STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
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March 4, 2021

Trident Marine Services, Inc.
Attn: Matt Smith
2851 E. South Island Dr.
Shelton, WA 98584

RE: Water Quality Certification Order No. **19632** for Corps Reference No. **202000954**, Case Inlet Aquaculture Sites (Yates, Yates-Gregory, Runyan, Smith, Riggs 1 and 2), Mason County, Washington

Dear Matt Smith:

On November 24, 2020, Trident Marine Services submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Case Inlet Aquaculture Sites (Yates, Yates-Gregory, Runyan, Smith, Riggs 1 and 2), located on tidelands within Case Inlet, near Shelton, Mason 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 Teressa Pucylowski by e-mail at teressa.pucylowski@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure

e-cc: Emma Ross, Corps of Engineers
Loree' Randall, Ecology
Laura Hendricks, Coalition to Protect Puget Sound Habitat
Amy van Saun, Center for Food Safety
Teressa Pucylowski, Ecology
ECYREFEDPERMITS@ecy.wa.gov – Aquatics No. 139508

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Trident Marine Services, Inc. pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER No. 19632** **Corps Reference No. 202000954** Case Inlet Aquaculture Sites (Yates, Yates-Gregory, Runyan, Smith, Riggs 1 & 2) located on tidelands within Case Inlet, near Shelton, Mason County, Washington

Trident Marine Services, Inc.
Attn: Matt Smith
2851 E. South Island Dr.
Shelton, WA 98584

On November 24, 2020, Trident Marine Services submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Case Inlet Aquaculture Sites (Yates, Yates-Gregory, Runyan, Smith, Riggs 1 & 2), Mason County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 3, 2021.

The applicant intends to continue growing geoduck at the following sites: Smith = 2 acres; Yates-Gregory = 1.8 acres; Yates = 1.9 acres; Runyan = 0.28 acres; Riggs 1 = 0.49 acres; and Riggs 2 = 0.6 acres. The sites contian no eelgrass or kelp. Access to sites can occur by boat of from the upland, however, during the planting period, all equipment will be transported to the site by water from a staging area.

Geoduck seed will be planted on the inside of 4" diameter PVC tubes or in flexible plastic mesh sleeves, which will then be places in the substrate. These will all be placed on private tidelands ranging from above +2' MLLW to the extreme low tide. Tubes will be covered with mesh caps and approximately 3” – 4” will be exposed above substrate. Planting will take place from spring to early fall.

Caps will be removed 12 to 24 months after planting, and 24 months after planting, all tubes and mesh sleeves will be removed from the beach. Five to six years after planting, harvesting will begin using a low pressure wand – typically in late fall or early winter. Six months later (six years after planting), the harvest will be completed and the beach will be prepared for re-planting.

The project site is located on tidelands within Case Inlet, on parcel numbers 221250083084, 121312270010, 121312200020, 121312200030, 220121190030, and 220121190040, near Shelton, Mason County, Washington; Section 25, Township 21 North, Range 2 West; WRIA 14, Kennedy/Goldsborough Watershed.

With this Order, Ecology is granting Trident Marine Services’ request for a Section 401 Water Quality Certification for the Case Inlet Aquaculture Sites (Yates, Yates-Gregory, Runyan, Smith, Riggs 1 & 2) project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on November 24, 2020, and the following supporting documentation:

1. E-mail letter to Ecology dated February 3, 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 01EWFW00-2016-F-0121, National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1502). This email also includes a description of Trident Marine Services' water quality monitoring plan, and Trident Marine Services' 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, Trident Marine Services 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 Trident Marine Services 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.

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[1]. If such work, conditions, or discharges occur, immediately notify[2] 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[3] 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 Trident Marine Services, Case Inlet Aquaculture Sites (Yates, Yates-Gregory, Runyan, Smith, Riggs 1 & 2) 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. **19632** will remain

[1] RCW 90.48
[2] WAC 173-303-145
[3] RCW 90.56.280

valid for the duration of the associated permit. Trident Marine Services, should send a copy of the final DA permit to ecyrefednotification@ecy.wa.gov within two weeks of receiving it.

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

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

CONTACT INFORMATION

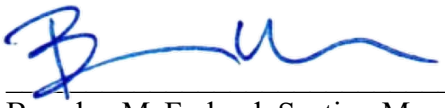
Please direct all questions about this Order to:

Teressa Pucylowski
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
teressa.pucylowski@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



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program
Department of Ecology

March 4, 2021
Date