



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

September 15, 2022

Washington Department of Fish and Wildlife
ATTN: Sara Kuhn
600 Capitol Way North
Olympia, WA 98501

Re: Water Quality Certification Order No. **21258** for Corps Reference No. **NWS-2020-266**,
Skagit Wildlife Area Headquarters Boat Launch Project, Skagit County, Washington

Dear Sara Kuhn:

On January 19, 2022, Washington Department of Fish and Wildlife submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Skagit Wildlife Area Headquarters Boat Launch project, Skagit 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 conditions contained in 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 Chris Luerkens at (360) 255-4399 or Chris.Luerkens@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joe Burcar, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

Sent by electronic mail: sara.kuhn@dfw.wa.gov

Skagit Wildlife Area Headquarters Boat Launch
Aquatics No. 141233, Corps No. NWS-2020-266
September 15, 2022
Page 2 of 2

Enclosure (1)

E-cc: Kelly Werdick, U.S. Army Corps of Engineers
Marcus Reeves, WA Department of Fish and Wildlife
Andra Nordin, WA Department of Natural Resources
Chris Luerkens, Department of Ecology
Chris Kelley, Department of Ecology
Rebekah Padgett, Department of Ecology
Loree' Randall, Department of Ecology
ecyrefedpermits@ecy.wa.gov – Aquatics No. 141233



IN THE MATTER OF GRANTING A)	WQC ORDER No. 21258
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2020-266
Washington Department of Fish and)	Skagit Wildlife Area Headquarters Boat Launch
Wildlife)	Project, Wiley Slough Estuary and
pursuant to 33 U.S.C. 1341 (FWPCA §)	Freshwater Slough, located in Skagit County,
401), RCW 90.48.120, RCW 90.48.260)	Washington.
and Chapter 173-201A WAC)	

Washington Department of Fish and Wildlife
ATTN: Sara Kuhn
600 Capitol Way North
Olympia, WA 98501

On January 19, 2022, Washington Department of Fish and Wildlife (WDFW) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Skagit Wildlife Area Headquarters Boat Launch, Skagit County, Washington. The following required processing dates are referenced below:

- On May 19, 2022, Ecology issued a public notice for the project.
- On March 9, 2022, the Corps notified Ecology that it was processing this project under Nationwide Permit No. 14 and 36. On August 25, 2022, Ecology notified the Corps that WDFW and Ecology had agreed to request an extension of the reasonable period of time for review until October 14, 2022. On August 29, 2022, the Corps approved this extension.

The project proposes to replace the existing 20-foot-wide by 56-foot-long boat ramp with a new 20-foot-wide by 111-foot-long boat ramp that includes a new ramp approach. Also included is construction of a new accessible loading platform and maintenance dredging of the channel in an approximately 1,820-square-foot area from the ramp to Freshwater Slough to a design elevation of 2.0 feet, with a maximum of 700 cubic yards dredged over a 5-year period.

As a result of the project, approximately 2,366 square feet of Category I wetland would be impacted. Mitigation involves re-establishment of approximately 9,479 square feet of estuary within Wetland A, removal of about 16 cubic yards of riprap from Freshwater Slough approximately 0.5 mile downstream of the project site in order to open up approximately 140 square feet of channel within the river, and installation of mitigation plantings to approximately 8,385 square feet of upland buffer surrounding the boat launch. The riprap removal already has been completed.

The project site is located at 21961 Wylie Road, Wiley Slough Estuary and Freshwater Slough, Mount Vernon, Skagit County, Washington, Section 25, Township 33 N., Range 3 E., within Water Resource Inventory Area (WRIA) 3 Lower Skagit – Samish.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request 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. §§1311, 1312, 1313, 1316, and 1317.
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; 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.
4. Conformance with Washington's prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.
5. The project proponent of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification (WQC) Order, Ecology is granting with conditions, WDFW's request for a Section 401 Water Quality Certification for the Skagit Wildlife Area Headquarters Boat Launch, Wiley Slough Estuary and Freshwater Slough, located in Skagit County. Ecology has determined that the proposed discharges will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification request that Ecology received on January 19, 2022, the supporting documents referenced in Table 1 below, **and the conditions of this WQC Order.**

Table 1. Supporting Documents

Date Received	Document Type	Title & Date	Author
January 19, 2022	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA (dated October 19, 2021)	WDFW
January 19, 2022	State Environmental Policy Act	Determination of Non-Significance (dated February 13, 2020)	WDFW
January 19, 2022	Stormwater Analysis Report	Final Stormwater Analysis Report, Wiley Dike Repair, Skagit County,	Shannon & Wilson

		Washington (dated October 21, 2021)	
July 25, 2022	Hydraulic Project Approval (HPA)	HPA (dated June 13, 2022)	WDFW
August 10, 2022	Drawings	Sheets 1 of 10 to 10 of 10 (dated June 29, 2022)	WDFW
August 25, 2022	Response to Ecology Comments	Skagit WLA Boat Ramp Replacement – 401 WQC Comments (dated August 25, 2022)	WDFW
August 25, 2022	Mitigation Plan	Skagit Wildlife Area Headquarters Ramp Renovation, NWS-2020-266, Mitigation and Monitoring Plan (dated October 19, 2021, revised August 25, 2022)	WDFW
August 25, 2022	Restoration Plan	Wetland and Buffer Impact Restoration Plan, Wiley Slough Dike Repair (NWS-2021-460), Skagit County, Washington (dated October 15, 2021)	Shannon & Wilson
August 25, 2022	Drawings	NMFS Elevations Plan set, Sheets 1 of 10 to 10 of 10 (dated September 10, 2021, marked up on August 25, 2022 to show extent of dredging)	WDFW
September 13, 2022	Response to Ecology Comments	Skagit WLA Boat Ramp Replacement – 401 WQC Comments (round 2; dated September 13, 2022)	WDFW
September 13, 2022	Water Quality Monitoring and Protection Plan	Water Quality Monitoring and Protection Plan (WQMPP) Draft, Skagit Wildlife Area Boat Ramp Replacement, Skagit County, U.S. Army Corps of Engineers #NWS-2020-266 (dated January 19, 2022, revised August 25, 2022)	WDFW

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize WDFW 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 WDFW from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Water Quality Certification Conditions

The following conditions will be incorporated into the Corps permit and strictly adhered to by WDFW.

A. General Conditions

1. In this WQC Order, the term “Project Proponent” shall mean WDFW and its agents, assignees, and contractors.
2. All submittals required by this WQC Order shall be sent to Ecology’s Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to Chris.Luerkens@ecy.wa.gov. The submittals shall be identified with WQC Order No. 21258 and include the Project Proponent’s name, Corps permit number, project name, project contact, and the contact phone number.
3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on January 19, 2022, and the supporting documentation identified in Table 1.
4. The Project Proponent shall keep copies of this WQC Order on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
5. The Project Proponent shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
6. The Project Proponent shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.
7. This WQC 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 WQC Order.
8. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state’s water quality standards.

9. The Project Proponent shall provide Ecology documentation for review before undertaking any major changes to the proposed project that could significantly and adversely affect water quality, other than those project changes required by this WQC Order.
10. The Project Proponent shall send (per A.2.) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
11. Nothing in this WQC Order waives Ecology's discretionary authority to issue additional Orders if Ecology determines that further actions are necessary to implement the water quality laws of the state.
12. This Order will automatically transfer to a new owner or operator if:
 - a. A written agreement between the Project Proponent and new owner or operator with the specific transfer date of the WQC Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
 - b. A copy of this Order is provided to the new owner or operator; and
 - c. Ecology does not notify the new Project Proponent that a new WQC Order is required to complete the transfer.

B. Notification Requirements

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to Chris.Luerkens@ecy.wa.gov. Notifications shall be identified with WQC Order No. 21258 Corps reference No., and include the Project Proponent name, project name, project location, project contact and the contact phone number.
 - a) Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order.
 - b) At least ten (10) days prior to all pre-construction meetings.
 - c) At least ten (10) days prior to conducting initial in-water work activities.
 - d) Within seven (7) days of each in-water work window.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent shall submit a detailed written report to Ecology within five (5) 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.

3. If the project construction is not completed within 13 months of issuance of this WQC Order, the Project Proponent shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation are completed.

C. Timing

1. This WQC Order is effective upon issuance of the U.S. Corps of Engineers (Corps) permit for this project and will remain valid for the duration of the associated permit for the project.
2. The following in-water work window applies to the project:
 - a) All activities below Ordinary High Water Mark (OHWM) of Freshwater Slough may be conducted between August 15 and September 30 of any year.
3. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review before the change is implemented.

D. Water Quality Monitoring & Criteria

1. This WQC Order does not authorize the Project Proponent to exceed applicable water quality standards beyond the limits established in WAC 173-201A.
2. This WQC Order does not authorize the Project Proponent to exceed applicable turbidity standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
3. For in-water activities within estuaries or marine waters (including wetlands) turbidity shall not exceed 5 NTU over background when the background is 50 NTU or less; or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU;
 - a. Temporary area of mixing for turbidity established within the state water quality standards for estuaries or marine waters (WAC 173-201A-210) is as follows:
 - i. For estuaries or marine waters, the point of compliance for a temporary area of mixing shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.
4. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Project Proponent or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, and correct the problem and prevent further water quality turbidity exceedances.

5. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity, shall be considered an exceedance of the standard.
6. The Project Proponent shall conduct water quality monitoring as described in the approved *Water Quality Monitoring and Protection Plan (WQMPP Draft), Skagit Wildlife Area Boat Ramp Replacement, Skagit County, U.S. Army Corps of Engineers #NWS-2020-266, revised September 13, 2022*, as identified in Table 1 (hereafter referred to as the WQMPP).
7. The Project Proponent shall implement the WQMPP as proposed and approved by Ecology.
8. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A.2.
9. Ecology may ask or could use its discretionary authority to require the Project Proponent to provide mitigation and/or additional monitoring if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
2. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
3. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
4. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
5. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
6. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

7. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.
8. Clean Fill Criteria: Applicant shall ensure that fill (soil, sand, gravel, or other material) placed for the proposed project does not contain toxic materials in toxic amounts.

Equipment & Maintenance

9. Staging areas will be located a minimum of 25 feet and, where practical, 200 feet, from waters of the state including wetlands.
10. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
11. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
12. 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.
13. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Project Proponent shall set up a designated area for washing down equipment.
14. Turbidity curtains or inflatable coffer dam shall be properly deployed and maintained in order to minimize turbidity and re-suspension of sediment.

Dewatering

15. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
16. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
17. The dewatering outfall or method of discharge shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.
18. All equipment associated with dewatering activities shall be properly operated and maintained.

Maintenance Dredging

19. All dredging is to be done using an excavator.
20. All dredged material shall be dewatered in an upland location with best management practices implemented so as to not discharge to waters of the state.
21. All dredged material shall be disposed of at a permitted upland disposal site.
22. Dredging operations shall be conducted in a manner that minimizes the disturbance and siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.
23. Dredged material shall not be temporarily or permanently stockpiled below the OHWM.

F. Wetland Mitigation Conditions

1. The Project Proponent shall mitigate wetland impacts as described in the Mitigation Plan identified in Table 1 or as required by this Order.
2. The Project Proponent shall submit any proposed changes to the Mitigation Plan in writing to Ecology (see A.2), according to Section 7 of the Mitigation Plan, before implementing the changes.
3. The Project Proponent shall have a qualified wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

4. Unless otherwise authorized by this WQC Order, the Project Proponent shall begin the compensatory mitigation project before, or concurrently with, impacting wetlands. Otherwise, Ecology may require the Project Proponent to provide additional compensation to account for additional temporal loss of wetland functions.
5. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of:
 - a. Skagit Wildlife Area Headquarters Boat Launch.
 - b. Wetland mitigation areas.With the:
 - c. Reason for the delay.

- d. Expected date of completion.
 - e. The Project Proponent shall submit an updated written notification every 12 months thereafter until the Skagit Wildlife Area Boat Launch and wetland mitigation areas are complete.
- 6. The Project Proponent shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands or their buffers and landward of the 100-year floodplain, unless otherwise provided for in the Mitigation Plan.
 - 7. The Project Proponent shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless otherwise provided for in the Mitigation Plan.
 - 8. The Project Proponent shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise allowed for in the Mitigation plan.
 - 9. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.
 - a. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit.
 - b. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
 - 10. If weed-barrier fabric is used on the site, the Project Proponent shall use only water-permeable, fully biodegradable, non-toxic weed-barrier fabric for the entire-site and/or individual plant weed control. If use of non-biodegradable plastic weed-barrier fabric is proposed in the Mitigation Plan, it shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
 - 11. If seeding is used for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.
 - 12. The Project Proponent shall not use solid or mesh plant protector tubes at the mitigation site(s) unless otherwise provided for in the Mitigation Plan.
 - 13. Upon completion of site grading and prior to planting of the wetland mitigation areas, the Project Proponent shall submit to Ecology written confirmation (email or signed letter) from a surveyor or project engineer that the finished grades are consistent with the approved Mitigation Plan and also indicate how final elevations were determined. Grading elevations must be appropriate to reestablish estuarine conditions.

14. After completing construction and planting of the mitigation sites(s), the Project Proponent shall submit to Ecology (see A.2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
 - a. Be submitted within 90 days of completing construction and planting.
 - b. Include the information listed in Attachment B (Information Required for As-built Reports).

Monitoring and Maintenance

15. The Project Proponent shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless otherwise provided for in the Mitigation Plan.
16. The Project Proponent shall monitor the mitigation site for a minimum of 5 years. The Project Proponent shall use the monitoring methods described on pages 34 through 36 of the Mitigation Plan.
17. The Project Proponent shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 4, and 5. The monitoring reports must:
 - a. Be submitted by December 31 of each monitoring year.
 - b. Include the information listed in Attachment C (Information Required for Monitoring Reports).
18. The Project Proponent shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
19. Prior to implementing contingency measures not specified in the Mitigation Plan, the Project Proponent shall consult with Ecology regarding the contingency measures.
20. When necessary to meet the performance standards, the Project Proponent shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
21. If the Project Proponent has not met all compensatory mitigation conditions by the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both. Conditions include specifications in the approved Mitigation Plan, such as performance standards for the mitigation site.

G. Emergency/Contingency Measures

1. The Project Proponent shall develop and implement a spill prevention and containment plan for this project.
2. The Project Proponent shall have adequate and appropriate spill response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
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. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Project Proponent shall notify Ecology's Federal Permit Manager per condition A2 and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
 - c. 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.
 - d. Immediately notify Ecology's Regional Spill Response Office and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

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://elaho.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.

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

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://elaho.wa.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@elaho.wa.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 WQC Order to:

Chris Luerkens

Department of Ecology

(360) 255-4399

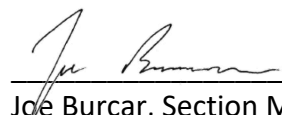
Chris.Luerkens@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.wa.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

Dated this 15th day of September, 2022 at the Department of Ecology, Shoreline, Washington

A handwritten signature in black ink, appearing to read "Joe Burcar", is written over a horizontal line.

Joe Burcar, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

Company

Attachment B
Information Required for As-built Reports

Skagit Wildlife Area Headquarters Boat Launch Project
Ecology Order No. 21258
And
Corps Reference No. NWS-2020-266

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) Wetland professional on site during construction of the site(s).
- 4) Date the report was produced.

Restoration Project Information

- 5) Brief description of the **final** restoration project with any changes from the approved plan made during construction. Include:
 - a) Description of actual activities completed
 - b) Important dates, including:
 - i. When work on the restoration project began and ended.
 - ii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.

- 6) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the site(s).
 - 7) List of any follow-up actions needed, with a schedule.
 - 8) Vicinity map showing the geographic location of the site(s) with landmarks.
 - 9) Site map(s), 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Topography (with a description of how elevations were determined).
 - c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
 - d) Location of habitat features.
 - e) Location of permanent photo stations and any other photos taken.
- Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.
- 10) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.

A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

Attachment C

Information Required for Monitoring Reports

Skagit Wildlife Area Headquarters Boat Launch Project
Ecology Order No. 21258
And
Corps Reference No. NWS-2020-266

Ecology requires the following information for monitoring reports submitted under this Order.

Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) The party responsible for the monitoring activities.
4. Dates the monitoring data were collected.
5. Date the report was produced.

Mitigation Project Information

6. Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
7. Description of the monitoring approach and methods. For each performance standard being measured provide the following information:

- a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
 - b) Size and shape of plots or transects.
 - c) Number of sampling locations and how you determined the number of sampling locations to use.
 - d) Percent of the mitigation area being sampled.
 - e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
 - f) Schedule for sampling (how often and when).
 - g) Description of how the data was evaluated and analyzed.
- 8. Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
 - 9. Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
 - 10. Goals and objectives and a discussion of whether the project is progressing toward achieving them.
 - 11. Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
 - 12. Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
 - 13. Specific recommendations for additional maintenance or corrective actions with a timetable.
 - 14. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
 - 15. Vicinity map showing the geographic location of the site(s) with landmarks.

16. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:

- a) Boundary of the site(s).
- b) Location of permanent photo stations and any other photos taken.
- c) Data sampling locations, such as points, plots, or transects.
- d) Approximate locations of any replanted vegetation.
- e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.