



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 20, 2023

Federal Highway Administration
Western Federal Lands Highway Division
ATTN: Scott Smithline
610 East 5th Street
Vancouver, Washington 98661

Re: Amendment to 401 Water Quality Certification Order No. **15772** (Corps No. **NWS-2015-229**), Upper Hoh River Road Bank Stabilization and Culvert Replacement, Hoh River, Jefferson County, Washington

Dear Scott Smithline:

Enclosed is an amendment to Water Quality Certification Order No. 15772, issued on September 10, 2018, for the above project. All other conditions of Water Quality Certification No. 15772 remain in effect.

The purpose of this amendment is to authorize the following changes:

- Adding three more engineered log jams at site C1 due to additional erosion occurring along the road,
- Replacing floodplain engineered logs jams with providing fish passage at Two Trout Creek as mitigation for the habitat impacts in the Hoh River,
- Approving adjustments to on-site wetland mitigation caused by additional erosion.

The project description and wetland conditions F.20 and F.22 have been amended to incorporate these changes.

If you have any questions, please contact Penny Kelley at 360-280-8856. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

First Amendment to WQC Order No. 15772
Aquatics No. 135802, Corps No. NWS-2015-229
July 20, 2023
Page 2 of 2

Sincerely,



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

By certified mail: 9489 0090 0027 6383 6851 13

Sent via e-mail: scott.smithline@dot.gov

E-cc: Sandi Manning, U.S. Army Corps of Engineers
Dave and Carol Lewis
Penny Kelley, Ecology
Lizzie Carp, Ecology
Loree' Randall, Ecology
Rick Mraz, Ecology
ecyrefedpermits@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification to Federal Highway Administration, Western Federal Lands
Highway Division
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

Federal Highway Administration
Western Federal Lands Highway Division
Attn: Scott Smithline
610 East 5th Street
Vancouver, Washington 98661

WQC Order No.	15772, First Amendment
Corps Reference No.	NWS-2015-229
Site Location	Upper Hoh River Road Bank Stabilization and Culvert Replacement project located within Hoh River, Jefferson County, Washington.

On September 10, 2018, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the Federal Highway Administration, Western Federal Lands Highway Division for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request May 1, 2023, to amend the 401 Water Quality Certification requesting approval for the following:

- Adding three more engineered log jams within the project footprint at site C1 due to additional erosion occurring along the road,
- Replacing floodplain engineered log jams with providing fish passage at Two Trout Creek as mitigation for impacts in the Hoh River,
- Adjusting the onsite wetland mitigation design due to additional erosion occurring along the road.

WQC Order No. 15772 dated September 10, 2018, is hereby amended as follows:

I. The section of the project description which reads:

Mitigation to compensate for habitat impacts will consist of side channel preservation at Linder Creek Site Channel. ELJs will be constructed to increase floodplain roughness.

The purpose of the project is to protect the roadway from washing away at these locations due to storms and flooding and provide safe and consistent access to residents, businesses, and visitors to the Olympic National Park.

The proposed work will permanently impact 0.036 acres of Category III wetlands, 1.15 acres of the Hoh River, and 0.20 acres of tributary streams. The project will also temporarily impact 0.01 acres of wetlands, 2.17 acres of the Hoh River, and 0.03 acres of tributary streams.

To mitigate for unavoidable impacts the applicant proposes to create 0.073 acre of Category III wetland at site C1 and preserve 187 acres of side channel habitat associated with Linder Creek near the Hoh River between mile posts 6.7 and 7.3 along the Upper Hoh River Road.

Is replaced with:

The purpose of the project is to protect the roadway from washing away at these locations due to storms and flooding and provide safe and consistent access to residents, businesses, and visitors to the Olympic National Park.

The proposed work will permanently impact 0.036 acres of Category III wetlands, 1.34 acres of the Hoh River, and 0.20 acres of tributary streams. The project will also temporarily impact 0.01 acres of wetlands, 2.30 acres of the Hoh River, and 0.03 acres of tributary streams.

Mitigation to compensate for habitat impacts will consist of removing two 4' diameter culverts with a bridge on the Oil City Road at milepost 0.5 where it crosses Two Trout Creek. Replacing the culverts with a bridge will open access to over 0.5 miles of anadromous salmonid habitat upstream of the crossing.

To mitigate for unavoidable wetland impacts the applicant proposes to create 0.073 acre of Category III wetland at site C1 between mile posts 6.7 and 7.3 along the Upper Hoh River Road.

II. Condition number F.20 which reads:

The Applicant shall monitor the mitigation site for a minimum of five (5) years. The Applicant shall use the monitoring methods described in the Mitigation Plan. Year-one monitoring shall begin at least one year after completion of the mitigation site, including planting.

Is replaced with:

The Applicant shall monitor the mitigation site for a minimum of ten (10) years. The Applicant shall use the monitoring methods described in the Mitigation Plan.

III. Condition number F.22 which reads:

The Applicant shall submit to Ecology (per Condition A.2. above) monitoring reports documenting both the structure movement and the 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. Include one hard copy and one electronic file.
- b. Include documentation from visual site inspections.
- c. Include the information listed in Attachment C (Information required for Monitoring Reports).

Is replaced with:

The Applicant shall submit to Ecology (per Condition A.2. above) monitoring reports documenting both the structure movement and the mitigation site conditions for years 1,2,3,5,7 and 10. The monitoring reports must:

- Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
- Include documentation from visual site inspections.
- Include the information listed in Attachment C (Information required for Monitoring Reports).

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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 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 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://elaho.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

Contact Information

Please direct all questions about this WQC Order to:

Penny Kelley
Department of Ecology
360-280-8856
penny.kelley@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://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>

Signature

Dated this 20th day of July, 2023 at the Department of Ecology, Olympia, Washington.



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