



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

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

August 20, 2025

Taylor Shellfish Farms
ATTN: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

Re: Amendment to 401 Water Quality Certification Order No. 19902 for U.S. Army Corps of Engineers Reference No. 201900451, Olympia Oyster Lease, tidelands within Oyster Bay, near Shelton, Mason and Thurston Counties, Washington

Dear Erin Ewald:

Enclosed is an amendment to Water Quality Certification Order No. 19902, issued on 4/12/2021, 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. 19902 remain in effect.

The purpose of this amendment is to extend the expiration date of Water Quality Certification Order No. 19902 and add clam cultivation along with reducing the volume of gravel annually.

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

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 5392 08]

Sent via e-mail: ErinE@TaylorShellfish.com

E-cc: Jonathan Smith, U.S. Army Corps of Engineers
Laura Hendricks, Coalition to Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Lydia Albright, Ecology
Erin Hanlon Brown, Ecology
ecyrefedpermits@ecy.wa.gov

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

Taylor Shellfish Farms
Attn: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

WQC Order No.	19902, First Amendment
Corps Reference No.	201900451
Site Location	Olympia Oyster Lease project located on tidelands within Oyster Bay, near Shelton, Mason and Thurston Counties, Washington.

On 4/12/2021 the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Taylor Shellfish Farms for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request from Taylor Shellfish Farms on 6/27/2025, to extend the expiration date of this WQC and add clam cultivation along with reducing the volume of gravel annually.

WQC Order No. 19902 dated 4/12/2021, is hereby amended as follows:

I. Project description, which reads:

This project proposes to commercially cultivate up to 21 acres of oysters between +5.0 foot (ft.) and -4.5 ft. Mean Lower Low Water (MLLW) tidal elevation on parcel numbers 319221480040, 319232480060 and 93044700000. Access to tidelands is by boat.

The cultivation of oysters for commercial production are grown in bags, near bottom, and on-bottom as both singles and clusters. Harvest takes place manually by hand during low tide and oysters are placed into tubs for pick up and transfer. Bags are harvested by pulling and emptying oysters onto barges for transfer. Bags are reused and hatchery seed is used. Mechanical dredge harvest may occur and is used for bottom culture cluster and single oyster harvest.

Gravelling is proposed at this site. Gravel is sourced from local providers and is cleaned and washed. Up to 2,814 cubic yards of gravel may be used throughout the project area. The site will be monitored to maintain 1-inch maximum depth of material across the project area.

Is replaced with:

This project proposes to commercially cultivate up to 21 acres of oysters and clams between +5.0 foot (ft.) and -4.5 ft. Mean Lower Low Water (MLLW) tidal elevation on parcel numbers 319221480040, 319232480060 and 93044700000. Access to tidelands is by boat.

The cultivation of Kumamoto and Pacific oysters for commercial production are grown in bags, near bottom, and on-bottom as both singles and clusters. Harvest takes place manually by hand during low tide and oysters are placed into tubs for pick up and transfer. Bags are harvested by pulling and emptying oysters onto barges for transfer. Bags are reused and hatchery seed is used. Mechanical dredge harvest may occur and is used for bottom culture cluster and single oyster harvest.

Manila clam seed would be broadcast by hand; some areas would be netted and some not. Harvest would be done both manually and mechanically. Mechanical harvest would be done by a tulip bulb harvester modified to sift and extract clams from the substrate.

Frosting is proposed at this site. Gravel is sourced from local providers and is cleaned and washed. Up to 1,000 cubic yards of gravel may be used throughout the project area. The site will be monitored to maintain 1-inch maximum depth of material across the project area.

II. Special Condition, third paragraph which reads:

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. **19902** will remain valid for the duration of the associated permit. Taylor Shellfish Farms should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

Is replaced with:

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. **19902** will remain valid until December 31, 2036. Taylor Shellfish Farms should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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://elaho.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://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>

Signature

Dated this 20th day of August 2025 at the Department of Ecology, Lacey, Washington.



Maria Sandercock, Section Manager
Southwest Region 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)	ORDER No. 19902 - First Amendment
WATER QUALITY)	Corps Reference No. 201900451
CERTIFICATION TO)	Olympia Oyster Lease located on tidelands
Taylor Shellfish Farms)	within Oyster Bay, near Shelton, Mason and
pursuant to 33 U.S.C. 1341 (FWPCA)	Thurston Counties, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Taylor Shellfish Farms
Attn: Erin Ewald
130 SE Lynch Road
Shelton, WA 98584

On February 2, 2021, Taylor Shellfish Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympia Oyster Lease, Mason and Thurston Counties, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 12, 2021.

This project proposes to commercially cultivate up to 21 acres of oysters **and clams** between +5.0 foot (ft.) and -4.5 ft. Mean Lower Low Water (MLLW) tidal elevation on parcel numbers 319221480040, 319232480060 and 93044700000. Access to tidelands is by boat.

The cultivation of **Kumamoto and Pacific** oysters for commercial production are grown in bags, near bottom, and on-bottom as both singles and clusters. Harvest takes place manually by hand during low tide and oysters are placed into tubs for pick up and transfer. Bags are harvested by pulling and emptying oysters onto barges for transfer. Bags are reused and hatchery seed is used. Mechanical dredge harvest may occur and is used for bottom culture cluster and single oyster harvest.

Manila clam seed would be broadcast by hand; some areas would be netted and some not. Harvest would be done both manually and mechanically. Mechanical harvest would be done by a tulip bulb harvester modified to sift and extract clams from the substrate.

Gravelling is proposed at this site. Gravel is sourced from local providers and is cleaned and washed. Up to **1,000 2,814** cubic yards of gravel may be used throughout the project area. The site will be monitored to maintain 1-inch maximum depth of material across the project area.

The project site is located on tidelands within Oyster Bay, on parcel numbers 319221480040, 319232480060 and 93044700000, near Shelton, Mason and Thurston Counties, Washington; Section 22, 23, 26 and 27, Township 19 North, Range 3 West; WRIA 13, Deschutes Watershed and WRIA 14, Kennedy-Goldsborough Watershed.

With this Order, Ecology is granting Taylor Shellfish Farms's request for a Section 401 Water Quality Certification for the Olympia Oyster Lease project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 2, 2021, and the following supporting documentation:

1. February 2, 2021 - Memo from Taylor Shellfish – Taylor Shellfish Water Quality Monitoring Protection Plan for this project. 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 01EWF00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Taylor Shellfish Farms water quality monitoring plan.

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, Taylor Shellfish Farms 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 Taylor Shellfish Farms 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 prohibited¹. If such work, conditions, or discharges occur, immediately notify² 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 Division³ 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 Taylor Shellfish Farms, Olympia Oyster Lease project.

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. **19902** will remain valid **until December 31, 2036. for the duration of the associated permit.** Taylor Shellfish Farms

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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