



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 21, 2017

U.S. Army Corps of Engineers, Seattle District
Attn: Mr. Darren Habel
Regulatory Branch
P.O. Box 3744
Seattle WA 98124

RE: Section 401 Water Quality Certification for the U.S. Army Corps of Engineers
Seattle District Regional General Permit #8 – US Forest Service Aquatic
Restoration Program within the State of Washington.

On July 13, 2016 the U.S. Army Corps of Engineers Seattle District (Corps) issued a public notice regarding modifying Regional General Permit #8 (CENWS-OD-RG-RGP-8) to authorize restoration projects in the National Forest System Lands located solely within the State of Washington including the Colville, Gifford Pinchot, Mt. Baker Snoqualmie, Okanogan-Wenatchee, Olympic, Umatilla National Forest, and the Columbia River Gorge National Scenic Area. Within the aforementioned National Forest units in Washington State, the proposed activities will be restricted to restoration projects that are designed to maintain, enhance, and/or restore watershed functions to benefit fish species, other aquatic organisms, water quality, riparian areas, floodplains, and wetlands. Projects on Non-Federal lands are included when a culvert removal or replacement leads to passage of fish onto Forest Service administered lands and the project is under the administration of the applicant.

The primary projects authorized by Regional General Permit #8 (RGP #8) is for the purpose of restoring or enhancing fish habitat or passage and which fall within the following broad categories:

Fish Passage Restoration: Total removal of culverts or bridges, or replacing culverts or bridges with properly sized culverts and bridges, replacing a damaged culvert or bridge, and resetting an existing culvert that was improperly installed or damaged; stabilizing and providing passage over head-cuts; removing, constructing (including relocations), repairing, or maintaining fish ladders; and replacing, relocating, or constructing fish screens and irrigation diversions.

Large Wood (LW), Boulder, and Gravel Placement: Large wood (LW) and boulder placement, engineered log jams (ELJs), porous boulder structures and vanes, gravel placement, and tree removal for LW projects. Such activities will occur in areas where channel structure is lacking due to past stream cleaning (LW removal), riparian timber harvest, and in areas where natural gravel supplies are low due to anthropogenic disruptions.

Dam, Tidegate and Legacy Structure Removal: To remove dams, tidegates, channel-spanning weirs, legacy habitat structures, earthen embankments, subsurface drainage features, spillway systems, outfalls, pipes, instream flow redirection structures (e.g., drop structure, gabion, groin), or similar devices used to control, discharge, or maintain water levels.

Channel Reconstruction/Relocation: To reconstruct existing stream channels through excavation and structure placement (large wood and boulders) or relocation (rerouting of flow) into historic or newly constructed channels that are typically more sinuous and complex.

Off- and Side-Channel Habitat: Reconnection of historic side-channels with floodplains by removing off-channel fill and plugs. Furthermore, new side-channels and alcoves can be constructed in geomorphic settings that will accommodate such features.

Streambank Restoration: Activities that include bank shaping and installation of coir logs or other soil reinforcements as necessary to support riparian vegetation; planting or installing large wood, trees, shrubs, and herbaceous cover as necessary to restore ecological function in riparian and floodplain habitats; or a combination of the above methods.

Set-back or Removal of Existing Berms, Dikes, and Levees: Projects will result in reconnection of historic fresh-water deltas to inundation, stream channels with floodplains, and historic estuaries to tidal influence as a means to increase habitat diversity and complexity, moderate flow disturbances, and provide refuge for fish during high flows.

Reduction/Relocation of Recreation Impacts: To close, better control, or relocate recreation infrastructure and use along streams and within riparian areas. This includes removal, improvement, or relocation of infrastructure associated with designated campgrounds, dispersed camp sites, day-use sites, foot trails, and off-road vehicle roads/trails in riparian areas.

Livestock Fencing, Stream Crossings and Off-Channel Livestock Watering Facilities: Construction of fences to exclude riparian, providing controlled access for walkways that livestock use to transit across streams and through riparian areas, and

reducing livestock use in riparian areas and stream channels by providing upslope water facilities.

Road and Trail Erosion Control and Decommissioning: The decommissioning or obliteration of roads and trails to restore watershed function. Actions will target priority roads and trails that contribute sediment to streams, block fish passage, or disrupt floodplain and riparian functions.

Juniper Tree Removal: Fell juniper trees occurring in riparian areas and placing stem into the stream channel and floodplain to provide aquatic benefits.

On behalf of the State of Washington, we have no objection to the Corps Regional General Permit (RGP) #8 provided that the RGP includes the following conditions:

1. Project construction, operation, and maintenance shall be done in compliance with Chapter 173-201A WAC.
2. Projects in forested areas follow the best management practices (BMPs) at a minimum contained in Title 222 WAC with special attention to Chapter 222-24 WAC and the related BMPs in the Forest Practices Board Manual as per the Memorandum of Agreement with USFS and Ecology (2011 or most current), including but not limited to pesticide use, road construction, reconstruction, maintenance and decommissioning (abandonment).
3. When possible, the instream work shall be conducted in isolation. The project areas will be dewatered using one of the following methods:
 - a. Divert flow with pumps or structures such as cofferdams constructed with non-erosive devices such as sandbags, bladder bags, or other means that divert water. Diversion dams constructed with material mined from the stream or floodplain are not permitted.
 - b. The temporary bypass system may consist of non-erosive devices such as a pipe or plastic-lined channel, both of which must be sized large enough to accommodate the predicted peak flow rate during construction. In cases of channel rerouting, water can be diverted to one side of the channel.
 - c. Dissipate flow at the outfall of the bypass system to diffuse the erosive energy of the flow. Place the outflow in an area that minimizes or prevents damage to riparian vegetation. If the diversion inlet is not screened to allow for downstream passage of fish into the stream channel, place the diversion outlet in a location that facilitates the safe re-entry of fish into the stream channel.

- d. When necessary, pump water from the dewatered work area to a temporary storage and treatment site or into upland areas and filter through vegetation prior to re-entering the stream channel.
 - e. Any water intake structure (pump) authorized under this permit must have a fish screen installed, operated, maintained, and in accordance with National Marine Fisheries Service (NMFS) fish screen criteria as contained in "Anadromous Salmonid Passage Facility Design" dated July 2011 or most current.
4. If a project impacts more than ½ acre of wetlands, the USFS shall notify Ecology Headquarters Office, Attn: 401/CZM Federal Permit Coordinator, P.O. Box 47600, Olympia WA 98504-7600 or ECYREFEDPERMITS@ecy.wa.gov.
 5. Prior to clearing and grading, all adjacent wetlands and their buffers shall be protected from construction impacts. Construction fencing or flagging (using brightly colored tape at no more than 25 ft intervals along the existing wetland and stream channels to be protected shall be completed prior to clearing.
 6. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels or other non-associated waterbodies if not part of the project authorized to be filled.
 7. Planting and revegetation shall be done in all disturbed areas along with erosion control BMPs.
 8. Plant new vegetation or replace any existing vegetation where disturbance occurs as a result of these projects in order to restore the function and stability of the landscape and habitat.
 9. Plant disturbed areas with native plants and trees in all cases except where the use of non-native plants may be essential for erosion control.
 10. The standard of success is 70% cover for native plant species by year 3 from the date of planting for native plant species. Temporary fencing off of planted areas may be required to ensure success.
 11. Riparian exclusion fencing shall be constructed to exclude livestock from riparian areas and provide controlled access for walkways that livestock use to transit across streams and through riparian areas. The number of water gaps and crossings shall be minimized. The width of stream crossings and water gaps shall be limited to a width of no greater than 15 feet in the upstream-downstream direction. New stream crossings shall not be constructed in areas where construction and use may impair high quality fish spawning

habitat. Livestock crossings shall not create barriers to the passage of adult or juvenile fish.

12. All proposed projects shall be constructed as defined in the "Memorandum of Understanding between the Washington State Department of Fish and Wildlife and USDA, Forest Service, Pacific Northwest Region" dated January 2012 or most current.
13. If any projects include the use of cost-share roads, the landowner shall be notified so that any maintenance or upgrades to the roads can be agreed to prior to the project being initiated.

If you have any questions regarding this Certification, please contact me at (360)407-6976 or Loree' Randall at (360)407-6068.



Brenden McFarland, Section Manager
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