



SX-18-00023

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 22, 2018

City of Cle Elum  
Lucy Temple, Community Development Director  
119 West First Street  
Cle Elum, WA 98922

RE: Amendment to 401 Water Quality Certification Order #5744 for U.S. Army Corps of Engineers Reference #NWS-2007-1623-CRC, Water Supply Diversion Channel Maintenance, Yakima River, Cle Elum, Kittitas County, Washington

Dear Ms. Temple:

Enclosed is an amendment to Water Quality Certification Order # 5744, issued on July 10, 2008, for the above project.

The purpose of this amendment is to authorize a timeline extension for the excavation and placement of up to 25 cu yards of gravel annually for an additional year on a gravel bar in the Yakima River. The project was authorized on July 10, 2008, and was to occur annually for 10 years. Additional work is needed this year. Condition B1 of Order #5744 has been amended to add an additional year to the project timeline.

If you have any questions, please contact Lori White at (509)575-2616. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Andrea Jedel, PWS  
Acting Regional Section Manager  
Shorelands and Environmental Assistance Program

By certified mail: 7014 3490 0001 5527 8110

cc: David Moore, U.S. Army Corps of Engineers  
Brent Renfrow, WDFW  
Dan Carlson, Kittitas County

cc: Lori White  
Loree' Randall – HQ  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)





IN THE MATTER OF GRANTING ) ORDER #5744, First Amendment  
A WATER QUALITY ) NWS-2007-01623-CRC.  
CERTIFICATION TO )  
*City of Cle Elum* )  
In accordance with 33U.S.C. 1341 )  
(FWPCA §401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: City of Cle Elum  
Lucy Temple, Community Development Director  
119 West First Street  
Cle Elum, WA 98922

On July 10, 2008, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Matt Morton from the City of Cle Elum for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on June 27, 2018, to extend the duration of Order #5744. The project consists of the excavation and placement of up to 25 cu yards of gravel annually for 10 years, commencing in 2008, on a gravel bar in the Yakima River just upstream of the bridge over the Yakima River that is used to access South Cle Elum from Cle Elum. The City of Cle Elum did not conduct maintenance activities during 2017; however they believe it is required for the 2018-2019 work window and are requesting an extension to conduct the work.

Administrative Order No. # 5744 dated July 10, 2008 is hereby amended as follows:

The amendment is as follows

I. The conditions number B1, which reads:

This Order is valid for ten years from the date of this order.

Is replaced with:

This Order is valid until July 10, 2019.

No other conditions or requirements of the above-mentioned 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 Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

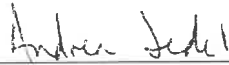
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## SIGNATURE

Dated this 22nd day of August, 2018, at the Department of Ecology, Union Gap, Washington

  
Andrea Jedel, PWS  
Acting Regional Section Manager  
Shorelands and Environmental Assistance Program  
Central Regional Office – Ecology  
State of Washington