



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 16, 2014

Clark County Environmental Services
ATTN: Kevin Tyler
PO Box 9810
Vancouver, WA 98666-9810

RE: Amendment to 401 Water Quality Certification Order No. 9237 for U.S. Army Corps of Engineers Reference No. NWS-2011-608, Thomas Wetland East Project, Wetlands, Vancouver, Clark County, Washington

Dear Mr. Tyler:

Enclosed is the first amendment to Water Quality Certification Order No. 9237, issued on June 13, 2012, for the above project.

The purpose of this amendment is to allow the use of hay or straw on exposed soils at the mitigation site as an erosion-control measure, to allow for a customized placement of boundary signs, and to authorize a change in the location of the construction access road. Requests for these changes were made by Clark County Environmental Services staff on May 4 and 5, 2014. The amendment affects conditions A.3, E.1, E.11, and E.14.

If you have any questions, please contact Rebecca Schroeder at 360-407-7273. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosure

By Certified Mail 7012 2920 0000 1182 4919

cc: Steve Manlow, U.S. Army Corps of Engineers



e-cc: Loree' Randall, Ecology HQ
ecyrefedpermits@ecy.wa.gov
Lori Ochoa, Ecology, SWRO SEA
Rebecca Schroeder, Ecology, SWRO SEA
Brad Murphy, Ecology, HQ SEA
Lisa Cox, Ecology, VFO WQ
Ed O'Brien, Ecology, HQ WQ
Deborah Cornett, Ecology, SWRO WQ

IN THE MATTER OF GRANTING) **ORDER No. 9237, First Amendment**
A WATER QUALITY) **Corps Reference No. NWS-2011-608**
CERTIFICATION TO)
Clark County Environmental Services)
 In accordance with 33U.S.C. 1341)
 (FWPCA §401), RCW 90.48.120, RCW)
 90.48.260 and Chapter 173-201A WAC)

TO: Clark County Environmental Services
 ATTN: Kevin Tyler
 PO Box 9810
 Vancouver, WA 98666-9810

On June 13, 2012, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Clark County Environmental Services for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on March 4, 2014, from Brent Davis, Clark County Environmental Permitting Manager, for a revision to the approved temporary construction access for this project. Ecology also received a request from Julie Christian, Clark County Environmental Services, on May 5, 2014, to allow the use of hay or straw at the mitigation site and to place boundary signs in a customized layout.

Order #9237, dated June 13, 2012, is hereby amended as follows:

I. Condition A.3, which reads:

Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 27, 2011, and the *Final Thomas Wetland East Mitigation Plan, CRP#401972, Clark County, Washington* prepared by Clark County Environmental Services and dated May 9, 2012 (hereinafter the "Mitigation Plan"). The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA and the Mitigation Plan is voided by subsequent changes to the project not authorized by this Order.

Is replaced as follows:

Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 27, 2011, the *Final Thomas Wetland East Mitigation Plan, CRP#401972, Clark County, Washington*, prepared by Clark County Environmental Services and dated May 9, 2012, and the *Thomas Wetland East (CRP#401972) Proposed Modification to NWS 2011-608 and Water Quality Certification Order No. 9237, Revised Temporary Construction Access*, dated March 4, 2014 (hereinafter the "Mitigation Plans"). The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA and the Mitigation Plan is voided by subsequent changes to the project not authorized by this Order.

II. Condition E.1, which reads:

The Applicant shall mitigate wetland impacts as described in the *Final Thomas Wetland East Mitigation Plan, CRP#401972, Clark County, Washington* prepared by Clark County Environmental Services and dated May 9, 2012, or as modified by this Order or revised and approved by Ecology.

Is replaced as follows:

The Applicant shall mitigate wetland impacts as described in the *Final Thomas Wetland East Mitigation Plan, CRP#401972, Clark County, Washington*, prepared by Clark County Environmental Services and dated May 9, 2012, and the *Thomas Wetland East (CRP#401972) Proposed Modification to NWS 2011-608 and Water Quality Certification Order No. 9237, Revised Temporary Construction Access*, dated March 4, 2014, or as modified by this Order or revised and approved by Ecology.

III. Condition E.11, which reads: "The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site." is hereby deleted.

IV. Condition E.14, which reads:

The Applicant shall place signs at the mitigation area's boundaries, including buffers, every 100 feet to mark the area as a wetland mitigation site.

Is replaced as follows:

To mark the area as a wetland mitigation site, the Applicant shall place signs at the mitigation area's boundaries, including buffers, per the site map entitled *Thomas Wetland East CRP #401972, Demarcation Signs*, dated May 16, 2014, submitted by Clark County Environmental Services. Said map has sign placement locations labeled on the map with red X's. If the spacing of the signs proves insufficient to deter site encroachment, Ecology may require the placement of additional signs.

No other conditions or requirements of Order No. 9237 are affected by this amendment.

The Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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 all 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	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Ecology Southwest Regional Office
State of Washington

5/16/2014
Date

