



**Public Notice of Request for
Clean Water Act Section 401 Water Quality Certification and
Coastal Zone Management Act Federal Consistency**

Public Notice Date: October 31, 2024, 12:01 am

Comment Period Ends: November 21, 2024, 11:59 pm

The Department of Ecology (Ecology) has received a request for a Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) and a Coastal Zone Management Act (CZMA) federal consistency decision for the following project.

Pursuant to Section 401 of the CWA, applicants for a federal license or permit for activities which may discharge to waters of the United States must seek WQC from the state with jurisdiction. Under Section 401 of the CWA, federal agencies cannot issue a license or permit before Ecology makes a decision on a WQC request or waives the right to review. Any conditions that are included in the WQC then become conditions of the federal permit or license. For information regarding Ecology's CWA Section 401 WQC, please visit Ecology's [webpage](#).

Ecology is evaluating this project for consistency with the [enforceable policies](#) of Washington's Coastal Zone Management Program (CZMP). The federal CZMA authorizes states with approved CZMPs to review federal actions, which include federal agency activities and the issuance of federal permits and licenses. After this review is complete, Ecology will either concur or object that the proposal is consistent with the CZMP's enforceable policies. Please see Ecology's [CZMA federal consistency](#) website for additional information about Ecology's decision process.

Under Washington's CZMP, federal actions that may affect any land use, water use, or natural resources in the coastal zone must be consistent with the enforceable policies found within the following state authorities:

- Washington Clean Air Act
- Washington State Water Pollution Control Act
- State Shoreline Management Act
- Ocean Resources Management Act
- Marine Spatial Plan for Washington's Pacific Coast

Ecology is seeking comments from the public, state and local agencies, tribes, and other interested parties regarding the project.

Comments on this public notice will be accepted and made part of the record. Please specify the proposal or project name and Aquatics identification number when submitting comments.

For additional information or to submit comments, please email the address below:

Department of Ecology—SEA Program

Federal Permit Unit

Email - ecyrefedpermits@ecy.wa.gov

1. Aquatics ID: 140022

Proposal or Project Name: SR 104 Lyon Creek - Fish Passage

Applicant: WA Department of Transportation

Location: SR 104 between MP 31.15 and MP 31.30, Shoreline, King County

Description: Correct a fish passage barrier on State Route (SR) 104 at Milepost (MP) 31.23 in Lake Forest Park, WA. The project proposes to replace the existing 6-foot by 4-foot, 114-foot-long concrete box culvert and remnant private 6-foot by 4-foot by 92-foot collapsed culvert structure with a 100% fish-passable 21-foot-wide minimum stream simulation structure. The current design is a 21-foot-wide, 8-foot-tall, and approximately 150-foot-long buried culvert based on the current alignment. The structure will be future-fitted to allow for current local jurisdiction plans to widen SR 104 to support sidewalks and bike lanes in the area; this will not increase Pollution-generating Impervious Surfaces and will not change the level of service.

2. Aquatics ID: 142251

Project Name: Kenmore Berth Maintenance Dredging Project

Applicant: Glacier Northwest, Inc.

Location: 6423 Northeast 175th Street, Kenmore, King County

Description: Proposal to dredge approximately 800 cubic yards (cy) of sand, gravel, and sediment material within the existing approximately 16,000-square-foot berth area in Lake Washington. Maintenance dredging would target a depth of +4.47 feet (USACE Kenmore Datum) to the top of the existing toe protection surface. Waterward of the existing toe protection surface, dredging would occur to +3.5 feet and would be backfilled with a clean sand layer to form a cap with a minimum thickness of 1 foot (totaling 215 cubic yards). One grab sample from the surface of the dredge cut outside of the toe protection layer would be collected after dredging is complete, but before the clean sand layer is placed. A clamshell dredge deployed from a derrick (barge-mounted crane) would be used to remove the material. Dredged material would be placed directly into a bunker used to retain aggregate material at the upland portion of the plant. A clean sand berm would be placed around the bunker to filter water draining from the dredged material. Water from the dredged material would return from its upland location back into Lake Washington. Dredged material would be disposed of at an approved off-site disposal facility. The clean layer of sand would be placed using a derrick (barge-mounted crane) or similar equipment.
