



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 26, 2023

Port of Poulsbo
ATTN: Carol Tripp
PO Box 732
Poulsbo, WA 98370

Re: Water Quality Certification Order No. **22008** (Corps No. **NWS-2019-0682**), Poulsbo Breakwater Rehabilitation, Kitsap County, Washington

Dear Carol Tripp:

On October 26, 2022, Port of Poulsbo submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Poulsbo Breakwater Rehabilitation, 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 Sonia Mendoza at (360) 918-1342 or at Sonia.mendoza@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Federal Permitting Section
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6850 14

WQC Order No. 22008, Corps No. NWS-2019-0682

Aquatics ID No. 137701

July 26, 2023

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Sent via e-mail: carol.tripp@portofpoulsbo.com

E-cc: Matthew Bennett, U.S. Army Corps of Engineers
John Piccone, Soundwest Engineering Associates
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Port of Poulsbo
ATTN: Carol Tripp
PO Box 732
Poulsbo, WA 98370

WQC Order No.	22008
Corps Reference No.	NWS-2019-0682
Site Location	Poulsbo Breakwater Rehabilitation Project located within Liberty Bay, Poulsbo, Kitsap County, Washington.

Port of Poulsbo submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Poulsbo Breakwater Rehabilitation, Kitsap County, Washington. The following required processing dates are listed below:

- On 8/30/2022, the Port of Poulsbo submitted a pre-filing meeting request.
- On 10/26/2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 7/7/2022 the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for Emergency authorization dated 11/24/2022 and requires an individual Section 401.
- On 6/27/2023, Ecology issued a public notice for the project.

This project replaced a deteriorated vertical pile and log boom breakwater at the public marina. The existing fixed breakwater consists of two sections (West and South), with both vertical (plumb) and batter pile. To replace this structure, the Port installed a re-used floating breakwater from Elliott Bay Marina. The new 12-foot-wide floating breakwater was installed waterward of the existing breakwater, at depths exceeding -10 ft mean lower low water (MLLW). The new breakwater was connected to the Port's existing AA-dock by the installation of an 8-foot-wide grated main walk float. The new breakwater contained 22 new finger floats to provide additional transient Moorage. To provide additional recreational opportunities for the Port, the Port installed a new floating restroom and a FLUPSY on the new breakwater.

The project site is located within Liberty Lake in Poulsbo, Kitsap County, Washington, Section 23, Township 26 N., Range 1 E., within Water Resource Inventory Area (WRIA) 15 - Kitsap.

With this WQC Order, Ecology is granting Port of Poulsbo's request for a Section 401 Water Quality Certification for the Poulsbo Breakwater Rehabilitation project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 10/26/2022.

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, Port of Poulsbo 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 Port of Poulsbo 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 Poulsbo for the Poulsbo Breakwater Rehabilitation 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. **22008** will remain valid for the duration of the associated DA permit. Port of Poulsbo 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

WQC Order No. 22008, Corps No. NWS-2019-0682

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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

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:

Sonia Mendoza
Department of Ecology
(360) 918-1342
Sonia.mendoza@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>
- **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 26th day of July, 2023, at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Federal Permitting Section, HQ
Shorelands and Environmental Assistance Program