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

March 17, 2021

Net Venture Farms, Inc.
Attn: Hui Xia
8822 Libby Road NE
Olympia, WA 98506

RE: Water Quality Certification Order No. **19724** for Corps Reference No. **201700470**, Parke Geoduck Aquaculture, Thurston County, Washington

Dear Hui Xia:

On February 10, 2021, Net Venture Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Parke Geoduck Aquaculture 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 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: Meghan Fullam, Corps of Engineers
Loree' Randall, Ecology
Teressa Pucylowski, Ecology
ECYREFEDPERMITS@ecy.wa.gov –Aquatics# 139685

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Net Venture Farms, 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. 19724** **Corps Reference No. 201700470** Parke Geoduck Aquaculture located on tidelands within Eld Inlet, near Olympia, Thurston County, Washington

Net Venture Farms, Inc.
Hui Xia
8822 Libby Road NE
Olympia, WA 98506

On February 10, 2021, Net Venture Farms submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Parke Geoduck Aquaculture, Thurston County, Washington. The Department of Ecology (Ecology) issued a public notice for the project on February 12, 2021.

This project proposes to continue a commercial geoduck operation, with 0.35 acres of cultivation on private tidelands site between +3.0ft Mean Lower Low Water (MLLW) to the extremely low tide -4.5ft tidal elevation. There is no eelgrass present at this site. Regular maintenance activities occur biweekly or after a stormy event and include: 1) checking growth rate, 2) removing any marine debris, and 3) assuring there are no significant damages to the farm.

Geoduck will be planted in a combination of flexible mesh tubes made from a quarter-inch durable polyethylene and PVC tubes. The PVC tubes are covered with large area netting, which is secured to the substrate with rebar stakes. The tubes measure 8 to 12-in long by 6-in wide, are spaced 1.2-ft apart, and protrude 2 to 4-in above the beach. The tubes and nets protect the baby geoducks until they reach adequate depth and size to avoid predators. The tubes and nettings are removed two years after planting, with no materials on the tidelands for four years, until they are ready for harvest. About 10,416 tubes would be installed in 2024.

Harvest will take place at both low ("dry harvest") and high tides ("wet harvest"). During the harvest process, a 30-ft long by 12-ft wide wooden barge with no propulsion will be moored at the site in three or four-point anchorages near +1 MLLW of the project site for a maximum of seven days. Water pumps used for harvest will be run by a small engine mounted to the barge. The engine and the pump would be fitted with a muffler and kept inside an insulated box to reduce noise when harvesting. The water pump is connected to a hand-held water jet which is inserted into the beach next to the geoduck. The jet liquefies the substrate so that the geoduck may be removed.

The project site is located on tidelands within Eld Inlet, on parcel number 12903241100, adjacent to 9230 Hunter Point Road NW #G, near Olympia, Thurston County, Washington; Section 3, Township 19 North, Range 2 West; WRIA 13, Deschutes Watershed.

With this Order, Ecology is granting Net Venture Farm's request for a Section 401 Water Quality Certification for the Parke Geoduck Aquaculture project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 10, 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, Net Venture 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 Net Venture 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.

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. 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 Net Venture Farms, Parke Geoduck Aquaculture 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. **19724** will remain valid for the duration of the associated permit. Net Venture Farms should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

YOUR RIGHT TO APPEAL

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

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:

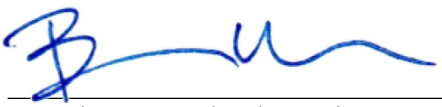
Teressa Pucylowski
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
teressa.pucylowski@ecy.wa.gov

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 17, 2021
Date