



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

April 17, 2024

Jan Stacy  
118 Horseshoe Bend Estates  
Kelso, WA 98626

Re: Water Quality Certification Order No. **22606** (Corps No. **NWS-2023-0940**), Stacy Channel Migration and Riparian Restoration Project, Cowlitz County, Washington

Dear Jan Stacy:

On March 6, 2024, Jan Stacy submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Stacy Channel Migration and Riparian Restoration Project, Cowlitz County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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,

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

WQC Order No. 22606, Corps No. NWS-2023-0940

Aquatics ID No. 143459

April 17, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6383 2204 99

Sent via e-mail: [mainecoon269@msn.com](mailto:mainecoon269@msn.com)

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

Darin Houpt, Cowlitz Conservation District

Casey Vaughn, Ecology

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

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

Jan Stacy  
118 Horseshoe Bend Estates  
Kelso, WA 98626

<b>WQC Order No.</b>	22606
<b>Corps Reference No.</b>	NWS-2023-0940
<b>Site Location</b>	Stacy Channel Migration and Riparian Restoration project located within the Cowlitz River, Kelso, Cowlitz County, Washington.

Jan Stacy submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Stacy Channel Migration and Riparian Restoration project, Cowlitz County, Washington. The following required processing dates are listed below:

- On 1/18/2024 the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit Program.
- On 1/23/2024, Jan Stacy submitted a pre-filing meeting request.
- On 3/6/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 3/7/2024, submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 3/13/2024, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 7/5/2024.

This project proposes to place up to thirteen piling diverter structures consisting of 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 1200 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. The sloped bank will be seeded with an erosion control seed mix and planted with woody riparian tree/shrub species.

The project site is located at 118 Horseshoe Bend Estates, Kelso WA, 98626, Cowlitz River, Cowlitz County, Washington, Section 26, Township 9 N., Range 2 W., within Water Resource Inventory Area (WRIA) 26 Cowlitz.

With this WQC Order, Ecology is granting with conditions Jan Stacy's request for a Section 401 Water Quality Certification for the Stacy Channel Migration and Riparian Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 3/6/2024, and the following supporting documentation:

1. Water Quality Monitoring Plan emailed to Ecology on 3/15/2024.

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, Jan Stacy 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 Jan Stacy 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. 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 prohibited<sup>1</sup>. If such work, conditions, or discharges occur, immediately notify<sup>2</sup> 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 Division<sup>3</sup> at 1-800-258-5990, for spills to water only. This condition is necessary to 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.

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<sup>1</sup> RCW 90.48

<sup>2</sup> WAC 173-303-145

<sup>3</sup> RCW 90.56.280

2. The Project Proponent shall implement the Water Quality Monitoring Plan (WQMP) submitted to Ecology on March 15, 2024.
  - a. Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
  - b. Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, 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 Jan Stacy for the Stacy Channel Migration and Riparian Restoration 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. **22606** will remain valid for the duration of the associated DA permit. Jan Stacy 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 360-407-6831 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  
Department of Ecology  
564-669-4201

[Casey.Vaughn@ecy.wa.gov](mailto:Casey.Vaughn@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 17th day of April 2024 at the Department of Ecology, Lacey, Washington.



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