



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 6, 2023

Mariah Gentry and Brennan Smith
4715 SW Wildwood Place
Seattle, WA 98136

Re: Water Quality Certification Order No. **21538** (Corps No. 202200110), Paradise Cove
Bulkhead Repair, King County, Washington

Dear Mariah Gentry and Brennan Smith:

On February 7, 2022, Mariah Gentry and Brennan Smith submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Paradise Cove Bulkhead Repair, King 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 Loree' Randall at (360) 485-2796. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 21538, Corps No. 202200110

Aquatics ID No. 141440

February 6, 2023

Page 2 of 2

Sent via e-mail: mariah@wildwingstudios.com

Enclosure

E-cc: Samantha Stanford, U.S. Army Corps of Engineers
Kristin Osterberg, Waterfront Construction, Inc.
Loree' Randall, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21538
WATER QUALITY CERTIFICATION TO)	Corps Reference No. 201100110
Mariah Gentry and Brennan Smith)	<i>Paradise Cove Bulkhead Repair located within</i>
pursuant to 33 U.S.C. 1341 (FWPCA §)	<i>Puget Sound, Vashon Island, King County,</i>
401), RCW 90.48.120, RCW 90.48.260 and)	<i>Washington</i>
Chapter 173-201A WAC)	

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Seattle, WA 98136

On February 7, 2022, Mariah Gentry and Brennan Smith submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Paradise Cove Bulkhead Repair, King County, Washington. The following required processing dates are referenced below:

- On May 31, 2022, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 13 and requires an individual Section 401.
- On October 31, 2022, Ecology issued a public notice for the project.

This project proposes to replace failing timber bulkhead with angular rock bulkhead. Due to tidal and wave action, the existing bulkhead has failed and continues to erode. The bulkhead protects a walkway which is the only ingress and egress for 25 homes, many of which have elderly occupants depending on mobility devices for access to their properties. The bulkhead also protects utility lines that are in danger of being fully exposed to the elements, as well as the septic system for the owner's property. Without a bulkhead repair, residents will lose access to their homes, homes will lose utilities, and the septic system could fail.

The project site is located at 25630 Bates Walk Southwest at Vashon Island, Puget Sound, King County, Washington, Section 26, Township 22 N., Range 2 E., within Water Resource Inventory Area (WRIA) 15 Kitsap.

With this Order, Ecology is granting Mariah Gentry and Brennan Smith's request for a Section 401 Water Quality Certification for the Paradise Cove Bulkhead Repair project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 7, 2022, and the following supporting documentation:

1. February 9, 2022, received Aerial Photo.
2. June 2, 2022, received Hydraulic Project Approval (HPA).
3. December 21, 2022, received updated HPA.

4. December 21, 2022, received Revised Project Description and Construction Sequence.
5. February 3, 2023, received Biological Evaluation.
6. February 3, 2023, received Water Quality Monitoring Plan.
7. February 3, 2023, received Best Management Practices.
8. February 3, 2023, received HPA Mitigation Review Report.

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, Mariah Gentry and Brennan Smith 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 Mariah Gentry and Brennan Smith 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 Mariah Gentry and Brennan Smith for the Paradise Cove Bulkhead Repair 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. **21538** will remain valid for the duration of the associated DA permit. Mariah Gentry and Brennan Smith 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://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 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:

Loree' Randall
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Loree.randall@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.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



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

February 6, 2023

Date