



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 18, 2025

PNW Shellfish LLC
Attn: Cord Hearst and Robert Niel
5000 E. Brockdale Road
Shelton, WA 98584

Re: Water Quality Certification Order No. 24085 (Corps No. NWS-2024-1053), PNW Shellfish Geoduck Farm - Smith Site, Mason County, Washington

Dear Cord Hearst and Robert Niel:

On March 31, 2025, PNW Shellfish LLC (Cord Hearst and Robert Niel) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the PNW Shellfish Geoduck Farm - Smith Site, Mason 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,

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

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

Enclosure (1)

By certified mail: [9214 8901 9403 8328 2678 66]

WQC Order No. 24085, Corps No. NWS-2024-1053

Aquatics ID No. 145204

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Sent via e-mail: pnwshellfish@outlook.com

E-cc: Brody Garner, U.S. Army Corps of Engineers
Kimberly McClurg, Marine Surveys & Assessments
Erin Hanlon Brown, Ecology
Lydia Albright, Ecology
ecyrefedpermits@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification with Conditions to PNW Shellfish LLC (Cord Hearst and
Robert Niel) pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC

PNW Shellfish LLC
Attn: Cord Hearst and Robert Niel
5000 E. Brockdale Road
Shelton, WA 98584

WQC Order No.	24085
Corps Reference No.	NWS-2024-1053
Site Location	PNW Shellfish Geoduck Farm - Smith Site located within Case Inlet, Shelton, Mason County, Washington.

PNW Shellfish LLC (Cord Hearst and Robert Niel) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the PNW Shellfish Geoduck Farm - Smith Site, Mason County, Washington. The required processing dates are listed below:

- On January 30, 2025, PNW Shellfish LLC (Cord Hearst and Robert Niel) submitted a pre-filing meeting request.
- On March 31, 2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On April 18, 2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as March 31, 2026.

This project proposes to plant geoduck seed on the inside of 4" diameter PVC tubes which will be placed in substrate, or in flexible plastic mesh sleeves on private tidelands. Planting will range from above +2' MLLW to the extreme low tide. Tubes will be covered with mesh caps and three to four inches will be exposed above substrate. Planting will take place from spring to early fall. Caps will be removed 12 to 24 months after planting. Tubes and mesh sleeves will be removed from the beach 24 months after planting. Harvesting will occur for approximately 6 months and will begin (typically in late fall or early winter) 6 to 7 years after planting. After the harvest the beach will be prepared for re-planting.

Throughout the planting period, all equipment will be transported to the site by water from a staging area.

The project site is located adjacent to 4462 E. North Island Drive within Case Inlet, Mason County, Washington, Section 25, Township 21 N., Range 2 W., within Water Resource Inventory Area (WRIA) 14 Kennedy/Goldsborough.

With this WQC Order, Ecology is granting with conditions PNW Shellfish LLC (Cord Hearst and Robert Niel)'s request for a Section 401 Water Quality Certification for the PNW Shellfish Geoduck Farm - Smith Site project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on March 31, 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, PNW Shellfish LLC (Cord Hearst and Robert Niel) 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 PNW Shellfish LLC (Cord Hearst and Robert Niel) 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 PNW Shellfish LLC (Cord Hearst and Robert Niel) 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. **24085** 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. PNW Shellfish LLC (Cord Hearst and Robert Niel) 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 PNW Shellfish LLC (Cord Hearst and Robert Niel) 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 PNW Shellfish LLC (Cord Hearst and Robert Niel) 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 PNW Shellfish LLC (Cord Hearst and Robert Niel) 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 PNW Shellfish LLC (Cord Hearst and Robert Niel) for the PNW Shellfish Geoduck Farm - Smith Site 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:

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 18th day of August 2025 at the Department of Ecology, Lacey, Washington.



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