



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 8, 2012

Mr. Scott Lonsway
9760 SW Freeman Drive
Wilsonville, Oregon 97070

RE: Water Quality Certification Order No. **9255** for Corps Public Notice No. NWS-2009-1396 for the Water Recreation Activity Improvements at Skamania Coves Resort, Columbia River, Skamania County, Washington.

Dear Mr. Lonsway:

On June 13, 2011, you submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the Resort at Skamania Coves - Water Recreation Activity Improvements project. The U.S. Army Corps of Engineers issued a joint public notice for the proposed project on June 10, 2011.

The project proposal includes the construction of two small boat ramps, the installation of six mooring buoys and three grated swim floats, and the construction of a pedestrian bridge over the railroad. The purpose of the project is to improve safety and river access for recreation.

The project is located at river mile 152.5 of the Columbia River at Skamania Coves Resort, 45932 State Highway 14, Stevenson, Skamania County, Washington 98648, WRIA 29, Wind-White Salmon Watershed.

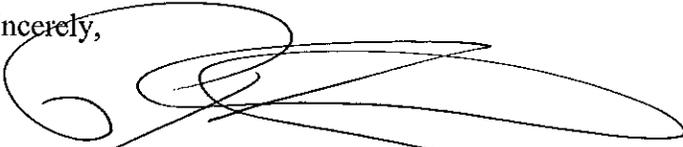
On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.



Mr. Scott Lonsway
Order # 9255 Corps # NWS-2009-1396
June 8, 2012
Page 2 of 2

Sincerely,



Perry J. Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Southwest Regional Office

by Certified Mail 7009 0820 0001 9056 1097

Enclosure

cc: Karen Urelus, U.S. Army Corps of Engineers
Andrew Jansky, Flowing Solutions
Ann Friesz, WDFW
Karen Witherspoon, Skamania County

e-cc: ecyrefedpermits@ecy.wa.gov
Lori Ochoa – SWRO, SEA
Loree' Randall – HQ
Rebecca Schroeder – SWRO, SEA
Deborah Cornett – SWRO, WQ

IN THE MATTER OF GRANTING A)	ORDER #9255
WATER QUALITY)	Corps Reference No. NWS 2009-1396
CERTIFICATION TO)	Resort at Skamania Cove
Mr. Scott Lonsway)	Water Recreation Activity Improvements
in accordance with 33 U.S.C. 1341)	Columbia River, Stevenson, Skamania County,
(FWPCA § 401), RCW 90.48.120, RCW)	Washington
90.48.260, and Chapter 173-201A WAC)	
)	
)	

TO: Mr. Scott Lonsway
9760 SW Freeman Drive
Wilsonville, Oregon 97070

On June 13, 2011, you submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on June 10, 2011.

The site work will be distributed along three coves along the shoreline within the project location. The proposal includes the construction of two small boat ramps, the installation of a small seasonal floating board dock, six mooring buoys and three grated seasonal swim floats. Upland improvements include construction of a vault restroom and an elevated pedestrian bridge over the rail right-of-way. The purpose of the project is to improve safety and river access for recreation.

Conservation measures to compensate for project impacts include: invasive species removal and control, planting native species in the riparian area, snag development of wildlife enhancement, and the removal of sunken debris from Skamania Coves.

The project is located along and within the Columbia River near River Mile 152 at 45932 State Highway 14, Stevenson, WA 98648, Skamania County, Washington, Section 31, Township 3 North, Range 8 East, WRIA No. 29, Wind-White Salmon Watershed.

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, 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.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Scott Lonsway, the Resort at Skamania Cove, and the agents, assignees, and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, PO Box 47775, Olympia, WA 98504-7775 or by e-mail to loch461@ecy.wa.gov. Any submittals shall reference Order No. 9255 and Corps No. NWS- 2009-1396.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 13, 2011, the *Water Recreation Activity Improvements Project Design Criteria and Conservation Measures* dated March 5, 2012, and the e-mail communication from Scott Lonsway to Lori Ochoa dated November 15, 2011. 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. Within 30 days of receipt of an updated JARPA 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.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.

6. 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.
7. 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.
8. 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 (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
9. 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.
10. 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.
11. 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.

B. Water Quality Conditions:

1. The Columbia River from the mouth to river mile 309.3 is classified as "Salmonid Spawning, Rearing, and Migration" and the criteria of that class apply except as specifically modified by this Order. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).
2. For this project, the following is considered to be an exceedance of the standard:
 - a. 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a ten (10) percent increase in turbidity when the background turbidity is more than 50 NTU, at the point of compliance when a turbidimeter is used.

3. During and immediately after project construction, the Applicant or their contractor shall monitor for turbidity discharges at the point of compliance as specified in WAC 173-201A-200(1)(e)(i). A turbidimeter is recommended; however, visual gauging and photo documentation of turbidity is acceptable.
4. If water quality exceedances are observed outside of the point of compliance, work shall cease immediately, and the Applicant or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, or correct the problem and/or prevent further water quality turbidity exceedances. If an exceedance occurs, the Applicant shall follow the protocols and notification procedures below:
 - a. Notification of exceedances that are detected through water quality monitoring shall be made to Ecology within 24 hours of occurrence. Notification shall be made per Condition A2 above. The Applicant shall, at a minimum, provide Ecology with the following information:
 - i. A description of the nature and cause of non-compliance, including the quantity and quality of any unauthorized discharges;
 - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance; and
 - iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, photographs, and any other pertinent information.
 - b. Mitigation and/or additional monitoring may be required if water quality standards are not met.

C. Timing:

1. This Order will expire five (5) years from the date of issuance of the Corps permit.
2. In-water work shall be subject to the timing limitations imposed by the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife's (WDFW) for this project.

D. Notification Conditions:

1. The Applicant shall provide a copy of the final Corps Permit to Ecology's Southwest Regional Office Federal Permit Manager, in accordance with condition A.2 above, within two (2) weeks of receipt of the permit.
2. Written notification (FAX, e-mail, or mail) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:

- a. At least ten (10) days prior to the onset of in-water work in each construction season.
 - b. Within ten (10) days after the completion of construction for each construction season.
 - c. Immediately following a violation of the state water quality standards or any condition of this Order.
3. If project construction is not completed within thirteen (13) months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every twelve (12) months thereafter until project construction is complete.

NOTE: These notifications shall include the Applicant's name, project name, Order No. 9255, Corps Reference No. NWS-2009-1396, project location, contact name, and contact's phone number.

E. Construction Conditions:

General

1. 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 (BMPs) 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.
2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and their buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
3. The Applicant shall establish a separate contained area for washing down vehicles and equipment that does not have any possibility of draining to surface waters and wetlands. No wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment, including concrete delivery trucks or other equipment used for concrete work, shall be discharged into state waters or storm drains.
4. All machinery and equipment used during project construction shall be serviced, fueled, and maintained in a confined area in order to prevent containment to waters of the state. Fueling areas shall be located a minimum of 50 feet from waters of the state, including wetlands, and shall be provided with adequate spill containment.
5. Appropriate Best Management Practices (BMPs) shall be implemented to minimize track-out during construction.

6. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.
7. Turbid water generated from construction activities, including turbid de-watering water, shall not be discharged directly into waters of the state. Turbid water shall be pumped to an upland area to allow the turbid water to settle. The discharge from the upland areas shall meet water quality criteria at the point of discharge into surface waters and/or wetlands.
8. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state.
9. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish or shell fish shall be applied to the ramps or docks once they have been placed within or over the ordinary high water mark.

Concrete Work

10. All concrete shall be completely cured prior to coming into contact with waters of the state.
11. Uncured concrete and concrete by-products shall be completely sealed off and totally contained using sealed forms or other leak-proof containment systems.
12. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area shall be routed to a contained area to be treated and disposed of appropriately with no possible entry to waters of the state.

In-Water Work

13. The Applicant shall operate the barge(s) and tug in deep water so as to minimize the near shore propeller wash impacts such as suspension of near shore sediments.
14. The barge shall not be anchored over vegetated shallows and shall not be allowed to ground out.
15. A full-depth sediment curtain with a floating boom shall be deployed and maintained in a functional manner to contain suspended sediments at the work site during all in-water work related to the boat ramps.
16. The curtain shall be inspected daily. In the event that the sediment curtain fails, project activity shall cease until the curtain is repaired or a new curtain is installed.
17. The Applicant shall have a boat available and on site during in-water activities to retrieve any debris entering the water.
18. All of the sunken debris removed from the water and other construction debris shall be properly disposed of in an upland facility so that it cannot cause water quality degradation to state waters.

Pile Installation

19. Up to three (3) 16-inch steel piles will be installed along each ramp to secure the floating board dock.

20. The pilings shall be installed using a floating barge-mounted vibratory crane. If proofing the steel piling requires the use of an impact pile driver, a dampening device, such as a block of wood at least six inches thick, shall be placed between the piling and the impact pile driver to attenuate noise.

F. Project Mitigation:

1. Impacts to aquatic resources shall be mitigated through measures described in the *Water Recreation Activity Improvements Project Design Criteria and Conservation Measures* dated March 5, 2012, and as modified in the e-mail communication from Scott Lonsway to Lori Ochoa dated November 15, 2011, except as modified by this Order.
2. The property owner shall grant Ecology access to the mitigation areas for inspection during the 10-year monitoring period or until mitigation success has been achieved.
3. Contingency measures and additional monitoring of the mitigation may be required by Ecology if monitoring reveals that performance measures are not being met.
4. Any changes to the mitigation plan or monitoring requirements must be approved by Ecology.
5. As-Built Report: a detailed as-built report shall be prepared after construction. The as-built report shall show any variances from the final mitigation plan. The as-built report shall be the baseline document used for all future monitoring of the mitigation project. Contents of the as-built report shall include but not be limited to:
 - a. Comments from the restoration specialist present on-site during mitigation construction;
 - b. Final site plan topography (both site plan view and typical sections) which clearly indicates the mitigation site boundary;
 - c. Photographs of the area taken from permanent photo points;
 - d. The installed planting scheme showing densities, sizes, and approximate locations of plants, as well as plant sources and time of planting; and
 - e. An analysis of any changes to the mitigation plan that occurred during construction.
 - f. Evidence that the mitigation site has been field inspected by a qualified restoration specialist during grading and planting operations, and after the planting has been completed.
6. Mitigation efforts shall be monitored by a qualified specialist for compliance with the performance standards referenced in the mitigation plan. Within 60 days of each monitoring event, two copies of the monitoring report shall be prepared by the specialist and submitted to Ecology's SW Regional Office. If the results of monitoring indicate that contingency measures are needed, the monitoring report shall include a detailed description of actions taken to rectify the deficiencies.

G. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention and Containment (SPCC) Plan for all aspects of this project and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, including wetlands, 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 finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
 - d. 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.
 - e. Immediately notify Ecology's Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
 - f. Submit a detailed written report to Ecology's Federal Permit Coordinator 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.

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.

3. 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.
4. 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's Southwest Regional Spill Response Office at 360 407-6300.

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 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

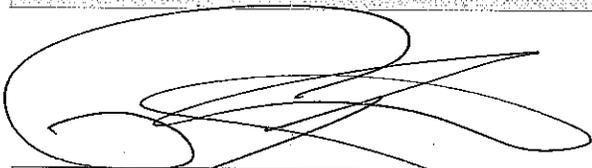
Please direct all questions about this Order to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Lacey, WA 98504-7775
Loch461@ecy.wa.gov

MORE INFORMATION

- Pollution Control Hearings Board Website
www.cho.wa.gov/Boards_PCHB.aspx
- Chapter 43.21B RCW - Environmental 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 WAC – Sediment Management Standards
www.ecy.wa.gov/biblio/wac173204.html
- Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington
www.ecy.wa.gov/biblio/wac173201A.html
-

SIGNATURE



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

Date

6/8/2012

Attachment A

Resort at Skamania Coves
Water Recreation Activity Improvements
Water Quality Certification Order #9255

Statement of Understanding
Water Quality Certification Conditions

I, _____, state that I will be involved as an agent or contractor for the Resort at Skamania Coves in the construction and/or installation of the Water Recreation Activity Improvements located at 45932 State Highway 14, Stevenson, Skamania County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order #9255 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

