



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 8, 2023

WA Department of Transportation
ATTN: Victoria Book
PO Box 47440
Olympia, WA 98504-7440

Re: Water Quality Certification Order No. **22289** (Corps No. **NWS-2023-340-DOT**), SR 109
Hoquiam to Ocean City – Remove Fish Barriers (Bundle 4/Site 5), Grays Harbor County,
Washington

Dear Victoria Book:

On July 5, 2023, the WA Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SR 109 Hoquiam to Ocean City – Remove Fish Barriers (Bundle 4/Site 5) in 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 Penny Kelley at 360-280-8856. The enclosed WQC Order may be appealed by following the procedures described within.

WQC Order No. 22289, Corps No. NWS-2023-340-DOT
Aquatics ID No. 142824
September 8, 2023
Page 2 of 2

Sincerely,



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

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6853 80

Sent via e-mail: bookv@wsdot.wa.gov

E-cc: Sandi Manning, U.S. Army Corps of Engineers
Camille Felkins, WSDOT
Caroline Corcoran, Ecology
Loree' Randall, Ecology
Penny Kelley, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

WA Department of Transportation
Attn: Victoria Book
PO Box 47440
Olympia, WA 98504-7440

| | |
|----------------------------|--|
| WQC Order No. | 22289 |
| Corps Reference No. | NWS-2023-0340-DOT |
| Site Location | SR 109 Hoquiam to Ocean City - Remove Fish Barriers (Bundle 4/Site 5) project located within Un-named Tributary to Grass Creek, Grays Harbor County, Washington. |

WA Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SR 109 Hoquiam to Ocean City - Remove Fish Barriers (Bundle 4/Site 5) project in Grays Harbor County, Washington. The following required processing dates are listed below:

- On 5/15/2023, WSDOT submitted a pre-filing meeting request.
- On 7/5/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 8/1/2023, Ecology issued a public notice for the project.

This project proposes to replace an existing 83-foot long, 36-inch diameter, corrugated metal pipe with a 61-foot long, 17-foot 11-inch tall fish passable structure. Work entails diverting the stream so the existing culvert can be removed, and a new culvert installed. The stream channel, in the immediate vicinity and both upstream and downstream, will be adjusted to accommodate the new structure through excavation, placement of streambed material, and realignment as needed. Though the work will result in unavoidable temporary and permanent impacts to wetlands, the installation of this new culvert and construction of the stream channel will connect wetlands and streams resulting in improved ecological functions of the surrounding ecosystem. Additionally, installing LWD in streambed restoration areas will support salmon spawning and rearing habitat and restoring vegetation will create improved riparian areas along the creek.

The project site is located on SR 109 at milepost 6.91, Un-named Tributary to Grass Creek in Grays Harbor County, Washington, Section 36, Township 18N., Range 11W., within Water Resource Inventory Area (WRIA) 22, Lower Chehalis.

With this WQC Order, Ecology is granting WSDOT's request for a Section 401 Water Quality Certification for the SR 109 Hoquiam to Ocean City - Remove Fish Barriers (Bundle 4/Site 5) project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 7/5/2023.

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, WSDOT 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 WSDOT 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 WSDOT for the SR 109 Hoquiam to Ocean City - Remove Fish Barriers (Bundle 4/Site 5).

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. **22289** will remain valid for the duration of the associated DA permit. WSDOT 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:

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>
- **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 8th day of September 2023 at the Department of Ecology, Lacey, Washington.



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