



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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REGISTERED MAIL

RB 252 946 863 US

October 6, 2008

Mr. Ivor Jones  
Delta Marine Industries  
1608 South 96<sup>th</sup> St.  
Seattle WA 98108-5115

RE: Water Quality Certification Second Amendment - Order #03SEAHQ-5798/Corps Public Notice #2002-2-00175 Maintenance dredging in the amount of 25,000 cubic yards (cy) in the Delta Marine Industries mooring area on the Duwamish River, King County, Washington.

Dear Mr. Jones:

On October 21, 2003, the Washington State Department of Ecology (Ecology) issued a water quality certification to Delta Marine Industries for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology was then contacted on December 14, 2007 with the following request for amendment regarding this water quality certification.

The purpose of this amendment is to increase the depth of the proposed dredging in the berthing area. Enclosed is amended Order No. 03SEAHQ-5798.

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 me at (360) 407-6976.

Sincerely,

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

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

cc: John Pell, Corps  
Jeff Layton, Layton and Sell, 12515 Willows Rd, Suite 205, Kirkland WA 98034  
ecc: Jessica Moore, Ecology  
Laura Inouye, Ecology



**IN THE MATTER OF GRANTING A ) ORDER # 03-SEAHQ-5798 2nd Amendment**  
**WATER QUALITY ) Corps Reference No. 2002-2-00203**  
**CERTIFICATION TO ) Proposed maintenance dredging in Duwamish**  
**Delta Marine Industries ) Waterway, King County, Washington**  
in accordance with 33 U.S.C. 1341 )  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: Mr. Ivor Jones  
Delta Marine Industries  
1608 S 96<sup>th</sup> Street  
Seattle WA 98108-5115

On October 15, 2003, the Washington State Department of Ecology (Ecology) issued a water quality certification to Delta Marine Industries for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Order No. 03-SEAHQ-5798 dated October 21, 2003, is hereby amended as follows:

**1. Project Description:**

The project description as originally stated in the October 21, 2003 401 Water Quality Certification was as follows:

“The proposed work is to resume previously permitted maintenance dredging associated with a mooring basin on the project site. A total of 25,000 cubic yards (cy) of material will be removed from the 0.9 acre moorage basin over 10 years during 4 separate dredging events to bring the depth to -10 feet below Mean Lower Low Water (MLLW) with one foot overdredge. Dredging would occur in years 1, 4, 7, and 10 of the proposed project. Up to 7,000 cy will be dredged initially, and 6,000 cy will be dredged per cycle during the during the 3 subsequent dredging events.”

**Is now revised to read:**

“The proposed work is to resume previously permitted maintenance dredging associated with a mooring basin on the project site. The proposed change in dredging depth would impact the outer 0.33 acres of the project site. The dredged surface elevation would deepen to -15 MLLW with a -2 ft overdredge allowance. The overall dredge volume per dredge cycle would increase from 6,000 cy/cycle to 8,390 cy/cycle.

**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  
Federal Permit Coordinator  
Attn: Loree’ Randall  
P.O. Box 47600  
Olympia, WA 98504-7600

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>

Order # 03-SEA HQ-5798 2<sup>nd</sup> Amendment

October 6, 2008

Page 3 of 3

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 this 6<sup>th</sup> day of Oct., 2008 at Lacey, Washington.



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