



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

June 23, 2023

Sound Shellfish  
Attn: Ian Child  
PO Box 12475  
Olympia, WA 98508

Re: Water Quality Certification Order No. **21708** for Corps Reference No. **NWS-2023-0024**,  
Sound Shellfish Geoduck & Oyster Aquaculture, Mason County, Washington

Dear Ian Child:

On March 20, 2023, Sound Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sound Shellfish Geoduck & Oyster Aquaculture located on tidelands within Case Inlet, near Harstine Island, 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,

Loree' Randall, Section Manager  
Federal Permitting Section  
Shorelands and Environmental Assistance Program

WQC Order No. 21708, Corps No. NWS-2023-0024

Aquatics ID No. 142287

June 23, 2023

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Enclosure (1)

By certified mail: 9489 0090 0027 6383 9285 79

Sent via e-mail: soundshellfish@comcast.net

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

In The Matter of Granting a Water Quality  
Certification to Sound Shellfish  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

Sound Shellfish  
Attn: Ian Child  
PO Box 12475  
Olympia, WA 98508

<b>WQC Order No.</b>	21708
<b>Corps Reference No.</b>	NWS-2023-0024
<b>Site Location</b>	Sound Shellfish Geoduck and Oyster Aquaculture located on tidelands within Case Inlet, near City of Harstine Island, Mason County, Washington.

Sound Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sound Shellfish Geoduck and Oyster Aquaculture, Mason County, Washington. The following required processing dates are listed below:

- On 12/29/2022, the Sound Shellfish submitted a pre-filing meeting request.
- On 3/20/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 6/2/2023 the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Letter of Permission and requires an individual Section 401.
- On 3/21/2023, Ecology issued a public notice for the project.

This project proposes to cultivate approximately 0.17 acres of Pacific oysters and approximately 0.52 acres of geoduck on privately-owned tidelands. Oysters are grown between +3.5 feet Mean Lower Low Water (MLLW) and 0.0 ft MLLW; geoduck are grown between 0.0 ft MLLW and -4.3 feet MLLW. No kelp or eelgrass was observed at the site. After the beach has been planted farm maintenance will occur on a regular basis.

Geoduck Cultivation

To protect the juvenile geoduck clams from predators, 4" diameter by 12" to 16"-long PVC (polyvinyl chloride) or 4" diameter by 12" - 16" long Vexar mesh tubes will be pushed vertically into the beach substrate at a density not to exceed one tube per square foot. Approximately 3 to 5 inches of the tube will be exposed above the surface of the substrate. Tube placement will take place during low tide over a number of subsequent days and tidal cycles.

If PVC tubes are used, the juvenile clams will be put into the tubes and a mesh cap placed over the end of each tube, secured with a specialized rubber band designed to withstand UV light and saltwater. If Vexar mesh tubes are used, the exposed top will be secured closed using zip-ties or hog rings. The tubes may be covered with area netting (3" stretched mesh) for containment of tubes. Netting is pinned in place using 24" long hairpin pieces of rebar and weighted down with linear lengths of rebar. Netting removal may occur at 24 to 48 months following planting. Placement of tubes in the sand, seed into the tubes, mesh caps/bands over the tops of the tubes, and area nets (if used) will all be done by hand and/or with the assistance of a low-pressure waterjet for the installation of Vexar mesh tubes. Six to twelve months following the initial planting, the mesh caps and rubber bands (if used) will be removed by hand from each tube.

Harvesting may occur on the beach during low tides or at other times using divers. The extraction techniques used for dive and beach harvest are similar. Harvest of clams will be accomplished by means of a motorized, low pressure water pump mounted on a vessel moored offshore. When the nozzle is inserted into the sand, water flowing from nozzle softens the sand adjacent to the geoduck, allowing them to be removed by hand one at a time from the substrate.

#### Oyster Cultivation

To protect the juvenile Pacific Oysters from predators a mesh bag of 6 to 9mm is used. Approximately 250 juvenile oyster seed are placed inside the bag and closed. The bags are placed onto the beach in rows of 10. Two ropes pinned on the ends with 24" rebar pins are then used to secure the bags to the beach. It is anticipated that one to three years of growth will be needed before market size Pacific oysters can be harvested from this beach. The harvest of oysters will be accomplished by means of hand picking at low tide. Bags are removed by hand from the beach, put into a boat, and brought to the processing shop. Harvests occur in daylight hours during periods of the year when low tides are available for accessing the beach.

The project site is located on tidelands within Case Inlet, on parcel number 12030-14-70000, near Harstine Island, Mason County, Washington; Section 30, Township 20 North, Range 1 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this WQC Order, Ecology is granting Sound Shellfish's request for a Section 401 Water Quality Certification for the Sound Shellfish Geoduck and Oyster Aquaculture project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 3/20/2023.

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, Sound Shellfish 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 Sound Shellfish 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:**

1. 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 spills to water only. This condition is necessary to prevent oil and other 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 Sound Shellfish for the Sound Shellfish Geoduck and Oyster Aquaculture project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. WQC Order No. **21708** will remain valid for the duration of the associated DA permit. Sound Shellfish 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 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 all of the following within 30 days of the date of receipt of this Order:

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<sup>1</sup> RCW 90.48

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

<sup>3</sup> RCW 90.56.280

- 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

### **Filing an appeal with the PCHB:**

For the most current information regarding filing with the PCHB, visit:  
<https://eluhwa.gov/content/11>

### **Address and Location Information**

#### **Street Addresses:**

##### **Department of Ecology**

Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

##### **Pollution Control Hearings Board**

1111 Israel RD SW  
STE 301  
Tumwater, WA 98501

#### **Mailing Addresses:**

##### **Department of Ecology**

Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

##### **Pollution Control Hearings Board**

PO Box 40903  
Olympia, WA 98504-0903

#### **E-Mail Address:**

##### **Department of Ecology**

Not currently available (see Chapter 371-08 WAC)

**Pollution Control Hearings Board**

Pchb-shbappeals@elaho.wa.gov

## **Americans with Disabilities Act Information**

### **Accommodation Requests**

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## **Contact Information**

Please direct all questions about this WQC Order to:

Teresa Pucylowski

Department of Ecology

(360) 764-0546

Teresa.Pucylowski@ecy.wa.gov

## **More Information**

- **Pollution Control Hearings Board Website**  
<http://elaho.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

Dated this 23rd day of June, 2023, at the Department of Ecology, Lacey, Washington.

A handwritten signature in black ink that reads "Loree' Randall". The signature is written in a cursive, flowing style.

Loree' Randall, Section Manager  
Federal Permitting Section  
Shorelands and Environmental Assistance Program