



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 25, 2021

Chelsea Farms  
ATTN: Kyle Lentz  
6438 Young Road  
Olympia, WA 98502

RE: Water Quality Certification Order No. **19637** for Corps Reference No. **NWS-2007-01345**  
**AQ**, 2 Chelsea Farms Manke, Eld Inlet, Thurston County, Washington

Dear Kyle Lentz:

On June 23, 2020, Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 2 Chelsea Farms, Manke Project located on tidelands within Eld Inlet, near Olympia, Thurston County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice 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 conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Lori Kingsbury at (360) 407-6926 or by e-mail at [Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", is written over a circular stamp.

Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

Enclosure

e-cc: Ben Sherman, Corps of Engineers  
Marty Beagle, Chelsea Farms  
Laura Hendricks, Coalition to Protect Puget Sound  
Amy van Saun, Center for Food Safety  
Loree' Randall, Ecology  
Lori Kingsbury, Ecology  
Rebecca Rothwell, Ecology  
ECYREFEDPERMITS@ecy.wa.gov

cc: Charles and Judith Manke

**IN THE MATTER OF GRANTING A ) ORDER No. 19637**  
**WATER QUALITY ) Corps Reference No. NWS-2007-01345**  
**CERTIFICATION TO ) 2 Chelsea Farms Manke within Eld Inlet, South**  
Chelsea Farms ) Puget Sound, Thurston County, Washington.  
pursuant to 33 U.S.C. 1341 (FWPCA )  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

Chelsea Farms  
Attention: Kyle Lenz  
6438 Young Road  
Olympia, WA 98502

On June 23, 2020, Chelsea Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 2 Chelsea Farms, Manke Project, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for this project on October 22, 2020.

The proposed project is to continue to commercially cultivate up to 3.16-acres of geoduck clams, 5.17-acres of manila clams, and approximately 2-acres of oysters in bags over a 12.91-acre project area (10.33-acre cultivation area) within the intertidal zone of Eld Inlet, South Puget Sound, Thurston County, Washington.

Manila clam cultivation involves casting seed onto the substrate on an incoming tide, and the manila clams quickly dig into the substrate. Anti-predator area netting is sometimes employed to increase the survival rate. Manila clams require little or no maintenance

Pacific oysters are planted by placing the seed oysters in 20"x 36" grow bags at a density of about 300 oysters per bag. The bags are typically secured to each other by attachment to a common rope and placed in rows on the beach substrate. Oyster bags and racks require monitoring and some upkeep such as annual cleaning.

Manila clams and pacific oysters are hand harvested by workers accessing the cultivation areas during appropriate tide levels. The duration of activity is typically during one tidal cycle.

Geoduck cultivation entails placing the geoduck seed within PVC anti-predator tubes (4-inch diameter by 10-inch length) at a density of one tube per square foot on the tidelands. Each tube will have a mesh cap secured with a rubber band resistant to UV light and salt water. The area will then be covered with netting composed of 40 ft. by 40 ft. squares (3-inch or smaller stretched mesh). The netting will be secured to the sand with 24-inch u-shaped rebar, spaced every 5 feet around the perimeter. Geoduck seed planting may occur at low tide in the "dry" or at high tide in the "wet."

Between 6-12 months after planting, the caps and bands will be removed from the tubes; at 18-24 months, the tubes and netting will be removed from the site. The geoducks will be harvested at about 5-7 years using low-pressure water pumps with a "stinger/wand" with nozzle pressure to liquefy/loosen the sediment so that the geoducks can be removed by hand. Harvest will occur at low tide, or by divers at high tide.

No farming activities occur in the upper intertidal area, above +7.0 foot tidal elevation. All work activities are by manual labor, access is typically by boat or by a privately owned boat ramp, no motorized machinery operates on the beach beyond the boat ramp, no refueling of engines or motors occurs on the beach, no equipment is stored on site, no rooted aquatic vegetation or benthic organisms are removed from the site, no chemical/environmental contaminants are used, and farming activities create no substantial interference with normal public use of the surface waters.

The project site is located on tidelands within Eld Inlet, on parcel numbers: 12917340106, 12917340101, 12917340105, 12917340102, 93020700000, adjacent to 6818 Young Road NW, Olympia, Thurston County, Washington; Section 17, Township 19, Range 2 West; WRIA 14, Kennedy – Goldsborough Watershed.

With this Order, Ecology is granting Chelsea Farms' request for a Section 401 Water Quality Certification for the 2 Chelsea Farms Manke project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request Ecology received on June 23, 2020, drawings submitted October 22, 2020, and the following supporting documentation:

- E-mail letter to Ecology dated February 10, 2021, 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 Chelsea Farms water quality monitoring plan, and Chelsea Farms commitment to follow the 2019 Puget Sound Shellfish Growers Association Environmental Codes of Practice for Shellfish Aquaculture.

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, Chelsea 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 Chelsea 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 Chelsea Farms from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

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 actual spills to water only.

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 Chelsea Farms, 2 Chelsea Farms Manke project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a permit for this project. Order No. 19637 will remain in effect for a period of fifteen (15) years from the issuance of the Corps permit.

### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

### **ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

### **CONTACT INFORMATION**

Please direct all questions about this Order to:

Lori Kingsbury  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775  
[lori.kingsbury@ecy.wa.gov](mailto:lori.kingsbury@ecy.wa.gov)

## MORE INFORMATION

- **Pollution Control Hearings Board Website**  
<http://www.eluho.wa.gov/Board/PCHB>
- **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



Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office  
Department of Ecology

February, 25, 2021  
Date