



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 3, 2023

Trevor Nies
4007 E Lake Sammamish Shore Lane SE
Sammamish, WA 98075

Re: Water Quality Certification Order No. **22332** (Corps No. **NWS-2022-0146**), Nies Bulkhead and Pier Maintenance, King County, Washington

Dear Trevor Nies:

On June 5, 2023, Trevor Nies submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Nies Bulkhead and Pier Maintenance, King 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. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Enclosure (1)

WQC Order No. 22332, Corps No. NWS-2022-0146

Aquatics ID No. 142485

October 3, 2023

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By certified mail: 9489 0090 0027 6383 6854 41

Sent via e-mail: t-man@live.com

E-cc: Ryan Cochoit, U.S. Army Corps of Engineers
Alex Capron, The Watershed Company
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Trevor Nies
4007 E Lake Sammamish Shore Lane SE
Sammamish, WA 98075

WQC Order No.	22332
Corps Reference No.	NWS-2022-0146
Site Location	Nies Bulkhead and Pier Maintenance project located within Lake Sammamish, Sammamish, King County, Washington.

Trevor Nies submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Nies Bulkhead and Pier Maintenance project, King County, Washington. The following required processing dates are listed below:

- On 5/1/2023, the Trevor Nies submitted a pre-filing meeting request.
- On 6/5/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 7/14/2023, Trevor Nies submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 3/16/2023 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. 3 and requires an individual Section 401.
- On 7/20/2023, Ecology issued a public notice for the project.

This project proposes to replace 105 linear feet of a timber bulkhead with 104 linear feet of soldier pile bulkhead. Work will be done by excavating 20 cubic yards of fill landward of the timber piles. Install soldier piles in 8 foot sections and backfill with filter fabric and a total of 20 cubic yards of crushed rock. Remove (3) 12-inch concrete piles and (5) 12-inch timber piles and install (4) 8-inch epoxy coated steel piles. Replace 282 square feet of solid wood decking with 281 square feet of grated decking, 88 square feet of which will be a grated decked platform lift. Decking and stringers would be completely replaced with new grated decking added at a minimum 40 percent open space. The existing open bottomed boatlift north of the existing pier will be fastened with a platform lift, consisting of grated decking.

The project site is located within Lake Sammamish at 4007 East Lake Sammamish Shore Lane Southeast, Sammamish, King County, Washington, Section 17, Township 24 N., Range 06 E., within Water Resource Inventory Area (WRIA) 8 - CedarSammam.

With this WQC Order, Ecology is granting with conditions Trevor Nies's request for a Section 401 Water Quality Certification for the Nies Bulkhead and Pier Maintenance project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 6/5/2023, and the following supporting documentation:

1. E-mail Ecology dated 6/5/2023, regarding the project's Mitigation Plan.
2. E-mail Ecology dated 6/5/2023, regarding the project's Drainage Narrative.
3. E-mail Ecology dated 7/14/2023, regarding the project's Revised Water Quality Monitoring Plan and Best Management Practices.

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, Trevor Nies 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 Trevor Nies 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.

Special Condition:

1. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited¹. If such work, conditions, or discharges occur, immediately notify² Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division³ at 1-800-258-5990, for spills to water only. This condition is necessary to

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

prevent oil and other hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.

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 Trevor Nies for the Nies Bulkhead and Pier Maintenance 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. **22332** will remain valid for the duration of the associated DA permit. Trevor Nies should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form:

<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

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:

Sonia Mendoza
Department of Ecology
(360) 918-1342
Sonia.Mendoza@ecy.wa.gov

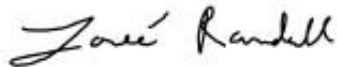
More Information

- **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 3rd day of October, 2023, at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program