



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

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

August 21, 2025

Sandy Hook Yacht Club Estates, Inc.  
Attn: David Davis  
8224 Sandy Hook Drive  
Clinton, WA 98236

Re: Amendment to 401 Water Quality Certification Order No. 16105 for U.S. Army Corps of Engineers Reference No. NWS-2018-181, Sandy Hook Yacht Club Estates Maintenance Dredging, Cultus Bay, Clinton, Island County, Washington

Dear David Davis:

Enclosed is an amendment to Water Quality Certification Order No. 16105, issued on 11/16/2018, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 16105 remain in effect.

The purpose of this amendment is to extend the certification through 2/15/2027, to allow for project completion within the time period. The project has been delayed due to the presence of the invasive European green crab. Condition C1 will be amended, extending the original end date to 2/15/2027.

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 (2)

First Amendment to Order No. 16105  
Aquatics No. 136055, Corps No. NWS-2018-181  
August 21, 2025  
Page 2 of 2

By certified mail: 91 7199 9991 7036 9386 8772

Sent via e-mail: [ddavis17521713@gmail.com](mailto:ddavis17521713@gmail.com)

E-cc: Jaime Liljegren, U.S. Army Corps of Engineers  
Nora Kammer, Skagit River System Cooperative  
Steve Mitchell, Williwaw Inc.  
Hannah Booth, WDFW  
Solene Walker Westcott, DNR  
Laura Inouye, Ecology  
Erin Hanlon Brown, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

In The Matter of Granting a Water Quality  
Certification (WQC) to Sandy Hook  
Yacht Club Estates, Inc.  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

Sandy Hook Yacht Club Estates, Inc.  
Attn: David Davis  
8224 Sandy Hook Drive  
Clinton, WA 98236

<b>WQC Order No.</b>	16105, First Amendment
<b>Corps Reference No.</b>	NWS-2018-181
<b>Site Location</b>	Sandy Hook Yacht Club Estates Maintenance Dredging project located within Cultus Bay, Clinton, Island County, Washington.

On 11/16/2018 the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Sandy Hook Yacht Club Estates for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

On 7/16/2025, Ecology received a request to extend the certification through 2/15/2027, to allow for project completion within the time period. The project has been delayed due to the presence of the invasive European green crab.

WQC Order No. 16105 dated 11/16/2018 is hereby amended as follows:

I. Condition number C1 which reads:

This Order will expire five (5) years from the date of issuance of the Corps permit.

Is replaced with:

This Order will expire on February 15, 2027.

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](mailto:ecologyappeals@ecy.wa.gov)

## Contact Information

Please direct all questions about this Order to:

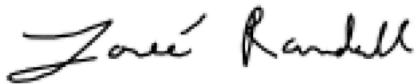
Laura Inouye  
Department of Ecology  
360-515-8213  
[Laura.Inouye@ecy.wa.gov](mailto:Laura.Inouye@ecy.wa.gov)

## More Information

- **Pollution Control Hearings Board Website**  
<https://eluhc.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 21<sup>st</sup> day of August, 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

This document shows the activities and/or conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 16105, First Amendment</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2018-181</b>
<b>CERTIFICATION TO</b>	)	Conduct maintenance dredging of entrance
Sandy Hook Yacht Club Estates, Inc.	)	channel and residential canal adjacent to Cultus
in accordance with 33 U.S.C. 1341	)	Bay in the town of Clinton, Island County,
(FWPCA § 401), RCW 90.48.120, RCW	)	Washington.
90.48.260 and Chapter 173-201A WAC	)	

Sandy Hook Yacht Club Estates, Inc.  
Attn: John C. Martin  
8224 Sandy Hook Drive  
Clinton, WA 98236

On February 14, 2018, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from Sandy Hook Yacht Club Estates, Inc. requesting a Section 401 Water Quality Certification (WQC) for the Sandy Hook Yacht Club Estates Maintenance Dredging Project. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project on July 10, 2018.

The proposed project entails dredging approximately 32,600 cubic yards of material from the existing entrance channel and residential canal that provide boat access to moorage for the Sandy Hook boating community. The maintenance activity would establish the following depths with an allowed 1 foot overdredge:

- Residential Canal, -4' at MLLW (0 tidal level)  
Depth required to provide safe moorage all tidal levels
- Entrance/Navigation channel, -3' at MLLW (0 tidal level)  
Depth sufficient to meet the needs of boaters while minimizing environmental impacts.

Four distinct dredging material management units (DMMUs) were identified for the project; community inner harbor area (DMMU 1), private dock inner harbor area (DMMU 2), northern navigation channel (DMMU 3), and southern navigation channel (DMMU 4). Units 1 and 2 are being proposed for dredging while segments of Unit 3 and all of Unit 4 have been removed from the project to avoid direct impacts to eelgrass habitat. Project site sediment sampling was conducted and it was determined dredged material is suitable for open water disposal at the Port Gardner open water disposal site.

The project is located at the southern tip of Whidbey Island adjacent to Cultus Bay in the town of Clinton, Island County, Washington.  
Section 14 T28N R3W  
WRIA 6 Island Watershed

## **AUTHORITIES**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

## **WATER QUALITY CERTIFICATION CONDITIONS**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Sandy Hook Yacht Club Estates, Inc. 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 certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

### **A. General Conditions**

1. In this Order, the term “Applicant” shall mean the Sandy Hook Yacht Club Estates, Inc. and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to HQ Office, Attn: Federal Permit Manager, P.O. Box 47600, Olympia WA 98504-7600 or via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov). The submittals shall be identified with Order 16105 and include the Applicant name, project name, project contact, and the contact’s phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 14, 2018.

4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
6. This Order shall be rescinded if the Corps of Engineers does not issue an individual Section 404 permit for this project.
7. The Applicant shall send (per A.2.) a copy of the final individual Section 404 permit to Ecology's Federal Permit Manager within two weeks of receiving it.
8. The Applicant shall keep copies of this Order on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
9. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
11. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, Ecology may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.
12. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and

the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.



13. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
15. This Order will automatically transfer to a new owner or operator if:
  - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
  - b. A copy of this Order is provided to the new owner or operator; and
  - c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

## **B. Notification Requirements**

1. The following notification shall be made via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and to Ecology's Permit Manager via phone (360-407-7298) or e-mail (preferred). Notifications shall be identified with Order No. 16105 and include the Applicants name, project name, project location, project contact and the contact's phone number.
  - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of this Orders conditions.
    1. In addition to the phone or e-mail notification, the Applicant shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
  - b. At least ten (14) days prior to the pre-dredge meeting.
  - c. At least seven (7) days within project completion.

## **C. Timing**

1. This Order will expire ~~five (5) years from the date of issuance of the Corps permit on February 15, 2027.~~
2. In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed within the in-water work window of July 15 through December 31 and

January 1 through February 15 of any given year. Any project change that requires a new or revised HPA should be sent to Ecology for review.

#### **D. Water Quality Monitoring & Criteria**

1. Cultus Bay is categorized as extraordinary and the criteria of the categorization apply as described in WAC 173-201A-210 (1) except as specifically modified by this Order.
2. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A, except as otherwise authorized by this Order.
3. The Applicant shall conduct water quality monitoring as described in the approved *Water Quality Monitoring Plan Sandy Hood Maintenance Dredging Project Sandy Hook, Clinton, WA* (hereafter referred to as the WQMP) prepared by Element Solutions dated November 5, 2018
4. Ecology must approve, in writing, any changes or additions to the WQMP.
5. Monitoring results shall be submitted weekly to the Ecology Federal Permit Manager, per condition A.2.
6. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

#### **E. Dredging & Disposal**

##### General Conditions

1. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
2. All debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
3. All equipment being used below the ordinary high water mark shall utilize bio-degradable hydraulic fluid.

##### Equipment & Maintenance

4. If on-shore staging areas are required for this project, they will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager before placing the staging area in the setback area.
5. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state. Accumulation of soils or debris shall be removed

from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state.

6. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order or allowed in the HPA.
7. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
8. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.

Dredging

9. All dredging is to be done using a mechanical clamshell dredge. **Use of any other type of dredge requires preapproval from Ecology.**
10. All dredged material will be barged to the Port Gardner open-water disposal site using a split-hull, bottom dump scow. **Use of any other type of disposal method or location requires pre-approval by Ecology.**
11. Barges shall not be allowed to ground out during in-water dredging activity.
12. At least 30 days prior to starting the dredging activity, the Applicant shall submit a *Dredging and Disposal Workplan* to Ecology for review and approval, per A.2.
13. The *Dredging and Disposal Workplan* shall include the following:
  - a. General information including schedule, primary contact, and hours of operation
  - b. Dredged quantities and disposal location
  - c. Dredging procedures and sequence
  - d. Equipment list
  - e. A description of the BMPs to be used to filter dewatering material on the barges
14. If the maintenance dredging will not be conducted per the approved *Dredging and Disposal Workplan*, the Applicant shall submit a revised plan 30 days prior to the maintenance dredging event.
15. A pre-dredge meeting is required to be convened 7 days prior to starting the dredge activity.
16. Dredging operations shall be conducted in a manner that minimizes the disturbance and siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.

17. Dredged material shall not be temporarily or permanently stockpiled below the OHWM.
18. All debris larger than two (2) feet in any dimension shall be removed from the dredged sediment prior to disposal at the open water site. Similar-sized debris floating in the dredging or disposal area shall be removed.
19. The Applicant shall have a boat available on site to retrieve debris from the water.
20. Dredged material shall be placed onto a barge and transported by tugboat to the open water disposal site. The barges shall have sidewalls to contain the material, and the barges shall not be overfilled to prevent barge overflow. Additional BMPs shall be implemented to allow filtering so as to prevent exceedence of water quality standards.
21. Prior to each dredging cycle, the Applicant shall contact the DMMP agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted until the material has been tested and a suitability determination has been issued. This area ranks moderate in potential for contamination and the recency determination extends until July of 2021. Contact the DMMO for a possible extension on this recency determination.

#### **F. Emergency/Contingency Measures**

1. The Applicant shall develop and implement a spill prevention and containment plan for this project.
2. The Applicant shall have adequate and appropriate spill cleanup material available on site at all times during construction.
3. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
4. Work causing distressed or dying fish, discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If such work, conditions, or discharges occur, the Applicant shall notify the Ecology Federal Permit Manager per condition B.1.a. and immediately take the following actions:
  - a. Cease operations at the location of the non-compliance.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.

- c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - d. Immediately notify Washington Emergency Management Division at 1-800-258-5990 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.
  - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
5. Notify Ecology's Regional Spill Response Office at 425-649-7000 immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.