



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2450

Department of Ecology  
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Shorelands & Environmental  
Assistance Program

November 9, 2007

**REGISTERED MAIL**

Central Klickitat Conservation District  
Jim Hill  
1107 South Columbus Avenue  
Goldendale, WA 98620

RE: Order # **NWS 2007 300 CRS** - Water Quality Certification for applicant; Bank Stabilization in the Little Klickitat River located in Klickitat County, Washington

Dear Mr. Hill:

The request for certification for proposed work in wetlands and adjacent to the Little Klickitat River has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Catherine Reed at (509) 575-2616. Written comments can be sent to her at the Department of Ecology, Central Regional Office or at [craj461@ecy.wa.gov](mailto:craj461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeff Lewis

Section Manager, Central Regional Office  
Shorelands and Environmental Assistance Program

JL:CR:jt071109

Enclosure

cc: Corps of Engineers – Tim Erkel, Columbia River Section  
WDFW – Bill Weiler  
City of Goldendale, Larry Bellamy  
Penny Keys – Ecology SEA HQ



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Shorelands & Environmental  
Assistance Program

**IN THE MATTER OF GRANTING A ) ORDER # 5225**  
**WATER QUALITY )**  
**CERTIFICATION TO ) Corps Reference No. NWS 2007 300 CRS**  
**Central Klickitat Conservation District ) Bank Stabilization in the Little Klickitat River**  
in accordance with 33 U.S.C. 1341 ) located in Klickitat County, Washington.  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )  
)  
)

TO: Central Klickitat Conservation District  
Jim Hill  
1107 South Columbus Avenue  
Goldendale, WA 98620

On March 5, 2007 the Central Klickitat Conservation District submitted a Joint Aquatic Resource 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 Ecology for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on June 7, 2007.

The proposed project entails placement of logs, root wads, 17 cubic yards of rock fill, and replanting of riparian vegetation in two locations totaling 580 feet of bank for erosion protection and bank revegetation in the Little Klickitat River at Goldendale, Klickitat County, Washington 98620. The work will occur in Section 16, Township 4N, Range 16E, WRIA# 30, Klickitat Basin.

Proposed mitigation to compensate for permanent impacts includes installation of planting benches for tree and shrub plantings, planting of native willow stakes above and below the toe logs, placement of clean filter gravels and use of erosion control fabrics to help stabilize the site. Plants immediately above the Ordinary High Water Mark will be established no more than 3 feet apart and will achieve an equivalent of 80 percent survival.

#### **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 Central Klickitat Conservation District, and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to **Ecology's Central Regional Office, Attn: Federal Project Coordinator/Catherine Reed, 15 West Yakima Avenue, Suite 200, Yakima, WA, 98902**. Any submittals shall reference Order No. 5225 and Corps No. NWS 2007 300 CRS.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on March 5, 2007. 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 does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
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. 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. 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.
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. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000.00) per violation for each day of continuing noncompliance.

#### **B. Water Quality**

1. This Order does not authorize temporary exceedances of the turbidity standard beyond the limits established in WAC 173-201A.

#### **C. Construction Conditions**

1. The Applicant shall comply with all stormwater requirements within the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit for Construction Activity for this project.
2. 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 (BMP's) 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.

3. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.

#### **D. Reporting Requirements**

1. A detailed "as built" report shall be prepared after mitigation construction. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:
  - final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
  - photographs of the area taken from permanent photo points which will be designated on the site plan;
  - the installed planting scheme shall be shown on a plan view map of the site showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting; and,
2. Photographs of the restoration area taken from permanent photo points designated on the site plan shall be submitted to Ecology at years one and three from the date of site planting.
3. **A brief description of mitigation planting success and any remedial measures that need to be taken to achieve at least 80 percent survival and 50 percent aerial cover of native species after 3 years from the date of planting shall be included with the site photographs** as referenced in D1 or D2 above. If Riparian buffer plan requirements as set forth in project grant #0700198 appear to be in conflict with this condition (D3), then the more environmentally protective requirements would apply.
4. A copy of the "as-built" report and drawings shall be sent to Ecology's Central Regional Office in Yakima within 60 days of completing construction and planting, and in no case later than **January 9, 2007**.

#### **E. Timing Requirements**

1. This Order is valid until though May 2, 2009 or as extended by the Army Corps of Engineers.

#### **F. Notification Requirements**

The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Central Regional Office Federal Permit Coordinator as to the project completion date within 60 days after completion of construction.

**NOTE:** These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

**G. Emergency/Contingency Measures:**

1. The Applicant shall develop a spill prevention and containment plan for 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 Central Regional Spill Response Office at (509) 575-2800 of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
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 Central Regional Spill Response Office at (509) 575-2800.

## H. Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board  
4224 - 6th Avenue SE, Rowe Six, Bldg. 2  
P.O. Box 40903  
Lacey, Washington 98504-0903

Your appeal must also be served on:

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

In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

*For additional information: Environmental Hearings Office Website:  
<http://www.eho.wa.gov>*

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 11-9-07 at Yakima, Washington.

  
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Jeff Lewis, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington