



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 17, 2023

Mid Sound Fisheries Enhancement Group
ATTN: Sarah Herrhartz
7400 Sand Point Way NE #202N
Seattle, WA 98115

Re: Water Quality Certification Order No. **22024** (Corps No. **NWS-2022-0869**), Rose Point Estuary Restoration Project, Kitsap County, Washington

Dear Sarah Herrhartz:

On April 21, 2023, Mid Sound Fisheries Enhancement Group submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Rose Point Estuary Restoration Project in unincorporated Kitsap 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 Neil Molstad at (425) 389-5549 or neil.molstad@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

WQ Order No. 22024, Corps No. NWS-2022-0689
Aquatics ID No. 142314
July 17, 2023
Page 2 of 2

By certified mail: 9171 9690 0935 0233 1186 85

Sent via e-mail: sarah@midsoundfisheries.org

E-cc: Sarah Albright-Garland, U.S. Army Corps of Engineers
Lisa Reynolds, Mid Sound Fisheries Group
Jennifer Allen, Blue Coast Engineering
Loree' Randall, Department of Ecology
Neil Molstad, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov



In The Matter of Granting a Water Quality
Certification to Mid Sound Fisheries Enhancement Group
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC

Mid Sound Fisheries Enhancement Group
Attn: Sarah Herrhartz
7400 Sand Point Way NE #202N
Seattle, WA 98115

| | |
|----------------------------|---|
| WQC Order No. | 22024 |
| Corps Reference No. | NWS-2022-0869 |
| Site Location | Rose Point Estuary Restoration Project, located within waters and wetlands adjacent to Puget Sound, near Kingston, Kitsap County, Washington. |

Mid Sound Fisheries Enhancement Group submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Rose Point Estuary Restoration Project, located in unincorporated Kitsap County, Washington. The following required processing dates are listed below:

- On 2/14/2023, the Mid Sound Fisheries Enhancement Group submitted a pre-filing meeting request for the project.
- On 4/21/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification, and Ecology considered the request valid on this date.
- On 5/3/2023, Ecology issued a public notice for the project.

This project proposes to convert existing atypical freshwater wetlands created by the presence of artificial shoreline armoring back to their historic estuarine condition. This will be accomplished by removing existing timber bulkhead and other artificial structures, replacing an existing bridge that currently restricts stream flow, excavating material to create a new tidal channel and barrier embayment, and reusing this material to create natural barrier spits that will replace the artificial shoreline armoring.

The project site is located on Parcels 022702-3-045-2002, 022702-3-002-2003, and 022702-3-058-2006, within a freshwater stream and wetlands adjacent to Puget Sound, Kitsap County, Washington, Section 2, Township 27 N., Range 2 E., within Water Resource Inventory Area (WRIA) 15 (Kitsap).

With this WQC Order, Ecology is granting Mid Sound Fisheries Enhancement Groups's request for a Section 401 Water Quality Certification for the Rose Point Estuary Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification

request and attachments Ecology received on 4/21/2023, and the following supporting documentation:

1. Revised Construction Water Quality Monitoring Plan, dated June 2023.

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, Mid Sound Fisheries Enhancement Group 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 Mid Sound Fisheries Enhancement Group 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 Mid Sound Fisheries Enhancement Group for the Rose Point Estuary Restoration 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. WQC Order No. **22024** will remain valid for the duration of the associated DA permit. Mid Sound Fisheries Enhancement Group 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 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 notice of appeal and a copy of this Order with the PCHB (see filing information 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 mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

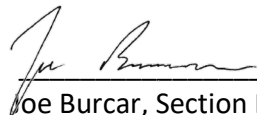
Neil Molstad
Department of Ecology
(425) 389-5549
neil.molstad@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://elaho.wa.gov>
- **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 17th day of July, 2023, at the Department of Ecology, Shoreline, Washington.



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