



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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June 10, 2004  
REGISTERED MAIL  
RB 252 881 031 US

Jeff Sawyer  
Department of Transportation  
Olympic Region  
P.O. Box 47417  
Olympia, WA 98504-7417

RE: Water Quality Certification for Nationwide Permit (NWP) 23 and Coastal Zone Management (CZM) Consistency Response for Corps Permit 200400472 for construction of 12 engineered log jams in the Hoh River at RM 12.5 to repair and stabilize an eroding bank adjacent to US Highway 101 in Jefferson County.

Dear Mr. Sawyer:

The permit from the U.S. Army Corps of Engineers for proposed work in or near the Hoh River, in Jefferson County has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the Joint Aquatics Resource Permits Application (JARPA) for U.S. Army Corps of Engineers permit, 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 of Engineers.

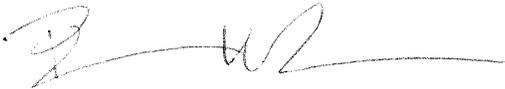
The attached certification concurrence is subject to the conditions contained in the enclosed Order.

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

Washington Department of Transportation  
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If you have any questions, please contact Penny Kelley at (360) 407-7298. Written comments can be sent to her at the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



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

BM: pk  
Enclosure

cc: Corps of Engineers – Kate Stenberg  
Ecology, Southwest Region – Jeffree Stewart  
Ecology, Southwest Region – Janet Boyd  
WSDFW – Tim Rymer  
US Fish & Wildlife – Jennifer Quan  
Ecology, HQ – Penny Keys (tracking)

**IN THE MATTER OF GRANTING** )  
**A WATER QUALITY** )  
**CERTIFICATION TO** )  
Washington Department of Transportation )  
in accordance with 33 U.S.C. 1341 )  
FWPCA § 401, RCW 90.48.260 )  
and WAC 173-201A )

**DOCKET NUMBER 1320**  
Construct 12 engineered log jams  
on the Hoh River at river mile 12.5  
to repair and stabilize an eroding bank  
adjacent to US Highway 101

TO: Jeff Sawyer  
Department of Transportation  
Olympic Region  
P.O. Box 47417  
Olympia, WA 98504-7417

Dear Mr. Sawyer:

On May 6, 2004 a request for water quality certification from the State of Washington was submitted 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 Ecology Public Notice dated May 13, 2004.

The proposed project entails isolating the work area from flowing water through installation of a diversion dam, constructing a diversion channel in an existing gravel bar that was the former river channel, and excavating areas within the isolated work area where engineered log jams will be installed. Piling and sheet pile will be driven to anchor the log jam structures and increase long-term durability of the structures. The four mid channel structures will be composed of sheet pile, piling, tree trunks, many with intact root wads, native riverbed cobble, riprap backfill, and gravel back fill. The eight structures along the bank are composed of piling, tree trunks - many with intact root wads - native riverbed cobble, riprap backfill and gravel back fill. The proposed project is located adjacent to and in the Hoh river in Section 4, Township 26 North, Range 12 West, Jefferson County. As mitigation to the placement of fill, the applicant is proposing to replant disturbed areas on the riverbank and nearby riparian areas with native vegetation and create a vegetated area on top of each engineered log jam by placing 6-8 inches of top soil and planting with native vegetation. In addition to creation of vegetated areas on top of the log jams, the structures are designed to provide habitat complexity for aquatic organisms.

For purposes of this Order, the term "Applicant" shall mean the Washington State Department of Transportation (WSDOT) and it's agents, assigns, and contractors.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. 1341 and RCW 90.48.260, Ecology has investigated 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. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306, and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; 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:**

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW and Chapter 173-201A WAC, certification is granted to the Washington Department of Transportation (WSDOT) Olympic Region subject to the following conditions:

### **A. Water Quality Standard Conditions:**

1. Conditions listed below are issued under the authority of Chapter 90.48 RCW and 173-201A WAC and are intended to allow short-term modification of state water quality standards. Except as specifically authorized below, all applicable provisions of 173-201A shall be met.
  - a. The Hoh River is a Class AA water. Certification of this project authorize the applicant to exceed the turbidity standard for Class AA waters according to the mixing zone described below in condition b.
  - b. Mixing Zone: Consistent with WAC 173-201A-100(7) and -110(3), a mixing zone is established within which the turbidity standard is waived. The mixing zone is established to allow only temporary exceedances of the turbidity criteria during introduction of water to the diversion channel, installation of sheet pile for the diversion dam on the main channel of the Hoh River, and re-introduction of water to the main channel after construction of the engineered log jams are complete to occur between July 1, 2004 and November 1, 2004. The mixing zone shall not exceed 800 feet downstream from the construction area. This modification is granted on condition that all reasonable and appropriate "best management practices" are being undertaken to reduce the impacts that may cause exceedance of the water quality criteria.
  - c. This modification is established to allow only temporary exceedances of the turbidity criteria during in-stream activities.
2. During introduction of water into the diversion channel, installation of sheet pile for the diversion dam on the main channel of the Hoh River and prior during the initial stages of re-introducing water into the main channel of the Hoh River, a representative of the WSDOT Olympic Region Environmental Office shall be on-site.
3. Nothing in this Order shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring from project construction and/or operations.

**B. TIMING:**

1. This Order is valid for a period of not more than five years after the signature dated on the last page of this Order.
  - a. The Applicant shall reapply with an updated application for certification if five years elapse between the date of the issuance of this Order and the beginning of construction and/or discharge for which the federal license or permit is being sought.
  - b. The Applicant shall reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency or Ecology. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.

**C. Notification Conditions:**

1. Notification shall be made to Ecology's Federal Permit Manger (Penny Kelley at 360/ 407-7298, Fax 360/ 407-6904, Email [pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov) or mail P.O. Box 47600, Olympia, WA 98504-7600) for the following activities.
  - at least 10 days prior to the pre-construction meeting,
  - at least 10 days prior to introduction of water into the diversion channel,
  - at least 10 day prior to re-introduction of water into the main channel of the Hoh River.
  - Immediately following a violation of the state water quality standards or condition of this order.

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

2. The Applicant shall ensure that all appropriate Project Engineers and the Contractors 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. The Applicant shall provide to Ecology a signed statement from each Project Engineer and Contractor that they have read, understand, and will abide by the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology no less than 7 days before construction begins at the project or mitigation sites.

**D. Monitoring Conditions:**

1. The applicant shall submit a Water Quality Monitoring plan and a Temporary Erosion and Sediment Control (TESC) Plan 10 days prior to beginning construction for review. These plans shall include the following information:

a. Water Quality Monitoring Plan

- Name and phone number of person responsible for monitoring;
- map of sample locations (background, 500 feet and 800 feet downstream); selection of background sample location should consider naturally eroding conditions.
- parameter(s) to be monitored; turbidity and dissolved oxygen
- sample method;
- and sample frequency; at a minimum WSDOT shall conduct water quality monitoring on a daily basis before commencing with in-water work, introduction of water into the diversion channel and re-introduction of water to the main river channel, and every four hours during in-water work, introduction of water into the diversion channel and re-introduction of water to the main river channel.
- If visual plume occurs at 800 feet, additional monitoring shall occur to determine compliance with the water quality standards.

b. TESC Plan

- Name and phone number of person responsible for implementing plan;
- best management practices (BMP's) anticipated to be implemented;
- frequency of BMP inspections;
- and contingency plan in the event of adverse weather condition or other foreseeable undesirable conditions.

2. If the results of the monitoring show that the water quality standards or project performance standards are not being met additional monitoring and mitigation may be required.

**E. Reporting Conditions:**

1. A report summarizing the monitoring results shall be submitted monthly to Ecology's Federal Permit Manager (Penny Kelley) by mail at P.O. Box 47600, Olympia, WA 98504, by e-mail at [pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov) or the report can be faxed to 360-407-6904.
2. A written report describing the monitoring results for the re-vegetation of disturbed areas as required in condition F.5 of this order shall be submitted to Department of Ecology's Federal Permit Manager (Penny Kelley) in the first, second, and third year after completion of plant installation.

**F. Construction Conditions:**

1. Work in or near the waterbody shall be done so as to minimize turbidity, erosion, and other water quality impacts.
2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. Equipment shall enter and operate only within the marked clearing limits, corridors and stockpile areas.
3. The applicant shall implement all specifications for erosion and sediment control specified in the TESC and all contract documents. Adjustments to planned erosion and sediment control may be necessary to successfully control off-site movement of materials.
4. Erosion control devices (e.g., filter fences, hay bales, etc.) suitable to prevent exceedance of state water quality standards shall be in place before starting project construction and shall be maintained throughout construction. All disturbed areas shall be protected from erosion using mulch or equivalent for the duration of the project and within seven days of project completion.
5. Temporary impacts to vegetation shall be limited to the amount necessary for construction, access, and stockpiling/staging areas. These disturbed areas shall be replanted with native vegetation within the first appropriate planting season after construction is completed and maintained or replanted as necessary to ensure 80% survival after three years.
6. Periodic inspection and maintenance of all erosion control structures shall be conducted no less than every 7 days from the start of the project to site stabilization. Additional inspections shall be conducted prior to and after expected rainfall events to ensure erosion control measures are in working conditions. Any damaged structures shall be immediately repaired. If it is determined at the inspection that additional measures are needed to control stormwater and erosion, they shall be implemented immediately.
7. A contingency plan shall be developed detailing actions to be made in the event of adverse weather conditions or other foreseeable undesirable conditions.
8. Machinery and equipment used during construction, except cranes used for construction of engineered log jams requiring permanent stationing within the isolated work area, shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters. All fueling areas will be provided with adequate spill containment. During fueling and servicing of cranes, bmps shall be in place to contain any spillage of petroleum products.

9. 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. The applicant shall setup a designated area for washing down equipment.
10. Staging areas shall be located 200 feet away from Old Joe Slough and 100 feet away from the diversion channel and the main channel of the Hoh River.
11. All debris or deleterious material resulting from construction shall be properly contained and disposed of at an approved upland facility so that it cannot enter waters of the state.
12. Turbid water generated from construction activities and/or removed from the work area shall not be discharged directly to waters of the state and shall be routed to an upland location above the ordinary high water line to allow removal of fine sediment and other contaminants.

#### Construction of Diversion Channel & Engineered Log Jams

13. A sediment bedload trap shall be constructed at the downstream end of the diversion channel to minimize the potential for sediment transport into the active river channel. Any sediment removed from the trap shall be contained and disposed of at an approved upland facility.
14. If riprap is used to prevent scour within the diversion channel during initial flow establishment within the channel and/or after flow has been established, riprap will be clean and durable, free from dirt, sand, clay and rock fines.
15. Logs or LWD used in the construction of engineered log jams shall be free of dirt, sand and other fine material to the extent practicable.
16. Introduction of water to the diversion channel and re-introduction of water into the main channel of the Hoh river shall be done gradually and in stages so as to minimize the mobilization of sediments.
17. All excavated material from construction of the diversion channel and the engineered log jams shall be sorted to remove as much silt and clay sediment as possible. Temporary stockpiles of sorted silt and clay sediment shall be contained so as to prevent entry into waters of the state and shall be properly disposed of at an approved upland facility.

18. If excavated material is placed upland to de-water, it shall be placed in such a way as prevent entry into waters of the state. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in state waters, banks or vegetation

#### Temporary Work Bridge Construction

19. All construction debris resulting from construction and dismantling of the temporary work bridge on Old Joe Slough shall be properly disposed of to prohibit its entrance into waters of the state. Incidental debris shall be removed from Old Joe Slough.
20. Material excavated to construct the temporary work bridge shall be contained and removed to prohibit entry into Old Joe Slough or state waters including wetlands.
21. If fresh concrete or concrete by-products are utilized in the construction of the temporary work bridge, the following conditions shall apply:
  - a. Fresh Concrete or concrete by products shall not enter Old Joe Slough at any time during the project. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete entering into Old Joe Slough.
  - b. When possible, all concrete shall be poured during dry weather and in a dry de-watered site. If this is not possible, the concrete contact water shall not enter waters of the state or the adjacent bank of Old Joe Slough. All concrete shall be completely cured prior to coming into contact with water. Any contact water discharged from a confined area with curing concrete shall be discharged to upland areas to be treated and infiltrated, or disposed of appropriately with no possible entry to Old Joe Slough or state waters.
  - c. A separate area shall be set aside, which does not have any possibility of draining to surface waters and wetlands, for the wash out of concrete delivery trucks, pumping equipment, and tools.
22. Any wooden components used for the construction of temporary work bridge, if composed of pressure treated wood, shall comply with all current best management practices as contained in the "Western Wood Preservers Institute's" latest edition of Best management Practices for Use of Treated Wood in Aquatic Environments."
23. Measures shall be used to minimize disturbance of vegetation when constructing and dismantling the temporary work bridge.

**G. Emergency/Contingency Measures:**

1. The applicant shall develop a spill prevention and containment plan for 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, or conditions causing distressed or dying 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 comply with IL 4055.00 Environmental Compliance Assurance Procedure for Construction project and Activities effective March 10, 2003 immediately take the following actions:
  - a) Cease operations
  - 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 and, 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 Southwest Regional Spill Response Office at 360-407-6300 and Department of Fish and Wildlife 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.
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 the Ecology's Southwest Regional Spill Response Office at 360-407-6300.

**H. 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 conditioned 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 construct and operate the project in a manner consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology.
5. A WSDOT representative shall be 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.
6. The WSDOT representative shall have adequate authority to ensure proper implementation of the Erosion and Sediment Control Plan, as well as immediate corrective actions necessary because of changing field conditions. If the WSDOT representative issues an directive necessary to implement a portion of the Pollution Control Plan or to prevent pollution to the river, all personnel on site, including the construction contractor and the contractor's employees, shall immediately comply with this directive.
7. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology or WDFW personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
8. 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.
9. 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.

*Water Quality Certification #1320  
June 10, 2004  
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Any person aggrieved by this Order may obtain review thereof by appeal. The Applicant can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, PO Box 47600, Olympia WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated June 10, 2004 at Olympia, Washington



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

