



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

May 2, 2024

Taylor Shellfish Farms
Attn: Erin Ewald
130 SE Lynch Rd
Shelton, WA 98584

Re: Amendment to 401 Water Quality Certification Order No. **20043** for U.S. Army Corps of Engineers Reference No. **NWS-2020-0604**, Larson Project, located within tidelands within Hammersley Inlet, near Shelton, Mason County, Washington.

Dear Erin:

Enclosed is an amendment to Water Quality Certification Order No. 20043, issued on May 13, 2021, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification Order No. 20043 remain in effect.

The purpose of this amendment is to transfer Water Quality Certification Order No. 20043 from Chelsea Farms to Taylor Shellfish Farms and modify the project description to update the project name, acreage, grow-out tubes, and to remove one parcel.

If you have any questions, please contact Lydia Albright at 360-870-2983 or Lydia.Albright@ecy.wa.gov. The enclosed amendment may be appealed by following the procedures described in the amendment.

Sincerely,

Maria Sandercock, Section Manager
Southwest Region
Shorelands and Environmental Assistance Program

Enclosure (2)

By certified mail: 9489 0090 0027 6102 3067 18

First Amendment to Order No. 20043
Aquatics No. 138995, Corps No. NWS-2020-0604
May 2, 2024
Page 2 of 2

Sent via e-mail: erine@taylorshellfish.com

E-cc: Brody Garner, U.S. Army Corps of Engineers
Marty Beagle, Chelsea Farms
Franklin and Marie Rains, Landowner
Laura Hendricks, Coalition to Protect Puget Sound
Amy van Saun, Center for Food Safety
Lydia Albright Department of Ecology
Loree' Randall, Department of Ecology
Rebecca Rothwell, Department of Ecology
ecyrefedpermits@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification (WQC) 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 Rd
Shelton, WA 98584

WQC Order No.	20043, First Amendment
Corps Reference No.	NWS-2020-0604
Site Location	Larsen Project located within tidelands within Hammersley Inlet, near Shelton, Mason County, Washington.

On May 13, 2021, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification (WQC) to Chelsea Farms for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on April 25, 2024, to transfer WQC Order No. 20043 from Chelsea Farms to Taylor Shellfish Farms. As part of this request the project description is being modified to update the project name, acreage, grow-out tubes, and to remove one parcel.

WQC Order No. 20043 dated May 13, 2021, is hereby amended as follows:

- I. All mentions of the project proponent are changed from Chelsea Farms to Taylor Shellfish Farms.
- II. All mentions of the project name are changed from 10 Chelsea Farms Hammersley to Larsen.
- III. Paragraphs 2-4 on page 1, which reads:

This project proposes to continue the cultivation of 0.79 acres of geoduck clams over a 2.78 project area. All farming activities occur on privately owned tidelands from +2.0 Mean Lower Low Water (MLLW) tidal elevation to -3.5 MLLW tidal elevation within the surveyed property boundaries. 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.

Is replaced with:

This project proposes to continue the cultivation of approximately 0.5 acres of geoduck clams over a 0.62 project area. All farming activities occur on privately owned tidelands from +2.0 Mean Lower Low Water (MLLW) tidal elevation to -3.5 MLLW tidal elevation within the surveyed property boundaries.

Geoduck cultivation entails placing the geoduck seed within HDPE mesh nursery tubes (8-inch diameter by 12-18-inch length) at a density of one tube per 16” square on the tidelands. Geoduck seed planting may occur at low tide in the “dry” or at high tide in the “wet.”

Between 18-24 months after planting, the tubes will be removed. The farm will be monitored and if predation pressure is high, the farm will be temporarily covered with area net, secured every 25 feet with bent rebar. Net will be removed once the geoduck can successfully avoid predation. 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.

IV. Paragraph 1 on page 2, which reads:

The project site is located on tidelands within Hammersley Inlet, on parcel numbers 320224600190 and 320224670010, adjacent to 901 SE Old Arcadia Road, near Shelton, Mason County, Washington; Section 22, Township 20 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

Is replaced with:

The project site is located on tidelands within Hammersley Inlet, on parcel number 320224600190, adjacent to 931 SE Old Arcadia Road, near Shelton, Mason County, Washington; Section 22, Township 20 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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 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 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

Contact Information

Please direct all questions about this Order to:

Lydia Albright
Department of Ecology
564-999-1749
Lydia.Albright@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>

Signature

Dated this 2nd day of May 2024 at the Department of Ecology, Lacey Washington.



Maria Sandercock, Section Manager
Southwest Region
Shorelands and Environmental Assistance Program

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

IN THE MATTER OF GRANTING A) ORDER No. 20043, **FIRST AMENDMENT**
WATER QUALITY) Corps Reference No. NWS-2020-0604
CERTIFICATION TO) ~~10 Chelsea Farms Hammersley Farm~~ Larson
~~Chelsea Farms Taylor Shellfish Farms~~) project located on tidelands within Hammersley
pursuant to 33 U.S.C. 1341 (FWPCA) Inlet, near Shelton, Mason County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

~~Chelsea Farms Taylor Shellfish Farms~~
Attn: ~~Kyle Lentz Erin Ewald~~
~~6438 Young Road 130 SE Lynch Rd~~
~~Olympia, WA 98502 Shelton, WA 98584~~

On June 23, 2020, Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 10 Chelsea Farms Hammersley Farm, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on October 22, 2020.

This project proposes to continue the cultivation of ~~0.79~~ **approximately 0.5** acres of geoduck clams over a ~~2.78~~ **0.62** project area. All farming activities occur on privately owned tidelands from +2.0 Mean Lower Low Water (MLLW) tidal elevation to -3.5 MLLW tidal elevation within the surveyed property boundaries.

Geoduck cultivation entails placing the geoduck seed within ~~PVC anti-predator~~ **HDPE mesh nursery tubes (4-inch diameter by 10-inch length) (8-inch diameter by 12-18-inch length)** at a density of one tube per ~~square foot~~ **16" square** 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~~ **18-24** 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 tubes will be removed. The farm will be monitored and if predation pressure is high, the farm will be temporarily covered with area net, secured every 25 feet with bent rebar. Net will be removed once the geoduck can successfully avoid predation. 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.

No farming activities occur in the upper intertidal area, above +2.0 foot tidal elevation. All work activities are done by hand, access to the project area is by boat, no motorized machinery operates on the beach, no refueling of engines or motors occurs on the beach, no equipment is stored on site, no rooted aquatic vegetation or benthic organisms are removed from the site, no fill or grading occurs at the site, no chemical or environmental contaminants are used, there is no redirection of beach seepage or seasonal upland runoffs, and farming activities create no substantial interference with normal public use of the surface waters.

The project site is located on tidelands within Hammersley Inlet, on parcel numbers 320224600190 and ~~320224670010~~, adjacent to ~~901~~ 931 SE Old Arcadia Road, near Shelton, Mason County, Washington; Section 22, Township 20 North, Range 3 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting ~~Chelsea Farms-Taylor Shellfish Farms~~' request for a Section 401 Water Quality Certification for the ~~10-Chelsea Farms Hammersley Larsen~~ project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 23, 2020, revised drawing received on October 22, 2020, and the following supporting documentation:

- E-mail letter to Ecology dated March 11, 2021, regarding the project's compliance with the conservation measures associated with the "Programmatic Biological Opinions for Shellfish Activities in Washington State Inland Marine Waters" (U.S. Fish and Wildlife Service (USFWS) Reference Number 01EWF00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Chelsea Farms' water quality monitoring plan, and Chelsea Farms' commitment to follow the 2019 Puget Sound Shellfish Growers Association Environmental Codes of Practice for Shellfish Aquaculture.

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-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 ~~Chelsea Farms-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:

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 actual spills to water only. This condition is necessary to prevent

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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oil and 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 to the ~~Chelsea Farms-Taylor Shellfish Farms, 10 Chelsea Farms Hamersley Farm Larsen~~ project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues an individual Department of the Army (DA) permit for this project. Order No. 20043 will remain valid for the duration of the associated DA permit. ~~Chelsea Farms Taylor Shellfish Farms~~ should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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