



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 30, 2025

PKS Oyster House, LLC
Attn: Brandon Lawin
525 Columbia Street NW
Olympia, WA 98501

Re: Water Quality Certification Order No. **23732** (Corps No. **NWS-2025-0022**), Olympia
Oyster House Repairs, Thurston County, Washington

Dear Brandon Lawin:

On 4/24/2025, PKS Oyster House, LLC (Brandon Lawin) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympia Oyster House Repairs, Thurston 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 Erin Everton at 564-250-5556. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 23732, Corps No. NWS-2025-0022

Aquatics ID No. 145275

July 30, 2025

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Enclosure (1)

By certified mail:91 7199 9991 7036 9386 8888

Sent via e-mail: brandonlawin@gmail.com

E-cc: Alex Hammond, U.S. Army Corps of Engineers
Eric Campbell, Campbell Environmental, LLC
Erin Hanlon Brown, Ecology
Erin Everton, Ecology
Sandy Smith, Ecology
ecyrefedpermits@ecy.wa.gov

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

PKS Oyster House, LLC
Attn: Brandon Lawin
525 Columbia Street NW
Olympia, WA 98501

WQC Order No.	23732
Corps Reference No.	NWS-2025-0022
Site Location	Olympia Oyster House Repairs located within Budd Inlet, Olympia, Thurston County, Washington.

PKS Oyster House, LLC (Brandon Lawin) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympia Oyster House Repairs, Thurston County, Washington. The required processing dates are listed below:

- On 1/28/2025, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit (NWP) Program.
- On 2/11/2025, the PKS Oyster House, LLC (Brandon Lawin) submitted a pre-filing meeting request.
- On 4/24/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 5/13/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 10/21/2025.

This project proposes to repair failing foundation components of the Olympia Oyster House restaurant and deck. The project first proposes the removal of the existing 33-foot-long concrete retaining wall (7.3 cubic yards (CY)), five (5) existing 22-inch-diameter concrete footings (3.0 CY) and associated 10-inch-diameter wood posts, and 600 square feet of additional concrete rubble/armoring (11.1 CY) along the shoreline all below the high tide line. An additional concrete footing and wood post is also to be removed upland of the high tide line. Following demolition, a 33-foot-long cast in place (CIP) concrete retaining wall would be installed with 6.5 CY of fill placed below the high tide line and helical anchors behind and under the retaining wall to further secure the structure. Four (4) new 18-inch-diameter CIP concrete footings and 10-inch-diameter wood posts, 2.3 CY fill, would be placed with helical anchors

installed under the footings to further secure the piles. All construction would be conducted during low tide (in the dry) and all concrete work will be contained in sealed forms when poured. Additional upland work would include the installation of two (2) 7.5 sections of concrete shearwall, hand patching and repair to existing concrete foundation, and the installation of two (2) additional concrete footings and corresponding wood posts, all above the high tide line.

The project site is located at 320 4th Avenue, Budd Inlet, Thurston County, Washington, Section 14, Township 18 N., Range 2 W., within Water Resource Inventory Area (WRIA) 13 Deschutes.

With this WQC Order, Ecology is granting with conditions PKS Oyster House, LLC (Brandon Lawin)'s request for a Section 401 Water Quality Certification for the Olympia Oyster House Repairs project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 4/24/2025.

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, PKS Oyster House, LLC (Brandon Lawin) 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 PKS Oyster House LLC (Brandon Lawin) 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 PKS Oyster House, LLC (Brandon Lawin) 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. **23732** will remain valid until 2/15/2027.
 - 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. PKS Oyster House, LLC (Brandon Lawin) shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Erin.Everton@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 PKS Oyster House, LLC (Brandon Lawin) 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 PKS Oyster House, LLC (Brandon Lawin) 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 to Erin.Everton@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 PKS Oyster House, LLC (Brandon Lawin) 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.
5. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
6. All concrete shall be completely cured prior to coming into contact with water.
- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
7. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of appropriately with no possible entry to state waters.
- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
8. All excavated piles and debris that is collected shall be disposed upland in an approved disposal site.
- Justification - Ecology must be assured that the Project Proponent is managing and disposing of piles and debris to protect water quality and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-01.
9. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
- Justification - Ecology must be assured that the Project Proponent is managing and disposing of material to 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010
10. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.
- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010
11. PKS Oyster House, LLC (Brandon Lawin) shall conduct water quality monitoring as described in the approved Water Quality Monitoring Plan.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.

- Citation - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and WAC 173-225-010.

12. Water quality monitoring results shall be submitted upon project completion to Ecology's Federal Permit Manager, per condition 2.

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

13. Work within waters of the state shall be conducted in the dry, unless written approval is obtained by Ecology.

- Justification - 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 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.

14. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.

- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

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 PKS Oyster House, LLC (Brandon Lawin) for the Olympia Oyster House Repairs 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

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:

Erin Everton

Department of Ecology

564-250-5556

Erin.Everton@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>

WQC Order No. 23732, Corps No. NWS-2025-0022

Aquatics ID No. 145275

July 30, 2025

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Signature

Dated this 30th day of July, 2025, at the Department of Ecology, Lacey, Washington.

A handwritten signature in black ink, reading "Loree' Randall". The signature is written in a cursive, flowing style. The first name "Loree'" is written with a large, stylized 'L' and a small 'e'. The last name "Randall" is written with a large 'R' and a small 'l'.

Loree' Randall, Section Manager

Aquatic Permitting and Protection Section

Shorelands and Environmental Assistance Program