



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 22, 2024

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

Re: Water Quality Certification Order No. **22537** (Corps No. **NWS-2023-0856**), North Bay State WA DNR Lease 20-096484, Mason County, Washington

Dear Erin Ewald:

On January 24, 2024, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for North Bay State WA DNR Lease 20-096484, Mason 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. 22537, Corps No. NWS-2023-0856

Aquatics ID No. 143230

March 22, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6347 8919 56

Sent via e-mail: erine@taylorshellfish.com

E-cc: Brody Garner, U.S. Army Corps of Engineers
Teresa Pucylowski, Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification with Conditions 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.	22537
Corps Reference No.	NWS-2023-0856
Site Location	North Bay State WA DNR Lease 20-096484 located within Case Inlet, near Allyn, Mason County, Washington.

Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for North Bay State WA DNR Lease 20-096484, Mason County, Washington. The following required processing dates are listed below:

- On 11/17/2023, Taylor Shellfish Farms submitted a pre-filing meeting request.
- On 1/24/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 1/30/2024, Ecology issued a public notice for the project.
- Ecology’s “Reasonable Period of Time” for this project has been established as 1/24/2025.

This project proposes to commercially cultivate 5.2 acres of geoduck clams on 5.6 acres of state-owned tidelands between 0.0 ft and -4.5 ft Mean Lower Low Water. There are no eelgrass or kelp beds mapped (WA DNR seagrass mapping) or observed on this site. Access to the project area will primarily be by boat.

Hatchery-raised juvenile geoduck clams will be planted in the substrate by hand in 18”-long mesh HDPE tubes inserted into the substrate on 15” centers to a depth of approximately 9 inches. Tubes are removed after approximately 18-24 months. The area may be netted temporarily if predation is observed, but then removed once it can be determined that the geoduck can evade predators. Net would be secured with bent rebar pushed flush into the substrate every 25 feet. Net is removed once geoduck can evade predation, or the predation threat is reduced.

The beach is then left undisturbed until harvest 5-7 years after planting. The geoducks are harvested in the intertidal zone at low tide or by divers at high tide. In either case, the geoducks are typically harvested using hand-operated water jet probes. For water jet harvest, the probe is a pipe about 18 to 24 inches long with a nozzle on the end that releases surface-supplied seawater from a 1-inch internal diameter hose at a pressure of about 40 pounds per square inch (about the same pressure as that from a standard garden hose) and a flow of up to 20 gallons per minute. This harvest method allows the hand extraction of geoducks, which burrow as deep as 3 feet. The harvester inserts the probe in the substrate next to an exposed geoduck siphon or the hole left when the siphon is retracted. By discharging pressurized water around the geoduck, the sediment is loosened, and the clam is removed by hand. Multiple divers may work in an area at one time and geoduck harvesting occurs year-round. The harvest and replanting process would take 4 to 6 months, with harvest activities limited to approximately four hours a day.

The project site is located on tidelands within Case Inlet, on DNR parcel number 20-096484, near Allyn, Mason County, Washington; Section 28, Township 22 North, Range 1 West; WRIA 15, Kitsap Watershed.

With this WQC Order, Ecology is granting with conditions Taylor Shellfish Farms's request for a Section 401 Water Quality Certification for the North Bay State WA DNR Lease 20-096484 project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 1/24/2024.

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.

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

¹ RCW 90.48

² WAC 173-303-145

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 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 Taylor Shellfish Farms for the North Bay State WA DNR Lease 20-096484 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. **22537** 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. 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.

³ RCW 90.56.280

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 360-407-6831 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
teressa.pucylowski@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.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 22nd day of March 2024 at the Department of Ecology, Lacey, Washington.



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