



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 14, 2025

Port of Ilwaco
ATTN: Tina Hayes
PO Box 307
Ilwaco, WA 98624

Re: First Amendment to 401 Water Quality Certification Order No. 13270 for U.S. Army Corps of Engineers Reference No. NWP-2004-78-5, Ilwaco Boat Basin Maintenance Dredge, Baker Bay, Ilwaco, Pacific County, Washington

Dear Tina Hayes:

Enclosed is the first amendment to Water Quality Certification Order No. 13270, issued on 7/21/2016, for the above project.

The purpose of this amendment is to extend the in-water work window to allow completion of the 2025 maintenance dredge cycle.

If you have any questions, please contact Laura Inouye at 360-515-8213. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosure (1)

By certified mail: 91 7199 9991 7036 8715 4881

Sent via e-mail: thayes@portofilwaco.org

First Amendment to Order No. 13270
Aquatics No. 19693, Corps No. NWP-2004-78-5
February 14, 2025
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E-cc: Kinsey Friesen, U.S. Army Corps of Engineers
Amy Spoon, WDFW
Lauren Bauernschmidt, WDFW
Carissa Baret, BergerABAM
Laura Inouye, Ecology
Erin Hanlon Brown, Ecology
DMMP@dnr.wa.gov
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**In The Matter of Granting a Water Quality
Certification with Conditions (WQC) to Port of Ilwaco
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC**

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WQC Order No.	13270, First Amendment
Corps Reference No.	NWP-2004-78-5
Site Location	Ilwaco Boat Basin Maintenance Dredge project located within Baker Bay, Ilwaco, Pacific County, Washington.

On 7/21/2016 the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the Port of Ilwaco for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request 2/7/2025, to extend the in-water work window to allow completion of the 2025 maintenance dredge cycle.

WQC Order No. 13270, dated 7/21/2016 is hereby amended as follows:

I. Condition E.2. which reads:

All in-water work shall be completed by during the work window of November 1 through February 28th as identified in the most current Biological Opinion (BO) dated July 13, 2016. Any change that requires a new or revised BO should also be sent to Ecology for review.

Is replaced with:

All in-water work shall be completed by during the work window of November 1 through March 8, 2025. For the 2026 dredging season work can be conduct between November 1 through February 15th. The Port of Ilwaco will need to request a new Section 401 Water Quality Certification for any work past July 21, 2026.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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.

Address and Location Information

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

Contact Information

Please direct all questions about this Order to:

Laura Inouye
Department of Ecology
360-515-8213
Laura.Inouye@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>

Signature

Dated this 14th day of February 2025 at the Department of Ecology, Lacey, Washington.



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