



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
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September 16, 2011

Ms. Rhonda Lucas  
US Army Corps of Engineers  
PO Box 3755  
Seattle WA 98124-3755

**RE: Shoalwater Bay Flood and Coastal Storm Damage Reduction Project - Water Quality Certification - Order #8600 First Amendment**

Dear Ms. Lucas:

On July 11, 2011 the Washington State Department of Ecology (Ecology) issued a water quality certification to the US Army Corps of Engineers for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology received an e-mail dated September 2, 2011 requesting Ecology amend the water quality certification to change Condition F-1 to indicate that the in-water work window is from July 15<sup>th</sup> through February 15<sup>th</sup> of any year.

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 Helen Pressley at (360) 407-6076.

Sincerely,

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

by Certified Mail 7009 1410 0002 4001 1729

Enclosure



Ms. Rhonda Lucas  
September 16, 2011  
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cc: Justine Barton, EPA  
Chris Moran, WFDW  
Karen Bannish, Pacific County Dept of Public Works  
Gary Burns, Shoalwater Bay Indian Tribe

ecc: Loree' Randall, Ecology  
Helen Pressley, Ecology  
Laura Inouye, Ecology  
Rick Mraz, Ecology  
George Kaminsky, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER #8600, FIRST AMENDMENT</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. 155150-09-01</b>
<b>CERTIFICATION TO: US Army</b>	)	Restoration and maintenance of the non-tribal
<b>Corps of Engineers</b>	)	areas of the barrier dune with sand dredged from
in accordance with 33 U.S.C. 1341	)	the adjacent Willapa Bay entrance channel,
(FWPCA § 401), RCW 90.48.120, RCW	)	Pacific County, Washington
90.48.260 and Chapter 173-201A WAC	)	

On July 11, 2011 the Washington State Department of Ecology (Ecology) issued a water quality certification to the US Army Corps of Engineers for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received an email dated September 2, 2011 requesting Ecology amend water quality certification Order No. 8600 to include the correct in-water work window.

No other changes in the water quality certification are necessary.

Order No.8600 dated July 11, 2011, is hereby amended as follows:

**Condition F1 currently reads:**

1. Work below the ordinary high water line shall not occur from July 15th through February 15th of any year, unless otherwise authorized by Ecology.

**Condition F1 is amended to read:**

1. Work below the ordinary high water line shall only occur from July 15<sup>th</sup> through February 15<sup>th</sup> of any year unless otherwise authorized by Ecology.

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Rd SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## CONTACT INFORMATION

Please direct all questions about this Order to:

Helen Pressley  
Department of Ecology  
SEA Program  
300 Desmond Dr.  
Olympia WA 98504  
360-407-6076  
hpre461@ecy.wa.gov

## MORE INFORMATION

- **Pollution Control Hearings Board Website**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)
- **Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**  
[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**  
[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

**SIGNATURE**



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Brenden McFarland, Section Manager  
Shorelands and Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington

Dated September 16, 2011