



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 13, 2004

REGISTERED MAIL
RB 252 878 298 US

Mox Chehalis, LLC
Attn: Mr. Chuck Maples
1001 Cooper Point Road Southwest, Suite 140-395
Olympia, WA 98502

Dear Mr. Maples:

Re: Water Quality Certification Order No. 1612 for U.S. Army Corps of Engineers Public Notice 200301009; Construction of a destination resort including hotels, conference center, golf course, condominiums, and supporting commercial development in Westport, Grays Harbor, Washington

We have reviewed the U.S. Army Corps of Engineers (Corps) public notice for the subject project. On behalf of the state of Washington, we certify that the work proposed in the Mox Chehalis, LLC Joint Aquatic Resource Permit Application (JARPA) dated August 14, 2003, the Corps' public notice and the Department of Ecology's (Ecology's) public notice complies 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.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Mox Chehalis, LLC certification that this work is consistent with the approved Washington State Coastal Zone Management Program. This concurrence is based upon Mox Chehalis, LLC compliance with all applicable enforceable policies of the Coastal Zone Management Program, including Section 401 of the Federal Water Pollution Control Act.

Work authorized by this certification is limited to the work described in the August 14, 2003, JARPA, the Corp's Public Notice, and the plans submitted by Mox Chehalis, LLC to Ecology for review and written approval.

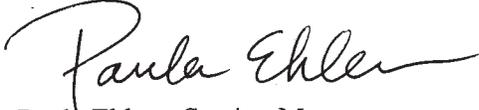
This certification shall be withdrawn if the Corps does not issue a Section 404 permit. It shall also be withdrawn if the project is revised in such a manner or purpose that the Corps or Ecology determines the revised project must obtain new authorization and public notice. Mox Chehalis, LLC will then be required to reapply for state certification under Section 401 of the Federal Clean Water Act.



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August 13, 2004
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If you have any questions, please contact Loree' Randall at (360) 407-6068. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink that reads "Paula Ehlers". The signature is written in a cursive style with a long horizontal flourish at the end.

Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program

PE:LR:dn
Enclosure

cc: Jim Green, Corps of Engineers
Marc Horton, Economic & Engineering Services, Inc
Key McMurry, WDFW
Yvonne Oliva, Ecology

**IN THE MATTER OF GRANTING A
WATER QUALITY CERTIFICATION**

TO: Mox Chehalis, LLC

in accordance with 33 U.S.C. 1341
FWPCA § 401, RCW 90.48.260, RCW
90.48.120 and Chapter 173-201A WAC.

ORDER # 1612

(Corps Public Notice 200301009) Construction of a destination resort including hotels, conference center, golf course, condominiums, and supporting commercial development in Westport, Grays Harbor, Washington.

TO: Mox Chehalis, LLC
Attn: Mr. Chuck Maples
1001 Cooper Point Road Southwest, Suite 140-395
Olympia, WA 98502

On August 14, 2003, Mox Chehalis, LLC requested a water quality certification from the state of Washington for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The request for certification was made available for public review and comment through the U.S. Army Corps of Engineer's Public Notice No. 200301009 dated June 15, 2004.

Project Description:

The proposed project involves construction of a destination hotel (proposed to be constructed in two phases), a conference center, a "Scottish Links" style golf course (limited fairways, ocean setting, and professional caliber), ocean-front condominiums (proposed to be constructed over a multi-year period), and some supporting commercial development on 350 acres in Westport, Washington.

Phase 1 of the development will include a hotel structure (estimated 200 rooms) with a conference center and some commercial/retail development. Phase I will also include the construction of the 18-hole golf course on a 300-acre parcel with all appurtenances including shelters/restrooms, cart paths, bridges, club house, golf maintenance building, and driving range. Utility and transportation infrastructure improvements will also be part of Phase 1 construction activities. Construction of the golf course will impact jurisdictional wetlands. The duration of Phase I building activities is anticipated to last two years. Construction on a 50-acre parcel will include the hotel (luxury with conference center and economy hotels), golf course clubhouse and maintenance shop, and retail shops. No wetland impact will occur as a result of this construction on the 50-acre parcel.

Phase 2 would include the construction of a second 200-room hotel, additional commercial/retail development and approximately 200 condominium units within 8 buildings. Phase 2 construction will not impact jurisdictional wetlands. Additional retail space will be included in Phase 2, but economic demand and permitting approvals will determine the final capacity and timing of this portion of the proposal.

Project Impacts:

Project development will require the grading and filling of 9.98 acres of adjacent wetlands on the project site. An additional 14.63 acres of wetlands will be impacted by vegetation clearing and 0.23 acres of wetlands will be impacted by excavation activities. In addition, approximately 13.66 acres of wetland buffer impacts will occur from construction of the golf course and cart paths and 0.27 acres from the condominiums.

Project Mitigation:

Mitigation for wetland fill impacts will include creating and/or restoring 5.21 acres of onsite interdunal wetlands; preserving 107 acres of onsite interdunal habitat, restoring 7.0 acres of estuarine wetland at an offsite location at Firecracker Point (Westport); preserving 14.0 acres of sphagnum bog and forested peat wetland at an offsite location at Seastrand bog (Grayland); and preserving 30.0 acres of interdunal habitat at an offsite location at Mar Vista (Grayland).

For purposes of this Order, the term “Applicant” shall mean Mox Chehalis, LLC and its agents or contractors.

Work authorized by this Order is limited to the work described in the August 14, 2003, JARPA, the Corp’s Public Notice and the plans submitted by Mox Chehalis, LLC to Ecology for review and written approval.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, RCW 90.48.260 and RCW 90.48.120, the Department of Ecology (Ecology) has investigated this application pursuant to the following:

- A. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306, and 307);
- B. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC, and authorized by 33 U.S.C. 1313 and Chapter 90.48 RCW, and with other appropriate requirements of state law; and,
- C. Conformance with the requirement to use all known, available and reasonable methods to prevent and control pollution of state waters as provided by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

In view of the foregoing and in accordance with 33 U.S.C. 1341, RCW 90.48.260, RCW 90.48.120 and Chapter 173-201A WAC, by this Order water quality certification is granted to the Mox Chehalis, LLC (Applicant), subject to the following conditions:

A. Water Quality Standard Conditions:

1. This Order does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110(3). Furthermore, nothing in this Order shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

B. Permit Duration:

1. This Order shall be valid during construction and the long-term operation of the project.
2. The Applicant shall submit an updated application (JARPA) to Ecology if the information contained in the August 14, 2003 JARPA is altered by subsequent submittals to the federal agency and/or state agencies. Within 30 days of receipt of an updated JARPA Ecology will determine if a modification to this Order is required.
3. Any future construction-related activities that could impact waters of the state at this project location, emergency or otherwise, that are not defined in the August 14, 2003 JARPA, this Order, or have not been approved in writing by Ecology, are not authorized by this Order. Such proposed actions shall be reviewed with Ecology for its written approval prior to implementation if the activity requires §401 certification or is otherwise within Ecology's statutory authorization.

C. Notification and Reporting Requirements:

1. Notification shall be made to Ecology's Federal Permit Manager, Southwest Regional Office at 360/ 407-6000, 360/407-6305 (Fax), mail: PO Box 47775, Olympia, WA 98504-7775 for the following activities:
 - a) at least thirty (30) days prior to the pre-construction meeting to review environmental permits and conditions;
 - b) at least ten (10) days prior to starting construction of each Phase of the project and each of the mitigation sites identified in the Wetland Mitigation Plan; and,
 - c) within seven (7) days after the completion of construction of each of the projects identified in condition C.1.c.

NOTE: The required notifications shall include the Applicants name, project name, project location, the number of this Order, the name of contractor and any subcontractor, contact and contact's phone number.

2. The Applicant shall ensure that all appropriate Project Engineer(s) and the Lead Contractor(s) at the project site and/or mitigation sites have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.
 - a) The Applicant shall provide to Ecology a signed statement, **Attachment A**, from each Project Engineer(s) and Lead Contractor(s) that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals.
 - b) These statements shall be provided to Ecology no less than seven (7) days before each Project Engineer or Lead contractor begins work at the project and mitigation sites.
3. All reports, plans, or other information required to be submitted by this Order shall be submitted in triplicate to Ecology's Federal Permit Manager, Southwest Regional Office, at PO Box 47775, Olympia, WA 98504-7775.
4. Documents required to be submitted to Ecology for review and/or approval by this Order shall be submitted to Ecology by the time specified in this order. Failure to submit documents by the required time is a violation of this Order and may result in enforcement action and/or the revocation of this Order. The Applicant may, on a case-by-case basis, submit a written request for an extension of the specified submittal deadline for a document. Ecology will consider the reasonableness of the request for an extension and may grant an extension for a period of time it deems appropriate. Ecology will provide any such extension to the Applicant in writing only.

No document, report or plan required by this Order shall be deemed approved until the Applicant receives written verification of approval from Ecology.

D. Wetland Mitigation and Monitoring:

1. Mitigation for this project shall be completed as described in the Wetland Mitigation Plan for the Links at Half Moon Bay Westport Golf and Hotel Destination Resort dated February 6, 2002, with the following additions and clarifications:
 - a) Invasive plant species cover will be monitored during all monitoring years.

- b) All performance standards addressing cover of non-native plants shall read:
“Cover of non-native invasive species will be no greater than 10% in any year in newly planted or enhanced areas.”
 - c) Contingency measures and additional monitoring of the mitigation areas shall be required by Ecology if wetland monitoring reveals that vegetation establishment or wildlife use of the wetland is not sufficient to meet the success standards. Additional monitoring may be required beyond the ten (10) year period if mitigation success is not achieved within the ten (10) year monitoring period.
 - d) The wetland mitigation planting plan shall be field inspected by a qualified wetland consulting firm during construction and planting to ensure proper installation.
 - e) The boundaries of the mitigation area and buffers shall be permanently marked with stakes at least every 100 feet or with construction fencing. The marking shall include signage that clearly indicates that mowing and fertilizer/pesticide applications are prohibited within mitigation areas.
 - f) Ecology and the U.S. Army Corps of Engineers shall be notified a minimum of three days in advance of field monitoring work by the Applicant. Ecology or its designee shall be allowed access to all mitigation sites for the entire monitoring period.
2. The Applicant shall place restrictive covenants on the deeds for all of the wetlands identified as Project Mitigation above in order to ensure that the sites are protected in perpetuity. The Applicant shall record the restrictive covenants no later than sixty (60) days after the issuance by the U.S. Army Corps of Engineers of the Section 404 required for construction of the project.
 - a) Any changes to the restrictive covenants shall require written approval by Ecology.
 - b) Violation of any term of the restrictive covenants shall be considered a violation of this Order.
 3. The Applicant must provide proof of ownership for the off-site mitigation prior to construction of the project.
 4. Monitoring of all wetland mitigation sites shall be conducted as specified in the Wetland Mitigation Plan for Links at Half Moon Bay, dated February 6, 2002, with the following additions and clarifications:
 - a. Monitoring shall be completed at least yearly for a ten (10) year period with initial monitoring starting after the first growing season after installation of

plants. If at any point during the monitoring period the results of monitoring show that the success criteria established in the plan are not being met, Ecology may require corrective action, additional monitoring, and additional mitigation.

- b. The Applicant shall prepare and submit annual monitoring reports to Ecology's Federal Permit Manager, Southwest Regional Office PO Box 47775, Olympia, WA 98504-7775, no later than December 31st of each year following the first year of the mitigation site work. Each year's monitoring report shall include photographic documentation of the project taken from permanent reference points. The Applicant shall identify and incorporate permanent reference points into the Final mitigation plan.
- c. As-Built Report: An as-built report documenting the final design of all wetland mitigation sites shall be prepared when the initial planting is completed. The report shall include the following:
 - final site topography;
 - photographs of the area taken from established permanent reference points;
 - a planting plan showing species, densities, sizes, and approximate locations of plants, as well as plant sources and the time of planting;
 - habitat features (snags, large woody debris, etc) and their locations;
 - drawings in the report shall clearly identify the boundaries of the project;
 - locations of sampling and monitoring sites; and,
 - any changes to the plan that occurred during construction.

The As-Built Report shall include detailed plans showing locations of all monitoring transects and locations. All vegetation sampling and analysis shall employ statistically valid sampling and analysis procedures during each of the monitoring events. Monitoring reports shall show all sampling locations, discuss trends and changes, discuss success in achieving performance standards or other implementation difficulties, provide remedies to address implementation problems, and set forth a timeline for their resolution. Supporting data and calculations shall be maintained by the contractor and made available to Ecology upon request.

- d. The As Built Report shall be sent to Ecology's Federal Permit Manager, Southwest Regional Office within sixty (60) days of completing the mitigation site.
- e. Any proposed changes to the wetland mitigation and monitoring protocol established in the final mitigation plan and as revised by this Order, must be

approved in writing by Ecology prior to implementation of any changes.

5. Prior to the commencement of any construction on the site the Applicant shall submit to Ecology for its review and written approval a final wetland mitigation and monitoring plan which includes any changes or additions required by this Order.

E. Conditions for Construction Activities:

1. During construction the Applicant shall comply with all stormwater requirements within the Stormwater General Permit for Construction Activity Permit No. SO3-005523 dated March 5, 2004 for this project or with the conditions of any individual stormwater discharge permit Ecology may issue for this project.
2. Direct discharge of construction stormwater to waters of the state (including wetlands) is prohibited. All stormwater from disturbed areas must be treated and managed on-site.
3. The project shall be clearly marked/staked prior to commencing any construction activities. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas to be protected from disturbance shall be delineated and marked with brightly colored construction fence, so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing that identifies sensitive areas boundaries (wetlands, streams, riparian corridors, buffers, etc.). Equipment shall enter and operate only within the delineated clearing limits, corridors and stockpile areas.
4. The Applicant shall follow and implement all specifications for erosion and sediment control specified in the projects Stormwater Pollution Prevention Plan (SWPPP) dated March 4, 2004. Some adjustments to planned erosion and sediment control may be allowed in order to meet the water quality standards.
5. Any new diversion ditch or channel, pond, trap, impoundment or other detention or retention BMP constructed at the site for treatment of stormwater shall be designed, constructed, and maintained to contain and provide treatment for the peak flow for the ten (10)-year 24 hour precipitation event estimated from data published by the National Oceanic and Atmospheric Administration.
6. The erosion control devices shall be in place before starting construction and shall be maintained, so as to be effective throughout construction.
7. The Applicant shall periodically inspect and maintain all erosion control structures. Inspections shall be conducted no less than every seven (7) days from the start of the project to final site stabilization. Daily inspections of sedimentation ponds shall occur during wet seasons. Additional inspections shall be conducted after rainfall

- events greater than 0.5 inches per 24-hour period, to ensure erosion control measures are in working condition. These inspections shall be conducted within 24 hours after the event. Any damaged structures shall be repaired immediately. If it is determined during the inspection that additional measures are needed to control stormwater and erosion, such measures shall be implemented immediately. Inspections shall be documented in writing and shall be available for Ecology's review upon request.
8. The Applicant shall establish and maintain a designated area for washing down equipment and vehicles so that wash waters are managed. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters except as authorized by an NPDES permit or state waste discharge permit.
 9. Vehicles shall be cleaned of mud, rock, and other material before entering a paved public highway so that tracking of sediment onto the highway does not occur.
 10. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters.
 11. Turbid water generated from construction activities, including turbid dewatering water, shall not be discharged directly to waters of the state. Turbid water shall be pumped to a treatment facility to allow the fine materials to settle and then discharge as per the NPDES permit requirements, or transferred offsite to a treatment facility.

F. Construction Stormwater Monitoring and Reporting Requirements:

1. At least three months prior to beginning construction the Applicant shall gather water quality baseline data for the perimeter of the project site.
2. During construction the Applicant shall monitor any offsite stormwater discharges according to the following:
 - a) Turbidity and pH:
 - i) The Applicant shall monitor turbidity and pH in any off-site surface water discharges from construction sites within 24 hours after any storm event of greater than 0.5 inches of rain per 24-hour period. The storm events shall be measured by an on-site rain gauge. The monitoring method shall be by a portable turbidimeter and a pH meter following the maintenance, operating and calibration procedures in the instrument's instruction manual. Alternatively, a grab sample shall be analyzed by a laboratory accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC.

- ii) During each of the above monitoring events the turbidimeter and pH meter shall also be used for the measurement of turbidity and pH upstream of the point of discharge to the receiving water, the point of discharge and 100 feet downstream of the discharge in the receiving water.
- b) If monitoring indicates a need for additional BMPs, the Applicant shall propose and implement additional BMPs, including treatment BMPs, necessary to meet the state water quality standards. Any proposed changes are subject to review and written approval by Ecology.
- a. Monitoring results for construction stormwater discharges shall be submitted every other month to Ecology's Federal Permit Manager, Southwest Regional Office. Monitoring shall be reviewed for compliance with WAC 173-201A.
- b. In addition to the above, the Applicant shall submit a final monitoring plan for stormwater discharges from all construction projects including the mitigation sites. The monitoring plan shall be submitted to Ecology for review and written approval at least thirty (30) days prior to the start of construction.

G. Operational Stormwater Requirements:

- 1. All stormwater discharges from the project shall be in compliance with state of Washington surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204WAC and ground water quality standards (Chapter 172-200).
 - a) The Applicant shall design, construct, operate, and maintain stormwater treatment facilities to ensure that discharges will not result in exceedances of state water quality criteria in receiving waters (including wetlands). All runoff from impervious surfaces (except cart paths) shall be treated using all known available and reasonable treatment (AKART), at the time of final design.
 - i. The Applicant shall design the stormwater treatment facilities in accordance with Ecology's stormwater manual that is in effect at the time of final design, or equivalent manuals approved by Ecology; or
 - ii. The Applicant may propose other BMPs for stormwater treatment if it can be demonstrated that they will result in stormwater discharges that meet the state water quality standards. Any proposed changes are subject to review and approval by Ecology.
- 2. The Applicant shall submit the final stormwater treatment facility designs to Ecology for review and written approval 60 days prior to the start of construction of the facilities. During final design the Applicant shall evaluate the likelihood that stormwater facilities will intercept groundwater and make modifications to the

designs so as to either prevent the interception of groundwater or increase facility sizing to accommodate the groundwater. If facility sizes increase the Applicant shall evaluate potential impacts to wetlands and other waters of the state and mitigate for those impacts.

3. Sixty (60) days prior to the completion of the stormwater treatment facility the Applicant shall submit to Ecology for review and written approval a Stormwater Facilities Operation and Maintenance Plan which addresses maintenance, operation and monitoring of all stormwater facilities approved by this Order. The plan shall address management of accumulated sediments in the infiltration ponds. For the purpose of meeting this condition the Applicant may submit other existing documents or updates of other existing documents that meet this requirement.

H. Operational Stormwater Monitoring and Reporting Requirements:

1. After construction, the Applicant shall monitor stormwater runoff to determine the success of the stormwater treatment systems. Water quality monitoring and visual observations shall be conducted for the first two years of operation, and shall be conducted at least monthly during storm events or during active runoff into the stormwater treatment system(s). If during or after the initial monitoring effort, results of monitoring show a pattern of system overloading and/or discharges to the emergency overflow, additional monitoring may be required.
2. The Applicant shall submit a Stormwater Monitoring plan to Ecology for review and approval 60 days prior to the project becoming operational. This plan shall include monitoring the performance of the BMPs, infiltration ponds and a contingency plan if the infiltration ponds fail to infiltrate.
3. Results from the stormwater sampling and analysis shall be sent to Ecology's Federal Permit Manager within 30 days of each sampling event.

If the monitoring results show that the water quality standards and the designed treatment systems performance standards are not being met, Ecology may determine the project to be in violation of this Order, and additional treatment conditions and/or mitigation may be required.

I. Domestic Wastewater:

1. The operation of the Westport Sewage treatment plant to adequately treat the additional loading generated by the Links at Half Moon Bay has a bearing on the approval of a 401 certification for the project. While the Westport treatment plant is currently below its nominal capacity for flow and organic loading, the facility has had difficulty operating its existing facilities to meet its NPDES discharge permit requirements. These difficulties are related to treatment plant design limitations as

well as operational practices. Because of these issues, the City of Westport is under an administrative order (#DE 1035) from Ecology to make both operational and facility improvements to the plant. Grays Harbor is currently listed under the 303d List as a water quality limited water body due to high fecal coliform counts.

In its current state, the Westport wastewater treatment plant may not be able to adequately treat the additional loading from the hotel/residential units at the Links at Half Moon Bay. Therefore this Order prohibits connection of the hotel/residential units at the Links at Half Moon Bay until the plant design and operational issues identified by order #DE 1035 are addressed in full. Following the implementation of all the necessary improvements to the Westport wastewater treatment plant to accommodate the additional wastewater load from the hotel/residential units at the Links at Half Moon Bay, this certification will be amended to authorize the connection of the hotel/residential units to the Westport wastewater treatment plant.

J. Golf Course Management Conditions:

1. Prior to construction of the golf course, a final golf course layout shall be submitted to Ecology for review and comment.
2. The golf course shall only operate after obtaining and maintaining Audubon International (Audubon) certification under their Signature Program. The Applicant shall submit to Ecology a current copy of the Audubon's certification. The application of fertilizers, herbicides and insecticides shall be prohibited in the event the Audubon certification is denied.
3. The management of the golf course shall be implemented as described in the Audubon International's Natural Resource Management Plan (NRMP), dated August 1, 2001 with the following additions and clarifications:
 - a. Monitor groundwater quality. The NRMP proposes to use three monitoring wells: GW-1, GW-2, and GW-3 (5-15). The Applicant shall expand the groundwater monitoring network to include monitoring wells OW-13 and OW-10 provided these wells are suitably constructed to provide representative groundwater samples. If the construction of these wells is inadequate to provide representative groundwater samples new monitoring wells shall be installed at these locations and included in the monitoring network.
 - b. The NRMP proposes to have two groundwater sampling events prior to construction. The Applicant shall increase the sampling events to bi-monthly sampling (every two months) for a minimum of one year prior to construction.
 - c. The Applicant shall monitor for total dissolved solids (TDS) in addition to the parameters listed in the NRMP Table 5-4.

- d. The Applicant shall calculate Response Thresholds in the NRMP Table 5-7 for nitrate-N, total phosphorus, and chloride using the procedures to calculate Enforcement Limits as describe in the Implementation Guidance for the Ground Water Quality Standards. This requires that background groundwater quality and its variance be defined for each parameter.
 - e. The Applicant shall include Nitrate-N included in the soil monitoring program (page 3-12 of the NRMP).
 - f. Prior to the operation of the golf course the Applicant shall submit to Ecology for its review and written approval a final plan for monitoring the movement into groundwater and adjacent surface water, including wetlands, of each pesticide to be used on the golf course. The first two applications of each pesticide will have to be monitored at a minimum of three separate greens or fairways.
 - g. The Applicant will discontinue the use of any pesticide whose concentration in groundwater exceeds human health standards or whose concentration in the surface water of adjacent wetlands exceeds the acute or chronic toxicity criteria set by the U.S. Environmental Protection Agency.
4. Prior to the operation of the golf course the Applicant shall submit to Ecology for its review and comment a final NRMP which includes any changes or additions required by this Order.

K. Emergency/Contingency Requirements:

1. The Applicant shall develop a spill prevention and containment plan for all aspects of this project, and shall have spill cleanup materials available on site.
2. Any work that is out of compliance with the provisions of this Order causes distress death of fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
 - a) Cease operations at the location of the violation.
 - b) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c) Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at 360/ 407-6300, and within 24 hours of other events contact Ecology's Federal Permit Manager, Southwest Regional Office at 360/ 407-6300.

d) Submit a detailed written report to Ecology within five 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 these requirements 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. In the event of finding distressed, dying or dead 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 their disposition. Ecology may require analyses of these samples before allowing the work to resume.
4. 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.
5. 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.
6. If at any time during work the Applicant finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the Applicant shall immediately notify the Ecology's SWRO Regional Spill Response Office at 360/407-6300.
7. Prior to the commencement of any construction, the applicant shall present to Ecology for review and approval a plan to make known to future owners and residents within the project that possible future coastal erosion could adversely impact their properties and possessions. The applicant shall be required to record on titles and on condominium declarations a notice advising future owners of such erosion risk.

L. General Conditions:

1. 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.
2. This Order does not exempt and is conditional upon compliance with other statutes

- and codes administered by federal, state, and local agencies.
3. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.
 4. The Applicant shall have a designee on-site, or on-call and readily accessible to the site, at all times while construction activities are occurring that may affect the quality of ground and surface waters of the state, including all periods of construction activities.
 5. The Applicant's designee shall have adequate authority to ensure proper implementation of the Erosion and Sediment Control (ESC) Plan, as well as immediate corrective actions necessary because of changing field conditions. If the Applicant's designee issues a directive necessary to implement a portion of the ESC Plan or to prevent pollution to waters of the state, all personnel on site, including the construction contractor and the contractor's employees, shall immediately comply with this directive.
 6. The Applicant shall provide access to the project site and all mitigation sites by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
 7. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Applicant, and state agency personnel.

M. Violations of the Order:

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) per violation for each day of continuing noncompliance. Violations of this Order shall be addressed in accordance with the requirements of RCW 90.42 and RCW 43.21B. Upon Ecology's determination that the Applicant is violating any condition of this Order, it shall serve notice of the violation to the Applicant by registered mail.

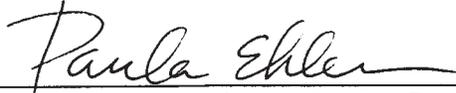
N. Appeal process:

Any person aggrieved or adversely affected by Order 1612 may obtain review thereof by appeal. Pursuant to ch. 43.21.L. RCW, a person can appeal this order to the Environmental and Land Use Hearings Board within 21 days of the date of the issuance of this Order. Any such appeal must be sent to the Environmental and Land Use Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be served on the Director of the Department of Ecology, PO Box 47600,

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Olympia, WA 98504-7600 and served on the other parties identified in RCW 43.21.L.050(2). These procedures are consistent with the provisions of Chapter 43.21.L RCW and the rules and regulations adopted thereunder.

Dated 8-13-04 at Lacey, Washington.



Paula Ehlers, Southwest Region Section Manager
Shorelands and Environmental Assistance Program

Water Quality Certification # 1612
August 13, 2004

Attachment A: Contractor Statement

PROJECT: Links at Half Moon Bay Westport Golf and Hotel Destination Resort

I have read the Water Quality Certification/Coastal Zone Consistency Determination Order 1612 and the National Pollutant Discharge Elimination System (NPDES) Permit for the above referenced project and, to the best of my ability, understand the requirements of those permits as they relate to those portions of the work that are being conducted under my supervision.

Name (Signature)

Name (Printed)

Title

Company or Organization