



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 27, 2010

Mr. Eric Sjarback  
City of Anacortes  
PO Box 547  
Anacortes, WA 98821-0547

**RE: Water Quality Certification - Order #7746 First Amendment/Corps Public  
Notice NWS-2009-00695**

Dear Mr. Sjarback:

On June 25, 2010, the Washington State Department of Ecology (Ecology) issued a water quality certification to the City of Anacortes for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology received an e-mail dated July 22, 2010, requesting Ecology amend the water quality certification to allow the disposal of sediment to be made at a different location than that originally described in the 401 certificate.

The attached amendment may be appealed by following the procedures described in this amendment. If you have any questions regarding the content of the amendment, please contact Helen Pressley at (360) 407-6976.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

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

Enclosure

By certified mail 7009 1410 0002 4001 01316



Mr. Eric Sjarback  
WQC Order #7746 First Amendment  
July 27, 2010  
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cc: Interested Parties  
Jay Dirske, Grette Associates  
Don Everett

ecc: Loree' Randall, Ecology  
Helen Pressley, Ecology  
Laura Inouye, Ecology  
Grant Yang, NWRO Ecology  
Bob Fritzen, NWRO Ecology  
Hugh Shipman, NWRO Ecology  
Doug Thompson, WDFW  
Dave Vagt, DNR  
[Ecyrefedpermits@ecy.wa.gov](mailto:Ecyrefedpermits@ecy.wa.gov)

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER #7746 1<sup>st</sup> Amendment</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2009-00695</b>
<b>CERTIFICATION TO</b>	)	Maintenance dredging of up to 94,000 cubic
<b>City of Anacortes</b>	)	yards of sediment from Skyline Marina in the
in accordance with 33 U.S.C. 1341	)	City of Anacortes, Skagit County, Washington
(FWPCA § 401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	

On June 25, 2010, the Washington State Department of Ecology (Ecology) issued a water quality certification to the City of Anacortes for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received an e-mail dated July 22, 2010 requesting Ecology amend the water quality certification Order No. 7746 to allow the disposal of sediment at a different location.

No other changes in the water quality certification are necessary.

Order No. 7746 dated June 25, 2010, is hereby amended as follows:

**1) Paragraph 2 of the project description currently reads:**

The City proposes to dredge up to 94,900 cubic yards (cy) of sediment from the marina; up to 10,000 cy of this material will be used to restore a section of marina shoreline and/or added to the Fidalgo Bay Habitat Site. The Fidalgo Bay Habitat Site was created in 2006 as mitigation for another project and encompasses a 6-acre sub tidal area of clean dredged material planted with eelgrass.

**Paragraph 2 of the project description is amended to read:**

The City proposes to dredge up to 94,900 cubic yards (cy) of sediment from the marina. Dredged material will be transported to either the Fidalgo Bay Habitat Site, used to restore a section of the marina shoreline, disposed of at an approved open-water disposal site, or beneficially used at the Former Scott Paper Mill's eelgrass mitigation site or other Ecology-approved site.

**2) Paragraph 6 of the project description currently reads:**

A flat top or bottom dump barge will be used to deliver the material to the Fidalgo Bay Habitat site. If a flat top barge is used, fill placement will be completed mechanically using a barge mounted crane and clamshell bucket, or a front-end loader. If dredged material is taken to the Port Gardner nondispersive open water site, a bottom dump barge must be used. If material is taken to the Rosario Strait dispersive site, either a flat top or a bottom dump barge may be used.

**Paragraph 6 of the project description is amended to read:**

A flat top or bottom dump barge will be used to deliver the material to the Fidalgo Bay Habitat site and/or the Former Scott Paper Mill eelgrass mitigation site or other Ecology approved site. If a flat top barge is used, fill placement will be completed mechanically using a barge mounted crane and clamshell bucket, or a front-end loader. If dredged material is taken to the Port Gardner nondispersive open water site, a bottom dump barge must be used. If material is taken to the Rosario Strait dispersive site, either a flat top or a bottom dump barge may be used.

**3) Paragraph 7 of the project description currently reads:**

The purpose of the project is to restore navigation and to beneficially reuse some of the dredged material in order to complete the Fidalgo Bay Habitat Site and/or restore shoreline along the marina channel.

**Paragraph 7 of the project description is amended to read:**

The purpose of the project is to restore navigation and to beneficially reuse some of the dredged material in order to complete the Fidalgo Bay Habitat Site, and/or at the Former Scott Paper Mill site and/or to restore shoreline along the marina channel.

**4) Condition D2 currently reads:**

Dredged material will be transported to either Fidalgo Bay Habitat Site, used to restore a section of the marina shoreline, or disposed of at an approved open-water disposal site. Material disposed of at the Port Gardner nondispersive site may be transported only by bottom dump barge. Material disposed of at the Rosario Strait dispersive site may use either a flat top or bottom dump barge.

**Condition D2 is amended to read:**

Dredged material will be transported to either Fidalgo Bay Habitat Site, used to restore a section of the marina shoreline, disposed of at an approved open-water disposal site, or beneficially used at the Former Scott Paper Mill's eelgrass mitigation site or other Ecology-approved site. Material disposed of at the Port Gardner nondispersive site may be transported only by bottom dump barge. Material disposed of at the Rosario Strait dispersive site may use either a flat top or bottom dump barge.

**Appeal Process:**

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001 (2).  
Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

**3. And send a copy of your appeal to:**

Department of Ecology  
Shorelands and Environmental Assistance Program  
Attn: Helen Pressley  
P.O. Box 47600  
Olympia WA 98504-7600

Skyline Marina 1<sup>st</sup> Amendment

July 27, 2010

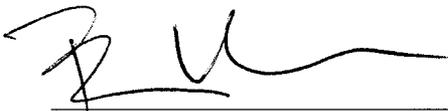
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For additional information visit the Environmental Hearings Office Website:  
<http://www.cho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone 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 July 27, 2010



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