



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

October 26, 2023

WA State Parks and Recreation Commission  
ATTN: Jonathan Gibson  
220 North Walnut Street  
Burlington, WA 98233-1138

Re: Water Quality Certification Order No. **22376** (Corps No.NWS-2022-0473), Bowman Bay Pier Replacement project, Skagit County, Washington

Dear Jonathan Gibson:

On September 12, 2023, WA State Parks and Recreation Commission (WA Parks) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bowman Bay Pier Replacement project, Skagit 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

WQC Order No. 22376, Corps No. NWS-2022-0473

Aquatics ID No. 139947

October 26, 2023

Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6383 2200 55

Sent via e-mail: Jonathan.Gibson@parks.wa.gov

E-cc: Kristin Murray, U.S. Army Corps of Engineers  
Joelene Boyd, WA Parks  
Sonia Mendoza, Ecology  
ECYREFEDPERMITS@ecy.wa.gov

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

WA State Parks and Recreation Commission  
Attn: Jonathan Gibson  
220 North Walnut Street  
Burlington, WA 98233-1138

<b>WQC Order No.</b>	22376
<b>Corps Reference No.</b>	NWS-2022-0473
<b>Site Location</b>	Bowman Bay Pier Replacement project located within Bowman Bay, Anacortes, Skagit County, Washington.

WA State Parks and Recreation Commission submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bowman Bay Pier Replacement project, Skagit County, Washington. The following required processing dates are listed below:

- On May 1, 2023, the WA State Parks and Recreation Commission submitted a pre-filing meeting request.
- On September 12, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On September 18, 2023, WA State Parks and Recreation Commission submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On April 25, 2023, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under a Section 10 Letter of Permission (LOP) and requires an individual Section 401.
- On September 22, 2023, Ecology issued a public notice for the project.

This project proposes to replace the existing 6,932 square foot pier consisting of an abutment, creosote timber piles, floating timber dock and gangway with a new 6,372 square foot pier. A total of 156, 12-inch creosote piles encompassing 122 square feet of piles would be removed and 27, 18-inch steel piles encompassing 34 square feet would be placed below the Mean High-Water Mark.

WQC Order No. 22376, Corps No. NWS-2022-0473

Aquatics ID No. 139947

October 26, 2023

Page 2 of 5

The project site is located at 4399 Bowman Bay Road in City of Anacortes, Bowman Bay, Skagit County, Washington, Section 23, Township 34 N., Range 01E., within Water Resource Inventory Area (WRIA) 3 Lower Skagit – Samish.

With this WQC Order, Ecology is granting WA State Parks and Recreation Commission's request for a Section 401 Water Quality Certification for the Bowman Bay Pier Replacement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on September 12, 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, WA State Parks and Recreation Commission 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 WA State Parks and Recreation Commission 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 WA State Parks and Recreation Commission for the Bowman Bay Pier Replacement 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. **22376** will remain valid for the duration of the associated DA permit. WA State Parks and Recreation Commission should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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](mailto: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://eluh0.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. 22376, Corps No. NWS-2022-0473

Aquatics ID No. 139947

October 26, 2023

Page 5 of 5

## Signature

Dated this 26th day of October 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".

Loree' Randall, Section Manager

Aquatic Permitting & Protection Section

Shorelands and Environmental Assistance Program