



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 17, 2024

Goose Point Oyster Company
ATTN: Kathleen Nisbet-Moncy
7081 Niawiakum St Hwy #101
Bay Center, WA 98527

Re: Water Quality Certification Order No. **22616** (Corps No. **NWS-2017-1057**), Goose Point Oyster Naselle, Pacific County, Washington

Dear Kathleen Nisbet-Moncy:

On February 26, 2024, Goose Point Oyster Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Goose Point Oyster Naselle, Pacific 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. 22616, Corps No. NWS-2017-1057

Aquatics ID No. 140301

April 17, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6347 8917 58

Sent via e-mail: kathleen@goosepoint.com

E-cc: Brody Garner, U.S. Army Corps of Engineers
Rory Spurr, Confluence Environmental Company
Kelly McDonald, Confluence Environmental Company
Teresa Pucylowski, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Goose Point Oyster Company
Attn: Kathleen Nisbet-Moncy
7081 Niawiakum St Hwy #101
Bay Center, WA 98527

WQC Order No.	22616
Corps Reference No.	NWS-2017-1057
Site Location	Goose Point Oyster Naselle located within Willapa Bay, near Naselle, Pacific County, Washington.

Goose Point Oyster Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Goose Point Oyster Naselle project, Pacific County, Washington. The following required processing dates are listed below:

- On 12/2/2020, Goose Point Oyster Co. submitted a pre-filing meeting request.
- On 2/26/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 3/13/2024, Ecology issued a public notice for the project.

This project will continue to commercially cultivate up to 89.38 acres of on-bottom Pacific oysters on private tidelands from +4.0ft to -2.0ft feet Mean Lower Low Water tidal elevations. All access to the site will be by boat from Tokeland Marina or the Bay Center Processing Facility vessel staging area. Patchy non-native eelgrass (*Zostera japonica*) is present across the site; there is no native eelgrass (*Zostera marina*) present.

Oysters will be planted by scow on shell and as seed, or transplanted as adults into the area via an oyster barge. The grow-out period of the oysters is 2-3 years. All oysters will remain on-bottom for the duration of their grow-out time; no structures are used. Harvest is either done by hand at low tide or through mechanical dredge. Mechanical dredge harvest consists of a metal blade backed by a mesh bag which is skimmed across the substrate surface by cables attached to boom on a small boat. No more than 29 acres would be mechanically harvested in any year. Mechanical harvest occurs at a maximum of once every 3 years. Dredging occurs on high-mid tide and is done by skimming the surface of the substrate to minimize turbidity. Visual monitoring will be used to confirm that project-related discharges do not cause turbidity plumes that extend beyond 150 feet and corrective action will be employed to cure any such exceedances.

The project site is located on tidelands within Willapa Bay, on parcel numbers 79003000102, 79003000079, and 79003000078 near Naselle, Pacific County, Washington; Section 29, Township 12 North, Range 10 West; WRIA 24, Willapa Watershed.

With this WQC Order, Ecology is granting with conditions Goose Point Oyster Company's request for a Section 401 Water Quality Certification for the Goose Point Oyster Naselle project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 2/26/2024.

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, Goose Point Oyster Company 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 Goose Point Oyster Company 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 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.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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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 Goose Point Oyster Company for the Goose Point Oyster Naselle 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. **22616** will remain valid for the duration of the associated DA permit. Goose Point Oyster Co. 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.

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>

WQC Order No. 22616, Corps No. NWS-2017-1057

Aquatics ID No. 140301

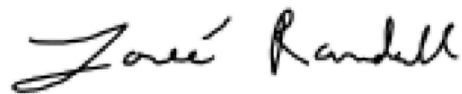
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- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality 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 17th day of April 2024 at the Department of Ecology, Lacey, Washington.



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