



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 8, 2021

Olsen & Son Oyster Co.  
Attn: Phillip & Norman Olsen  
P.O. Box 905  
South Bend, WA 98586

RE: Water Quality Certification Order No. **19709** for Corps Reference No. **200701197**,  
Olsen & Son Ongoing Aquaculture Site B70, Pacific County, Washington

Dear Phillip & Norman Olsen:

On February 9, 2021, Olsen & Son Oyster Co. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olsen & Son Ongoing Aquaculture Site B70 located on tidelands within Willapa Bay, near Bay Center, Pacific 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](mailto:teressa.pucylowski@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 "Brenden", is written over a faint, light blue circular stamp.

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

Olsen & Son Oyster Co.  
Order No. 19709, Corps No. 200701197  
March 8, 2021  
Page 2

Enclosure

e-cc: Marion Gall, Corps of Engineers  
Loree' Randall, Ecology  
Laura Hendricks, Coalition to Protect Puget Sound Habitat  
Amy van Saun, Center for Food Safety  
Teresa Pucylowski, Ecology  
[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov) – Aquatics No. 139221

**IN THE MATTER OF GRANTING A ) ORDER No. 19709**  
**WATER QUALITY ) Corps Reference No. 200701197**  
**CERTIFICATION TO ) Olsen & Son Ongoing Aquaculture Site B70**  
Olsen & Son Oyster Co. ) located on tidelands within Willapa Bay, near  
pursuant to 33 U.S.C. 1341 (FWPCA ) Bay Center, Pacific County, Washington  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

Olsen & Son Oyster Co.  
Attn: Phillip & Norman Olsen  
P.O. Box 905  
South Bend, WA 98586

On February 9, 2021, Olsen & Son Oyster Co. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Olsen & Son Ongoing Aquaculture Site B70, Pacific County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 11, 2021.

This project will continue to commercially cultivate up to 38 acres of Pacific oysters between the +0.5-ft to +2.0-ft Mean Lower Low Water (MLLW) tidal elevations and up to 15 acres of Manila clams between the +1.0-ft to +2.0-ft MLLW tidal elevations. The proposed project is located 0.3 miles waterward from the approximate Mean High Water (MHW) shoreline and extends a maximum of 1.1 miles waterward of the approximate MHW shoreline. All access to the site will be by boat. Patches of native eelgrass are found throughout the project site.

Oysters will be grown on-bottom using no additional materials for grow-out. Oysters will be hand-planted either directly onto the substrate as single-seed oysters or scattered from a boat deck at high tide as cultch. Harvest will either take place by hand at low tide or by mechanical dredge harvest at high tide. The dredge method involves skimming the substrate on which the oysters rest with dredge baskets attached to dredge arms on the vessel at slow speeds. Annual dredge acres will not exceed 13 acres. The harvest cycle is approximately 3 years.

Manila clams will be caught by natural set on cleaned crushed shell placed within the project area used to frost the substrate (no more than 1-inch) over a 15-acre cultivation area. This occurs on an annual basis and maintenance will be minimal. The clams will be harvested by hand. The harvest will be supplemental and intermittent over a continuous period to maintain a healthy natural population.

The project site is located on tidelands within Willapa Bay, on parcel number 79001000070, near Bay Center, Pacific County, Washington; Township 14 North, Range 10 West; WRIA 24, Willapa Watershed.

With this Order, Ecology is granting Olsen & Son Oyster Co.'s request for a Section 401 Water Quality Certification for the Olsen & Son Ongoing Aquaculture Site B70 project, provided that

the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 9, 2021.

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, Olsen & Son Oyster Co. 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 Olsen & Son Oyster Co. 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<sup>1</sup>. If such work, conditions, or discharges occur, immediately notify<sup>2</sup> 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<sup>3</sup> 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 Olsen & Son Oyster Co., Olsen & Son Ongoing Aquaculture Site B70 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. **19709** will remain valid for the duration of the associated permit. Olsen & Son Oyster Co. should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto:fednotification@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).

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<sup>1</sup> RCW 90.48

<sup>2</sup> WAC 173-303-145

<sup>3</sup> RCW 90.56.280

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
<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:

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**



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

March 8, 2021  
Date