



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

January 6, 2025

Kitsap County Parks  
ATTN: Alex Wisniewski  
614 Division Street  
Port Orchard, WA 98366

Re: Water Quality Certification Order No. **23255** (Corps No. **NWS-2023-125**), Point No Point Park Phase 2 Restoration and Repair project, Kitsap County, Washington

Dear Alex Wisniewski:

On July 15, 2024, Kitsap County Parks submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Point No Point Park Phase 2 Restoration and Repair project, Kitsap 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 Sonia Mendoza at (360) 918-1342. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 23255, Corps No. NWS-2023-125

Aquatics ID No. 143110

January 6, 2025

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Enclosure (1)

By certified mail: 91 7199 9991 7036 8715 4522

Sent via e-mail: [AWisniewski@kitsap.gov](mailto:AWisniewski@kitsap.gov)

E-cc: Sarah Albright-Garland, U.S. Army Corps of Engineers

Jessie Sampayan, Kitsap County

Jennifer Allen, Blue Coast Engineering

Sasha Ertl, Grette Associates LLC

Erin Hanlon Brown, Ecology

Sonia Mendoza, Ecology

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

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

Kitsap County Parks  
Attn: Alex Wisniewski  
614 Division Street  
Port Orchard, WA 98366

<b>WQC Order No.</b>	23255
<b>Corps Reference No.</b>	NWS-2023-125
<b>Site Location</b>	Point No Point Park Phase 2 Restoration and Repair project located within Puget Sound, Hansville, Kitsap County, Washington.

Kitsap County Parks submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Point No Point Park Phase 2 Restoration and Repair project, Kitsap County, Washington. The following required processing dates are listed below:

- On April 1, 2024, the Kitsap County Parks submitted a pre-filing meeting request.
- On April 24, 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 (NWP) Program.
- On July 15, 2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On July 19, 2024, Kitsap County Parks submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On August 5, 2025, Ecology issued a public notice for the project.
- Ecology’s “Reasonable Period of Time” for this project has been established as January 15, 2025.

The project proposes to repair and restore eroded beach areas through beach nourishment material, gravel, sand, filter material, coir matting, plantings, cobble, armor rock, and concrete curb wall. The restoration portion of the project is intended to raise the shoreline area and nearby uplands to create protective foredunes to limit wave and tidal overtopping of the northern and eastern shorelines to reduce the flooding potential along NE Point No Point Road, add native vegetation to the shoreline riparian zone to improve salmon and forage fish habitat in a way that aligns with the adjacent estuary restoration design project, and to allow for

restoration of two-lane vehicular access to Point No Point Park. The revetment replacement is intended to set back the current armoring and allow for continued protection of the historic lighthouse at Point No Point.

For parking lot repairs, the project proposes to remove 130 linear feet (LF) of existing concrete curb (above the high tide line (HTL)), 230 cubic yards (CY) of soil material for salvage and reuse (100 CY below HTL), and 2,750 square feet of parking lot pavers to be salvaged and reused (above HTL). 130 LF of cast-in-place concrete curb (above HTL) and 235 CY imported rounded beach cobble (above HTL) would be installed along with salvaged soil material, imported soil materials, and pavers.

For replacing the revetment, the project proposes to remove 2 CY of concrete rubble and debris, remove 70 CY (30 CY below HTL) of soil material from setback and revetment area, remove and reuse 400 CY existing shoreline armor rock (6 CY below HTL, the rest above HTL), and remove without reusing 210 CY of existing armor rock (30 CY below HTL). 320 CY of filter rock layer would be installed (37 CY below HTL) along with 400 CY of salvaged armor rock and 195 CY of imported armor rock.

For north beach restoration, the project proposes to remove 20 LF of creosote-treated timber crib wall (above HTL) and install: up to 4,600 CY of imported medium-sand beach nourishment material (1,070 CY below HTL), up to 37,800 square feet of biodegradable coir matting (above HTL), 18,500 square feet of plantings in the beach nourishment area (above HTL), 33,000 square feet of plantings in the foredune area (above HTL), and 500 LF of sand fencing on the perimeter of beach nourishment areas and along the road (above HTL).

For east beach restoration, 200 CY of imported beach nourishment material is proposed to be placed above HTL.

During construction, access to the site would be completed primarily by land via the existing road. Site access by water may be required for work along the armor rock revetment to protect the existing historic structures and culturally significant area, which will be determined by the contractor. The contractor would sometimes need to operate heavy equipment along the beach to place and grade beach nourishment material. When feasible, work would be conducted from the uplands to minimize impacts to the beach during construction. If work along the beach is necessary, it would occur in the dry when work areas are not inundated by the tides. Repairs along a damaged section of the perimeter walking trail would occur from the trail (no heavy equipment would operate on the beach at this repair location). Imported beach materials would be stockpiled in the parking areas, upland areas north of NE Point No Point Road, or offsite.

The project site is located at 8997 Northeast Point No Point Road, Hansville, Puget Sound, Kitsap County, Washington, Section 15, Township 28N., Range 02E., within Water Resource Inventory Area (WRIA) 15 - Kitsap.

With this WQC Order, Ecology is granting with conditions Kitsap County Parks' request for a Section 401 Water Quality Certification for the Point No Point Park Phase 2 Restoration and Repair project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on July 15, 2024, and the following supporting documentation:

1. The Water Quality Monitoring Plan dated October 2024, received on October 21, 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, Kitsap County Parks 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 Kitsap County Parks 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 Kitsap County Parks from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

**Special Conditions:**

1. 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. **23255** will remain valid until June 30, 2026.
  - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
  - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.
2. Kitsap County Parks shall send a copy of the final Federal permit via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to Federal Permit Manager prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, Kitsap County Parks shall immediately inform Ecology.
  - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
  - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.

3. To transfer this WQC Order to a new owner or operator Kitsap County Parks shall:
  - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to Federal Permit Manager. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
  - b. Provide a copy of this WQC Order to the new owner or operator; and
  - c. The transfer is not considered valid until Kitsap County Parks receives written notification from Ecology that the transfer has been approved.
    - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
    - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. 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. If such work, conditions, or discharges occur, immediately notify 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 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.
  - Justification - This condition is necessary to prevent oil and 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. 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.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

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 Kitsap County Parks for the Point No Point Park Phase 2 Restoration and Repair project.

## 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 by 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://eluhwa.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

WQC Order No. 23255, Corps No. NWS-2023-125

Aquatics ID No. 143110

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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:

Sonia Mendoza

Department of Ecology

(360) 918-1342

[Sonia.Mendoza@ecy.wa.gov](mailto: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 6th day of January 2025 at the Department of Ecology, Lacey, Washington.



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