



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 6, 2024

Zimmerman Shellfish
ATTN: Steve Zimmerman
6308 Boardman Road NW
Olympia, WA 98502

Re: Water Quality Certification Order No. **22547** (Corps No. **NWS-2023-0129**), Zimmerman Shellfish (Lot 9625), Thurston County, Washington

Dear Steve Zimmerman:

On May 14, 2023, Zimmerman Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Zimmerman Shellfish (Lot 9625) project, Thurston County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

WQC Order No. 22547, Corps No. NWS-2023-0129

Aquatics ID No. 142558

March 6, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6383 2205 05

Sent via e-mail: steve@bluesky-nw.com

E-cc: Kelsey Blubaugh, U.S. Army Corps of Engineers

Jacob Zimmerman, Zimmerman Shellfish

Teresa Pucylowski, Ecology

ECYREFEDPERMITS@ecy.wa.gov

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

Zimmerman Shellfish
Attn: Steve Zimmerman
6308 Boardman Road NW
Olympia, WA 98502

WQC Order No.	22547
Corps Reference No.	NWS-2023-0129
Site Location	Zimmerman Shellfish (Lot 9625) located within Totten Inlet near Olympia, Thurston County, Washington.

Zimmerman Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Zimmerman Shellfish (Lot 9625), Thurston County, Washington. The following required processing dates are listed below:

- On 4/10/2023, Zimmerman Shellfish submitted a pre-filing meeting request.
- On 5/14/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 5/17/2023, Ecology issued a public notice for the project.

This project will continue to commercially cultivate 0.2 acres of geoduck clams on 0.4 acres of private tidelands between -3.5ft to +0.5ft Mean Lower Low Water tidal elevations. Access to the project area occurs by foot or by boat. The only prep work is to clear the beach of sticks and large shells with a rake.

Geoduck seed are planted in 4"-wide by 10"-long PVC tubes, which are then pushed into the substrate about 12" apart, with 3 or 4 geoduck seed planted per tube. Each tube will have a 2-mm mesh cap, for predator hindrance, that will be secured with a rubber band. We were requested by Squaxin Tribe to install area nets and will do so over all planting areas. Area net is then staked down, covering all tubes in the cultivation area. The individual nets/bands are removed after 6-12 months, and tubes/area nets are removed after 12-18 months. Upon removal, tubes and netting are immediately evacuated from the site by foot and placed in storage inland.

Geoduck clams are harvested 5-7 years after planting, with the aid of Chelsea Farms. Harvesting will be done using low-pressure, vessel mounted, water pumps with a "stinger/wand" nozzle that has an inside diameter of 5/8-inch or less. Water intake lines on the pumps will be fitted with mesh screens that meet or exceed National Marine Fisheries Service (NMFS) screening

criteria to prevent sucking up any small aquatic organisms. The water hose wand will be placed into sediment adjacent to the geoduck and loosens the sediment around the clam, allowing it to be easily removed by hand.

Maintenance of the site will include routine inspection to clean debris and ensure no materials leave the project site. Any live entangled fish or wildlife when encountered will be documented, photographed, and released, and any loose nets, tubing, or aquaculture related debris discovered during inspections will be removed from the site. Site visits will also occur after any major storm event. All materials are kept in long-term storage inland on the property when not in use.

The project site is located on tidelands within Totten Inlet, on parcel number 39000000600, adjacent to 9625 Steamboat Island Road NW, near Olympia, Thurston County, Washington; Section 33, Township 20 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this WQC Order, Ecology is granting with conditions Zimmerman Shellfish's request for a Section 401 Water Quality Certification for the Zimmerman Shellfish (Lot 9625) project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 5/14/2023.

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, Zimmerman 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 Zimmerman 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 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

¹ RCW 90.48

² WAC 173-303-145

prevent further problems. You will also need to notify the Washington Emergency Management Division³ 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 with conditions to Zimmerman Shellfish for the Zimmerman Shellfish (Lot 9625) 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. **22547** will remain valid for the duration of the associated DA permit. Zimmerman Shellfish should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form:

<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

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://eluh0.wa.gov/> or call: 360-664-9160.

³ RCW 90.56.280

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 360-407-6831 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**
<https://eluhwa.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 6th day of March 2024, at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program