



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

April 15, 2025

Anthony Bright
1547 16th Avenue East
Seattle, WA 98112

Re: Water Quality Certification Order No. **23574** (Corps No. **NWS-2024-593**), Bright
Shoreline Stabilization, Island County, Washington

Dear Anthony Bright:

On November 11, 2024, you submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bright Shoreline Stabilization, Island 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 Austin Schmalz at (425) 301-6989. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joe Burcar, Section Manger
Northwest Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1813 20

WQC Order No. 23574, Corps No. NWS-2024-593

Aquatics ID No. 144603

April 15, 2025

Page 2 of 2

Sent via e-mail: tonybseattle@yahoo.com

E-cc: Jaime Liljegren, U.S. Army Corps of Engineers
Drew McDonald, Facet NW
Jay Dally, Facet NW
Erin Hanlon Brown, Ecology
Austin Schmalz, Ecology
ecyrefedpermits@ecy.wa.gov

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

Anthony Bright
1547 16th AVE E
Seattle, WA 98112

WQC Order No.	23574
Corps Reference No.	NWS-2024-593
Site Location	Bright Shoreline Stabilization located within Port Susan, Camano Island, Island County, Washington.

Anthony Bright submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bright Shoreline Stabilization, Island County, Washington. The required processing dates are listed below:

- On 10/10/2024, Anthony Bright submitted a pre-filing meeting request.
- On 11/11/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 11/12/2024, Anthony Bright submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 10/29/2024, 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.
- Ecology's "Reasonable Period of Time" for this project has been established as 5/11/2025.
- On 11/27/2024, Ecology issued a public notice for the project.

This project proposes to remove an existing 46-foot-long existing timber bulkhead and to replace it with a 46-foot-long concrete bulkhead. The replacement cast in-place concrete bulkhead face would be installed approximately 6 inches to a foot landward of the existing bulkhead face, aside from the outward-curving splash cap. All replacement bulkhead work would be conducted in the dry during low tides. The existing bulkhead would first be removed, and then temporary concrete forms would be installed for the replacement structure. Concrete forms would remain for a minimum of seven days to allow concrete to cure prior to tidal inundation or contact with surface water. All beach depressions would be regraded prior to the next inundating tide.

The project site is located at 3171 Shoreline Drive, Camano Island, Port Susan, Island County, Washington, Section 11, Township 30 N., Range 3 E., within Water Resource Inventory Area (WRIA) 6, the Island WRIA.

With this WQC Order, Ecology is granting with conditions Anthony Bright's request for a Section 401 Water Quality Certification for the Bright Shoreline Stabilization project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 11/11/2024.

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, Anthony Bright 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 Anthony Bright 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 Anthony Bright 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. 23574 will remain valid until 1/31/2027.
 - 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. Anthony Bright shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Austin.Schmalz@ecy.wa.gov 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, Anthony Bright 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 Anthony Bright 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 and cc to Austin.Schmalz@ecy.wa.gov. 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 Anthony Bright 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. All activities within the wetted perimeter of Port Susan may be conducted between July 15 and January 31 of any year on the condition that a forage fish survey is conducted and no eggs found prior to 72 hours before work begins.

- Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.
- Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.

5. Water quality monitoring results shall be submitted upon request to Austin.Schmalz@ecy.wa.gov.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.

- Citation - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and WAC 173-225-010.
6. 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 Anthony Bright for the Bright Shoreline Stabilization 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.

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 Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

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:

Austin Schmalz

Department of Ecology

(425) 301-6989

Austin.Schmalz@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://eluhho.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>

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Aquatics ID No. 144603

April 15, 2025

Page 7 of 7

Signature

Dated this 15 day of April 2025 at the Department of Ecology, Shoreline, Washington.

A handwritten signature in black ink, appearing to read "Joe Burcar", written over a horizontal line.

Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program