



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

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

July 17, 2023

Puget Sound Restoration Fund  
Attn: Brian Allen  
8001 NE Day Road West  
Bainbridge Island, WA 98110

Re: Coastal Zone Management Federal Consistency Decision for 2022 Dyes Inlet Olympia  
Oyster Habitat Enhancement Project (Corps No. 202200943), Dyes Inlet, Silverdale,  
Kitsap County, Washington

Dear Brian Allen:

On March 28, 2023, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with The Puget Sound REStoration Fund's determination that the proposed work is consistent with Washington's CZMP.

This native oyster restoration project proposes to conduct substrate amendments on up to 20 acres of tidelands within the Clear Creek (Site #1), Lagoon (Site #2), and Barker Creek (Site #3) project areas between +1 ft and -3 ft Mean Lower Low Water on both privately and publicly owned tidelands. The purpose of the project is to rebuild the Olympia oyster population per the Washington Department of Fish & Wildlife's (WDFW) recommendations. The Olympia oyster is identified as a Species of Greatest Conservation Need under the State Wildlife Action Plan and as a Priority Species under WDFW's Priority Habitat and Species Program. This project will increase the available settlement structure for larval oysters. There are no eelgrass beds or other sensitive marine vegetation within or adjacent to the project areas.

The proposal includes initial testing (shell and oyster assays) throughout the project areas and the Puget Sound Restoration Fund will adaptively manage project development based on empirical monitoring of iterative actions. The following proposed actions are intended to cover the entire scope of project actions throughout the project areas:

Shell Assays

A series of test plots composed of Pacific oyster shell (cultch) will be initially implemented across a variety of gradients. All shell sources would be inspected and approved for transfer to waters of the state by WDFW. Once transferred to the project area, the cultch can be distributed into the test plots immediately. Test plots would be 100ft<sup>2</sup> spaces on the tideland where 5-10 bushels of shell would be spread out over the ground by hand. Each test plot would be arranged in a standard, regular geometry (square or rectangle) with wooden stakes placed at the corners. The shell would be spread to accomplish a 100 percent cover of the ground within the plot. The test plots would be distributed across the tideland in a manner to evaluate the various reaches and elevations, utilizing up to 10 test plots within the project areas. The test plots are intended to evaluate the spatial fidelity of the shell within the plot and shell emergence above the benthic surface.

### Shell Amendments

A bulk shell amendment of the tideland will distribute preferred oyster settlement material totidelands where it is limited, and where monitoring of the test plots (assays) indicate sufficient emergent shell fidelity. When the shell amendment becomes a project action, the bulk Pacific oyster shell will be distributed as an amendment to the existing intertidal benthic surface within the proposed project area. The shell material used for this purpose would be seasoned Pacific oyster shell, which will be sourced from WDFW-inspected and authorized suppliers in Washington State. The transport and placement of the shell would be conducted with a transfer authorization from WDFW. Shell amendment may occur once or over multiple efforts, depending on the availability of bulk shell and funding support. A contracted barge (e.g., 200 ft deck barge) would transport the oyster shell from a loading site in Tacoma to the project area. The intention is to create a single and variable layer of complex emergent oyster settlement substrate by sluicing the shell material from a moving barge using pumped seawater. The amendment process typically produces a finished amendment whereby a patchwork of approximately 80 percent emergent shell and 20 percent bare substrate remains in the project area. The target application rate is 100yd<sup>3</sup> of shell material per acre; the tideland substrate will be amended with up to 2,000yd<sup>3</sup> of bulk oyster shell.

The project site is located within Dyes Inlet, near Silverdale, Kitsap County, Washington, Section 21, Township 25 N., Range 1 E., within Water Resource Inventory Area (WRIA) 15 Kitsap.

If you have any questions regarding Ecology's decision, please contact Teresa Pucylowski at (360) 764-0546.

### **Your right to appeal**

You have a right to appeal this CZM federal consistency decision 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 decision:

- File your notice of appeal and a copy of this decision 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 decision 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

Sincerely,



Loree' Randall, Section Manager  
Federal Permitting Section

Corps No. 202200943, Aquatics ID No. 142361  
2022 Dyes Inlet Olympia Oyster Habitat Enhancement Project  
July 17, 2023  
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Shorelands and Environmental Assistance Program

Sent via e-mail: [brian@restorationfund.org](mailto:brian@restorationfund.org)

E-cc: Sarah Albright, U.S. Army Corps of Engineers  
Teressa Pucylowski, Ecology  
[fedconsistency@ecy.wa.gov](mailto:fedconsistency@ecy.wa.gov)