



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

October 4, 2023

Paulette Channon
3829 Locker Road
Port Orchard, WA 98366

Re: Water Quality Certification Order No. **22323** (Corps No. **NWS-2022-0785**), Channon
Earth Dam and Fish Passage Barrier Removal Project, Kitsap County, Washington

Dear Paulette Channon:

On April 14, 2023, Paulette Channon submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Channon Earth Dam and Fish Passage Barrier Removal Project, 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 Neil Molstad at (425) 389-5549 or neil.molstad@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

WQC Order No. 22323, Corps No. NWS-2022-0785
Aquatics ID No. 142224
October 4, 2023
Page 2 of 2

By certified mail: 9171 9690 0935 0233 1188 38

Also sent via e-mail: eachannon@gmail.com

E-cc: Sarah Albright-Garland, U.S. Army Corps of Engineers
Jay Kidder, Chinook Engineering
Carin Anderson, Kitsap Conservation District
Neil Molstad, Department of Ecology
Loree' Randall, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov



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

Paulette Channon
3829 Locker Road
Port Orchard, WA 98366

| | |
|----------------------------|--|
| WQC Order No. | 22323 |
| Corps Reference No. | NWS-2022-0785 |
| Site Location | Channon Earth Dam and Fish Passage Barrier Removal Project, located within a tributary to Curley Creek and associated wetlands near Port Orchard, Kitsap County, Washington. |

Paulette Channon submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Channon Earth Dam and Fish Passage Barrier Removal Project, Kitsap County, Washington. The following required processing dates are listed below:

- On 3/9/2023, Paulette Channon submitted a pre-filing meeting request.
- On 4/14/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 4/27/2023, Paulette Channon submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 5/3/2023, Ecology issued a public notice for the project.

This project proposes to remove a 20 foot high earthen dam, the existing driveway on top of the dam, and other infrastructure, all of which currently functions as a fish passage barrier on the tributary to Curley Creek within the project area. The driveway will be replaced with a bridge, accumulated sediment behind the dam will be removed, and the natural stream channel, along with associated wetland, will be restored.

The project site is located at 3829 Locker Road SE (Parcel 042302-2-018-2009), within a tributary to Curley Creek and associated wetland, Kitsap County, Washington, Section 04, Township 23 N., Range 02 E., within Water Resource Inventory Area (WRIA) 15 (Kitsap).

With this WQC Order, Ecology is granting with conditions Paulette Channon's request for a Section 401 Water Quality Certification for the Channon Earth Dam and Fish Passage Barrier Removal project, provided that the activity is conducted in accordance with the Section 401

Water Quality Certification request and attachments Ecology received on 4/14/2023, and the following supporting documentation:

1. Water Quality Monitoring and Protection Plan (WQMPP) dated 7/26/2023, received by Ecology 9/7/2023.
2. Project plan drawings with the title "Channon Dam Removal and FFPPP Crossing", dated 9/21/2023 and received by Ecology 9/25/2023.

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, Paulette Channon 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 Paulette Channon 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 Conditions:

1. The following notifications shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to neil.molstad@ecy.wa.gov. Notifications shall be identified with WQC Order No. 22323, Corps Reference No. NWS-2022-0785, and include the Project Proponent name, project name, project location, project contact and the phone number.
 - a. Immediately following a violation of state water quality standards;
 - b. At least ten (10) days prior to conducting initial in-water work activities; and
 - c. Within seven (7) days of completion of in-water work activities.
 - Justification - Ecology has independent state authority to ensure protection of state water quality. Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC, and WAC 173-225-010.

2. Paulette Channon shall provide access to the project site upon request by Ecology personnel for site inspections, to ensure that conditions of this WQC Order are being met.
 - Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.090, RCW 90.48.120, Chapter 173-201A WAC 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 Paulette Channon for the Channon Earth Dam and Fish Passage Barrier Removal 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. **22323** will remain valid for the duration of the associated DA permit. Paulette Channon 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:

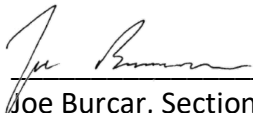
Neil Molstad
Department of Ecology
(425) 389-5549
neil.molstad@ecy.wa.gov

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 4th day of October, 2023, at the Department of Ecology, Shoreline, Washington.



Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program