



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
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January 10, 2014

Charles Draper Jr.  
Draper Machine Works  
Salmon Bay Marina  
2100 W. Commodore Way  
Seattle, WA 98199

**RE: Ecology Denial for Section 401 Water Quality Certification for the Salmon Bay Marina Dredging and Improvement Project in Lake Washington, King County, Washington.**

Dear Mr. Draper:

The U.S. Army Corps of Engineers (Corps) and the Department of Ecology (Ecology) issued a Joint Public Notice on January 18, 2013. Ecology has one year from the date of the Joint Public Notice to make a decision regarding the Section 401 Water Quality Certification (WQC). On December 17, 2013, Ecology sent you a letter explaining that a SEPA determination is required prior to issuing a WQC.

As of today, the SEPA process has not yet been completed, therefore, pursuant to Section 401 of the Clean Water Act, ch.90.48 RCW and ch. 173-201A WAC, the Salmon Bay Marina Dredging and Improvement request for Section 401 Water Quality Certification is **denied without prejudice.**

Receipt of a denial without prejudice does not preclude you from resubmitting a request for WQC at a later date.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Denial 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 Denial 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 Denial 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 RD SW STE 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 Denial to:

Kerry Carroll  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98503-7600  
360-407-7503  
Kerry.Carroll@ecy.wa.gov

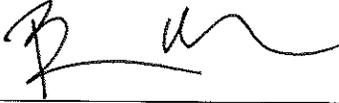
#### MORE INFORMATION

- **Pollution Control Hearings Board Website**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://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>

Draper Machine Works  
RE: Salmon Bay Marina Dredging and Improvement Project, WQC Denial  
January 10, 2014  
Page 3

**SIGNATURE**

Dated this 10th day of January, 2014 at the Department of Ecology, Lacey Washington

A handwritten signature in black ink, appearing to read 'Brenden McFarland', written over a horizontal line.

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

**Water Quality Certification Processing Request  
to the Washington Department of Ecology**

**Project Name** \_\_\_\_\_

**Applicant** \_\_\_\_\_

**Agent/Contact Name** \_\_\_\_\_

**Phone Number** \_\_\_\_\_

**Address** \_\_\_\_\_

**I would like to re-apply for 401 Water Quality Certification. I understand that this will re-initiate the review process for this project and a public notice will be issued by Ecology.**

**Check the statement below which corresponds to your project.**

\_\_\_\_\_ **There are no changes to my project proposal from the original application package.**

\_\_\_\_\_ **There are changes in my project proposal. (Please attach a new JARPA explaining the changes.)**

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**I am authorized to make this request on behalf of this applicant.**

**Agent Signature** \_\_\_\_\_ **Date** \_\_\_\_\_