



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

September 7, 2022

Port of Clarkston
ATTN: Wanda Keefer
849 Port Way
Clarkston, WA 99403

Re: Water Quality Certification Order No. 21300 for Corps Reference No. NWS-2022-00381, Port of Clarkston Berth Maintenance Dredging Project located within the Snake River, Clarkston, Asotin County, Washington

Dear Wanda Keefer:

On May 19, 2022, the Port of Clarkston, submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Clarkston Berth Maintenance Dredging Project located within the Snake River, Clarkston, Asotin County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order. If you have any questions about this decision, please contact Hallie Ladd by e-mail at Hallie.ladd@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Sara Hunt
Section Manager
Shorelands and Environmental Assistance Program
Eastern Region Office - Spokane

Enclosure

E-c: David Moore, U.S. Army Corps of Engineers
Loree' Randall, Ecology-HQ
Ben.J.Tice@usace.army.mil
wanda@portofclarkston.com
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A) **ORDER No. 21300**
WATER QUALITY CERTIFICATION TO) **Corps Reference No. 202200381**
Port of Clarkston) *Port of Clarkston Berth Maintenance Dredging*
pursuant to 33 U.S.C. 1341 (FWPCA §) *Project located within the Snake River,*
401), RCW 90.48.120, RCW 90.48.260 and) *Clarkston, Asotin County, Washington*
Chapter 173-201A WAC)

Port of Clarkston
Attn: Wanda Keefer
849 Port Way
Clarkston, WA 99403

On May 19, 2022, the Port of Clarkston submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Clarkston Berth Maintenance Dredging Project, Asotin County, Washington. The following required processing dates are referenced below:

- On April 19, 2022 the Port of Clarkston submitted a pre-filing meeting request.
- On June 16, 2022 Ecology issued a public notice for the project.
- On June 24, 2022 the Port of Clarkston submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.

The Port of Clarkston, in partnership with the U.S. Army Corps of Engineers and the Port of Lewiston, will perform maintenance dredging in the lower Snake River to restore the berthing areas to provide safe access to moorage by cruise boats and barges. Approximately 21,600 cubic yards of total dredged material will be removed from four berthing areas and disposed of in the Snake River near Bishop Bar (River Mile 118) to create shallow water resting/rearing habitat for juvenile salmonids. Dredging will be performed using mechanical equipment from the river bottom and loaded onto barges for transport to the disposal site.

The project site is located at the Port of Clarkston's berthing areas, 4th Street dock, grain terminal, recreation dock and cruise dock at 7th Street in Clarkston, WA, in the Snake River at Asotin County, Washington within Water Resource Inventory Area (WRIA) 35 Middle Snake.

With this Order, Ecology is granting the Port of Clarkston's request for a Section 401 Water Quality Certification for the Port of Clarkston Berth Maintenance Dredging Project provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 24, 2022.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, the Port of Clarkston, must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize the Port of Clarkston to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the Port of Clarkston for the Port of Clarkston Berth Maintenance Dredging project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. 21300 will remain valid for the duration of the associated DA permit. The Port of Clarkson should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21b.001(2). More information is available at <https://eluh0.wa.gov/content/11>.

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:

<https://eluhwa.gov/content/11>

Filing by mail

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing in person (or by certified mail/courier)

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Filing electronically

E-mail Address:

pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Contact Information

Please direct all questions about this Order to:

Hallie Ladd
Department of Ecology, Eastern Region Office
4601 North Monroe St.
Spokane, WA 99205-1295
hallie.ladd@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluhwa.gov/content/11>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>

- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature



Sara Hunt, Section Manager
Shorelands and Environmental Assistance Program
Eastern Region Office, Department of Ecology

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