



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Southwest Region Office**

**PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300**

May 8, 2025

Northern Oyster Company Inc.  
Attn: Marilyn and Brian Sheldon  
PO Box 1039  
Ocean Park, WA 98640

Re: Water Quality Certification Order No. **23620** (Corps No. **NWS-2025-0029**), Sheldon  
Northern Oyster Cultivation, Pacific County, Washington

Dear Marilyn and Brian Sheldon:

On February 12, 2025, Northern Oyster Company Inc., submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sheldon Northern Oyster Cultivation, 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 Lydia Albright at [Lydia.Albright@ecy.wa.gov](mailto:Lydia.Albright@ecy.wa.gov) or (360) 870-2983. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maria Sandercock".

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

WQC Order No. 23620, Corps No. NWS-2025-0029

Aquatics ID No. 145217

May 8, 2025

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Enclosure (1)

By certified mail: 9489 0090 0027 6085 7507 44

Sent via e-mail: [marilyn@northernoysterco.com](mailto:marilyn@northernoysterco.com), [brian@northernoysterco.com](mailto:brian@northernoysterco.com)

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

Erin Hanlon Brown, Ecology

Lydia Albright, Ecology

Zachary Meyer, Ecology

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

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

Northern Oyster Company Inc.  
Attn: Marilyn and Brian Sheldon  
PO Box 1039  
Ocean Park, WA 98640

<b>WQC Order No.</b>	23620
<b>Corps Reference No.</b>	NWS-2025-0029
<b>Site Location</b>	Sheldon Northern Oyster Cultivation located within Willapa Bay, Nahcotta, Pacific County, Washington.

Northern Oyster Company Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sheldon Northern Oyster Cultivation, Pacific County, Washington. The required processing dates are listed below:

- On January 24, 2025, the Northern Oyster Company Inc. submitted a pre-filing meeting request.
- On February 12, 2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On February 21, 2025, Northern Oyster Company Inc. submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On March 28, 2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as February 12, 2026.

This project proposes to commercially cultivate and harvest shellfish on up to 3.4 acres of tidelands (tax parcel 12112755186) in Willapa Bay. The applicant would cultivate oysters and clams within the 3.4-acre parcel utilizing both on- and off-bottom cultivation methods.

Clams seed would be broadcasted by hand into the intertidal area, with some portions of the 1.5-acre clam cultivation area netted. Netting would be secured by rebar stakes.

Oyster would be grown within a 1.5-acre area using off-bottom cultivation methods, which include oyster longlines, and floating or flip bags. These structures would be anchored to the substrate using rebar stakes and supported by PVC pipe. Rope for longlines may be strung and

set with spat on shell, or lines with bags and floats. Approximately 0.40 acre of the cultivation area would be incidental/secondary shellfish crop.

The applicant proposes to harvest manually by hand and mechanically using either dredge harvesting by boat or a bulb/greenhouse harvester. Access to the site is proposed by boat at high tide or adjacent uplands.

The project site is located in tidelands at Willapa Bay, Pacific County, Washington, Section 27, Township 12 N., Range 11 E., within Water Resource Inventory Area (WRIA) 24 Willapa.

With this WQC Order, Ecology is granting with conditions Northern Oyster Company Inc.'s request for a Section 401 Water Quality Certification for the Sheldon Northern Oyster Cultivation project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 12, 2025, and the following supporting documentation:

1. Water Quality Monitoring Plan, provided to Ecology on February 21, 2025.

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, Northern Oyster Company Inc. 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 Northern Oyster Company Inc. 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 Northern Oyster Company Inc. from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

### **Special Conditions:**

1. 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. **23620** will remain valid until December 31, 2036.
  - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
  - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.

2. Northern Oyster Company Inc. shall send a copy of the final Federal permit via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and [Lydia.Albright@ecy.wa.gov](mailto:Lydia.Albright@ecy.wa.gov) prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, the Northern Oyster Company Inc. shall immediately inform Ecology.
  - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
  - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.
3. To transfer this WQC Order to a new owner or operator Northern Oyster Company Inc. shall:
  - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc Lydia.Albright@ecy.wa.gov. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
  - b. Provide a copy of this WQC Order to the new owner or operator; and
  - c. The transfer is not considered valid until the Northern Oyster Company Inc. receives written notification from Ecology that the transfer has been approved.
    - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
    - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. 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. If such work, conditions, or discharges occur, immediately notify 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 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.

- Justification - 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. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

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 Northern Oyster Company Inc. for the Sheldon Northern Oyster Cultivation project.

## **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://elaho.wa.gov/> or call: 360-664-9160.

## Service on Ecology

### Street Address:

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

### Mailing Address:

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)

## 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:

Lydia Albright  
Department of Ecology  
(360) 870-2983  
[Lydia.Albright@ecy.wa.gov](mailto: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>
- **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 8<sup>th</sup> day of May 2025 at the Department of Ecology, Lacey, Washington.



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