



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 1, 2023

Grays Harbor Conservation District
ATTN: Anthony Waldrop
81 Tower Boulevard
Elma, WA 98541

Re: Water Quality Certification Order No. **22146** (Corps No. **NWS-2022-0694**), ASRP Satsop River Mile 2.5 to 5.0, Grays Harbor County, Washington

Dear Anthony Waldrop:

On December 29, 2022, Grays Harbor Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the ASRP Satsop River Mile 2.5 to 5.0, Grays Harbor 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 Lori White at (360) 424-2887. 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

WQC Order No. 22146, Corps No. NWS-2022-0694
Aquatics ID No. 142153
September 1, 2023
Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6851 37

Sent via e-mail: awaldrop@graysharborcd.org

E-cc: Brad Johnson, U.S. Army Corps of Engineers
Lori White, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Grays Harbor Conservation District
Attn: Anthony Waldrop
81 Tower Boulevard
Elma, WA 98541

| | |
|----------------------------|---|
| WQC Order No. | 22146 |
| Corps Reference No. | NWS-2022-0694 |
| Site Location | ASRP Satsop River Mile 2.5 to 5.0 Project located within Satsop River and wetlands, Montesano, Grays Harbor County, Washington. |

Grays Harbor Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the ASRP Satsop River Mile 2.5 to 5.0 Project, Grays Harbor County, Washington. The following required processing dates are listed below:

- On 10/28/2022, the Grays Harbor Conservation District submitted a pre-filing meeting request.
- On 12/16/2022, 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. 27 and requires an individual Section 401.
- On 12/29/2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 1/10/2023, Grays Harbor Conservation District submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 1/11/2023, Ecology issued a public notice for the project.

This project proposes to re-establish natural riverine processes and a properly functioning and self-sustaining riverine floodplain ecosystem that would provide critical spawning/breeding, rearing, foraging and refuge habitat for native aquatic species in the lower Satsop River basin. This goal would be accomplished through riparian forest enhancement and restoration and through the strategic placement of engineered log jams (ELJs) to direct river flow into existing side channels and alcoves and onto the floodplain in selected areas. Placement of ELJ structures, in addition to affecting flow conditions, would increase the amount of wood in the system, address channel incision, and improve instream habitat complexity.

The project site is located within Satsop River and wetlands at 54 Gleason Road, in Montesano, Grays Harbor County, Washington, SE ¼ Section, Section 23, Township 18 N., Range 7 W., SW ¼ Section, Section 24, Township 18 N., Range 7 W., NW & SW ¼ Section, Section 25, Township 18 N., Range 7 W., NE & SE ¼ Section, Section 26, 36, Township 18 N., Range 7 W., within Water Resource Inventory Area (WRIA) 22 – Lower Chehalis.

With this WQC Order, Ecology is granting with conditions Grays Harbor Conservation District's request for a Section 401 Water Quality Certification for the ASRP Satsop River Mile 2.5 to 5.0 Project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 12/29/2022, and the following supporting documentation:

1. Ecology received a Water Quality Monitoring and Protection Plan on 1/10/2023.
2. Ecology received an Updated Construction Best Management Practices (BMPs) on 1/10/2023.

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, Grays Harbor Conservation District 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 Grays Harbor Conservation District 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.

1. This WQC Order does not authorize the Project Proponent to exceed applicable water quality standards beyond the limits established in Chapter 173-201A WAC, except as authorized by this WQC Order.
 - Justification - This condition ensures compliance with water quality standards to protect surface waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

2. The Project Proponent shall conduct water quality monitoring as described in the approved Water Quality Monitoring and Protection Plan, ASRP Satsop River Mile 2.5 to 5.0 Restoration Project, (hereafter referred to as the WQMP).
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and WAC 173-225-010.
3. 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.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

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 with conditions to the Grays Harbor Conservation District for the ASRP Satsop River Mile 2.5 to 5.0 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. **22146** will remain valid for the duration of the associated DA permit. Grays Harbor Conservation District 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://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:

Lori White

Department of Ecology

(509) 424-2887

Lori.white@ecy.wa.gov

More Information

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

WQC Order No. 22146, Corps No. NWS-2022-0694

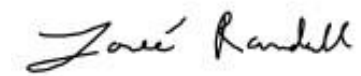
Aquatics ID No. 142153

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Signature

Dated this 1st day of September 2023, at the Department of Ecology, Lacey, Washington.

A handwritten signature in black ink that reads "Loree' Randall". The signature is written in a cursive style with a large initial 'L' and a distinct 'R'.

Loree' Randall, Section Manager

Federal Permitting Section

Shorelands and Environmental Assistance Program