



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 17, 2024

Chelsea Farms
ATTN: Kyle Lentz
6438 Young Road
Olympia, WA 98502

Re: Water Quality Certification Order No. **22612** (Corps No. **NWS-2023-0926**), Chelsea Farms Dickson Farm, Mason County, Washington

Dear Kyle Lentz:

On January 7, 2024, Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Chelsea Farms Dickson Farm project, 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

Enclosure (1)

By certified mail: 9489 0090 0027 6383 2204 82

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Sent via e-mail: kyle@chelseafarms.net

E-cc: Brody Garner, U.S. Army Corps of Engineers

Ronald Smith, Protect Henderson Inlet

Marty Beagle, Chelsea Farms

Teresa Pucylowski, Ecology

ECYREFEDPERMITS@ecy.wa.gov

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

Chelsea Farms
Attn: Kyle Lentz
6438 Young Road
Olympia, WA 98502

WQC Order No.	22612
Corps Reference No.	NWS-2023-0926
Site Location	Chelsea Farms Dickson Farm located within Totten Inlet, near Shelton, Mason County, Washington.

Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Chelsea Farms Dickson Farm, Mason County, Washington. The following required processing dates are listed below:

- On 12/5/2023, Chelsea Farms submitted a pre-filing meeting request.
- On 1/7/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 1/12/2024, Ecology issued a public notice for the project.

This project proposes to continue to commercially cultivate up to 1.3 acres of geoduck clams between -2-ft and -4.5 ft Mean Lower Low Water tidal elevations within a 2.82-acre project area on privately owned tidelands. There is no eelgrass present within the project area. Access is by boat.

Geoduck cultivation entails placing the geoduck seed within PVC anti-predator tubes (4-inch diameter by 10-inch length) at a density of one tube per square foot on the tidelands. Each tube will have a mesh cap secured with a rubber band resistant to UV light and salt water. The area will then be covered with netting composed of 40 ft. by 40 ft. squares (3-inch or smaller stretched mesh). The netting will be secured to the sand with 24-inch u-shaped rebar, spaced every 5 feet around the perimeter. Geoduck seed planting may occur at low tide in the “dry” or at high tide in the “wet.”

Between 6-12 months after planting, the caps and bands will be removed from the tubes; at 18-24 months, the tubes and netting will be removed from the site. The geoducks will be harvested at about 5-7 years using low-pressure water pumps with a “stinger/wand” with nozzle pressure to liquefy/loosen the sediment so that the geoducks can be removed by hand. Harvest will occur at low tide, or by divers at high tide.

The project site is located on tidelands within Totten Inlet, on parcel numbers 22031-50-00020, 22031-50-00021, and 22031-50-00022, adjacent to 621 Totten Shore Drive, near Shelton, Mason County, Washington; Section 6, Township 19 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this WQC Order, Ecology is granting with conditions Chelsea Farms's request for a Section 401 Water Quality Certification for the Chelsea Farms Dickson Farm project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 1/7/2024.

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, Chelsea 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 Chelsea 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 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 the Chelsea Farms for the Chelsea Farms Dickson 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. **22612** will remain valid for the duration of the associated DA permit. Chelsea 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.

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

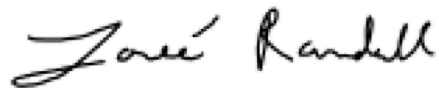
More Information

- **[Pollution Control Hearings Board Website](https://elaho.wa.gov)**
<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)**
<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)**
<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)**
<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 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