



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 14, 2023

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

Re: Water Quality Certification Order No. **22017** (Corps No. **NWS-2009-01381**), Oyster Bay Shellfish Farm, Mason and Thurston Counties, Washington

Dear Erin Ewald:

On June 2, 2023, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Oyster Bay Shellfish Farm, Mason and Thurston counties, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents 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 enclosed Water Quality Certification 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 at (360) 764-0546. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 22017, Corps No. NWS-2009-01381

Aquatics ID No. 139808

July 14, 2023

Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6850 90

Sent via e-mail: erine@taylorshellfish.com

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 Taylor Shellfish Farms
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

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

WQC Order No.	22017
Corps Reference No.	NWS-2009-01381
Site Location	Oyster Bay Shellfish Farm located within Oyster Bay, Thurston & Mason Counties, Washington.

Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Oyster Bay Shellfish Farm, Mason & Thurston Counties, Washington. The following required processing dates are listed below:

- On 4/17/2023, Taylor Shellfish Farms submitted a pre-filing meeting request.
- On 6/2/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 6/7/2023, Ecology issued a public notice for the project.

The purpose of this project is to continue on-bottom commercial cultivation with hand harvest of Pacific and Olympia oysters, and Manila clams on 372.45 acres between tidal elevations +7.0 and -3.0 feet Mean Lower Low Water (MLLW). No rooted, submerged aquatic vegetation is present in the project area, and habitat conditions in the shellfish growing areas consist of sand, silt, and gravel substrates. Access to the project areas occurs from the upland in seven different marked locations, as well as by boat.

Oysters are mostly grown directly on-bottom. Rack and bag culture occurs on 0.475 acres, although Taylor Shellfish will also add oyster bags on- and near-bottom, phasing out rack and bag cultivation and removing the frames from the tidelands within this permit timeframe. The racks are made of a rebar frame of varying sizes to which plastic mesh grow-out bags are attached. Racks are placed in rows and each row is spaced 10 feet apart. Racks are mounted on PVC pipe that is elevated up to 3 feet off the substrate. Juvenile shellfish are also grown in a “nursery” area totaling 0.22 acres using trays and bags in or on floats with metal framing and encapsulated foam floatation that is situated over waters deeper than zero tide for six to eight weeks until ready for planting onto intertidal grow areas. Oysters are seeded by hand and hand-harvested by placing or forking oysters into tubs which are later picked up by boats.

Oysters may also be harvested mechanically using a boat and harvest dredge. All appropriate sediment and erosion control BMPs identified in the Programmatic Biological Assessment will be followed and maintained. Manila clam seed will be broadcast by hand directly onto the substrate. Clam nets (20ft by 50ft) may be installed seasonally, as needed over young clams and secured to the substrate with rebar stakes. Manila clams are harvested by hand or by using mechanical methods. Mechanical harvest methods are expected to occur on up to 100 acres.

Taylor Shellfish will add up to 1-inch of gravel waterward of the +5.0 tidal elevation. Up to 2,680 cubic yards of gravel-crushed shell mix may be applied annually within the approximately 176-acre boundary, with no more than 20 acres graveled in any year. Gravel will be replenished when the surface is no longer adequate for shellfish cultivation. Harrowing is also proposed to lift oysters from silted areas for harvesting or to prevent mortality.

The project site is located on tidelands within Oyster Bay, on Thurston County parcel numbers 93045800000, 93045700000, 93045600000, 93045900000, 93046100000, 93046000000, 93044400000, 93044500000, 93044700000, 93044800000, 92078300000, 93043300000, and 93046200000, Mason County parcel numbers 319223180080, 319222470120, 319222470121, 319224280110, 319224180050, 319221480040, 319232370110, 319214180860, 319214180900, 319214180890, 319223180240, 319223280090, 319232370112, 319232400000, and 319232370110, and DNR-leased parcel 318232400000, adjacent to 1042 SE Bloomfield Road, near Shelton, Mason County, Washington; Sections 21, 28, 26, and 24, Township 19 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this WQC Order, Ecology is granting Taylor Shellfish Farms' request for a Section 401 Water Quality Certification for the Oyster Bay Shellfish Farm project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 6/2/2023.

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, 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.

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 Taylor Shellfish Farms for the Oyster Bay Shellfish Farm 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. **22017** will remain valid for the duration of the associated DA permit. Taylor Shellfish Farms 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 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:

- File your notice of appeal and a copy of this Order with the PCHB (see filing information 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 mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

Department of Ecology

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

E-Mail Address:

ecologyappeals@ecy.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:

Teressa Pucylowski
Department of Ecology
(360) 764-0546
teressa.pucylowski@ecy.wa.gov

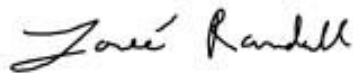
More Information

- **Pollution Control Hearings Board Website**
<http://eluh0.wa.gov>
- **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 14th day of July, 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