



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 22, 2025

Felix Andrew
5221 37th Avenue NE
Seattle, WA 98105

Re: Water Quality Certification Order No. **23838** (Corps No. **NWS-2021-1043**), Andrew Bulkhead Maintenance Project, Pierce County, Washington

Dear Felix Andrew:

On 4/21/2025, Felix Andrew submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Andrew Bulkhead Maintenance Project, Pierce 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 Erin Everton at (564) 250-5556. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

WQC Order No. 23838 , Corps No. NWS-2021-1043
Aquatics ID No. 141310
July 22, 2025
Page 2 of 2

By certified mail: 91 7199 9991 7036 9386 8970

Sent via e-mail: felixandrew@gmail.com

E-cc: Alex Hammond, U.S. Army Corps of Engineers
Kristi Rettmann, Leon Environmental, LLC
Erin Hanlon Brown, Ecology
Erin Everton, Ecology
ecyrefedpermits@ecy.wa.gov

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

Felix Andrew
5221 37th Avenue NE
Seattle, WA 98105

| | |
|----------------------------|--|
| WQC Order No. | 23838 |
| Corps Reference No. | NWS-2021-1043 |
| Site Location | Andrew Bulkhead Maintenance Project located within Carr Inlet, Lakebay, Pierce County, Washington. |

Felix Andrew submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Andrew Bulkhead Maintenance Project, Pierce County, Washington. The required processing dates are listed below:

- On 3/13/2025, 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 3/20/2025, Felix Andrew submitted a pre-filing meeting request.
- On 4/21/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 5/1/2025, Felix Andrew submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 5/13/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 10/28/2025.

This project proposes to replace the existing concrete bulkhead and rock toe with an angular rock bulkhead. Bulkhead construction will begin with removal of the existing bulkhead material. The approximately 95-linear foot replacement bulkhead will be constructed 6 feet landward of the toe of the existing bulkhead. A toe trench 95 feet long by 6 feet wide will be excavated in order to place the bulkhead rock a minimum of 2 feet below grade. Suitable soil, excavated for placement of the toe rock, that contains native coarse sand and gravels will be replaced on the beach. Approximately 200 cubic yards (CY) of bulkhead rock, 70 CY of quarry spalls, and 2.5 CY of stone for inset steps will be placed along the shoreline. Two existing concrete and treated-wood stairways will be removed, and a single inset rock stairway will be installed above the

OHHM and landward of both existing beach access stairways. Landward replacement of the existing bulkhead and the removal of two stairways will restore approximately 650 square feet of intertidal beach area on the property. The project will also remove anthropogenic debris from the beach and place 16 CY of beach nourishment. The Corps has requested a Mitigation Plan to document the specific details of this proposal. The replacement bulkhead will be built in segments while the project area is in the dry. Equipment and material will be brought in by barge. The barge will not ground out in any aquatic vegetation and the tug will operate in a manner to reduce prop wash. Work will occur from the uplands where feasible, and work from the beach will occur when the project site is in the dry. Any existing large woody material will be temporarily stockpiled and placed back in their previous general location once the bulkhead is replaced.

The project site is located at 15519 and 15528 53rd Street NW, Carr Inlet, Pierce County, Washington, Section 13, Township 21 N., Range 01 W., within Water Resource Inventory Area (WRIA) 15 Kitsap.

With this WQC Order, Ecology is granting with conditions Felix Andrew's request for a Section 401 Water Quality Certification for the Andrew Bulkhead Maintenance Project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 4/21/2025, and the following supporting documentation:

1. E-mail to Ecology dated 5/1/2025, stating that visual water quality monitoring would be conducted.

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, Felix Andrew 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 Felix Andrew 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 Felix Andrew 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. **23838** will remain valid until 9/30/2026.

- 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. Felix Andrew shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Erin.Everton@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, Felix Andrew 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 Felix Andrew 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 Erin.Everton@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 Felix Andrew 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.

5. All activities within the wetted perimeter of Puget Sound may be conducted between July 15 and September 30 of any year. Work will also be allowed from September 30 through December 31 and January 1 through February 15 of any year provided a biologist approved by the Washington Department of Fish and Wildlife does not detect surf smelt eggs during a beach 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.

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. Work within waters of the state shall be conducted in the dry or during periods of low flow to the extent practicable.

- 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.
- 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.

8. Felix Andrew shall conduct water quality monitoring as described below in Table 1.

Table 1 Visual Monitoring for Turbidity at the point of compliance (150 foot radius or 150 down current from activity).

| Observed Condition | Action Required | Further Action |
|--------------------|---|---|
| No plume observed | Continue to monitor every 2 hours | |
| Plume observed | Modify BMPs and continue to monitor every 2 hours | If at 4 hours the plume persists, stop work and notify Ecology. |

- 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 – Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330, and WAC 173-225-010.

9. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity, shall be considered an exceedance of the standard.

- 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 - 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.

10. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager.

- 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 - 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.

11. Ecology may ask or could use its discretionary authority to require Felix Andrew to provide mitigation and/or additional monitoring if the monitoring results indicate that the water quality standards have not been met.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and ensure that aquatic life and beneficial uses are protected.
- Citation - RCW 90.48, RCW 90.48.010, RCW 90.48.030, RCW 90.48.080, RCW 90.48.120, Chapter 173-201A WAC, 173-201A-300-330 WAC, and Chapter 173-204 WAC.

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 Felix Andrew for the Andrew Bulkhead Maintenance 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:

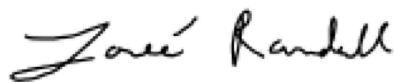
Erin Everton
Department of Ecology
(564) 250-5556
Erin.Everton@ecy.wa.gov

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>

Signature

Dated this 22nd day of July 2025 at the Department of Ecology, Lacey, Washington.



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