



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 6, 2018

Wahkiakum County Public Works
ATTN: Mr. Chuck Beyer
PO Box 97
Cathlamet, WA 98612

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 15728,
U.S. Army Corps of Engineers (Corps) Reference No. NWS-2016-1117
Wahkiakum County Multiple Site 10-Year Sand Placement Program, Wahkiakum
County, Washington

Dear Mr. Beyer:

On December 15, 2016, the Department of Ecology (Ecology) received the JARPA for the above-referenced project. The U.S. Army Corps of Engineers (Corps) and Ecology issued a joint public notice (JPN) for the above project on March 9, 2017. Ecology has one year from the Corps issuance of the JPN to issue its individual Section 401 Water Quality Certification (WQC).

The proposed project would place up to 2,182,080 cubic yards of clean, dredged material (sand) on 104 acres over a period of ten (10) years to protect private property. Through ongoing communications with your agent, we understand that changes will need to be made to the North Welcome Slough disposal location that may result in wetland impacts.

On February 13, 2018, Ecology sent a notification to Wahkiakum County regarding the approaching statutory timeline and remaining information needs. You responded on February 28, 2018, with an acknowledgement that you would be unable to provide the necessary information at this time.

Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Wahkiakum County's request for a WQC. Receipt of a denial without prejudice does not preclude you from resubmitting a request for a WQC at a later date.



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If you have any questions, please contact Lori Kingsbury at (360) 407-6926. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'Perry J Lund', written over the word 'Sincerely,'.

Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosure

By Certified Mail 91 7108 2133 3939 7068 5517

cc: Danette Guy, U.S. Army Corps of Engineers
Melora Shelton, Grette Associates
Matthew Boyle, Grette Associates

e-cc: ecyrefedpermits@ecy.wa.gov
Loreé Randall, Ecology, HQ
Rebecca Rothwell, Ecology, SWRO
Lori Kingsbury, Ecology, SWRO

<p>IN THE MATTER OF DENYING SECTION 401 WATER QUALITY CERTIFICATION TO Wahkiakum County Public Works in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.260 and Chapter 173- 201A WAC</p>	<p>) ORDER No. 15728) Corps Reference No. NWS-2016-1117) Wahkiakum County Multiple Site 10-Year Sand) Placement Program, along the shoreline of) adjoining properties on Puget Island at three) separate sites (Sand Pit, North Welcome Slough,) and Pancake Point), and one near Cape Horn,) Columbia River, Wahkiakum County,) Washington</p>
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Wahkiakum County Public Works
ATTN: Mr. Chuck Beyer
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On December 15, 2016, the Department of Ecology (Ecology) received the Joint Aquatic Resources Permit Application (JARPA) for the above-referenced project. The Corps and Ecology issued a Joint Public Notice for the above-referenced project on March 9, 2017. Ecology has one year from the Corps issuance of the JPN to issue its individual Section 401 Water Quality Certification (WQC).

On April 14, 2017, Ecology notified your agent that this project would require an individual WQC and requested additional information. Wahkiakum County withdrew and resubmitted the JARPA on December 11, 2017. Ecology issued a second Public Notice on January 18, 2018.

On February 13, 2018, Ecology sent you a letter explaining that we needed the following information for review before we could issue a WQC:

- The revised design for the North Welcome Slough disposal location and assessment of associated wetland impacts;
- Conceptual mitigation proposal for both in-water and wetland impacts; and,
- Water Quality Monitoring and Protection Plan (WQMPP).

Wahkiakum County notified Ecology on February 28, 2018, that they were unable to provide the requested information at that time. With the statutory time frame approaching, Ecology has determined that there is insufficient time to work out the details needed to get reasonable assurance that the project will meet state water quality laws. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Wahkiakum County's request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from resubmitting a request for a WQC at a later date, at which time we will resume our review of the project.

YOUR RIGHT TO APPEAL

You have a right to appeal this Denial Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Denial 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 all of the following within 30 days of the date of receipt of this Order:

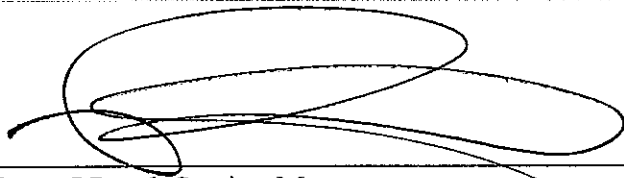
- File your appeal and a copy of this Denial Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Denial Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

SIGNATURE



Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

3/6/2018
Date