



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

December 5, 2023

Edward Gunderson  
PO Box 1381  
Castle Rock, WA 98611

Re: Water Quality Certification Order No. **22374** (Corps No. **NWS-2023-0458**), Cowlitz River Channel Migration Project, Cowlitz County, Washington

Dear Edward Gunderson:

On September 12, 2023, Edward Gunderson submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Cowlitz River Channel Migration Project, Cowlitz 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 Casey Vaughn at (564) 669-4201. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 22374, Corps No. NWS-2023-0458

Aquatics ID No. 142717

December 5, 2023

Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6383 2201 30

Sent via e-mail: [kimmialexander@gmail.com](mailto:kimmialexander@gmail.com)

E-cc: Brad Johnson, U.S. Army Corps of Engineers

Darin Houpt, Cowlitz Conservation

Loree' Randall, Ecology

Casey Vaughn, Ecology

[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov)

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

Edward Gunderson  
PO Box 1318  
Castle Rock, WA 98611

<b>WQC Order No.</b>	22374
<b>Corps Reference No.</b>	NWS-2023-0458
<b>Site Location</b>	Cowlitz River Channel Migration Project, located within the Cowlitz River, Castle Rock, Cowlitz County, Washington.

Edward Gunderson submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Cowlitz River Channel Migration Project, Cowlitz County, Washington. The following required processing dates are listed below:

- On July 17, 2023, the Edward Gunderson submitted a pre-filing meeting request.
- On July 18, 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. 13 and requires an individual Section 401.
- On September 12, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On September 19, 2023, Edward Gunderson submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On September 22, 2023, Ecology issued a public notice for the project.

This project proposes to place up to ten (10) piling diverter structures consisting of about twenty-five pile per structure. Pile shall consist of non-treated Douglas-Fir poles about 10-inch diameter on the small end and thirty feet in length. Pile will be driven to about 20 feet of depth through use of a vibratory pile driving head on an excavator. The proposed project plans to slope 1000 feet of vertical, eighteen foot tall, riverbank to a 2:1 slope. The bank will be protected from erosion through installation of mulch fabric and coir geogrid (Dekowe 700 or equivalent). The sloped bank will be seeded with an erosion control seed.

The project site is located at 5394 Westside Highway, Castle Rock, Cowlitz River, Cowlitz County, Washington, Section 3, Township 9 N., Range 2 E., within Water Resource Inventory Area (WRIA) 26 Cowlitz.

With this WQC Order, Ecology is granting Edward Gunderson's request for a Section 401 Water Quality Certification for the Cowlitz River Channel Migration 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, and the following supporting documentation:

1. E-mail sent to Ecology on October 18, 2023, with an updated Water Quality Monitoring Plan.

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, Edward Gunderson 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 Edward Gunderson 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 Edward Gunderson for the Cowlitz River Channel Migration 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. **22374** will remain valid for the duration of the associated DA permit. Cowlitz Conservation District 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 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.

WQC Order No. 22374, Corps No. NWS-2023-0458

Aquatics ID No. 142717

December 5, 2023

Page 3 of 5

- 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:

Casey Vaughn

WQC Order No. 22374, Corps No. NWS-2023-0458

Aquatics ID No. 142717

December 5, 2023

Page 4 of 5

Department of Ecology

(564) 669-4201

Casey.Vaughn@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. 22374, Corps No. NWS-2023-0458

Aquatics ID No. 142717

December 5, 2023

Page 5 of 5

## Signature

Dated this 5th day of December 2023 at the Department of Ecology, Lacey, Washington.

A handwritten signature in blue ink, appearing to read "Brenden McFarland". The signature is fluid and cursive, with a large initial "B" and a long horizontal stroke.

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