



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 25, 2010

U.S. Army Corps of Engineers
Portland District
Environmental Resources Branch
ATTN: Steve Helm
CENWP-PM-E
P.O. Box 2946
Portland, Oregon 97208-2946

RE: Requested Amendment to Order #5708 for U.S. Army Corps of Engineers Project No. CENWP-PM-E-08-07, Littoral Drift Restoration and North Jetty Berm Repair at Benson Beach, Pacific County, Washington

Dear Mr. Helm:

Enclosed is an amendment to the Water Quality Certification issued on July 2, 2008, for the above project.

The purpose of this amendment is to respond to the June 25, 2010 and August 11, 2010 requests by Steve Helm and Michael Ott of the Portland District Corps of Engineers (Corps) to eliminate the language that limits the number of times that a dredge could unload per day and extend the in-water work window to October 15 for the 2010 dredging season.

As a result of the Department of Ecology (Ecology) extending the in-water work window, a new condition (D.6) is added requiring the Corps to submit daily reports of sand placement.

Also note that part of Ecology's decision to allow the extension of time is based on the Corps continuing to conduct all the monitoring requirements outlined in the monitoring plan during and after the extended in-water work window.

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

Sincerely,



Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

By Certified Mail 7008 2810 0001 3941 4192

cc: Michael Ott, Corps of Engineers, Portland District
Dan Guy, NOAA
Tami Black, NOAA
Bob Burkle, Washington Department of Fish and Wildlife
Mike DeSimone, Pacific County

e-cc: Loree Randall, Ecology HQ
George Kaminsky, Ecology HQ
Rick Mraz, Ecology SWRO
ecyrefedpermits@ecy.wa.gov

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	ORDER No. 5708, First Amendment
A WATER QUALITY)	U.S. Army Corps of Engineers
CERTIFICATION TO)	Project No. CENWP-PM-E-08-07
Portland District)	Littoral Drift Restoration and North Jetty
U.S. Army Corps of Engineers)	Berm Repair at Benson Beach,
in accordance with 33 U.S.C. 1341)	Pacific County, Washington
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260 and Chapter 173-201A WAC)	

TO: U.S. Army Corps of Engineers, Portland District
Environmental Resources Branch
ATTN: Mr. Steve Helm
CENWP-PM-E
P.O. Box 2946
Portland Oregon 97208-2946

As requested by e-mail on June 25, 2010, and August 11, 2010, the Department of Ecology (Ecology) is amending the above-referenced Water Quality Certification Order No. 5708.

Order No. 5708 dated July 2, 2008 is hereby amended as follows:

1. Paragraph 4 of the project description that reads:

The method for material placement will be direct pump ashore method using a hopper dredge and pipeline. The hopper dredge will be stationed approximately 600 feet south of the North Jetty. A slurry of dredged material and water will be pumped through a connecting pipeline onto Benson Beach. Up to 1,000,000 cubic yards of fine to medium grained sand would be pumped through a 16-to-30-inch diameter pipe over the top of the North Jetty onto Benson Beach annually for up to five years. The material will be placed in strips on the beach in a north-south orientation, measuring approximately 100 feet by 3, 000 feet. The load capacity of the hopper dredge is approximately 2500 cubic yards, with a pump-out time of 30-60 minutes per load. The dredge will unload up to six times a day during the in-water work window.

The last sentence of this paragraph is replaced as follows:

The load capacity of the hopper dredge is approximately 2500 cubic yards, with a pump-out time of 30-60 minutes per load. The dredge will be unloaded as often as possible.

2. The second paragraph of the project description and Condition E2 that reads:

E2. Work shall take approximately three weeks between July 15 and September 15 of a given year.

Is amended to read:

E2. Work shall occur between July 15 and September 15 of a given year, except the work window for the 2010 dredging season is extended to October 15.

3. The following new condition is added:

D.6. The Portland District Corps of Engineers shall provide a summary of the daily data on volume of sand placed to date; and thereafter provide a daily report via e-mail regarding the volume of sand placement at the project site throughout the remainder of the work season. The summary and daily report should include a data table and a plot of daily discharge and a plot of cumulative placement over time. The e-mail submittals shall be sent to: George Kaminsky at gkam461@ecy.wa.gov and Lori Ochoa at loch461@ecy.wa.gov

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains the authority to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

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

Appeal Process

You have a right to appeal this Amendment. 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:

Deliver your appeal in person to:

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

OR

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:

Deliver your appeal in person to:

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

OR

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
Southwest Regional Office
SEA Program
Attn: Lori Ochoa
PO Box 47775
Olympia, WA 98504--7775

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.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 Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated August 25, 2010 at Lacey, Washington.



Paula Ehlers, Section Manager
Washington State Department of Ecology
Shorelands and Environmental Assistance Program
Southwest Regional Office

