



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 28, 2011

Lagoon Point Community Association
Attn: Ms. Janet Bondelid
3664 Shorewood Ave
Greenbank WA 98253

RE: Ecology's Denial of Section 401 Water Quality Certification for Lagoon Point
Community Association Marina Maintenance Dredge in Island County Corps #2010-769

On October 21, 2010, the Lagoon Point Community Association submitted a Joint Aquatic Resources Permit Application (JARPA) to the Washington State Department of Ecology (Ecology) requesting a Clean Water Act Section 401 Water Quality Certification (401 certification) for their maintenance dredging project. A Joint Public Notice for this project was issued by the Corps on December 1, 2010. Ecology has one year from the date of the public notice to make a decision on the 401 certification request. The one year review period expires on December 1, 2011.

Pursuant to Section 401 of the Clean Water Act, Ecology must have reasonable assurance that the project as proposed will meet applicable water quality standards and other appropriate requirements of state law. It is necessary that an applicant submit adequate information regarding a project for agency review before Ecology can determine compliance with the state water quality standards and other applicable regulations.

At this time Ecology has not received the information necessary to complete its review of the Lagoon Point Community marina maintenance dredge; in this case the project has not yet completed the SEPA process. Therefore, Ecology is unable to certify that the present proposal will meet applicable water quality standards and other applicable regulations.

Pursuant to Section 401 of the Clean Water Act, Ch 90.48 RCW, and Ch 173-201A WAC the Lagoon Point Community Association water quality certification is **denied without prejudice**. Receipt of a denial without prejudice does not preclude the Lagoon Point Community Association from resubmitting a request for a 401 certification at a later date.



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

Your appeal will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch 43.21B RCW.

DATED this 28th day of November, 2011 at Lacey, Washington.



Brenden McFarland, Section Manager
Shorelands & Environmental Assistance Program
Headquarters Office – Ecology
State of Washington

Ms. Janet Bondelid
November 28, 2011
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cc: Cassandra Moore, Grette Associates
Randel Perry, U.S. Army Corps of Engineers

ecc: Laura Inouye, Ecology
Helen Pressley, Ecology
David Pater, Ecology

by Certified Mail 7009 1410 0002 4001 1804

