



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 18, 2010

Federal Energy Regulatory Commission
ATTN: Paul Friedman
888 First Street NE, Room 1A
Washington, DC 20426

Rodney Tow, Trustee
26219 Oak Ridge Drive
The Woodlands, TX 77380

Lowell Cage, Trustee
5851 San Filipe Street
Houston, TX 77507

**RE: Northern Star Energy, LLC and Bradwood Landing, LLC
FERC Docket No. CP06-365-000 and CP06-366-000
Ecology Denial for Section 401 Water Quality Certification for the Washington Segment of
the Bradwood Landing Pipeline Project, Cowlitz County, Washington**

Dear Sirs:

On October 12, 2006, Northern Star Energy, LLC (Northern Star) submitted a Joint Aquatic Resource Permit Application (JARPA) to the Washington State Department of Ecology (Ecology) requesting a Clean Water Act Section 401 Water Quality Certification (401 Certification) for the Bradwood Landing Pipeline Project. Under Section 401, Ecology has one year from the date the JARPA was received to make a decision on the 401 Certification request. The application has been withdrawn and re-applied annually since 2006 to continue the review process, however, the current one year review period expires on **August 22, 2010**.

Anticipating the expiration of the one year time period, on July 27, 2010, Ecology sent you a status letter outlining options that could be taken to avoid a denial of the 401 Certification request. To date, Ecology has not received a response to that letter nor any notification from Northern Star that it intends to maintain its application.

Pursuant to Section 401 of the Clean Water Act, in order for Ecology to issue a water quality certification it must have reasonable assurance that the project as proposed will meet applicable water quality standards and other appropriate requirements of state law. Consequently, it is necessary that an applicant submit adequate information regarding a project for agency review



before Ecology can determine compliance with the state water quality standards and other applicable regulations.

Ecology has not received the information necessary to complete its review of Northern Star's proposed project; therefore Ecology is unable to certify that the present proposal will meet applicable water quality standards and other appropriate requirements of state law.

Pursuant to Section 401 of the Clean Water Act, ch.90.48 RCW and ch. 173-201A WAC, the Bradwood Landing Pipeline water quality certification is **denied without prejudice.**

Receipt of a denial without prejudice does not preclude the Northern Star Energy, LLC and/or Bradwood Landing, LLC from resubmitting a request for 401 Certification at a later date.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

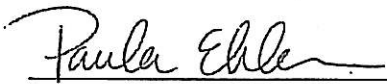
Department of Ecology
Southwest Regional Office
ATTN: Lori Ochoa
P.O. Box 47775
Olympia, WA 98504-7775

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*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 18 day of August, 2010, at Lacey, Washington.



Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology
State of Washington

By Registered Mail

RB 252 946 038 US (Paul Friedman, Federal Energy Regulatory Commission)

RB 252 946 024 US (Rodney Tow, Trustee)

RB 252 946 015 US (Lowell Cage, Trustee)

cc: Mr. James Holm, US Army Corps of Engineers, Portland District
Michelle Walker, US Army Corps of Engineers, Seattle District
Alex Liverman, Oregon Department of Environmental Quality
Mike Wojtowicz, Cowlitz County

e-cc: ECYREFEDPERMITS
Loree Randall, Ecology, HQ
Lori Ochoa, Ecology, SWRO
Sally Toteff, Ecology, SWRO

