



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

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May 6, 2014

Ms. Norma Bichsel
2210 Pebble Beach Drive
League City, Texas 77573

RE: Water Quality Certification Order No. **10668** for Corps Public Notice No.
NWS-2013-354, Discovery Reach Lot 3 – Bichsel Residence, Pacific County,
Washington

Dear Ms. Bichsel:

On March 19, 2013, Ms. Norma Bichsel 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 Discovery Reach Lot 3 – Bichsel Residence project in Pacific County, Washington.

The proposed project is the construction of a two-story, single family residence, including a driveway and utilities. The project will directly impact 0.03 acres of a 0.09 acre interdunal wetland and indirectly impact the remaining 0.06 acres. Proposed mitigation includes the purchase of 0.09 bank credits from the Long Beach Mitigation Bank to compensate for the direct and indirect impacts.

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 Jessica Hausman at 360-407-7421 or jemo461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation
Shorelands and Environmental Assistance Program
WA Department of Ecology Headquarters



Enclosure

by Certified Mail 7010 2780 0000 2503 03952

cc: Karey Bock, Ecological Land Services, Inc.

e-cc: Ron Wilcox, U.S. Army Corps of Engineers
Rick Mraz, Ecology SWRO-SEA
Loree' Randall, Ecology HQ-SEA
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A)	ORDER # 10668
WATER QUALITY)	Corps Reference No. NWS-2013-354
CERTIFICATION TO)	Construction of a two-story, single family
MS. NORMA BICHSEL)	residence with driveway and utilities at Long
in accordance with 33 U.S.C. 1341)	Beach, Pacific County, Washington.
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260 and Chapter 173-201A WAC)	
)	
)	

TO: Ms. Norma Bichsel
2210 Pebble Beach Drive
League City, Texas 77573

On March 19, 2013, Ms. Norma Bichsel submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on November 8, 2013.

The proposed project entails the construction of a two-story, 1,200 square foot, single family residence with a driveway and installed utilities.

The project proposes to directly impact 0.03 acres of a 0.09 acre interdunal wetland and indirectly impact the remaining 0.06 acres of wetland. Up to 445 cubic yards of clean sand would be used as fill material.

Proposed mitigation to compensate for the direct wetland impact of 0.03 acres and the indirect impact of 0.06 acres would occur through the purchase of mitigation credits at the Long Beach Wetland Mitigation Bank. Project impacts would be mitigated at a 1:1 ratio, resulting in the purchase of 0.09 bank credits.

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, 302, 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 Ms. Norma Bichsel, and her agents, assignees and contractors.
2. All submittals required by this Order shall be sent to Ecology's Headquarters, Attn: Federal Project Coordinator, PO Box 47600, Olympia WA 98504 or via e-mail (preferred) to ecyrefedpermits@ecy.wa.gov. The submittals shall be identified with Order No. 10668 and Corps Reference #NWS-2013-354.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 19, 2013, unless otherwise authorized by Ecology.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, 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.
6. The Applicant shall keep copies of this Order 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. Further, 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. 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.
10. 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. Wetland Mitigation

1. The Applicant shall mitigate wetland impacts as described in the *Wetland Mitigation Plan for the Discovery Reach Lot 3 Bichsel Residence* prepared by Ecological Land Services, Inc. and dated March 13, 2013.
2. A copy of the completed mitigation bank transaction and auditor's office record shall be submitted to Ecology prior to performing work authorized by this Order.

C. Timing Requirements

This Order shall remain in effect for a period of five (5) years from the date of issuance. Continuing this project beyond the five year term of the Order will require separate certifications every five years.

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Jessica Hausman
Department of Ecology
Federal Permit Unit
Post Office Box 47600
Olympia, Washington 98504

360-407-7421
jemo461@ecy.wa.gov

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SIGNATURE

Dated this 6th day of May 2014, at the Department of Ecology, Lacey Washington



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

