



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
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June 13, 2013

Brady Rowe  
Project Manager  
Port of Anacortes  
100 Commercial Ave.  
Anacortes, WA 98221

RE: Water Quality Certification, First Amendment, for Order No.3246

Dear Mr. Rowe:

Please find attached Water Quality Certification 1<sup>st</sup> amendment for Order 3246 Corps Public Notice 200501451.

Any correspondence or questions can be directed to the attention of Loree' Randall, Federal Permit Manager, at Department of Ecology, P.O. Box 47600, Olympia, WA 98504, or she can be reached at 360-407-6068. The enclosed amended Order may be appealed by following the procedures described in the amendment.

Sincerely,

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

by Certified Mail 7010 2780 0000 2503 3570

Enclosure

ecc: Randel Perry, Corps of Engineers  
Paul Anderson, Ecology  
Helen Pressley, Ecology  
ecyrefedpermits@ecy.wa.gov





**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

<b>IN THE MATTER OF GRANTING</b>	)	<b>ORDER # 3246</b>
<b>A WATER QUALITY CERTIFICATION)</b>	)	<b>First Amendment</b>
<b>TO</b>	)	<b>Corps Ref# 200501450</b>
<b>Port of Anacortes</b>	)	Rehabilitation of an existing waterfront
	)	industrial area and an upgrade to existing
	)	facilities by removing existing basin, and
	)	installing new overwater and upland
	)	structures in Guemes Channel, Anacortes,
	)	Skagit County, Washington

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 3246 is hereby amended:

The amendment is as follows

**Condition F1 through F2 and sub conditions are replaced as follow:**

- F1. The permittee shall implement and abide by the document titled, "Project Pier 1 Mitigation Plan," dated November 18, 2005 and the addendum dated May 9, 2013. Monitoring will occur for a period of ten years with monitoring reports submitted per the schedule found in the approved mitigation plan and addendum. All reports must be submitted to Ecology per condition A2 of the Order.
  
- F2. The shoreline intertidal habitat areas (the Wymans Marina Mitigation Site and the O Avenue Mitigation Site) created and restored as compensatory mitigation for work authorized by this Order, shall not be made the subject of a future permit application for fill or other development, except for the purposes of enhancing or restoring the mitigation associated with this project.
  
- F3. A status report on the mitigation construction, including as-built drawings, must be submitted to Ecology per condition A2 of the Order, 13 months from the issuance date of amendment. Annual status reports on mitigation construction are required until mitigation construction is complete.

No other conditions or requirements of the above-mentioned order 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 ORDER**

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

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<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 Order to:

Loree' Randall  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98503-7600  
360-407-6068

### 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>
- **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 13th day of June, 2013 at the Department of Ecology, Lacey Washington



Brenden McFarland, Section Manager

