



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 24, 2025

David Fukuhara
22518 Marine View Drive South
Des Moines, WA 98198

Re: Water Quality Certification Order No. **23477** (Corps No. **NWS-2023-921**), Fukuhara Bulkhead Replacement, Island County, Washington

Dear David Fukuhara:

On 8/22/2024, you submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Fukuhara Bulkhead Replacement, 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 Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1813 68

WQC Order No. 23477, Corps No. NWS-2023-921

Aquatics ID No. 144034

April 24, 2025

Page 2 of 2

Sent via e-mail: david@paracomusa.com

E-cc: Jaime Liljegren, U.S. Army Corps of Engineers
Hannah Booth, Washington Department of Fish & Wildlife
Kerry Lyste, Stillaguamish Tribe of Indians
Kim Middleton, Jen-Jay Inc
Erin Hanlon Brown, Ecology
Austin Schmalz, Ecology
ecyrefedpermits@ecy.wa.gov

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

David Fukuhara
22518 Marine View Drive South
Des Moines, WA 98198

WQC Order No.	23477
Corps Reference No.	NWS-2023-921
Site Location	Fukuhara Bulkhead Replacement located within Saratoga Passage, near Coupeville, Island County, Washington.

David Fukuhara submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Fukuhara Bulkhead Replacement, Island County, Washington. The required processing dates are listed below:

- On 7/5/2024, David Fukuhara submitted a pre-filing meeting request.
- On 8/22/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 8/23/2024, David Fukuhara submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 9/4/2024, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 8/22/2025.

This project proposes to replace an existing compromised creosote piling bulkhead with a new bulkhead. Removal and construction will both occur from a barge-mounted crane. An existing set of wooden stairs approximately 52.5 feet long leading from the residence to the shore will remain. The project consists of the following elements:

- Remove an existing bulkhead system including approximately seventy 10-inch diameter creosote timber pilings, one 3 by 2 by 2-foot concrete block, and scattered concrete and wood debris
- Install a new rockery revetment bulkhead consisting of one hundred feet of 3- to 4-foot, boulder-sized rock

- Install six precast 4.5 by 4 by 4.5-foot concrete stairs above the Ordinary High Water Mark as part of the rockery revetment
- Place up to 15 cubic yards of beach nourishment material sourced from the excavation for the new bulkhead

The project site is located in Saratoga Passage, directly waterward of 342 Marine Drive, Coupeville, Island County, Washington, Section 35, Township 32 N., Range 1 E., within Water Resource Inventory Area (WRIA) 6, the Island WRIA.

With this WQC Order, Ecology is granting with conditions David Fukuhara's request for a Section 401 Water Quality Certification for the Fukuhara Bulkhead Replacement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 8/22/2024, and the following supporting documentation:

- E-mail letter to Ecology dated 8/23/2024, regarding visual water quality monitoring.

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, David Fukuhara 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 David Fukuhara 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 David Fukuhara 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. **23477** will remain valid for the duration of the associated Corps permit for the project.
 - 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. David Fukuhara 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, the Project Proponent 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 David Fukuhara 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 the Project Proponent 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 Saratoga Passage may be conducted between August 1 and February 15 of any year provided that a forage fish beach survey is conducted prior to starting work, surf smelt eggs are not found during the survey, and work begins within 72 hours of the survey.
 - 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. Pile removal, handling, and disposal shall follow the EPA Region 10 Best Management Practices for Piling Removal and Placement in Washington State, dated February 18, 2016.
- Justification- 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.
 - Citations- 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.
6. Barges shall not be allowed to ground-out during in-water construction.
- Justification - This condition is necessary to protect shallow water habitat and prevent suspension of sediment. 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, Chapter 173-201A WAC, 173-201A-300-330 WAC, and Chapter 173-204 WAC.
7. 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 David Fukuhara for the Fukuhara Bulkhead Replacement 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://eluh0.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk

WQC Order No. 23477, Corps No. NWS-2023-921

Aquatics ID No. 144034

April 24, 2025

Page 6 of 7

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>

WQC Order No. 23477, Corps No. NWS-2023-921

Aquatics ID No. 144034

April 24, 2025

Page 7 of 7

- **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 24 day of April 2025 at the Department of Ecology, Shoreline, Washington.



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