



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 11, 2025

Nahcotta Clam Company
Attn: Tony Crete
27000 Sandridge Road
Ocean Park, Washington 98640

Re: Water Quality Certification Order No. **23720** (Corps No. **NWS-2025-133**), Nahcotta Clam Company Farm, Pacific County, Washington

Dear Tony Crete:

On March 11, 2025, Nahcotta Clam Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Nahcotta Clam Company Farm, 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 or (360) 870-2983. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,



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

Enclosure (1)

By certified mail: 9489 0090 0027 6085 7506 69

Sent via e-mail: cameronsdaddy@outlook.com

E-cc: Jonathan Smith, U.S. Army Corps of Engineers
Marlene Meaders, Confluence Environmental Company
Erin Hanlon Brown, Ecology
Lydia Albright, Ecology
Zach Meyer, Ecology
ecyrefedpermits@ecy.wa.gov

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

Nahcotta Clam Company
Attn: Tony Crete
27000 Sandridge Road
Ocean Park, Washington 98640

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| WQC Order No. | 23720 |
| Corps Reference No. | NWS-2025-133 |
| Site Location | Nahcotta Clam Company Farm located within Willapa Bay, Pacific County, Washington. |

Nahcotta Clam Company submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Nahcotta Clam Company Farm, Pacific County, Washington. The required processing dates are listed below:

- On February 5, 2025, Nahcotta Clam Company submitted a pre-filing meeting request.
- On March 11, 2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- Ecology's "Reasonable Period of Time" for this project has been established as March 11, 2026.
- On March 28, 2025, Ecology issued a public notice for the project.

This project proposes to conduct shellfish aquaculture and harvest activities in Willapa Bay. The project proposes the farming of Manila clams (*Ruditapes philippinarum*) on intertidal land for sale for human consumption. The area includes one individual 10.5-acre parcel, where the cultivation of Manila clams will occur on 2.44 acres. The Manila clam growing area ranges from 0 feet mean lower low water (MLLW) to +1 feet MLLW. This area also has natural sets of Pacific oysters (*Crassostrea gigas*) in 5.78 acres of the parcel from -1 feet to 0 feet MLLW that are harvested by hand and sold commercially. The remaining acreage (approximately 2.3 acres) is located above +1 feet MLLW and will not be cultivated but will be used for site access.

Planting culture methods: Hatchery-grown clams are seeded by hand directly onto the beach substrate. Natural spawning and setting of clams will also occur. After seeding, predator exclusion nets may be used to cover the clam bed, with edges anchored using rebar or buried in the substrate. Nets would remain in place until harvest, which generally takes 2-3 years.

Frosting (Graveling) methods: Prior to planting, clam beds are prepared by applying a thin layer of washed gravel mixed with shell fragments directly to the substrate (i.e., frosting). This activity will typically occur once every 2 to 4 years when the tide is high enough to float a barge or a skiff carrying the frosting material over the cultivation area. Material will be distributed evenly across the bed to a depth of less than 0.5 inches. Several thin layers of material may be placed over a period of days. A single 0.5-inch layer requires about 70 cubic yards (CY) of washed gravel or shell per acre.

Manila Clam and Pacific Oyster Hand Harvest Methods: Hand harvesters work during low tides using a clam rake for Manila clams or by hand for oysters every 2-3 years. Shovels or other hand operated tools may also be used. Market-size clams and oysters are selectively harvested, placed in buckets, bagged, tagged, and removed. Undersized shellfish are returned to beds for future harvests. Since a given clam bed may contain multiple year classes of clams and oysters, it may be harvested on a regular schedule to harvest individual year classes. Hand-picking disturbs the top 1-2 inches of sediment, and these effects persist for approximately 1 tidal cycle (Suhrbier et al. 2017). Dredging effects are not relevant to this area.

The project site is located on Parcel No. 12112755453, in Willapa Bay, Pacific County, Washington, Section 27, Township 12 N., Range 11 W., within Water Resource Inventory Area (WRIA) 24 Willapa Bay.

With this WQC Order, Ecology is granting with conditions Nahcotta Clam Company's request for a Section 401 Water Quality Certification for the Nahcotta Clam Company Farm project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on March 11, 2025, and the following supporting documentation:

1. E-mail to Ecology dated April 1, 2025, regarding the project's State Environmental Policy Act Determination of Nonsignificance dated April 2, 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, Nahcotta Clam Company 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 Nahcotta Clam Company 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 Nahcotta Clam Company from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

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. **23720** 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. Nahcotta Clam Company shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc 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 Nahcotta Clam Company 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 Nahcotta Clam Company 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 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 Nahcotta Clam Company 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 Nahcotta Clam Company for the Nahcotta Clam Company Farm 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://eluhwa.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

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

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 11th day of June 2025 at the Department of Ecology, Lacey, Washington.



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