STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

January 28, 2025

Goodro Shellfish
ATTN: Joseph Schrieber
P.O. Box 12551
Olympia, WA 98508

Re: Amendment to 401 Water Quality Certification Order No. **20787** for U.S. Army Corps of Engineers Reference No. **202100808**, Nelson (Hammersley) Property, Hammersley Inlet, Shelton, Mason County, Washington

Dear Joseph Schrieber:

Enclosed is an amendment to Water Quality Certification Order No. 20787, issued on October 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 No. 20787 remain in effect.

The purpose of this amendment is to update the project description and to allow the placement of pea gravel.

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

Sincerely,

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Maria Sandercock, Section Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

Enclosure (2)

By certified mail: 9489 0090 0027 6085 7509 28

Sent via e-mail: goodroshellfish@comcast.net

E-cc: Danette Guy, U.S. Army Corps of Engineers
Stephanie Jones, Pearl Environmental Consulting
Lydia Albright, Ecology
Loree' Randall, Ecology
Erin Hanlon Brown, Ecology
ecyrefedpermits@ecy.wa.gov

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

Goodro Shellfish
Attn: Joseph Schrieber
P.O. Box 12551
Olympia, WA 98508

WQC Order No.	20787, First Amendment
Corps Reference No.	202100808
Site Location	Nelson (Hammersley) Property project located within Hammersley Inlet, Shelton, Mason County, Washington.

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

Ecology received a request on December 21, 2024, to update the project description.

WQC Order No. 20787 dated October 13, 2021, is hereby amended as follows:

I. The project description which reads:

This project proposes to commercially cultivate up to 0.7 acres of Pacific oysters (Crassostrea gigas), Manila clams (Venerupis philippinarm), and Geoduck clams (Panopea abrupta) between +10.0 foot (ft.) and -4.0 ft. Mean Lower Low Water (MLLW) tidal elevations on parcel number 22030-20-81623. Access to tidelands is by boat.

Below is the cultivation and harvesting methods for this site location:

Manila Clams:

Juvenile seed will be dispersed onto the intertidal sediment once every couple of years and allowed to grow under clam nets. The clam harvest and seeding area is approximately 50 ft. in width and 900 ft. in length.

Within this area, clam nets will be used to protect freshly seeded areas. The clam nets are 50 ft. by 15 ft. and will be placed in two rows (30 ft. width total) where seed are planted. The nets will be secured along the perimeter with rebar hooks that do not protrude the sediment surface. The subsequent adults will be harvested by hand and placed in plastic mesh bags, which are carried by hand to the boat for removal to Goodro Shellfish upland shop in Shelton, WA.

Naturally occurring manila clams will be harvested by hand using clam forks and placed in plastic mesh bags so they can be carried by hand to the boat for removal to Goodro Shellfish upland shop in Shelton, WA.

Pacific Oysters (Ground Culture Method):

Juvenile seed will be dispersed onto the intertidal sediment and allowed to grow. The subsequent adults will be harvested by hand and placed in plastic mesh bags, which are then carried by hand to the boat for removal to Goodro Shellfish upland shop in Shelton, WA.

Pacific Oysters (Pillow Bag Culture Method):

Oyster seed are placed into a black plastic mesh bag (approx. ¼ mesh) offsite. The seeded bags are then transported by boat to the property and are laid flat onto the beach. The bags are then secured by wires to ropes already laid on the beach. Ropes are secured to metal fence posts already on beach. When the oysters are ready to be harvested, the bags are untied from the rope, and oysters are unbagged onto the beach. Oysters are hand counted and loaded onto the boat, along with the used mesh bags. The boat then transports materials to Goodro Shellfish upland shop in Shelton, WA.

Pacific Oysters (Rope Bag Culture Method):

Oyster seed are placed into a black plastic mesh bag offsite. The seeded bags are transported by boat to the property and are secured by wire to rope. The rope is attached to T posts approximately 1 ½" wide by 5 ft. long, made of steel, and are secured in the sediment with 2 ft. exposed. There is approximately 50 ft. between posts.

When the oysters are ready for harvest, the bags are untied from the rope by hand and oysters are dumped onto the beach and counted. Subsequent product is then bagged and removed by boat to Goodro Shellfish upland shop in Shelton, WA.

Geoduck Clams:

Prior to seeding activities, 4" gray PVC pipe will be depressed into the substrate by foot, approximately 1 pipe per square foot. The end above the substrate is covered with a black plastic mesh secured with a UV resistant band. Seeding activities occur either one of two ways: Scenario 1-juvenile geoduck clams are placed into the PVC pipes during high tide by divers, or Scenario 2-juvenile geoduck clams are placed into the PVC pipes during low tide by hand. After juveniles are placed into the sediment, about 1 year later, the secured plastic mesh is removed by hand. PVC pipes are removed approximately 1-2 years after seeding, and a sprinkler system is utilized during warm summertime low tide events.

Harvesting occurs between 5-8 years after seeding, where they are either harvested at low tide by hand or by diver at high tide. In both scenarios, a stinger (PVC pipe with holes) is attached to

a hose and gas-powered pump to loosen the substrate around the clam for harvesting. Clams are then bagged and removed by boat to Goodro Shellfish upland shop in Shelton, WA.

Is replaced with:

This project proposes to commercially cultivate and harvest Pacific oysters (Crassostrea gigas), Manila clams (Venerupis philippinarum), and geoduck clams (Panopea abrupta) on 0.7 acres of intertidal shoreline. The site is accessed by watercraft and people on foot. Washed pea gravel would be added to enhance setting substrate on the upper parts of the beach between +5.0 ft. to +1.0 ft. (MLLW) as well as to some soft areas on the beach to improve oyster ground between +1.0 ft. to -4.0 ft. (MLLW). Up to 140 cubic yards of gravel may be spread up to a depth of one inch. The area may have gravel added piecework over the course of a few years. Small sections may have gravel added more than once, but not more than one inch deep per year.

Manila Clams: Disperse juvenile clam seed by hand once every 2 years over an approximately 0.2 of an acre between tidal elevations +7.0 and +2.0 feet MLLW. To protect freshly seeded areas, 50- by 15-foot clam nets would be placed over the substrate, secured along the perimeter with rebar hooks that do not protrude the sediment surface. Clams may be harvested from portions of the beach by hand during low tides up to 20 times per year. Clams would be placed in mesh bags and hand-carried to a boat which offloads at an existing boat ramp.

Pacific Oysters: Cultivate 0.38 of acre of oysters using a combination of three methods: (1) oysters resting on the substrate, (2) oysters in plastic mesh bags arranged in rows on the substrate and wired to a rope extending about 50 feet between 5-foot metal fence posts extending 2 feet above the substrate, and (3) oysters in plastic mesh bags resting on metal or plastic frame racks placed on the substrate. Depending on the method, juvenile seed is spread on the beach or placed in the plastic bags. Oysters are harvested by hand when they reach a suitable size on an overall 1- to 3-year. Already bagged oysters may be emptied on the beach for sorting, and then bagged and transported by watercraft to the existing boat ramp.

Geoduck Clams: Prior to seeding activities, 4-inch gray PVC pipe is depressed by foot into the substrate across 0.12 of an acre between tidal elevations +1.0 ft. and -4.0 ft. (MLLW), approximately 1 pipe per square foot. The end above the substrate is covered with a black plastic mesh secured with an ultraviolet light resistant band. Seeding activities occur either one of two ways: Scenario 1—juvenile geoduck clams are placed into the PVC pipes during high tide by divers, or Scenario 2—juvenile geoduck clams are placed into the PVC pipes during low tide by hand. After juveniles are placed into the sediment, about 1 year later, the secured plastic mesh is removed by hand. PVC pipes are removed 1-2 years after seeding, and a sprinkler system is utilized during warm summertime low tide events. Harvesting occurs 5 to 8 years after seeding, when they are either harvested at low tide by hand or by diver at high tide. In both scenarios, a stinger (PVC pipe with holes) is attached to a hose and gas-powered pump to

loosen the substrate around the clams for harvesting. Clams are then bagged and removed by boat to an existing boat ramp.

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 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 by 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.

Address and Location Information

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.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
(360) 870-2983
Lydia.Albright@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
  https://eluho.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 28th day of January 2025 at the Department of Ecology, Lacey, Washington.

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Maria Sandercock, Section Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

This document shows the activities and/or 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 WATER QUALITY CERTIFICATION TO Goodro Shellfish pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	**ORDER No. 20787 First Amendment** **Corps Reference No. 202100808** Nelson (Hammersley) Property located on tidelands within Hammersley Inlet, near Shelton, Mason County, Washington

Goodro Shellfish
Attn: Joseph Schrieber
PO Box 12551
Olympia, WA 98508

On August 12, 2021, Goodro Shellfish submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Nelson (Hammersley) Property, Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on September 20, 2021.

~~This project proposes to commercially cultivate up to 0.7 acres of Pacific oysters *(Crassostrea gigas),* Manila clams *(Venerupis philippinarm),* and Geoduck clams *(Panopea abrupta)* between +10.0 foot (ft.) and -4.0 ft. Mean Lower Low Water (MLLW) tidal elevations on parcel number 22030-20-81623. Access to tidelands is by boat.~~

~~Below is the cultivation and harvesting methods for this site location:~~

~~**Manila Clams:**~~

~~Juvenile seed will be dispersed onto the intertidal sediment once every couple of years and allowed to grow under clam nets. The clam harvest and seeding area is approximately 50 ft. in width and 900 ft. in length.~~

~~Within this area, clam nets will be used to protect freshly seeded areas. The clam nets are 50 ft. by 15 ft. and will be placed in two rows (30 ft. width total) where seed are planted. The nets will be secured along the perimeter with rebar hooks that do not protrude the sediment surface. The subsequent adults will be harvested by hand and placed in plastic mesh bags, which are carried by hand to the boat for removal to Goodro Shellfish upland shop in Shelton, WA.~~

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~~**Geoduck Clams:**~~

~~Prior to seeding activities, 4" gray PVC pipe will be depressed into the substrate by foot, approximately 1 pipe per square foot. The end above the substrate is covered with a black plastic mesh secured with a UV resistant band. Seeding activities occur either one of two ways: *Scenario* 1 juvenile geoduck clams are placed into the PVC pipes during high tide by divers, or *Scenario* 2 juvenile geoduck clams are placed into the PVC pipes during low tide by hand. After juveniles are placed into the sediment, about 1 year later, the secured plastic mesh is removed by hand. PVC pipes are removed approximately 1-2 years after seeding, and a sprinkler system is utilized during warm summertime low tide events.~~

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intertidal shoreline. The site is accessed by watercraft and people on foot. Washed pea gravel would be added to enhance setting substrate on the upper parts of the beach between +5.0 ft. to +1.0 ft. (MLLW) as well as to some soft areas on the beach to improve oyster ground between +1.0 ft. to -4.0 ft. (MLLW). Up to 140 cubic yards of gravel may be spread up to a depth of one inch. The area may have gravel added piecework over the course of a few years. Small sections may have gravel added more than once, but not more than one inch deep per year.

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The project site is located on tidelands within Hammersley Inlet, on parcel number 22030-20-81623, adjacent to 123 SE Earsley Lane, near Shelton, Mason County, Washington; Section 30, Township 20 North, Range 2 West; WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Goodro Shellfish's request for a Section 401 Water Quality Certification for the Nelson (Hammersley) Property project, provided that the activity is

conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 12, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated September 15, 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 01EWFW00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Goodro Shellfish water quality monitoring plan, and Goodro Shellfish 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, Goodro Shellfish 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 Goodro Shellfish 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 prohibited[1]. If such work, conditions, or discharges occur, immediately notify[2] 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 Division[3] at 1-800-258-5990, for actual spills to water only. This condition is necessary to prevent 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 Goodro Shellfish, Nelson (Hammersley) Property project.

[1] RCW 90.48
[2] WAC 173-303-145
[3] RCW 90.56.280

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. **20787** will remain valid for the duration of the associated permit. Goodro Shellfish should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.