditions, or discharges occur, immediately notify<sup>2</sup> 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 Division<sup>3</sup> 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 Chelsea Farms, 12 Chelsea Farms Harstine project.

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<sup>1</sup> RCW 90.48

<sup>2</sup> WAC 173-303-145

<sup>3</sup> RCW 90.56.280

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. WQC Order No. **21651** will remain valid for the duration of the associated DA permit. Chelsea Farms should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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](mailto:pchb-shbappeals@eluh.wa.gov)

### **Serving a copy of the appeal on Ecology:**

Electronic copies of appeals are not accepted at the Department 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 WQC 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, HQ  
Shorelands and Environmental Assistance Program

March 23, 2023

Date