



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

July 7, 2016

Cascade Columbia Fisheries Enhancement Group
Matt Shales
PO Box 3162
Wenatchee, WA 98807

RE: Water Quality Certification Order No. 13620 for Corps Public Notice No. NWS-2016-231 (NWP 27) Silver Side Channel Project, Okanogan County, Washington

Dear Mr. Shales:

On February 23, 2016, the Cascade Columbia Fisheries Enhancement Group submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification under the Federal Clean Water Act for the Silver Side Channel Project within the Methow River floodplain (River Mile 35), in Okanogan County, Washington.

The Silver Side Channel project is located within the Methow River floodplain (River Mile 35) near the town of Twisp, in Okanogan County, Washington. The project is located at Latitude 48.310278 N, Longitude - 120.061667 W and is located within the southeast quarter of Section 34, Township 33 North, and Range 22 East of the Willamette Meridian. The project is on Washington State Department of Fish and Wildlife and State of Washington Lands.

The Silver Side Channel Project will restore the lower 0.50 miles of Silver Side Channel on the Methow River to improve and increase Chinook and steelhead juvenile rearing and over-winter habitat, restore and enhance riparian habitat, develop and restore channel, riparian, and floodplain connectivity. The proposed project will incorporate engineered multiple woody debris habitat structures, create in-stream habitat, create riparian and floodplain wetlands, and install native vegetation plantings.

On behalf of the State of Washington, Ecology certifies that the work described in the 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.



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If you have any questions, please contact Andrea Jedel at (509) 454-4260. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Gary Graff, PWS
Regional Section Manager
Central Regional Office
Shorelands and Environmental Assistance Program

By certified mail: 7014 3490 0001 5527 9995

ec: . Jess Jordan, U.S. Army Corps of Engineers
Lynda Hoffman, WDFW
ecyrefedpermits@ecy.wa.gov – Ecology HQ
Andrea Jedel, Ecology Central Regional Federal Permit Coordinator
Matt Shales, Cascade Columbia Fisheries Enhancement Group

IN THE MATTER OF GRANTING A) ORDER # 13620
WATER QUALITY) Corps Reference No. NWS-2016-231 (NWP
CERTIFICATION TO) 27)
Cascade Columbia Fisheries) Silver Side Channel salmonid habitat restoration
Enhancement Group) project, located near Twisp in Okanogan County,
in accordance with 33 U.S.C. 1341) Washington.
(FWPCA § 401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)
)

TO: Cascade Columbia Fisheries Enhancement Group
Matt Shales
PO Box 3162
Wenatchee, WA 98807

On February 23, 2016, the Cascade Columbia Fisheries Enhancement Group submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. On June 30, 2016, the U.S. Army Corps of Engineers authorized the project with Nationwide Permit (NWP) 27, Aquatic Habitat Restoration, Establishment, and Enhancement Activities. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on June 7, 2016.

The Silver Side Channel project is located within the Methow River floodplain (River Mile 35) near the town of Twisp, in Okanogan County, Washington. The project is located at Latitude 48.310278 N, Longitude - 120.061667 W and is located within the southeast quarter of Section 34, Township 33 North, and Range 22 East of the Willamette Meridian. The project is on Washington State Department of Fish and Wildlife and State of Washington Lands.

The Silver Side Channel Project will restore the lower 0.50 miles of Silver Side Channel on the Methow River to improve and increase chinook and steelhead juvenile rearing and over-winter habitat, restore and enhance riparian habitat, develop and restore channel, riparian, and floodplain connectivity. The proposed project will incorporate engineered multiple woody debris habitat structures, create in-stream habitat, create riparian and floodplain wetlands, and install native vegetation plantings.

Construction work involves restoring the lower 0.50 miles of Silver Side Channel on the Methow River. The existing channel will be filled with native material, creating a new channel that will have pool-riffle habitat and large wood placements within riparian and floodplain wetland habitat. The channel re-configuration work will occur within the existing channel and 100-year floodplain, and will involve conversion of 1.27 acres of open water/aquatic wetland to emergent wetland. Construction access and placement of habitat features will temporarily impact 0.087 acres of emergent wetland. Permanent wetland impact for conversion to stream channel is 0.045 acres.

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Monitoring and adaptive management of created channel, riparian and floodplain wetland areas will be conducted for a period of 3 years by Cascade Columbia Fisheries Enhancement Group and U.S. Fish and Wildlife Service.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

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A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Cascade Columbia Fisheries Enhancement Group, and its agents, assignees and contractors.
2. All submittals required by this Order shall be sent by mail and electronically to Ecology's Central Regional Office, Attn: Andrea Jedel, Federal Permit Coordinator, SEA Program, 1250 W Alder Street, Union Gap, WA 98903. The submittals shall be identified with Order No. 13620 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 23, 2016 unless otherwise authorized by Ecology. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto

through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.

10. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, Ecology will issue an administrative order to incorporate any such changes or amendments applicable to this project.
11. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
13. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
14. This Order will automatically transfer to a new owner or operator if:
 - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
 - b. A copy of this Order is provided to the new owner or operator; and
 - c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

B. Water Quality

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200 (1)(e)(i).

C. Water Quality Monitoring

1. The Applicant shall conduct water quality monitoring as described in the Water Quality Monitoring Plan, "Water Quality Monitoring and Protection Plan for Silver Side Channel Revival" prepared by Matt Shales, Cascade Columbia Fisheries Enhancement Group, dated May 24, 2016 (hereafter referred to as the "WQMP").
2. If changes to the WQMP are proposed at any time during the duration of this Order, the Applicant shall submit a revised plan to Ecology for review and approval. The Applicant shall allow at least a 14 day review time for Ecology. Following Ecology's approval, the Applicant shall implement the approved, updated WQMP.
3. Turbidity monitoring reports shall be sent weekly by email to the Federal permit coordinator, per Condition A2. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

D. Construction Conditions:

1. The Applicant shall obtain and comply with all stormwater requirements within the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit or Erosivity Waiver for Construction Activity for this project.
2. The project shall minimize extensive exposed areas and be phased to complete operations in one section of the site before clearing and grading the next.
3. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling and grading work and shall be maintained throughout construction.
4. The project shall be clearly marked and staked prior to construction. Clearing limits, travel corridors, stockpile sites, staging areas, and refueling areas shall be clearly marked. Critical areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
5. Routine inspections should be conducted to verify that structural controls are maintained and operating effectively throughout construction, and that soil structure and vegetation

are maintained within protection areas. If controls are not adequately protecting designated areas, adjust existing or implement additional protection measures.

6. All equipment must be clean and free of oils, hydraulic fluid, and other contaminants prior to entering all areas below the Ordinary High Water Mark (OHWM) of the Methow River and side channel.
7. Equipment used for in-water work during this project operating with hydraulic fluid shall use only those fluids certified as non-toxic to aquatic organisms.
8. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
9. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

E. Timing Requirements

1. This Order shall remain in effect for a period of 5 years from date of issuance, July 7, 2021. Continuing this project beyond the 5 year term of this Order will require separate certifications.
2. All in-water work shall be completed during the in-water work window of July 1 to August 15, 2016. Any project change that requires a new or revised in-water work window should be sent to Ecology for review and approval.

F. Notification Requirements:

1. The Applicant shall provide written notification (email or mail) to Ecology's Central Regional Office Federal Permit Coordinator in writing at least 14 days prior to the start of construction, and within 7 days after completion of construction at the project site. Notification should be made using all the information required in Condition A2.

G. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.

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2. Any work that is out of compliance with the provisions of this Order, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
 - a. Cease operations that are causing the compliance problem.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - d. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, the National Response Center at 1-800-424-8802 and within 24 hours of spills or other events Ecology's 401 Federal Permit Coordinator at (509) 454-4260.
 - e. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
4. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands. No refueling of equipment shall occur over, or within 100 feet of creeks, rivers, lakes, or wetlands.
5. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

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:

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- 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

CONTACT INFORMATION

Please direct all questions about this Order to:

Andrea Jedel, PWS
Department of Ecology
Central Region Office
1250 W Alder Street
Union Gap, WA 98903

(509) 454-4260
andrea.jedel@ecy.wa.gov

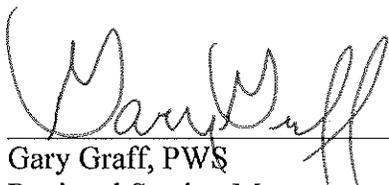
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MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE

DATED this 7th day of July, 2016 at Union Gap, Washington.



Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program
Central Regional Office – Ecology
State of Washington

Attachment A
Statement of Understanding
Water Quality Certification Conditions

Silver Side Channel
Cascade Columbia Fisheries Enhancement Group
Water Quality Certification Order No. **13620**
and
Corps Reference No. **NWS-2016-231 (NWP 27)**

I, _____, state that I will be involved as an agent or contractor for Cascade Columbia Fisheries Enhancement Group in the site preparation and/or construction of the Silver Side Channel Project located in the floodplain of the Methow River, near Twisp, in Okanogan County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 13620 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company