

February 14, 2024

**Notice of Final Determination  
DNR Geoduck Lease No. 20-096483 – Pickering Passage  
SEPA File No. 24-011703**

The Department of Natural Resources issued a Determination of Non-significance (DNS), on **January 17, 2024** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

☒ Retained.

☐ Modified. Modifications to this threshold determination include the following:

☐ Withdrawn. This threshold determination has been withdrawn due to the following:

☐ Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable): **Please refer to the attachment.**

Responsible Official: Thomas Gorman

Position/title: Aquatic Resources Division Manager

Phone: 360-701-7692

Address:

Washington Department of Natural Resources

PO BOX 47000

Olympia, WA 98504

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

There is no DNR administrative SEPA appeal.



**DEPARTMENT OF  
NATURAL RESOURCES**

**AQUATIC RESOURCES DIVISION**

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**Public Comment Summary  
Pickering Passage Aquaculture Lease Proposal (20-096483)  
SEPA File No. 24-011703**

During the public comment period, DNR received six comment submittals. The table below presents a summary of the issues raised and the corresponding agency response.

Topic	Comment Summary	Agency Response
<b>Impacts to species</b>	It is unknown if the project will impact aquatic species.	<p>The applicant will be required follow all DNR habitat stewardship requirements in the lease. The applicant will fully comply with the programmatic Endangered Species Act and Essential Fish Habitat consultation for shellfish activities in Washington State’s inland marine waters (“Programmatic Consultation”). The Programmatic Consultation analyzes potential adverse impacts to sensitive species and includes measures to address and minimize any impacts.</p> <p>No eelgrass or canopy forming kelp is mapped to occur in this area. The applicant will complete a survey prior to farm installation to confirm absence. If any native eelgrass or kelp is present, then a delineation will occur and the tenant will comply with the Programmatic Consultation guidelines to operate outside of a 16’ horizontal setback.</p> <p>There will be no clearing of plants and animals on top of the substrate before installation of the farm.</p>

<b>Harvest payments to adjacent landowners</b>	A quota of geoduck shall go to landowners neighboring the proposed site.	RCW 79.105.030 directs DNR to manage SOAL in a manner that provides a balance of public benefits. The tenant will pay annual minimum base rent and a production-based rent fee. These payments will go directly to DNR to support aquatic land management.
<b>Marine debris</b>	Debris from the operations on the leasehold is not maintained and will cause litter in the area.	<p>The lease language does not allow the tenant to commit or allow waste on the leasehold.</p> <p>The aquaculture gear used is analyzed by the Programmatic Consultation. The proposed flexible HDPE mesh tubes are effective in remaining secure in the substrate. This operation does not require nets to be installed over the top of the tubes. Nets may be installed temporarily if predation is high. If nets are used, the applicant will properly secure nets with U-shaped rebar at 50-foot intervals and will regularly monitor the nets to ensure they remain secured.</p> <p>The tenant will monitor for debris and log any results in an online database quarterly, and patrols organized by the Pacific Coast Shellfish Industry will occur two times a year.</p>
<b>Emergency access</b>	Access to over the land emergency response has not been addressed.	Those who access state-owned aquatic lands may meet emergency responders in the closest location possible or emergency responders may meet remote accident victims at the accident site.
<b>Leasehold boundaries</b>	It won't be possible to tell if workers and equipment stays inside the lease boundaries and the presence of workers and activities has the	The property has been professionally surveyed and recorded with the Mason County auditor's office. The leasehold boundaries are marked by survey markers. The lease contract defines the lease area. The tenant is

	possibility of limiting the landowners' use of tidelands.	required to stay within the leasehold boundary and the requirement is an enforceable part of the contract.
<b>Noise and light impacts</b>	Light and noise will disrupt landowners.	The tenant would be required to comply with all conditions and terms of any permits, licenses, certificates, regulations, ordinances, statutes, and other government rules and regulations regarding its use or occupancy of the property. The tenant must comply with Mason County's noise ordinance, Chapter 9.36 MCC. There is no lighting being installed on the leasehold area.
<b>Aesthetics</b>	Nursery tubes, plastic, netting, and other equipment used in the operation are unsightly.	The applicant will use flexible mesh HDPE nursery tubes, which can lay flat against the intertidal substrate and reduce impacts to aesthetics and recreation. The geoduck tubes are installed below the +1' tidal elevation and are only exposed for a small percentage of time.
<b>Recreation</b>	The operations will represent a hazard to waders and swimmers.	The nursery tubes used can lay flat against the substrate. Nets are not required to be installed on top of the tubes. If nets are necessary for predation, they will be secured by rebar and will not float or pose an entanglement risk to users of the water.
<b>Water quality</b>	It is unknown if there are impacts to water quality.	The addition of geoduck farming on the leasehold will not cause water quality impacts.
<b>Cultural resources</b>	It is unknown if archaeological or cultural resources will be uncovered during implementation.	If any archaeological or cultural resources are uncovered during implementation, the tenant will follow the inadvertent discovery protocol, stop operations, and notify the Squaxin Island Tribe, WA DNR, and DAHP.
<b>Substrate changes</b>	The harvesting process is changes sediment conditions.	The lease includes DNR's habitat stewardship measures to address hydraulic harvest methods. The lease

		requires the Tenant to surrender the leasehold property in the same or better condition than the commencement date of the lease with reasonable wear and tear excepted, as defined by the lease.
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