



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

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

April 17, 2024

Long Island Oyster Company  
Attn: James L. Kemmer  
PO Box 1054  
Long Beach, WA 98631

Re: Termination of Section 401 Water Quality Certification Order No. 21006

Dear James L. Kemmer:

For the reasons stated below, the Department of Ecology (Ecology) hereby terminates Section 401 Water Quality Certification Order No. 21006, pursuant to RCW 90.48.120.

### **Project Background**

Section 401 Water Quality Certification (WQC) Order No. 21006 for Long Island Oyster Port of Peninsula Lease No. 23 in Pacific County, was issued on February 2, 2022 for aquaculture activities.

Ecology is terminating the WQC Order because the project is certified under another WQC Order.

### **Your right to appeal**

You have a right to appeal this action 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 letter:

- File your notice of appeal and a copy of this letter with the PCHB (see filing options 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 letter 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:

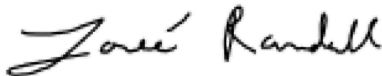
Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

#### E-Mail Address:

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

If you have questions, please contact Brook Swensen at 564-999-1749 or [brook.swensen@ecy.wa.gov](mailto:brook.swensen@ecy.wa.gov).

Sincerely,



---

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

By Certified Mail: 9489 0090 0027 6347 8916 28



Termination of Section 401 Water Quality Certification No. 21006  
Aquatics No. 140296, Corps No. NWS-2009-1354  
April 17, 2024  
Page 3 of 3

Sent via e-mail: [jaoskemmer@gmail.com](mailto:jaoskemmer@gmail.com)

E-cc: Brody Garner, Corps  
Kelsey Blubaugh, Corps  
Danette Guy, Corps  
Matt Bennett, Corps  
Laura Hendricks, Coalition To Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
Marlene Meaders, Confluence Environmental Company  
Brook Swensen, Ecology  
[Ecyrefedpermits@ecy.wa.gov](mailto:Ecyrefedpermits@ecy.wa.gov)

